Transportation Conformity Working Group
Interagency Consultation
Meeting Summary

Tuesday, January 24, 2006
10:00 AM – 12:00 PM

Southern California Association of Governments
818 W 7th Street, 12th Floor
Los Angeles, CA 90017
Riverside 'A' Conference Room

The following minutes are intended to summarize the matters discussed.
An audiocassette tape of the actual meeting is available for listening in SCAG's office.

1.0 CALL TO ORDER

The meeting was called to order at 10:07 AM by Jennifer Bergener, OCTA

2.0 WELCOME AND SELF-INTRODUCTIONS

ATTENDANCE:

In Person:

Jeremy Bailey, SCAG
Grace Balmir, FHWA/FTA
Jennifer Bergner, OCTA
Jessica Kirchner, SCAG
Steven Liu, Parsons
Betty Mann, SCAG
Carolina Morgan, SCAG
Jonathan Nadler, SCAG
Sylvia Patsaouras, SCAG
Lisa Poe, SANBAG
Carla Walecka, TCA
Leann Williams, Caltrans District 07

Via Teleconference:

Mike Brady, Caltrans Headquarters
Paul Fagan, Caltrans District 08
Ilene Gallo, Caltrans Headquarters
Carol Gomez, SCAQMD
Kathryn Higgins, SCAQMD
Sandy Johnson, Caltrans District 11
Jean Mazur, FHWA
Karina O'Connor, EPA Region 9
Eyvonne Sells, SCAQMD
Dennis Wade, ARB

2.0 PUBLIC COMMENT PERIOD

There were no public comments at this meeting.

4.0 CHAIR'S REPORT

There was no report at this time.

5.0 ACTION ITEMS

5.1 Approval of the December 20, 2005 Meeting Summary

Eyvonne Sells, AQMD, stated she was following up with SCAG on the amended meeting minutes from the November meeting. Jessica Kirchner, SCAG, stated she would e-mail the members the amended November minutes.

Jean Mazur, FHWA, stated there were some typographical items that needed clarification; 6.7, Kurt Cataros last name was spelled incorrectly. Dennis Wade, ARB, stated he'd send an e-mail to Ms. Kirchner, SCAG, with the correct spelling. Ms. Mazur then pointed out that in the third paragraph, first sentence should read, "Jean Mazur, FHWA, added that there would potentially be a project PM2.5 Hotspot requirement." The last sentence in the same paragraph where it relates to project sponsors should read, "Project sponsors that would potentially need NEPA approvals or any other project approvals after the April date to let FHWA know that they anticipate this being a problem."

MOTION was then made to ACCEPT the Meeting Summary Minutes as AMENDED.

6.0 INFORMATION ITEMS

6.1 PM2.5 Hotspot Analysis (Jean Mazur, FHWA)

Jean Mazur, FHWA, stated that the RTP and TIP need to comply with the Project Conformity Requirements for the PM2.5 non-attainment areas by April 5th and, if there are going to be some hotspot requirements for project approvals this will also apply after April 5th. EPA has not yet finalized the hotspot requirements but is aiming to do so by the end of March. Caltrans and a number of other state agencies brought up that timeline will be tight if they have to do something for the hotspot requirements. FHWA expects the hotspot requirements, if there are any, to be part of a NEPA document. If a project has completed the NEPA process prior to April 5th, FHWA would then need those hotspot requirements completed prior to the next federal action taken on the project. If a project is given PS&E approval authorization or E76 for construction and no other federal actions are required and if this all occurs before April 5th, the project can go to the construction phase. FHWA suspects there will be exemptions for projects from the PM hotspot requirements, but will not know until the final rule is available. If project approval can be obtained prior to April 5th, then FHWA could potentially approve them without the hotspot analysis. Ms. Mazur emphasized that this should be kept in mind when looking at project schedules.

Mike Brady, Caltrans, agreed that emphasis should be placed on the project schedules and added that some people are looking to see if they can get smaller projects approved prior to the April 5th deadline. His concern is that unless the final rule reduces the number of projects that are subject to hotspot requirements, it may cause problems because some projects are exempt from the regional conformity analysis but do require hotspot analysis. As a result, projects that are due for construction approval in the last quarter of the fiscal year may get delayed anywhere from a few weeks to a month or more.

Karina O'Connor, EPA, stated they are trying to get more information out before the rule comes out.

6.2 <u>EPA SAFETEA-LU Guidance</u> (Karina O'Connor, US EPA)

Karina O'Connor, EPA, stated the SAFETEA-LU guidance has not yet been released, but she is expecting to see it, (under joint signature, from EPA and Federal Highways) at the end of this month. It will then be released on the web early February. Of most interest to the TCWG are the TCM Substitution and the Conformity SIP Guidance. Once these are released, the TCWG needs to discuss how substitution of TCM's occurs within the SCAB and whether this process meets the guidance as it is currently written. The TCM Substitution guidance will apply to all areas regardless whether they have their own TCM substitution mechanism in the SIP, approved or not approved.

6.3 <u>SAFETEA-LU Planning Cycle</u> (Jean Mazur, FHWA)

Jean Mazur, FHWA, stated that FHWA headquarters released clarifying guidance on the implementation of the SAFETEA-LU planning provisions. She summarized them as follows:

- Between now and July of 2007, RTP's, TIP's and STIP's can comply with all the TEA-21 planning provisions.
- A number of the MPO's were interested in going to the four-year cycle immediately. As a result of the guidance FHWA is allowing MPO's to go to the four-year RTP update cycle immediately from the date of the last adopted plan. After July 1, 2007 the plan does have to be SAFETEA-LU compliant.
- After July 1, 2007 you cannot make any amendments to a TIP if everything is not SAFETEA-LU compliant.

While the Guidance addresses the four-year cycle by putting these restrictions on the TIP, it is questionable how much MPO's are going to take advantage of the four-year cycle if they cannot make any amendments beyond July 1, 2007. The only flexibility, which is not written into the guidance, is that an MPO could adopt a new TIP after July 1, 2007 that is consistent with the TEA-21. An example of this would be, if for whatever reason an MPO in 2008 has not updated their SAFETEA-LU plans and TIP, they could adopt the TIP that is not SAFETEA-LU compliant.

Ms. Mazur asked the working group to e-mail her questions prior to the Statewide Conformity Working Group meeting on February 2nd. Ms. Mazur stated she would e-mail the Group the Administrative Amendment Guidelines that were put together by the FHWA Planning Department. Ms. Mazur went on to say that she felt that the proposed Planning Rule for SAFETEA-LU would be posted in the Federal Register in the next month or two.
It was noted that SCAG's TCWG staff would not be available to participate in the upcoming Statewide TCWG meeting because it would conflict with SCAG's Regional Council meeting.

6.4 <u>TCM Update</u> (Jessica Kirchner, SCAG)

Jessica Kirchner, SCAG, stated that the Riverside County TCM substitution will go to EEC on February 2nd and will then go on to the Regional Council. The substitution report is also available on the SCAG website for public review and comment period. Additionally Staff is starting its input into the AQMP. SCAG's input has been posted as a link appendix for review.

Sylvia Patsaouras, SCAG, stated that staff wants to make sure that any concerns or issues the group has about TCMs are addressed prior to the start of the AQMP process. Staff would like to get as much input as possible on TCM's so that when the Draft AQMP is released in a couple of months, many of the concerns have already been addressed. To develop the Draft, Staff would like these comments e-mailed to Jessica Kirchner a week prior to the next TCWG meeting so they can be discussed at that time. The next meeting will also be used to discuss

other input to the Air Plan. This subject will also be taken up at the Statewide Conformity Working Group meeting.

Chair Bergener requested that staff, once again, e-mail to the committee the UC Davis report that was published a year ago which surveys what areas have what kind of TCM's.

6.5 RTP Update (Jessica Kirchner, SCAG)

Jessica Kirchner, SCAG, stated that staff is still planning on going with a four-year cycle with the RTP. The Centerline Amendment is going to the Regional Council and the EEC. The Conformity Determination will be going to the EEC and the TCC on February 2nd.

6.6 RTIP Update (SCAG/FHWA)

There was no update at this time from SCAG staff.

Jean Mazur, FHWA, said she had met with the RTIP SCAG staff group in December. At this meeting, the question they presented to FHWA was what needed to be in the TIP in order to have a NEPA document approved. A lot of the discussion revolved around the Conformity Modeling process. When SCAG puts projects into the RTP, projects are modeled with a generic placeholder. Once a project sponsor programs money for Right-Of-Way or Construction in the TIP and there is more detailed project information, the NEPA approval should be completed. This detailed project information is then provided to SCAG as part of the TIP process. This process is where some of the confusion is coming from and is the reason why some project sponsors are wondering if a NEPA document can be signed if only PE is in the TIP. The basic answer is, if PE is in the TIP and the rest of the projects for Right-Of-Way and Construction are in the Plan and appropriately modeled in the design, concept, and scope of the preferred alternatives is consistent with what is modeled, then FHWA should be able to approve the NEPA documents.

6.7 2007 AQMP Update (SCAQMD)

Eyvonne Sells, AQMD, stated they recently held three Agency Consultation Meetings which outlined the AQMP elements and identified major outstanding issues. The meeting was held between the District, SCAG, and CARB. AQMD is currently waiting for CARB's revised emission factors (i.e., EMFAC 2007) in order to perform the air quality modeling for the 2007 AQMP. Jonathan Nadler pointed out that these emission factors will become "latest planning assumptions" and will ultimately have implications for conformity. AQMD is also working with SCAG to ensure they receive growth forecast and transportation data for the appropriate milestone years. A February meeting date is yet to be determined. AQMD anticipates having a three agency retreat to identify some of the control measures. The retreat date has not been determined.

Karina O'Connor, EPA, added that ARB will soon be releasing a letter that addresses in more detail the SIP being released, public release of EMFAC, and planning assumptions. The SIP will also be talked about at the Statewide Conformity Working Group.

6.8 Reauthorization Guidance (FHWA)

Jean Mazur, FHWA, stated that the Conformity Guidance and Proposed Rule should be coming out shortly. Once the Proposed Rule is released, the agencies can make comments on what they think the final Rule should be.

6.9 Information Sharing (Group Discussion)

Steven Liu, Parsons, directed a question to Jean Mazur, FHWA, asking if there was a new CO protocol being issued because Parson's was using protocol from 1997-1998. Mike Brady, Caltrans, addressed the question stating that the CO protocol Parson's was using is still good. There will be no major changes to the protocol in the future other than possibly redoing Appendix A and bringing a few minor points up to date.

7.0 ADJOURNMENT

The meeting adjourned at 11:17 A.M. The next meeting of the TCWG will be on Tuesday, February 28, 2006 at SCAG.