REPORT

DATE: July 27, 2006

TO: Executive Committee

FROM: Rich Macias, Manager of Transportation Planning and Programming,
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SUBJECT: Approval of 2006 Regional Transportation Improvement Program (2006 RTIP)

EXECUTIVE DIRECTOR'S APPROVAL:

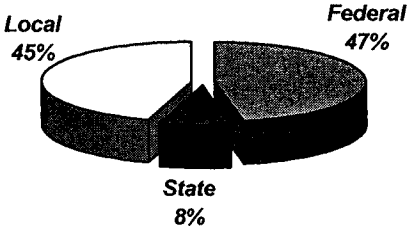
RECOMMENDED ACTION:
Adopt Resolution No. 07-477-2 approving the 2006 RTIP and associated conformity determination.

SUMMARY:
On July 6, 2006, the Regional Council delegated authority to the Executive Committee to adopt the final 2006 RTIP. The 2006 RTIP is composed of over 1400 projects and is programming $19.3 billion in fiscal years FY 2006/07 – 2011/12. Development of the RTIP involves constant communication with the county transportation commissions and Imperial Valley Association of Governments. SCAG is consistent with all five of the transportation conformity tests.

The 2006 RTIP is comprised of three volumes. Volume I is the Executive Summary. Volume II is the Technical Appendix which discusses the following: 1) Conformity requirements and findings; 2) Regional emissions analysis; 3) Timely implementation of Transportation Control Measures (TCMs); 4) Financial plan; and 5) Public notifications, hearings, and distribution list. Volume III is composed of the listing of over 1400 projects in the SCAG region.

BACKGROUND:
The table below reflects the amount of federal, state and local funding programmed in each fiscal year of the 2006 RTIP:

	FEDERAL	*STATE*	*LOCAL*	*TOTAL*
2006/07	$2,230,215	$351,626	$2,421,339	**$5,003,180**
2007/08	2,325,436	559,715	2,276,211	**5,161,362**
2008/09	2,278,363	225,506	1,692,076	**$4,195,945**
2009/10	1,618,523	70,556	1,665,230	**3,354,309**
2010/11	429,058	11,666	885,875	**1,326,599**
2011/12	41,619	215	187,557	**229,391**
TOTAL	**$8,923,214**	**1,219,284**	**9,128,289**	**$19,270,787**
% of Total	47.1%	7.8%	45.2%	**100.0%**



Federal requirements dictate that five transportation conformity tests must be met for the 2006 RTIP to be in compliance with federal regulations. Described below are the test criteria and SCAG findings:

✓ **Consistency with 2004 RTP Test**
The RTIP is required to be consistent with the adopted Regional Transportation Plan (policies, programs, and projects) to be eligible for funding.

Finding: SCAG's 2006 RTIP (project listing) is consistent with the 2004 RTP.

✓ **Regional Emissions Tests**
Emissions of specified pollutants and pollutant precursors must be less than or equal to the motor vehicle emissions budgets established in the applicable implementation plan. In absence of the applicable emissions budgets for conformity, interim emissions tests must be met. For the interim emissions tests, the build scenario's emissions must be less than or equal to the no-build scenario's emissions and/or the build scenario's emissions must be less than or equal to the base year.

Finding: SCAG's 2006 RTIP regional emissions analysis for PM2.5 are less than base year 2002 for all milestone, attainment, and planning horizon years in the SCAB.

Finding: SCAG's 2006 RTIP regional emissions for the ozone precursors are consistent with all applicable emissions budgets for all milestone, attainment, and planning horizon years for the following areas:

- SCAB - 2003 Ozone SIP
- SCCAB (Ventura County) - 2004 Ozone SIP
- MDAB (Antelope Valley and Victor Valley areas) - 2004 Ozone SIP
- SSAB (Coachella Valley) - 2004 Ozone SIP

Finding: SCAG's 2006 RTIP regional emissions for the NO2 precursor are consistent with all applicable emissions budgets for all milestone, attainment, and planning horizon years in the SCAB - 2003 NO2 SIP.

Finding: SCAG's 2006 RTIP regional emissions for CO are consistent with all applicable emissions budgets for all milestone, attainment, and planning horizon years in SCAB - 2003 CO SIP.

Finding: SCAG's 2006 RTIP regional emissions for the PM10 precursors are consistent with the applicable emissions budgets for all milestone, attainment, and planning horizon years in SCAB - 2003 PM10 SIP.

Finding: SCAG's 2006 RTIP regional emissions for PM10 are consistent with the applicable emissions for the Coachella Valley portion of SSAB for all milestone, attainment and planning horizon years - 2003 PM10 SIP.

Finding: SCAG's 2006 RTIP regional emissions (build scenarios) for PM10 are less than the no-build emissions for the San Bernardino County portion of MDAB for all milestone, attainment and planning horizon years.

Finding: SCAG's 2006 RTIP regional emissions (build scenarios) for PM10 are less than the no-build emissions for the Imperial County portion of SSAB.

Finding: SCAG's 2006 RTIP regional emissions (build scenario) for the ozone precursors are less than the no-build emissions for the Imperial County portion of SSAB.

✓ **Timely Implementation of TCM Test**
The RTIP must provide for timely completion or implementation of all TCMs available for funding in the applicable implementation plan. If behind schedule, obstacles to implementation must be identified and overcome.

Finding: The TCM1 project categories listed in the 1994/1997/2003 Ozone SIP for the SCAB area were given funding priority and are on schedule for implementation.

Finding: The TCM strategies listed in the 1994 (as amended in 1995) Ozone AQMP/SIP for the VC/SCCAB were given funding priority and are on schedule for implementation.

✓ **Financial Constraint Test**
All projects programmed in the 2006 RTIP must be fiscally constrained.

Finding: Projects programmed in the 2006 RTIP in fiscal years 2006/2007 and 2007/2008 are fiscally constrained and funds are expected to be reasonably available for the remaining years.

✓ **Interagency Consultation and Public Involvement Test**

Finding: The 2006 RTIP is complying with all federal and state requirements for interagency consultation and public involvement. SCAG's Transportation Conformity Working group serves as a forum for interagency consultation, and additionally, there were many ad-hoc meetings held between the involved agencies for this purpose. The public hearing took place on June 29th at 10:00 a.m. at the SCAG offices. No public comments were received at the public hearing. The 30-day public review of the 2006 RTIP concludes on July 25 at 5:00 p.m. Once the 30-day public review has been completed, this test will be satisfied. Staff will provide the Committee and Regional Council with a matrix of the comments received upon completion of the public review period.

In addition, Street and Highways Code Section 182.6(e) and Section 182.7 (d) require that a metropolitan planning organization (MPO) submit its transportation improvement program not later than August 1 of each even-numbered year. Government Code Section 65074 stipulates that the State Department of Transportation submit the Federal Statewide Transportation Improvement Program (FSTIP) to the United States Secretary of Transportation by October 1 of each even-numbered year.

The current FSTIP expires on October 4, 2006. Delays in obtaining FSTIP approval should be avoided. An MPO not meeting the August deadline will necessitate that the State Department of Transportation amend the FSTIP at a later date to include the MPO's program. It is uncertain at this time as to the length of time involved in amending the program and ultimate receipt of federal approval for the program. SCAG policy committees and Regional Council are not scheduled to meet in August. This necessitates the SCAG Executive Committee to approve the 2006 RTIP and associated transportation conformity determination.

FISCAL IMPACT:
The staff resources for developing the 2006 RTIP are contained within the Fiscal years 2005/2006 & 2006/2007 SCAG budgets.

RESOLUTION No. 07-477-2
RESOLUTION OF
SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS
TO ADOPT THE FY 2006/07 – 2011/12
REGIONAL TRANSPORTATION IMPROVEMENT PROGRAM (2006 RTIP)
IN ACCORDANCE WITH FEDERAL REQUIREMENTS

WHEREAS, the Southern California Association of Governments (SCAG) is the federally designated Metropolitan Planning Organization (MPO) pursuant to 23 U.S.C. §134(a) and (g) for the Counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino and Ventura, and as such, is responsible for the preparation, adoption and regular revision of the Regional Transportation Plan (RTP) and the Regional Transportation Improvement Program (RTIP) pursuant to 23 U.S.C. §§134(g) 49 U.S.C. §5303(f) and 23 C.F.R. §450.312;

WHEREAS, also pursuant to Section 130004 of the California Public Utilities Code, SCAG is the designated Regional Transportation Planning Agency and, as such, is responsible for preparation of both the RTP and RTIP under California Government Code §§ 65080 and 65082 respectively; and

WHEREAS, SCAG's FY 2006/07 – 2011/12 RTIP (2006 RTIP) is a staged, multiyear, intermodal program of transportation projects which covers six fiscal years, includes a priority list of projects to be carried out in the first three fiscal years (2006/07, 2007/08 and 2008/09) and a listing of obligated projects from prior years that may require state or federal action;

WHEREAS, 23 U.S.C. § 134(h)(3)(C) and 23 C.F.R. § 450.324(f)(2) requires the 2006 RTIP to be consistent with the 2004 RTP;

WHEREAS, 23 U.S.C. § 134(a), 49 U.S.C. § 5301 *et seq.*, 23 CFR § 450.312, and 49 CFR § 613.100 require SCAG, as the designated MPO, to maintain a continuing, cooperative and comprehensive transportation planning process in its development of the RTP and RTIP;

WHEREAS, 42 U.S.C. § 7506(c)(1) requires SCAG's 2006 RTIP to conform with the applicable State Implementation Plan (SIPs) developed for the federal non-attainment and maintenance areas in the Mojave Desert Air Basin, the Ventura County portion of the South Central Coast Air Basin, the South Coast Air Basin, and the Salton Sea Air Basin;

WHEREAS, the 2006 RTIP used the most recently approved version of Emissions Factors as approved by the California Air Resources Board and the Environmental Protection Agency (EPA) for conformity analysis;

WHEREAS, Federal regulations at 23 CFR § 450.332(e) require that in non-attainment and maintenance areas, funding priority be given to timely implementation of transportation control measures (TCMs) contained in the applicable SIPs in accordance with the conformity regulations at 40 CFR Parts 51 and 93;

WHEREAS, SCAG has worked concurrently with local, state and federal jurisdictions in a continuing, cooperative and comprehensive manner as required by provisions of Federal and State law on the transportation planning processes;

WHEREAS, Federal regulations at 23 CFR § 450.316(b) require each MPO to adopt a public participation program providing, inter alia, public hearings and a reasonable opportunity for public participation, including targeted groups, prior to approval of the RTIP;

WHEREAS, the Draft 2006 RTIP was available for public review and comment from June 26, 2006 to July 25, 2006;

WHEREAS, a public hearing was conducted on the Draft 2006 RTIP on June 29, 2006 at the SCAG in Los Angeles County;

WHEREAS, SCAG in cooperation with the county transportation commissions shall aggressively pursue the following strategies to ensure the timely implementation of Transportation Control Measures:

(1) Work with appropriate transportation partners to consider substitution of projects as may be necessary.

(2) Reprioritize the funding of projects as may be necessary – working with appropriate transportation partners to identify non-TCM projects that are being delayed and shifting any programmed funds for such projects to critical TCM projects.

WHEREAS, SCAG has complied with all applicable federal requirements in developing the 2006 RTIP, including, but not limited to:

(1) TEA 21 (23 U.S.C. § 134, *et seq.*)

(2) The Metropolitan planning regulations at 23 C.F.R. § 450 *et seq*;

(3) Government Code Section 65080 *et.seq;*

(4) Sections 174 and 176(c) and (d) of the Clean Air Act [42 U.S.C. §§ 7504, 7506(c) and (d)];

(5) The Environmental Protection Agency (EPA) Transportation Conformity Rule at 40 CFR Parts 51 and 93 (August 15, 1997) and all associated courts rulings and federal guidance.

(6) Title VI of The Civil Rights Acts of 1964 and the Title VI assurance executed by each State under 23 U.S.C. § 324 and 29 U.S.C. § 794;

(7) Title II of the American with Disabilities Act of 1990 (42 U.S.C. § 120001 *et seq.*) and U.S. DOT regulations "Transportation for Individuals with Disabilities" (49 CFR Parts 27, 37, and 38); and

(8) The Department of Transportation's Final Environmental Justice Order, enacted pursuant to Executive Order 12898, which seeks to avoid disproportionately high and adverse impacts on minority and low-income populations with respect to human health and the environment and requirements set forth in U.S.D.O.T. Order 5610.2, FHWA Order 6640.23 and 23 C.F.R. § 450.316(b)(ii).

NOW, THEREFORE BE IT RESOLVED that

(1) SCAG finds as follows:

(a) The 2006 RTIP conforms with all applicable federal requirements, including the federally approved SIP's;

(b) The 2006 RTIP implements and is consistent with the adopted 2004 RTP, as required by TEA-21 and California Government Code § 65080.5(a);

(c) The 2006 RTIP is consistent and in conformance with the portions of the applicable SIPs relevant to all air basins as required by 42 U.S.C. § 7506(c)(1) and accompanying Federal regulations at 40 CFR §§ 51 and 93; and

(d) The 2006 RTIP currently demonstrates timely implementation of transportation control measures as reflected in the applicable SIPs for the South Coast Air Basin and the Ventura County portion of the South Central Coast Air Basin;

(e) The 2006 RTIP is consistent with the estimate of available funds adopted by the California Transportation Commission as required by § 14525 of the California Government Code. That the 2006 RTIP includes a Finance Plan that indicates estimated resources from public and private sources to implement the 2006 RTIP as required by 23 U.S.C. § 134(h) (2)(B);

(2) The Regional Council hereby adopts the 2006 RTIP for all six counties (Imperial, Los Angeles, Orange, Riverside, San Bernardino, and Ventura) in the SCAG region, which recognizes the following:

(a) The 2006 RTIP does not preclude future amendments which may become necessary;

(b) The 2006 RTIP constitutes endorsement for the purpose of Executive Order 12372 and 23 U.S.C. § 105; and

(c) The 2006 RTIP will, upon approval of FHWA and FTA, replace previously endorsed RTIPs;

(3) The Regional Council hereby adopts the 2006 RTIP and its conformity finding for all federal non-attainment and maintenance areas in the SCAG region;

(4) SCAG's Executive Director is authorized to transmit the 2006 RTIP and its conformity findings to the Federal Transit Administration and the Federal Highway Administration to make the final conformity determination in accordance with the Federal Clean Air Act and EPA Transportation Conformity Rule at 40 CFR Parts 51 and 93;

(5) SCAG's Executive Director is further authorized to transmit the 2006 RTIP to the Governor, the California Transportation Commission, the Federal Transit Administration and the Federal Highway Administration for inclusion in the Federal Transportation Improvement Program; and

(6) The Regional Council hereby approves and adopts the 2006 RTIP incorporating herein all of the foregoing recitals.

Adopted by the Executive Committee of the Southern California Association of Governments at a regular meeting on this 27th day of July 2006.

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Yvonne Burke
President, SCAG
Supervisor, County of Los Angeles

Attest: _____

Mark Pisano
Executive Director

Approved as to Legal Form:_____

Karen Tachiki
Legal Counsel