

FAMPO Regional Conformity Determination

Amended 2045 Long Range Transportation Plan and FY 21-24 Transportation Improvement Program

Interagency Consultation Group Meeting

Jim Ponticello, VDOT Environmental Division

May 4, 2020

George Washington Regional Commission, Fredericksburg, VA

Agenda

1. Introduction & Overview
2. ICG Membership Update
3. Consultation Items:
 - a. Conformity Analysis Schedule
 - b. Project List for Conformity Analysis
4. Public Comment Period
5. Approvals & Next Steps

1. Introduction & Overview

- **United States Court of Appeals for the District of Columbia Circuit in South Coast Air Quality Mgmt. District v. EPA (“South Coast II,” 882 F.3d 1138) held in its decision on February 16, 2018 that transportation conformity determinations must be made in all “orphan” areas nationwide that were either nonattainment or maintenance for the 1997 ozone NAAQS and attainment for the 2008 ozone NAAQS when the 1997 ozone NAAQS was revoked.**
- **The reinstated conformity requirements were subsequently made effective February 16, 2019.**
- **November 29, 2018, EPA issued South Coast II guidance that says conformity can be demonstrated without a regional emissions analysis in orphan areas.**
 - **The South Coast II court decision upheld EPA’s revocation of the 1997 ozone NAAQS, which was effective on April 6, 2015. EPA’s current transportation conformity regulation requires a regional emissions analysis (REA) only during the time period beginning one year after a nonattainment designation for a particular NAAQS until the effective date of revocation of that NAAQS (40 CFR 93.109(c)). Therefore, pursuant to this regulation, a REA is not required for conformity determinations for the 1997 ozone NAAQS because that NAAQS has been revoked.**

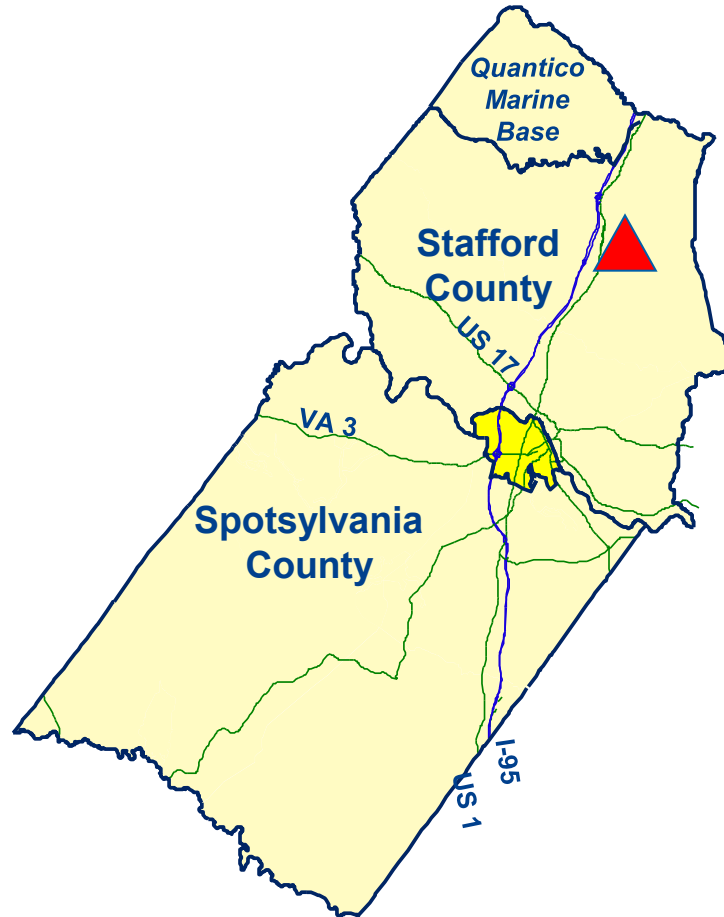
1. Introduction & Overview continued

- **Conformity can therefore be demonstrated by showing that the remaining criteria from Table 1 in 40 CFR 93.109(b) have been met:**
 - **Consultation requirements (40 CFR 93.112)**
 - **There is a currently conforming LRTP and TIP in place (40 CFR 93.114), and**
 - **The project(s) is from that LRTP and TIP (40 CFR 93.115)**
- **FAMPO approved the Fredericksburg Interagency Consultation Procedures in August, 2004**
 - **ICG Membership specified by agency**
- **Consultation required for:**
 - **Schedule**
 - **Project lists for the conformity analysis**

2. ICG Membership Update

Agency	Designated Staff
MPO Members	
Stafford County	Mr. Alex Owsiak
City of Fredericksburg	Mr. Eric Nelson (Chair)
County of Spotsylvania	Mr. Paul Agnello
Regional	
FAMPO	Mr. Adam Hager
George Washington Regional Commission	Ms. Leigh Anderson
FRED Transit	Mr. Craig Reed
Potomac and Rappahannock Transportation Commission	Mr. Chuck Steigerwald
Virginia Railway Express	Ms. Sonali Soneji
State	
Dept. of Environmental Quality	Ms. Sonya Lewis-Cheatham
Dept. of Transportation (Central Office)	Mr. Jim Ponticello
Dept. of Transportation (District Office)	Mr. Stephen Haynes
Dept. of Rail & Public Transportation	Ms. Ciara Williams
Federal	
Environmental Protection Agency	Mr. Gregory Becoat
Federal Highway Administration	Mr. Ivan Rucker
Federal Transit Administration	Ms. Kathleen Zubrzycki

Fredericksburg 8-Hour Ozone Maintenance Area



3(a). Conformity Analysis Schedule

Date	Task
March 16 th , 2020	FAMPO approves the Amended 2045 LRTP and FY 21-24 TIP project list for conformity, and authorizes the TAC to approve the draft Regional Conformity Report for public review
May 4 th , 2020	Fredericksburg Interagency Consultation Group (ICG) Meeting for the amended 2045 LRTP and FY 21-24 TIP conformity determination
May 4 th , 2020	FAMPO TAC approves draft Regional Conformity Report for public review
May 20 th – June 19 th , 2020	30-day public comment period
June 22 nd , 2020	VDOT/PDC staff review and address public comments (if necessary)
June 22 nd , 2020	FAMPO approves final Regional Conformity Report for submittal to FHWA (special meeting)
June 23 rd , 2020	VDOT submits e-copy of Regional Conformity Report to FHWA; 45-day federal review period begins
August 7 th , 2020	Federal Conformity Determination received

3(b). Project List for Conformity Determination

- **The conformity project list focuses on projects that are regionally significant and would normally be included in the transportation demand modeling network**
 - *Regionally Significant project* means a transportation project (other than an exempt project) that is on a facility which serves regional transportation needs (such as access to and from the area outside of the region, major activity centers in the region, major planned developments such as new retail malls, sports complexes, etc., or transportation terminals as well as most terminals themselves) and would normally be included in the modeling of a metropolitan area's transportation network, including at a minimum all principal arterial highways and all fixed guideway transit facilities that offer an alternative to regional highway travel.
- **Projects that are not regionally significant or not typically modeled will not impact the conformity determination**
- **Discussion on project list?**

4. Public Comment Period

Three minute limit on comments

5. Wrap-Up & Next Steps

APPROVALS:

- *Membership Updates?*
- **Conformity Schedule**
- **Project Lists for Conformity Determination**
 - **Amended 2045 LRTP and FY 21-24 TIP**

NEXT STEPS:

- **FAMPO TAC approval of the draft Conformity Report for public review that would begin on May 20th**