SAN DIEGO CONFORMITY WORKING GROUP

The San Diego Conformity Working Group may take action on any item appearing on this agenda.

Wednesday, August 17, 2005

10 a.m. to 11:30 a.m.

SANDAG, Conference Room 8C
401 B Street, Suite 800
San Diego, CA  92101-4231

Staff Contact: Elisa Arias
(619) 699-1936
ever@sandag.org

Please contact Elisa Arias prior to the meeting if you wish to participate by conference call.

SANDAG offices are accessible by public transit. Phone 1-800-COMMUTE or see www.sdcommute.com for route information.
1. Introductions

2. Summary of July 20, 2005 Meeting

3. Public Comments/Communications

4. Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)
   The CWG will discuss SAFETEA-LU provisions related to metropolitan planning and transportation conformity.

5. 2030 Regional Transportation Plan (RTP) Update and Conformity Determination
   On July 22, 2005, the SANDAG Board of Directors approved the attached revised workplan and schedule for the technical update of the RTP update, which will be presented for adoption in February 2006. The CWG will continue discussions related to conformity criteria and procedures to determine conformity of the RTP update. Staff will make brief presentations on the topics outlined below.
   a. Revenue-Constrained Plan Assumptions: SHOPP update
   b. Use of Latest Planning Assumptions: Travel Demand Modeling
   c. Transportation Control Measures
   d. Consultation, Public Involvement, and Outreach: Update
   The conformity determination of the 2006 RTP update will be based on the most recent planning assumptions in force at the time the conformity analysis begins. SANDAG will initiate modeling of revenue constrained transportation networks in late August 2005, once revenue constrained forecasts are available. The draft list of transportation projects will be presented at the September CWG meeting.

6. Status of the 8-Hour Ozone Implementation Rule
   Staff from the U.S. Environmental Protection Agency (EPA) will update the CWG on the upcoming Phase 2 of the implementation rule.
<table>
<thead>
<tr>
<th>ITEM #</th>
<th>ACTION</th>
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<tbody>
<tr>
<td>7.</td>
<td><strong>Status of Carbon Monoxide (CO) Maintenance Plan Approval</strong>&lt;br&gt;Staff from the U.S. EPA will provide an update on the upcoming approval of the 2004 Revision to the California State Implementation Plan for Carbon Monoxide and whether the U.S. EPA action will be effective immediately.</td>
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<tr>
<td>8.</td>
<td><strong>Status of the State Implementation Plan (SIP) for 8-Hour Ozone Standard and EMFAC 2007 Update</strong>&lt;br&gt;Staff from the California Air Resources Board will update the CWG on the development of the 8-Hour Ozone SIP and the update of the EMFAC emissions model.</td>
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<tr>
<td>9.</td>
<td><strong>Other Business</strong>&lt;br&gt;+ next to agenda item indicates an attachment&lt;br&gt;The next meeting of the San Diego Region Conformity Working Group is scheduled on Wednesday, September 21, 2005, from 10 a.m. to 11:30 a.m. at SANDAG.</td>
</tr>
</tbody>
</table>
TO: San Diego Region Conformity Working Group
FROM: SANDAG Staff
SUBJECT: Summary of July 19, 2005 Meeting
ACTION: INFORMATION

Item #1: Introductions
Self-introductions were made. Mr. Dennis Wade, ARB, introduced Ms. Karen Khamou as the new air quality liaison for San Diego and San Joaquin counties. See Attachment 1.

Item #2: Summary of May 25, 2005 Meeting
There were no comments or corrections.

Item #3: Public Comments/Communications
There were none.

Item #4: 2030 Regional Transportation Plan (RTP) Update
Ms. Elisa Arias stated that since the federal reauthorization that would change the RTP updates from a three-year to a four-year cycle still is pending, SANDAG is embarking on a 2030 RTP technical update for adoption in early 2006 and on the development of a more comprehensive plan for adoption in 2007. Ms. Arias provided an overview of the status of the San Diego air basin. The San Diego region is a basic nonattainment area for the 8-hour ozone standard, under Subpart 1 of the Clean Air Act, and the attainment year is 2009. The region is a maintenance area for Carbon Monoxide. Regarding PM2.5, EPA initially designated San Diego as a nonattainment area, but modified the designation status to attainment based on monitoring data for 2002-2004. Both SANDAG and the U.S. Department of Transportation (DOT) found the 2030 RTP and the 2004 Regional Transportation Improvement Program (RTIP) in conformance with the 8-hour ozone standard prior to June 15, 2005, as required by the transportation conformity rule amendments of July 2004.

SANDAG staff made presentations related to conformity criteria and procedures that will be followed to determine conformity of the 2006 RTP update:

a. Revenue-Constrained Plan Assumptions: Susan Brown, SANDAG, provided a handout (Attachment 2) and reviewed local, state, and federal revenue assumptions. She indicated that the baseline data will be the 2005 year with escalation factors based on historical/weighted rates for construction and right of way. Mr. Wade Hobbs, FHWA, stated that these are the type of details the federal agencies would like to see. He asked what assumptions are being made for the State Highway Operations Protection Program (SHOPP). Mr. Jose Nuncio, SANDAG, replied that SANDAG would rely on Caltrans to provide the District’s short term program (4 years) and the 10-year SHOPP plan. Beyond that, SANDAG would assume a conservative growth trend based on history and would assume that revenues
would cover the cost of the planned program. Mr. Hobbs expressed some concern with
trending a statewide program over multiple regions and urged SANDAG to work with
Caltrans SHOPP staff. Staff agreed to follow up with Caltrans.

b. **Use of Latest Planning Assumptions**: Mr. Ed Schafer, SANDAG, described the 2030 Growth
Forecast that was adopted by the SANDAG Board of Directors in December 2003. Mr. Schafer
explained that the regional totals are derived from national forecasts from Global Insights as
the primary econometric driver, 2000 Census demographic data, and fertility rates, which are
lower than in previous forecasts. Regionwide forecasts are disaggregated to smaller areas
based on local adopted land use plans and policies. Interregional commutes from
southwestern Riverside County and from Baja California also are considered in the forecast.
Mr. Schafer indicated that the main difference between the 2006 RTP and the RTP adopted in
2003 is that SANDAG will assume only locally adopted plans and policies for land use and no
additional smart growth. Ms. Arias added that for the 2030 adopted in 2003, SANDAG had
prepared two preliminary growth forecasts. One assumed smart growth and the other one,
which was used for transportation conformity, was based solely on adopted plans and
policies. The final 2030 growth forecast approved by the Board in 2003 includes on adopted
land use plans and policies.

c. **Travel Demand Modeling**: Ms. Arias explained that SANDAG is transitioning from Tranplan to
Transcad and a presentation on modeling procedures will be included in the agenda for the
August meeting.

d. **Latest Emissions Model**: Ms. Arias explained that SANDAG will use the EMFAC2002 emissions
model, which includes vehicle fleet data from 2000. The EMFAC2005 model update is included
in the agenda.

e. **Transportation Control Measures**: Ms. Arias stated that a few months ago, FHWA inquired
whether SANDAG needs to continue to report the 1982 SIP TCMs given that these TCMs have
been implemented. Staff is working with EPA to obtain the approved 1982 SIP document that
outlines the TCM requirements. This document has not been located yet. SANDAG will
follow-up at future meetings.

f. **Emissions Budgets and Interim Emissions Tests**: Ms. Arias stated that when SANDAG prepared
the conformity determination to the new 8-hour ozone standard, staff consulted with the
CWG on options for the interim analysis. Staff proposes to follow the same procedure for the
2006 RTP update. SANDAG would use the 1-Hour Ozone Maintenance Plan budgets for 2010,
2014, subsequent horizon years 2020 and 2030. For the attainment year 2009, SANDAG would
use the no greater than 2002 test. Mr. Wade, ARB, asked if the attainment analysis year
should be 2008. Ms. O’Connor, U.S. EPA, clarified that the SIP will use 2008 as the analysis year
for attainment, but that the interim test can be conducted for 2009. For Carbon Monoxide
(CO), SANDAG hopes to use the new Maintenance Plan budget if approved by EPA in time;
otherwise staff would rely on the existing budget and redetermine conformity to the new
budget at a later date.

g. **Consultation, Public Involvement, and Outreach**: Ms. Anne Steinberger, SANDAG, reported
that SANDAG plans on general outreach through existing committees. In addition to the
Transportation Committee, there are other working groups and committees which include a
wide variety of public and interests. The Borders Committee has representation from Tribal
governments and the Regional Planning Stakeholders Working Group includes
representatives from education, business, environmental, disabled, and underrepresented
groups. Other mechanisms include the increased use of the SANDAG Web site, rEgion
Mr. Hobbs commented those efforts would produce an extensive outreach. He also expressed appreciation to SANDAG for moving forward with a 2006 update despite high likelihood of the four-year planning cycle passing in the legislature and recognized the effort involved in producing two RTPs within two years.

Item #5: Status of the 8-Hour Implementation Rule
Ms. Karina O’Connor, EPA, stated that staff is responding to comments from the Office of Management and Budget. She noted that the Phase 1 Implementation Final Rulemaking was published in the Federal Register on July 8, 2005.

Item #6: Status of Carbon Monoxide (CO) Maintenance Plan Approval
Ms. O’Connor anticipates approval of the SIP revision (versus adequacy finding) in September. Ms. Arias asked about the effective date of this action and Ms. O’Connor agreed to check. Ms. Arias mentioned that the draft conformity analysis for the 2006 RTP update would be released in early October and would be important to find out which are the applicable CO budgets.

Item #8: Status of the State Implementation Plan (SIP) for 8-Hour Ozone Standard and EMFAC 2005 Update
Mr. Wade, ARB, stated there have been no external meetings. ARB is working through the modeling procedures and the Southern California working group is expected to begin meeting soon. He also noted that the update is tentatively called EMFAC 2007 and that no firm release date has been set. Ms. Arias asked when MPOs would have an opportunity to submit updated travel activity data, since SANDAG is changing travel demand software and updating the revenue constrained networks for the 2006 RTP update. Mr. Wade replied some time in the second or third quarters of 2006. Mr. Cal Selnick, APCD, asked about the reaction of federal agencies to the delay of the EMFAC update. Ms. Jean Mazur, FHWA, replied that ARB submitted a proposal to EPA and DOT which is under reviewed. Ms. Arias noted that after discussion within the federal agencies takes place, she would like to include this item in a future agenda. Ms. Mazur concurred.

Item #9: Other Business
There was none.

The next meeting of the San Diego CWG is scheduled for August 17 at 10 a.m. at SANDAG.
San Diego Region Conformity Working Group  
Meeting Attendance  
July 20, 2005  

<table>
<thead>
<tr>
<th>Name</th>
<th>Agency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carl Selnick</td>
<td>San Diego Air Pollution Control District</td>
</tr>
<tr>
<td>Sandy Johnson</td>
<td>Caltrans District 11</td>
</tr>
<tr>
<td>Karina O’Connor (phone)</td>
<td>U.S. Environmental Protection Agency</td>
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<tr>
<td>Dennis Wade/Karen Khamou (phone)</td>
<td>California Air Resources Board</td>
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<tr>
<td>Wade Hobbs/Jean Mazur (phone)</td>
<td>Federal Highway Administration</td>
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<tr>
<td>Carla Walecka</td>
<td>Transportation Corridor Agencies</td>
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<tr>
<td>Sookyung Kim</td>
<td>SANDAG</td>
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<tr>
<td>Elisa Arias</td>
<td>SANDAG</td>
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<td>Jose Nuncio</td>
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<td>Susan Brown</td>
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<td>Ed Schafer</td>
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<tr>
<td>Anne Steinberger</td>
<td>SANDAG</td>
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</tbody>
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# 2006 Regional Transportation Plan Update
## Constrained Plan Revenue Assumptions

**Baseline Year:** 2005

**Escalation/De-escalation Rate:** Composite factor combining historical/weighted rates for construction and right-of-way.

<table>
<thead>
<tr>
<th>FUNDING</th>
<th>ASSUMPTION</th>
</tr>
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<tbody>
<tr>
<td><strong>Local:</strong></td>
<td></td>
</tr>
<tr>
<td>TransNet</td>
<td>SANDAG Economic Model – DEFM for revenue projections. Assumptions on bonding may be used to match revenues to costs. Bonding will be limited to the most appropriate fiscally prudent levels.</td>
</tr>
<tr>
<td>Transportation Development Act</td>
<td>DEFM</td>
</tr>
<tr>
<td>City/County General Fund and Other Miscellaneous</td>
<td>Use historical growth trends.</td>
</tr>
<tr>
<td><strong>State:</strong></td>
<td></td>
</tr>
<tr>
<td>State Transit Assistance</td>
<td>Use preliminary Fund Estimate as baseline. Apply FE trends for out years.</td>
</tr>
<tr>
<td>Proposition 42 Transfer/Cities and County</td>
<td>Use preliminary Fund Estimate as baseline. Apply FE trends for out years.</td>
</tr>
<tr>
<td>State Gas Tax</td>
<td>None for STIP. For Cities and County use state projected consumption to determine future share.</td>
</tr>
<tr>
<td>STIP</td>
<td>Assume only exiting STIP for SD Region until last two years. Use Region’s historical share of state total to determine last two years new funding. Average new and existing STIP to determine annual average and escalate using Prop 42 FE trends for future.</td>
</tr>
<tr>
<td>TCRP</td>
<td>Largest allocation of TCRP to occur in 05/06. Balance of TCRP projects to be allocated in later years based on project readiness.</td>
</tr>
<tr>
<td>SHOPP</td>
<td>Costs to be provided by Caltrans. Costs and revenues anticipated to be equal.</td>
</tr>
<tr>
<td><strong>Federal:</strong></td>
<td></td>
</tr>
<tr>
<td>FHWA/FTA</td>
<td>Depending on the availability of data. If new bill not in place, use average of House and Senate versions. Assume any reduced CMAQ to be offset by RSTP. Use historical trends for out years</td>
</tr>
<tr>
<td>Federal Discretionary</td>
<td>Base on San Diego Region’s population “fair share.”</td>
</tr>
<tr>
<td><strong>Other Miscellaneous Funding:</strong></td>
<td>Identify currently programmed revenues and escalate.</td>
</tr>
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TITLE VI—TRANSPORTATION
PLANNING AND PROJECT DELIVERY

SEC. 6001. TRANSPORTATION PLANNING.
(a) In General.—Sections 134 and 135 of title 23, United States Code, are amended to read as follows:
§ 134. Metropolitan transportation planning
"(a) Policy.—It is in the national interest to—
"(1) encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight and foster economic growth and development within and between States and urbanized areas, while minimizing transportation-related fuel consumption and air pollution through metropolitan and statewide transportation planning processes identified in this chapter; and
"(2) encourage the continued improvement and evolution of the metropolitan and statewide transportation planning processes by metropolitan planning organizations, State departments of transportation, and public transit operators as guided by the
planning factors identified in subsection (h) and section 135(d).

"(b) DEFINITIONS.—In this section and section 135, the following definitions apply:

"(1) METROPOLITAN PLANNING AREA.—The term ‘metropolitan planning area’ means the geographic area determined by agreement between the metropolitan planning organization for the area and the Governor under subsection (e).

"(2) METROPOLITAN PLANNING ORGANIZATION.—The term ‘metropolitan planning organization’ means the policy board of an organization created as a result of the designation process in subsection (d).

"(3) NONMETROPOLITAN AREA.—The term ‘nonmetropolitan area’ means a geographic area outside designated metropolitan planning areas.

"(4) NONMETROPOLITAN LOCAL OFFICIAL.—The term ‘nonmetropolitan local official’ means elected and appointed officials of general purpose local government in a nonmetropolitan area with responsibility for transportation.

"(5) TIP.—The term ‘TIP’ means a transportation improvement program developed by a metropolitan planning organization under subsection (j).
“(6) URBANIZED AREA.—The term ‘urbanized area’ means a geographic area with a population of 50,000 or more, as designated by the Bureau of the Census.

“(c) GENERAL REQUIREMENTS.—

“(1) DEVELOPMENT OF LONG-RANGE PLANS AND TIPS.—To accomplish the objectives in subsection (a), metropolitan planning organizations designated under subsection (d), in cooperation with the State and public transportation operators, shall develop long-range transportation plans and transportation improvement programs for metropolitan planning areas of the State.

“(2) CONTENTS.—The plans and TIPs for each metropolitan area shall provide for the development and integrated management and operation of transportation systems and facilities (including accessible pedestrian walkways and bicycle transportation facilities) that will function as an intermodal transportation system for the metropolitan planning area and as an integral part of an intermodal transportation system for the State and the United States.

“(3) PROCESS OF DEVELOPMENT.—The process for developing the plans and TIPs shall provide for consideration of all modes of transportation and
shall be continuing, cooperative, and comprehensive
to the degree appropriate, based on the complexity
of the transportation problems to be addressed.

"(d) Designation of Metropolitan Planning
Organizations.—

"(1) In general.—To carry out the transport-
ation planning process required by this section, a
metropolitan planning organization shall be des-
ignated for each urbanized area with a population of
more than 50,000 individuals—

"(A) by agreement between the Governor
and units of general purpose local government
that together represent at least 75 percent of
the affected population (including the largest
incorporated city (based on population) as
named by the Bureau of the Census); or

"(B) in accordance with procedures estab-
lished by applicable State or local law.

"(2) Structure.—Each metropolitan planning
organization that serves an area designated as a
transportation management area, when designated
or redesignated under this subsection, shall consist
of—

"(A) local elected officials;
“(B) officials of public agencies that administer or operate major modes of transportation in the metropolitan area; and

“(C) appropriate State officials.

“(3) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed to interfere with the authority, under any State law in effect on December 18, 1991, of a public agency with multimodal transportation responsibilities to—

“(A) develop the plans and TIPs for adoption by a metropolitan planning organization; and

“(B) develop long-range capital plans, coordinate transit services and projects, and carry out other activities pursuant to State law.

“(4) CONTINUING DESIGNATION.—A designation of a metropolitan planning organization under this subsection or any other provision of law shall remain in effect until the metropolitan planning organization is redesignated under paragraph (5).

“(5) REDESIGNATION PROCEDURES.—A metropolitan planning organization may be redesignated by agreement between the Governor and units of general purpose local government that together represent at least 75 percent of the existing planning
area population (including the largest incorporated
city (based on population) as named by the Bureau
of the Census) as appropriate to carry out this sec-
tion.

"(6) Designation of more than 1 metrop-
olitan planning organization.—More than 1
metropolitan planning organization may be des-
ignated within an existing metropolitan planning
area only if the Governor and the existing metropoli-
tan planning organization determine that the size
and complexity of the existing metropolitan planning
area make designation of more than 1 metropolitan
planning organization for the area appropriate.

"(c) Metropolitan planning area bound-
aries.—

"(1) In general.—For the purposes of this
section, the boundaries of a metropolitan planning
area shall be determined by agreement between the
metropolitan planning organization and the Gov-
ernor.

"(2) Included area.—Each metropolitan
planning area—

"(A) shall encompass at least the existing
urbanized area and the contiguous area ex-
ected to become urbanized within a 20-year forecast period for the transportation plan; and

"(B) may encompass the entire metropolitan statistical area or consolidated metropolitan statistical area, as defined by the Bureau of the Census.

"(3) IDENTIFICATION OF NEW URBANIZED AREAS WITHIN EXISTING PLANNING AREA BOUNDARIES.—The designation by the Bureau of the Census of new urbanized areas within an existing metropolitan planning area shall not require the redesignation of the existing metropolitan planning organization.

"(4) EXISTING METROPOLITAN PLANNING AREAS IN NONATTAINMENT.—Notwithstanding paragraph (2), in the case of an urbanized area designated as a nonattainment area for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.) as of the date of enactment of the SAFE TEA-LU, the boundaries of the metropolitan planning area in existence as of such date of enactment shall be retained; except that the boundaries may be adjusted by agreement of the Governor and affected metropolitan planning organizations in the manner described in subsection (d)(5).
“(5) *NEW METROPOLITAN PLANNING AREAS IN NONATTAINMENT.*—In the case of an urbanized area designated after the date of enactment of the SAFETEA-LU, as a nonattainment area for ozone or carbon monoxide, the boundaries of the metropolitan planning area—

“(A) shall be established in the manner described in subsection (d)(1);

“(B) shall encompass the areas described in paragraph (2)(A);

“(C) may encompass the areas described in paragraph (2)(B); and

“(D) may address any nonattainment area identified under the Clean Air Act for ozone or carbon monoxide.

“(f) *COORDINATION IN MULTISTATE AREAS.*—

“(1) *IN GENERAL.*—The Secretary shall encourage each Governor with responsibility for a portion of a multistate metropolitan area and the appropriate metropolitan planning organizations to provide coordinated transportation planning for the entire metropolitan area.

“(2) *INTERSTATE COMPACTS.*—The consent of Congress is granted to any 2 or more States—
“(A) to enter into agreements or compacts, not in conflict with any law of the United States, for cooperative efforts and mutual assistance in support of activities authorized under this section as the activities pertain to interstate areas and localities within the States; and

“(B) to establish such agencies, joint or otherwise, as the States may determine desirable for making the agreements and compacts effective.

“(3) LAKE TAHOE REGION.—

“(A) DEFINITION.—In this paragraph, the term ‘Lake Tahoe region’ has the meaning given the term ‘region’ in subdivision (a) of article II of the Tahoe Regional Planning Compact, as set forth in the first section of Public Law 96–551 (94 Stat. 3234).

“(B) TRANSPORTATION PLANNING PROCESS.—The Secretary shall—

“(i) establish with the Federal land management agencies that have jurisdiction over land in the Lake Tahoe region a transportation planning process for the region; and
“(ii) coordinate the transportation planning process with the planning process required of State and local governments under this section and section 135.

“(C) INTERSTATE COMPACT.—

“(i) IN GENERAL.—Subject to clause (ii), and notwithstanding subsection (b), to carry out the transportation planning process required by this section, the consent of Congress is granted to the States of California and Nevada to designate a metropolitan planning organization for the Lake Tahoe region, by agreement between the Governors of the States of California and Nevada and units of general purpose local government that together represent at least 75 percent of the affected population (including the central city or cities (as defined by the Bureau of the Census)), or in accordance with procedures established by applicable State or local law.

“(ii) INVOLVEMENT OF FEDERAL LAND MANAGEMENT AGENCIES.—

“(I) REPRESENTATION.—The policy board of a metropolitan plan-
ning organization designated under clause (i) shall include a representative of each Federal land management agency that has jurisdiction over land in the Lake Tahoe region.

“(II) FUNDING.—In addition to funds made available to the metropolitan planning organization for the Lake Tahoe region under other provisions of this title and under chapter 53 of title 49, 1 percent of the funds allocated under section 202 shall be used to carry out the transportation planning process for the Lake Tahoe region under this subparagraph.

“(D) ACTIVITIES.—Highway projects included in transportation plans developed under this paragraph—

“(i) shall be selected for funding in a manner that facilitates the participation of the Federal land management agencies that have jurisdiction over land in the Lake Tahoe region; and
“(ii) may, in accordance with chapter 2, be funded using funds allocated under section 202.

“(4) RESERVATION OF RIGHTS.—The right to alter, amend, or repeal interstate compacts entered into under this subsection is expressly reserved.

“(g) MPO CONSULTATION IN PLAN AND TIP ORDINATION.—

“(1) NONATTAINMENT AREAS.—If more than 1 metropolitan planning organization has authority within a metropolitan area or an area which is designated as a nonattainment area for ozone or carbon monoxide under the Clean Air Act, each metropolitan planning organization shall consult with the other metropolitan planning organizations designated for such area and the State in the coordination of plans and TIPs required by this section.

“(2) TRANSPORTATION IMPROVEMENTS LOCATED IN MULTIPLE MPOS.—If a transportation improvement, funded from the Highway Trust Fund or authorized under chapter 53 of title 49, is located within the boundaries of more than 1 metropolitan planning area, the metropolitan planning organizations shall coordinate plans and TIPs regarding the transportation improvement.
“(3) Relationship with other planning officials.—The Secretary shall encourage each metropolitan planning organization to consult with officials responsible for other types of planning activities that are affected by transportation in the area (including State and local planned growth, economic development, environmental protection, airport operations, and freight movements) or to coordinate its planning process, to the maximum extent practicable, with such planning activities. Under the metropolitan planning process, transportation plans and TIPs shall be developed with due consideration of other related planning activities within the metropolitan area, and the process shall provide for the design and delivery of transportation services within the metropolitan area that are provided by—

“(A) recipients of assistance under chapter 53 of title 49;

“(B) governmental agencies and nonprofit organizations (including representatives of the agencies and organizations) that receive Federal assistance from a source other than the Department of Transportation to provide non-emergency transportation services; and
“(C) recipients of assistance under section 204.

“(h) Scope of Planning Process.—

“(1) In general.—The metropolitan planning process for a metropolitan planning area under this section shall provide for consideration of projects and strategies that will—

“(A) support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency;

“(B) increase the safety of the transportation system for motorized and nonmotorized users;

“(C) increase the security of the transportation system for motorized and nonmotorized users;

“(D) increase the accessibility and mobility of people and for freight;

“(E) protect and enhance the environment, promote energy conservation, improve the quality of life, and promote consistency between transportation improvements and State and local planned growth and economic development patterns;
“(F) enhance the integration and connectivity of the transportation system, across and between modes, for people and freight;

“(G) promote efficient system management and operation; and

“(H) emphasize the preservation of the existing transportation system.

“(2) FAILURE TO CONSIDER FACTORS.—The failure to consider any factor specified in paragraph (1) shall not be reviewable by any court under this title or chapter 53 of title 49, subchapter II of chapter 5 of title 5, or chapter 7 of title 5 in any matter affecting a transportation plan, a TIP, a project or strategy, or the certification of a planning process.

“(i) DEVELOPMENT OF TRANSPORTATION PLAN.—

“(1) IN GENERAL.—Each metropolitan planning organization shall prepare and update a transportation plan for its metropolitan planning area in accordance with the requirements of this subsection. The metropolitan planning organization shall prepare and update such plan every 4 years (or more frequently, if the metropolitan planning organization elects to update more frequently) in the case of each of the following:
“(A) Any area designated as nonattainment, as defined in section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)).

“(B) Any area that was nonattainment and subsequently designated to attainment in accordance with section 107(d)(3) of that Act (42 U.S.C. 7407(d)(3)) and that is subject to a maintenance plan under section 175A of that Act (42 U.S.C. 7505a).

In the case of any other area required to have a transportation plan in accordance with the requirements of this subsection, the metropolitan planning organization shall prepare and update such plan every 5 years unless the metropolitan planning organization elects to update more frequently.

“(2) TRANSPORTATION PLAN.—A transportation plan under this section shall be in a form that the Secretary determines to be appropriate and shall contain, at a minimum, the following:

“(A) IDENTIFICATION OF TRANSPORTATION FACILITIES.—An identification of transportation facilities (including major roadways, transit, multimodal and intermodal facilities, and intermodal connectors) that should function as an integrated metropolitan transportation
system, giving emphasis to those facilities that serve important national and regional transportation functions. In formulating the transportation plan, the metropolitan planning organization shall consider factors described in subsection (h) as such factors relate to a 20-year forecast period.

"(B) MITIGATION ACTIVITIES.—

"(i) IN GENERAL.—A long-range transportation plan shall include a discussion of types of potential environmental mitigation activities and potential areas to carry out these activities, including activities that may have the greatest potential to restore and maintain the environmental functions affected by the plan.

"(ii) CONSULTATION.—The discussion shall be developed in consultation with Federal, State, and tribal wildlife, land management, and regulatory agencies.

"(C) FINANCIAL PLAN.—A financial plan that demonstrates how the adopted transportation plan can be implemented, indicates resources from public and private sources that are reasonably expected to be made available to
carry out the plan, and recommends any additional financing strategies for needed projects and programs. The financial plan may include, for illustrative purposes, additional projects that would be included in the adopted transportation plan if reasonable additional resources beyond those identified in the financial plan were available. For the purpose of developing the transportation plan, the metropolitan planning organization, transit operator, and State shall cooperatively develop estimates of funds that will be available to support plan implementation.

“(D) OPERATIONAL AND MANAGEMENT STRATEGIES.—Operational and management strategies to improve the performance of existing transportation facilities to relieve vehicular congestion and maximize the safety and mobility of people and goods.

“(E) CAPITAL INVESTMENT AND OTHER STRATEGIES.—Capital investment and other strategies to preserve the existing and projected future metropolitan transportation infrastructure and provide for multimodal capacity increases based on regional priorities and needs.
“(F) TRANSPORTATION AND TRANSIT ENHANCEMENT ACTIVITIES.—Proposed transportation and transit enhancement activities.

“(3) COORDINATION WITH CLEAN AIR ACT AGENCIES.—In metropolitan areas which are in non-attainment for ozone or carbon monoxide under the Clean Air Act, the metropolitan planning organization shall coordinate the development of a transportation plan with the process for development of the transportation control measures of the State implementation plan required by the Clean Air Act.

“(4) CONSULTATION.—

“(A) IN GENERAL.—In each metropolitan area, the metropolitan planning organization shall consult, as appropriate, with State and local agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation concerning the development of a long-range transportation plan.

“(B) ISSUES.—The consultation shall involve, as appropriate—

“(i) comparison of transportation plans with State conservation plans or maps, if available; or
“(ii) comparison of transportation plans to inventories of natural or historic resources, if available.

“(5) PARTICIPATION BY INTERESTED PARTIES.—

“(A) IN GENERAL.—Each metropolitan planning organization shall provide citizens, affected public agencies, representatives of public transportation employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, and other interested parties with a reasonable opportunity to comment on the transportation plan.

“(B) CONTENTS OF PARTICIPATION PLAN.—A participation plan—

“(i) shall be developed in consultation with all interested parties; and

“(ii) shall provide that all interested parties have reasonable opportunities to comment on the contents of the transportation plan.
“(C) METHODS.—In carrying out subparagraph (A), the metropolitan planning organization shall, to the maximum extent practicable—

“(i) hold any public meetings at convenient and accessible locations and times;

“(ii) employ visualization techniques to describe plans; and

“(iii) make public information available in electronically accessible format and means, such as the World Wide Web, as appropriate to afford reasonable opportunity for consideration of public information under subparagraph (A).

“(6) PUBLICATION.—A transportation plan involving Federal participation shall be published or otherwise made readily available by the metropolitan planning organization for public review, including (to the maximum extent practicable) in electronically accessible formats and means, such as the World Wide Web, approved by the metropolitan planning organization and submitted for information purposes to the Governor at such times and in such manner as the Secretary shall establish.

“(7) SELECTION OF PROJECTS FROM ILLUSTRATIVE LIST.—Notwithstanding paragraph (2)(C),
a State or metropolitan planning organization shall not be required to select any project from the illustrative list of additional projects included in the financial plan under paragraph (2)(C).

"(j) METROPOLITAN TIP.—

"(1) DEVELOPMENT.—

"(A) IN GENERAL.—In cooperation with the State and any affected public transportation operator, the metropolitan planning organization designated for a metropolitan area shall develop a TIP for the area for which the organization is designated.

"(B) OPPORTUNITY FOR COMMENT.—In developing the TIP, the metropolitan planning organization, in cooperation with the State and any affected public transportation operator, shall provide an opportunity for participation by interested parties in the development of the program, in accordance with subsection (i)(5).

"(C) FUNDING ESTIMATES.—For the purpose of developing the TIP, the metropolitan planning organization, public transportation agency, and State shall cooperatively develop estimates of funds that are reasonably expected
to be available to support program implementa-

tion.

"(D) UPDATING AND APPROVAL.—The TIP shall be updated at least once every 4 years and shall be approved by the metropolitan planning organization and the Governor.

"(2) CONTENTS.—

"(A) PRIORITY LIST.—The TIP shall in-
declude a priority list of proposed federally sup-
ported projects and strategies to be carried out within each 4-year period after the initial adop-
tion of the TIP.

"(B) FINANCIAL PLAN.—The TIP shall in-
declude a financial plan that—

"(i) demonstrates how the TIP can be implemented;

"(ii) indicates resources from public and private sources that are reasonably ex-
pected to be available to carry out the pro-
gram;

"(iii) identifies innovative financing techniques to finance projects, programs, and strategies; and

"(iv) may include, for illustrative pur-
poses, additional projects that would be in-
cluded in the approved TIP if reasonable additional resources beyond those identified in the financial plan were available.

"(C) DESCRIPTIONS.—Each project in the TIP shall include sufficient descriptive material (such as type of work, termini, length, and other similar factors) to identify the project or phase of the project.

"(3) INCLUDED PROJECTS.—

"(A) PROJECTS UNDER THIS TITLE AND CHAPTER 53 OF TITLE 49.—A TIP developed under this subsection for a metropolitan area shall include the projects within the area that are proposed for funding under chapter 1 of this title and chapter 53 of title 49.

"(B) PROJECTS UNDER CHAPTER 2.—

"(i) REGIONALLY SIGNIFICANT PROJECTS.—Regionally significant projects proposed for funding under chapter 2 shall be identified individually in the transportation improvement program.

"(ii) OTHER PROJECTS.—Projects proposed for funding under chapter 2 that are not determined to be regionally significant shall be grouped in 1 line item or
identified individually in the transportation improvement program.

"(C) CONSISTENCY WITH LONG-RANGE TRANSPORTATION PLAN.—Each project shall be consistent with the long-range transportation plan developed under subsection (i) for the area.

"(D) REQUIREMENT OF ANTICIPATED FULL FUNDING.—The program shall include a project, or an identified phase of a project, only if full funding can reasonably be anticipated to be available for the project within the time period contemplated for completion of the project.

"(4) NOTICE AND COMMENT.—Before approving a TIP, a metropolitan planning organization, in cooperation with the State and any affected public transportation operator, shall provide an opportunity for participation by interested parties in the development of the program, in accordance with subsection (i)(5).

"(5) SELECTION OF PROJECTS.—

"(A) IN GENERAL.—Except as otherwise provided in subsection (k)(4) and in addition to the TIP development required under paragraph (1), the selection of federally funded projects in
metropolitan areas shall be carried out, from the approved TIP—

"(i) by—

"(I) in the case of projects under this title, the State; and

"(II) in the case of projects under chapter 53 of title 49, the designated recipients of public transportation funding; and

"(ii) in cooperation with the metropolitan planning organization.

"(B) Modifications to Project Priority.—Notwithstanding any other provision of law, action by the Secretary shall not be required to advance a project included in the approved TIP in place of another project in the program.

"(6) Selection of Projects from Illustrative List.—

"(A) No Required Selection.—Notwithstanding paragraph (2)(B)(iv), a State or metropolitan planning organization shall not be required to select any project from the illustrative list of additional projects included in the financial plan under paragraph (2)(B)(iv).
“(B) REQUIRED ACTION BY THE SECRETARY.—Action by the Secretary shall be required for a State or metropolitan planning organization to select any project from the illustrative list of additional projects included in the financial plan under paragraph (2)(B)(iv) for inclusion in an approved TIP.

“(7) PUBLICATION.—

“(A) PUBLICATION OF TIPS.—A TIP involving Federal participation shall be published or otherwise made readily available by the metropolitan planning organization for public review.

“(B) PUBLICATION OF ANNUAL LISTINGS OF PROJECTS.—An annual listing of projects, including investments in pedestrian walkways and bicycle transportation facilities, for which Federal funds have been obligated in the preceding year shall be published or otherwise made available by the cooperative effort of the State, transit operator, and metropolitan planning organization for public review. The listing shall be consistent with the categories identified in the TIP.

“(k) TRANSPORTATION MANAGEMENT AREAS.—
“(1) IDENTIFICATION AND DESIGNATION.—

“(A) REQUIRED IDENTIFICATION.—The Secretary shall identify as a transportation management area each urbanized area (as defined by the Bureau of the Census) with a population of over 200,000 individuals.

“(B) DESIGNATIONS ON REQUEST.—The Secretary shall designate any additional area as a transportation management area on the request of the Governor and the metropolitan planning organization designated for the area.

“(2) TRANSPORTATION PLANS.—In a metropolitan planning area serving a transportation management area, transportation plans shall be based on a continuing and comprehensive transportation planning process carried out by the metropolitan planning organization in cooperation with the State and public transportation operators.

“(3) CONGESTION MANAGEMENT PROCESS.—Within a metropolitan planning area serving a transportation management area, the transportation planning process under this section shall address congestion management through a process that provides for effective management and operation, based on a cooperatively developed and implemented metropoli-
tan-wide strategy, of new and existing transportation facilities eligible for funding under this title and chapter 53 of title 49 through the use of travel demand reduction and operational management strategies. The Secretary shall establish an appropriate phase-in schedule for compliance with the requirements of this section but no sooner than 1 year after the identification of a transportation management area.

"(4) SELECTION OF PROJECTS.—

"(A) IN GENERAL.—All federally funded projects carried out within the boundaries of a metropolitan planning area serving a transportation management area under this title (excluding projects carried out on the National Highway System and projects carried out under the bridge program or the Interstate maintenance program) or under chapter 53 of title 49 shall be selected for implementation from the approved TIP by the metropolitan planning organization designated for the area in consultation with the State and any affected public transportation operator.

"(B) NATIONAL HIGHWAY SYSTEM PROJECTS.—Projects carried out within the
boundaries of a metropolitan planning area serving a transportation management area on the National Highway System and projects carried out within such boundaries under the bridge program or the Interstate maintenance program under this title shall be selected for implementation from the approved TIP by the State in cooperation with the metropolitan planning organization designated for the area.

"(5) CERTIFICATION.—

"(A) IN GENERAL.—The Secretary shall—

"(i) ensure that the metropolitan planning process of a metropolitan planning organization serving a transportation management area is being carried out in accordance with applicable provisions of Federal law; and

"(ii) subject to subparagraph (B), certify, not less often than once every 4 years, that the requirements of this paragraph are met with respect to the metropolitan planning process.

"(B) REQUIREMENTS FOR CERTIFICATION.—The Secretary may make the certification under subparagraph (A) if—
“(i) the transportation planning process complies with the requirements of this section and other applicable requirements of Federal law; and

“(ii) there is a TIP for the metropolitan planning area that has been approved by the metropolitan planning organization and the Governor.

“(C) EFFECT OF FAILURE TO CERTIFY.—

“(i) WITHHOLDING OF PROJECT FUNDS.—If a metropolitan planning process of a metropolitan planning organization serving a transportation management area is not certified, the Secretary may withhold up to 20 percent of the funds attributable to the metropolitan planning area of the metropolitan planning organization for projects funded under this title and chapter 53 of title 49.

“(ii) RESTORATION OF WITHHELD FUNDS.—The withheld funds shall be restored to the metropolitan planning area at such time as the metropolitan planning process is certified by the Secretary.
“(D) REVIEW OF CERTIFICATION.—In making certification determinations under this paragraph, the Secretary shall provide for public involvement appropriate to the metropolitan area under review.

“(l) ABBREVIATED PLANS FOR CERTAIN AREAS.—

“(1) IN GENERAL.—Subject to paragraph (2), in the case of a metropolitan area not designated as a transportation management area under this section, the Secretary may provide for the development of an abbreviated transportation plan and TIP for the metropolitan planning area that the Secretary determines is appropriate to achieve the purposes of this section, taking into account the complexity of transportation problems in the area.

“(2) NONATTAINMENT AREAS.—The Secretary may not permit abbreviated plans or TIPs for a metropolitan area that is in nonattainment for ozone or carbon monoxide under the Clean Air Act.

“(m) ADDITIONAL REQUIREMENTS FOR CERTAIN NONATTAINMENT AREAS.—

“(1) IN GENERAL.—Notwithstanding any other provisions of this title or chapter 53 of title 49, for transportation management areas classified as non-

attainment for ozone or carbon monoxide pursuant
to the Clean Air Act, Federal funds may not be advanced in such area for any highway project that will result in a significant increase in the carrying capacity for single-occupant vehicles unless the project is addressed through a congestion management process.

"(2) APPLICABILITY.—This subsection applies to a nonattainment area within the metropolitan planning area boundaries determined under subsection (e).

"(n) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to confer on a metropolitan planning organization the authority to impose legal requirements on any transportation facility, provider, or project not eligible under this title or chapter 53 of title 49.

"(o) FUNDING.—Funds set aside under section 104(f) of this title or section 5305(g) of title 49 shall be available to carry out this section.

"(p) CONTINUATION OF CURRENT REVIEW PRACTICE.—Since plans and TIPs described in this section are subject to a reasonable opportunity for public comment, since individual projects included in plans and TIPs are subject to review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and since decisions
by the Secretary concerning plans and TIPs described in this section have not been reviewed under such Act as of January 1, 1997, any decision by the Secretary concerning a plan or TIP described in this section shall not be considered to be a Federal action subject to review under such Act.

"§135. Statewide transportation planning"

"(a) General Requirements.—

"(1) Development of plans and programs.—To accomplish the objectives stated in section 134(a), each State shall develop a statewide transportation plan and a statewide transportation improvement program for all areas of the State, subject to section 134.

"(2) Contents.—The statewide transportation plan and the transportation improvement program developed for each State shall provide for the development and integrated management and operation of transportation systems and facilities (including accessible pedestrian walkways and bicycle transportation facilities) that will function as an intermodal transportation system for the State and an integral part of an intermodal transportation system for the United States.

(2) CONSULTATION.—The Secretary shall develop the agreement under paragraph (1) in consultation with the National Conference of State Historic Preservation Officers and the Advisory Council on Historic Preservation established under title II of the National Historic Preservation Act (26 U.S.C. 470i et seq.) and after soliciting the views of other interested parties.

(c) INTELLIGENT TRANSPORTATION INFRASTRUCTURE AND SYSTEMS DEFINED.—In this section, the term "intelligent transportation infrastructure and systems" means intelligent transportation infrastructure and intelligent transportation systems, as such terms are defined in subtitle C of title V of this Act.

SEC. 6011. TRANSPORTATION CONFORMITY.

(a) CONFORMITY REDETERMINATIONS.—Section 176(e)(2) of the Clean Air Act (42 U.S.C. 7506(e)) is amended by adding at the end the following:

"(E) The appropriate metropolitan planning organization shall redetermine conformity of existing transportation plans and programs
not later than 2 years after the date on which
the Administrator—

“(i) finds a motor vehicle emissions
budget to be adequate in accordance with
section 93.118(e)(4) of title 40, Code of
Federal Regulations (as in effect on Octo-
ber 1, 2004);

“(ii) approves an implementation plan
that establishes a motor vehicle emissions
budget if that budget has not yet been de-
termined to be adequate in accordance
with clause (i); or

“(iii) promulgates an implementation
plan that establishes or revises a motor ve-
hicle emissions budget.”.

(b) FREQUENCY OF CONFORMITY DETERMINATION

UPDATES.—Section 176(c)(4)(B)(ii) of the Clean Air Act
(42 U.S.C. 7506(c)(4)(B)(ii)) is amended to read as fol-
lows:

“(ii) address the appropriate frequency for
making conformity determinations, but the fre-
quency for making conformity determinations on up-
dated transportation plans and programs shall be
every 4 years, except in a case in which—
“(I) the metropolitan planning organization elects to update a transportation plan or program more frequently; or

“(II) the metropolitan planning organization is required to determine conformity in accordance with paragraph (2)(E); and”.

(c) Time Horizon for Conformity Determinations in Nonattainment Areas.—Section 176(c) of the Clean Air Act (42 U.S.C. 7506(c)) is amended by adding at the end the following:

“(7) Conformity horizon for transportation plans.—

“(A) In general.—Each conformity determination required under this section for a transportation plan under section 134(i) of title 23, United States Code, or section 5303(i) of title 49, United States Code, shall require a demonstration of conformity for the period ending on either the final year of the transportation plan, or at the election of the metropolitan planning organization, after consultation with the air pollution control agency and solicitation of public comments and consideration of such comments, the longest of the following periods:
“(i) The first 10-year period of any such transportation plan.

“(ii) The latest year in the implementation plan applicable to the area that contains a motor vehicle emission budget.

“(iii) The year after the completion date of a regionally significant project if the project is included in the transportation improvement program or the project requires approval before the subsequent conformity determination.

“(B) REGIONAL EMISSIONS ANALYSIS.—The conformity determination shall be accompanied by a regional emissions analysis for the last year of the transportation plan and for any year shown to exceed emission budgets by a prior analysis, if such year extends beyond the applicable period as determined under subparagraph (A).

“(C) EXCEPTION.—In any case in which an area has a revision to an implementation plan under section 175A(b) and the Administrator has found the motor vehicles emissions budgets from that revision to be adequate in accordance with section 93.118(e)(4) of title 40,
Code of Federal Regulations (as in effect on October 1, 2004), or has approved the revision, the demonstration of conformity at the election of the metropolitan planning organization, after consultation with the air pollution control agency and solicitation of public comments and consideration of such comments, shall be required to extend only through the last year of the implementation plan required under section 175A(b).

"(D) EFFECT OF ELECTION.—Any election by a metropolitan planning organization under this paragraph shall continue in effect until the metropolitan planning organization elects otherwise.

"(E) AIR POLLUTION CONTROL AGENCY DEFINED.—In this paragraph, the term 'air pollution control agency' means an air pollution control agency (as defined in section 302(b)) that is responsible for developing plans or controlling air pollution within the area covered by a transportation plan.

(d) SUBSTITUTION OF TRANSPORTATION CONTROL MEASURES.—Section 176(c) of the Clean Air Act (42
U.S.C. 7506(c) (as amended by subsection (c)) is amended by inserting after paragraph (7) the following:

"(8) SUBSTITUTION OF TRANSPORTATION CONTROL MEASURES.—

"(A) IN GENERAL.—Transportation control measures that are specified in an implementation plan may be replaced or added to the implementation plan with alternate or additional transportation control measures—

"(i) if the substitute measures achieve equivalent or greater emissions reductions than the control measure to be replaced, as demonstrated with an emissions impact analysis that is consistent with the current methodology used for evaluating the replaced control measure in the implementation plan;

"(ii) if the substitute control measures are implemented—

"(I) in accordance with a schedule that is consistent with the schedule provided for control measures in the implementation plan; or

"(II) if the implementation plan date for implementation of the control
measure to be replaced has passed, as soon as practicable after the implementation plan date but not later than the date on which emission reductions are necessary to achieve the purpose of the implementation plan;

"(iii) if the substitute and additional control measures are accompanied with evidence of adequate personnel and funding and authority under State or local law to implement, monitor, and enforce the control measures;

"(iv) if the substitute and additional control measures were developed through a collaborative process that included—

"(I) participation by representatives of all affected jurisdictions (including local air pollution control agencies, the State air pollution control agency, and State and local transportation agencies);

"(II) consultation with the Administrator; and

"(III) reasonable public notice and opportunity for comment; and
“(v) if the metropolitan planning organization, State air pollution control agency, and the Administrator concur with the equivalency of the substitute or additional control measures.

“(B) ADOPTION.—(i) Concurrence by the metropolitan planning organization, State air pollution control agency and the Administrator as required by subparagraph (A)(v) shall constitute adoption of the substitute or additional control measures so long as the requirements of subparagraphs (A)(i), (A)(ii), (A)(iii) and (A)(iv) are met.

“(ii) Once adopted, the substitute or additional control measures become, by operation of law, part of the state implementation plan and become federally enforceable.

“(iii) Within 90 days of its concurrence under subparagraph (A)(v), the State air pollution control agency shall submit the substitute or additional control measure to the Administrator for incorporation in the codification of the applicable implementation plan. Notwithstanding any other provision of this Act, no additional State process shall be nec-
necessary to support such revision to the applicable plan.

"(C) NO REQUIREMENT FOR EXPRESS PERMISSION.—The substitution or addition of a transportation control measure in accordance with this paragraph and the funding or approval of such a control measure shall not be contingent on the existence of any provision in the applicable implementation plan that expressly permits such a substitution or addition.

"(D) NO REQUIREMENT FOR NEW CONFORMITY DETERMINATION.—The substitution or addition of a transportation control measure in accordance with this paragraph shall not require—

"(i) a new conformity determination for the transportation plan; or

"(ii) a revision of the implementation plan.

"(E) CONTINUATION OF CONTROL MEASURE BEING REPLACED.—A control measure that is being replaced by a substitute control measure under this paragraph shall remain in effect until the substitute control measure is
adopted by the State pursuant to subparagraph (B).

"(F) EFFECT OF ADOPTION.—Adoption of a substitute control measure shall constitute re- seission of the previously applicable control measure."

(e) LAPSE OF CONFORMITY.—Section 176(c) of the Clean Air Act (42 U.S.C. 7506(c)) (as amended by sub- sections (c) and (d)) is amended by inserting after para- graph (8) the following:

"(9) LAPSE OF CONFORMITY.—If a conformity determination required under this subsection for a transportation plan under section 134(i) of title 23, United States Code, or section 5303(i) of title 49, United States Code, or a transportation improve- ment program under section 134(j) of such title 23 or under section 5303(j) of such title 49 is not made by the applicable deadline and such failure is not corrected by additional measures to either reduce motor vehicle emissions sufficient to demonstrate compliance with the requirements of this subsection within 12 months after such deadline or other meas- ures sufficient to correct such failures, the transpor- tation plan shall lapse."
“(10) **LAPSE**.—In this subsection, the term ‘lapse’ means that the conformity determination for a transportation plan or transportation improvement program has expired, and thus there is no currently conforming transportation plan or transportation improvement program.”.

(f) **CONFORMING AMENDMENTS.**—Section 176(c)(4) of the Clean Air Act (42 U.S.C. 7506(c)(4) (as amended by subsection (b))) is amended—

(1) by redesignating subparagraphs (B), (C), and (D) as subparagraphs (D), (E), and (F), respectively;

(2) by striking “(4)(A) No later than one year after the date of enactment of the Clean Air Act Amendments of 1990, the Administrator shall promulgate” and inserting the following:

“(4) **CRITERIA AND PROCEDURES FOR DETERMINING CONFORMITY.**—

“(A) **IN GENERAL.**—The Administrator shall promulgate, and periodically update,”;

(3) in the second sentence of subparagraph (A)—

(A) by striking “No later than one year after such date of enactment, the Administrator, with the concurrence of the Secretary of
Transportation, shall promulgate” and inserting the following:

“(B) TRANSPORTATION PLANS, PROGRAMS, AND PROJECTS.—The Administrator, with the concurrence of the Secretary of Transportation, shall promulgate, and periodically update,”; and

(B) in the third sentence, by striking “A suit” and inserting the following:

“(C) CIVIL ACTION TO COMPEL PROMULGATION.—A civil action”; and

(4) by striking subparagraph (E) (as redesignated by paragraph (1)) and inserting the following:

“(E) INCLUSION OF CRITERIA AND PROCEDURES IN SIP.—Not later than 2 years after the date of enactment of the SAFETEA-LU the procedures under subparagraph (A) shall include a requirement that each State include in the State implementation plan criteria and procedures for consultation required by subparagraph (D)(i), and enforcement and enforceability (pursuant to sections 93.125(c) and 93.122(a)(4)(ii) of title 40, Code of Federal Regulations) in accordance with the Administrator's criteria and procedures for consultation, enforcement and enforceability.”.
(g) Regulations.—Not later than 2 years after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall promulgate revised regulations to implement the changes made by this section.

SEC. 6012. FEDERAL REFERENCE METHOD.

(a) In General.—Section 6102(e) of the Transportation Equity Act for the 21st Century (42 U.S.C. 7407 note; 112 Stat. 464–465) is amended to read as follows:

"(e) Field Study.—Not later than 2 years after the date of enactment of the SAFETEA-LU, the Administrator shall—

"(1) conduct a field study of the ability of the PM$_{2.5}$ Federal Reference Method to differentiate those particles that are larger than 2.5 micrometers in diameter;

"(2) develop a Federal reference method to measure directly particles that are larger than 2.5 micrometers in diameter without reliance on subtracting from coarse particle measurements those particles that are equal to or smaller than 2.5 micrometers in diameter;

"(3) develop a method of measuring the composition of coarse particles; and
“(4) submit a report on the study and responsibilities of the Administrator under paragraphs (1) through (3) to—

“(A) the Committee on Energy and Commerce of the House of Representatives; and

“(B) the Committee on Environment and Public Works of the Senate.”.

SEC. 6013. AIR QUALITY MONITORING DATA INFLUENCED BY EXCEPTIONAL EVENTS.

(a) IN GENERAL.—Section 319 of the Clean Air Act (42 U.S.C. 7619) is amended—

(1) by striking the section heading and all that follows through “after notice and opportunity for public hearing” and inserting the following:

“SEC. 319. AIR QUALITY MONITORING.

“(a) IN GENERAL.—After notice and opportunity for public hearing”; and

(2) by adding at the end the following:

“(b) AIR QUALITY MONITORING DATA INFLUENCED BY EXCEPTIONAL EVENTS.—

“(1) DEFINITION OF EXCEPTIONAL EVENT.—In this section:

“(A) IN GENERAL.—The term ‘exceptional event’ means an event that—

“(i) affects air quality;
"(ii) is not reasonably controllable or preventable;

"(iii) is an event caused by human activity that is unlikely to recur at a particular location or a natural event; and

"(iv) is determined by the Administrator through the process established in the regulations promulgated under paragraph (2) to be an exceptional event.

"(B) EXCLUSIONS.—In this subsection, the term 'exceptional event' does not include—

"(i) stagnation of air masses or meteorological inversions;

"(ii) a meteorological event involving high temperatures or lack of precipitation; or

"(iii) air pollution relating to source noncompliance.

"(2) REGULATIONS.—

"(A) PROPOSED REGULATIONS.—Not later than March 1, 2006, after consultation with Federal land managers and State air pollution control agencies, the Administrator shall publish in the Federal Register proposed regulations governing the review and handling of air
quality monitoring data influenced by exceptional events.

"(B) FINAL REGULATIONS.—Not later than 1 year after the date on which the Administrator publishes proposed regulations under subparagraph (A), and after providing an opportunity for interested persons to make oral presentations of views, data, and arguments regarding the proposed regulations, the Administrator shall promulgate final regulations governing the review and handling or air quality monitoring data influenced by an exceptional event that are consistent with paragraph (3).

"(3) PRINCIPLES AND REQUIREMENTS.—

"(A) PRINCIPLES.—In promulgating regulations under this section, the Administrator shall follow—

"(i) the principle that protection of public health is the highest priority;

"(ii) the principle that timely information should be provided to the public in any case in which the air quality is unhealthy;

"(iii) the principle that all ambient air quality data should be included in a timely
manner, an appropriate Federal air quality
database that is accessible to the public;

“(iv) the principle that each State
must take necessary measures to safeguard
public health regardless of the source of
the air pollution; and

“(v) the principle that air quality data
should be carefully screened to ensure that
events not likely to recur are represented
accurately in all monitoring data and anal-
yses.

“(B) REQUIREMENTS.—Regulations pro-
mulgated under this section shall, at a min-
imum, provide that—

“(i) the occurrence of an exceptional
event must be demonstrated by reliable,
accurate data that is promptly produced
and provided by Federal, State, or local
government agencies;

“(ii) a clear causal relationship must
exist between the measured exceedances of
a national ambient air quality standard
and the exceptional event to demonstrate
that the exceptional event caused a specific
air pollution concentration at a particular air quality monitoring location;

"(iii) there is a public process for determining whether an event is exceptional; and

"(iv) there are criteria and procedures for the Governor of a State to petition the Administrator to exclude air quality monitoring data that is directly due to exceptional events from use in determinations by the Administrator with respect to exceedances or violations of the national ambient air quality standards.

"(4) INTERIM PROVISION.—Until the effective date of a regulation promulgated under paragraph (2), the following guidance issued by the Administrator shall continue to apply:

"(A) Guidance on the identification and use of air quality data affected by exceptional events (July 1986).


"(C) Appendices I, K, and N to part 50 of title 40, Code of Federal Regulations."
Introduction

In April 2005, the Board of Directors approved a work program and schedule for updating the Regional Transportation Plan (RTP), MOBILITY 2030. The last RTP update was completed in March 2003, and the next regularly scheduled update is due to be completed in March 2006. The approved work program included both a 2006 Revenue Constrained RTP and a comprehensive 2007 RTP update that will incorporate funding scenarios beyond the Revenue Constrained Plan and strategic initiatives from the Regional Comprehensive Plan. The 2006 Revenue Constrained RTP would meet existing federal law that requires SANDAG to update its long-range transportation plan and air quality conformity every three years.

Pending federal transportation reauthorization legislation that would change the update cycle for SANDAG to four years looked promising in April. As a result, staff focused on the comprehensive 2007 RTP update. However, the legislation has stalled, and SANDAG must move forward at this time with a 2006 RTP update. This 2006 RTP update would be a technical update only to meet federal requirements, and a more comprehensive update of the RTP would still occur in 2007.

Recommendation

The Board of Directors is asked to approve the revised 2006 RTP work program and schedule.

Discussion

Attachment 1 is an updated 2006 RTP work program, and Attachment 2 is a revised schedule. Since staff needs to focus its efforts at this time on the issues and products necessary to process the 2006 RTP update, some tasks related to the 2007 comprehensive RTP update will need to be put on hold temporarily. Therefore, it is likely that the completion date of the comprehensive 2007 RTP update will be delayed by about three months, from March 2007 to June 2007. However, this will not result in any federal compliance problems, since SANDAG will have completed the 2006 RTP update prior to the existing deadline.
The 2007 RTP update will incorporate a new regional growth forecast, strategic initiatives from the Regional Comprehensive Plan (including the Smart Growth Concept Map), and the results of the Independent Transit Planning Review. Staff will return to the Board of Directors in September with an updated work program and schedule for the 2007 RTP update.

GARY L. GALLEGOS
Executive Director

Attachments: 1. Updated 2006 RTP Work Program
              2. Revised Schedule

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Funds are budgeted in Work Element #80004
2006 RTP Work Program

1. **Update Revenue and Project Cost Projections**
   - Update project cost estimates and revenue forecasts for the Revenue Constrained and Unconstrained Revenue scenarios, incorporating the TransNet extension and other recent funding sources, such as Proposition 42. (July – August 2005)

2. **Develop Network and/or Land Use Alternatives**
   - Develop Environmental Impact Report (EIR) alternatives, including alternative consistent with Save Our Forests and Ranchlands (SOFAR) agreement. (July – September 2005)

3. **Update Network Phasing**
   - Create new Revenue Constrained and Unconstrained Revenue networks for evaluation. Include phasing of projects in the Revenue Constrained scenario. (July – August 2005)
   - Review with Working Groups and gain approval from Transportation Committee. (September – October 2005)

4. **Perform Air Quality (AQ) forecasts**
   - Following the selection of the Revenue Constrained network alternative, develop draft AQ conformity analysis for 2006 RTP and EIR; draft AQ analysis (December 2005); final AQ analysis (February 2006).

5. **Prepare Draft RTP**
   - Prepare Draft 2006 RTP (July – November 2005); release draft RTP (December 2005).

6. **Prepare Draft EIR**
   - Prepare draft EIR for 2006 RTP incorporating agreed-upon SOFAR alternative; release draft EIR (December 2005).

7. **Conduct Public Outreach**
   - Hold public meetings (ongoing).
   - Conduct Working Group meetings (ongoing).
   - Conduct outreach through SANDAG’s Web site and other communications (ongoing).

8. **Conduct Public Hearing (January 2006)**

9. **Adopt Final RTP/EIR (February 2006)**

10. **Approval of Air Quality Conformity Determination (April 2006)**
## Major Tasks

1. Update Revenue and Project Cost Projections
2. Develop Network and/or Land Use Alternatives
3. Update Network Phasing
4. Perform Air Quality (AQ) Forecasts
5. Prepare Draft RTP
6. Prepare Draft EIR
7. Conduct Public Outreach
8. Conduct Public Hearing
9. Adopt Final RTP/EIR
10. Approval of Air Quality Conformity Determination

### 2006 Regional Transportation Plan Schedule

<table>
<thead>
<tr>
<th>MAJOR TASKS</th>
<th>2005</th>
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<tbody>
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Regional Transportation Plan - 2006 Update

SANDAG is undertaking a technical update of the Regional Transportation Plan (RTP). This plan will update revenue and project cost projections to incorporate new TransNet funding and other funding sources (e.g., Proposition 42 funds); develop network and/or land use alternatives; and will serve to satisfy requirements for reporting air quality conformity analysis.

SANDAG will use this work as the foundation for a more comprehensive Regional Transportation Plan update in 2007.

The draft RTP will be prepared from July to November 2005 with elements discussed and considered periodically at Transportation Committee, Stakeholder Working Group, and other meetings. The draft RTP and Environmental Impact Report will be released for review and comment in December 2005. The final RTP and EIR will be presented to SANDAG for adoption in February 2006.

Project Manager

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Downloads:

- Revised RTP Work Plan [PDF, 63 KB]

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