



RESOLUTION NO. 22-647-2

A RESOLUTION OF THE SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS APPROVING THE 2022/23 – 2027/28 FEDERAL TRANSPORTATION IMPROVEMENT PROGRAM (2023 FTIP)

SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS 900 Wilshire Blvd., Ste. 1700 Los Angeles, CA 90017 T: (213) 236-1800 www.scag.ca.gov

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WHEREAS, the Southern California Association of Governments (SCAG) is the federally designated Metropolitan Planning Organization (MPO) pursuant to 23 U.S.C. § 134(d) 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)/Sustainable Communities Strategy (SCS) and the Federal Transportation Improvement Program (FTIP) pursuant to 23 U.S.C. § 134 et seq., 49 U.S.C. § 5303 et seq., and 23 C.F.R. § 450.312; and

WHEREAS, under state law, SCAG is the multicounty designated transportation planning agency and, as such, is responsible for preparation of the RTP/SCS under California Government Code § 65080 et seq., and the FTIP under California Government Code § 65082 and Public Utilities Code § 130301 et seq.; and

WHEREAS, under federal metropolitan transportation planning law, 23 U.S.C. § 134 et seq. and implementing regulations under 23 C.F.R Part 450, a MPO shall develop and update a FTIP for the metropolitan planning area covering a period of no less than four years. In addition, under state law, the FTIP must be updated every two years and submitted to the United States Secretary of Transportation (Secretary) so as to be consistent with the State Transportation Improvement Program (STIP). The SCAG Regional Council adopted and approved the FY 2020/21 – 2025/26 FTIP (2021 FTIP) in March 2021; and

WHEREAS, the 2023 FTIP is an update to the 2021 FTIP, and it is a staged, multi-year, intermodal program of transportation projects which covers six fiscal years, includes a priority list of projects to be carried out in the first four fiscal years (2022/23, 2023/24, 2024/25, and 2025/26) and a listing of obligated projects from prior years that may require state or federal action. Projects in the additional two years (2026/27 and 2027/28) are to be considered by the Federal Highway Administration (FHWA) and Federal Transportation Agency (FTA) as informational. The 2023 FTIP is composed of approximately 1,720 transportation projects with \$35.9 billion dollars programmed in fiscal years FY 2022/23 to FY 2027/28; and

WHEREAS, in a nonattainment or maintenance area designated by the U.S. Environmental Protection Agency (US EPA) for one or more

transportation-related criteria pollutants, the MPO, as well as the FHWA and FTA, must make a transportation conformity determination on the RTP and FTIP in accordance with the federal Clean Air Act to ensure that federally supported highway and transit project activities conform to the purpose of the applicable State Implementation Plan (SIP); and

WHEREAS, transportation conformity for the 2023 FTIP is based upon a positive conformity finding with respect to the following tests: (1) consistency with the adopted RTP/SCS as amended, (2) regional emissions analysis, (3) timely implementation of Transportation Control Measures (TCMs), (4) financial constraint, and (5) interagency consultation and public involvement; and

WHEREAS, the SCAG Regional Council adopted the 2020-2045 RTP/SCS in May 2020 for federal transportation conformity purposes only pursuant to 42 U.S.C. § 7506(c)(1) which requires the 2020-2045 RTP/SCS to conform with the applicable SIPs developed for the federal nonattainment and maintenance areas in the SCAG region. On June 5, 2020, FHWA/FTA, in coordination with US EPA Region 9, determined that the 2020-2045 RTP/SCS conforms to the applicable SIPs; and

WHEREAS, on September 3, 2020, the SCAG Regional Council approved and adopted the 2020-2045 RTP/SCS for all purposes; and

WHEREAS, on November 4, 2021, the SCAG Regional Council approved Amendment No. 1 to the 2020-2045 RTP/SCS and the 2021 FTIP Consistency Amendment No. 21-05 including the associated transportation conformity determination. On January 4, 2022, FHWA/FTA, in coordination with the US EPA Region 9, determined that Amendment No. 1 and 2021 FTIP Consistency Amendment No. 21-05 conform to the applicable SIPs; and

WHEREAS, 23 U.S.C. § 134(j)(3)(C) and 23 C.F.R. § 450.324(g) requires each project or project phase in the 2023 FTIP to be consistent with the 2020-2045 RTP/SCS; and

WHEREAS, 42 U.S.C. § 7506(c)(1) also requires the 2023 FTIP to conform with the applicable SIPs developed for the federal nonattainment and maintenance areas in the SCAG region; and

WHEREAS, SCAG staff has conducted an analysis of the 2023 FTIP and found that it complies with federal and state metropolitan planning requirements and is consistent with the 2020-2045 RTP/SCS as amended and its policies, programs, and projects; and

WHEREAS, the regional emissions analyses for the 2023 FTIP are identical to the regional emissions analyses for the 2020-2045 RTP/SC Amendment No 2. The regional emissions analyses used the EMFAC2014 model developed by the California Air Resources Board (CARB) and approved by US EPA for conformity analysis that started before or on August 15, 2021. Furthermore, the regional emissions analyses for all applicable transportation-related criteria pollutants and precursors meet all applicable emission budget tests or interim emission tests (build/no-build test) for all milestone, attainment, and planning horizon years in all nonattainment and maintenance areas; and

WHEREAS, pursuant to 23 C.F.R. § 450.330(e) and 40 C.F.R. Parts 51 and 93, the TCM project categories and strategies identified in the applicable SIPs in the SCAG region were given funding

priority, are expected to be implemented on schedule and, in the case of any delays, any obstacles to implementation have been or are being overcome; and

WHEREAS, the 2023 FTIP includes a Financial Plan that indicates estimated available resources including resources from public and private sources are reasonably expected to be available to carry out the 2023 FTIP as required by 23 U.S.C. § 134(h)(2)(b) and 23 C.F.R. § 450.324(e); and

WHEREAS, SCAG has worked concurrently with local, state, and federal jurisdictions in a continuing, cooperative and comprehensive manner as required by federal and state metropolitan transportation planning provisions; and

WHEREAS, 23 C.F.R. § 450.330(a) requires each MPO to adopt a public participation program. The SCAG's Regional Council adopted an updated Public Participation Plan on April 7, 2022, to serve as a guide for SCAG's public involvement process and provide more explicit details as to SCAG's strategies, procedures and techniques for public participation on the RTP/SCS, FTIP and the Overall Work Program (OWP). Such strategies, procedures and techniques require SCAG to hold a public hearing regarding a draft FTIP; and

WHEREAS, in accordance with the interagency consultation requirements, 40 C.F.R. § 93.105 as well as the provisions of SCAG's Public Participation Plan, SCAG consulted with the respective transportation and air quality planning agencies throughout the 2023 FTIP development process, which involved discussion of a draft of the 2023 FTIP with the Transportation Conformity Working Group (a forum for implementing the interagency consultation requirements). In addition, the Executive Administration Committee acting on behalf of the SCAG Regional Council authorized the release of the Draft 2023 FTIP for a 30-day public review and comment period on July 7, 2022. The Draft 2023 FTIP was available for public review and comment from July 8 to August 8, 2022 during which time SCAG held two (2) public hearings regarding the Draft 2023 FTIP on July 19, 2022 and July 28, 2022 respectively; and

WHEREAS, comments received during the public review and comment period were considered by staff and appropriately addressed as part of the final version of the Draft 2023 FTIP; and

WHEREAS, projects in the 2023 FTIP satisfy the transportation conformity provisions of 40 C.F.R. § 93.122(g) and all applicable transportation planning requirements per 23 C.F.R. Part 450 including the establishment of performance management targets for safety performance measures for all public roads in the planning region; and

WHEREAS, SCAG encourages the CTCs to use multiple equity oriented criteria outlined in the adopted Racial Equity Early Action Plan (EAP) approved by SCAG's Regional Council in May 2021 or CTC Board approval, which should simultaneously consider benefits, burdens, and engagement for a holistic assessment of projects; in selecting and prioritizing projects for inclusion in the County TIPs; and

WHEREAS, the conformity analysis of the 2023 FTIP has been conducted simultaneously with that for the Amendment No. 2 to the 2020-2045 RTP/SCS in order to address the consistency requirement of federal law; and

WHEREAS, the transportation conformity analyses and determinations of the proposed final 2023 FTIP and the proposed final Amendment No. 2 to the 2020-2045 RTP/SCS were considered by SCAG's Energy and Environment Committee (EEC). At its September 1, 2022 meeting, SCAG's EEC approved staff's recommended action that the Regional Council approve the transportation conformity determinations of the proposed final 2023 FTIP and the proposed final Amendment No. 2 to the 2020-2045 RTP/SCS and direct staff to submit to the FHWA and FTA for approvals at its October 6, 2022 meeting; and

WHEREAS, SCAG's Regional Council has reviewed the final 2023 FTIP and related staff reports and materials, which are incorporated herein by this reference; and

WHEREAS, the Regional Council has and hereby grants authority to SCAG's Executive Director to approve FTIP amendments and associated conformity determination and to transmit to the state and federal agencies amendments to the most currently approved FTIP; and

WHEREAS, the Regional Council has and hereby accepts delegation from Caltrans and delegates authority to SCAG's Executive Director to approve FTIP Administrative Modifications for submittal into the FSTIP consistent with approved FSTIP/FTIP Administrative Modification and Amendment Procedures as may be amended and subject to approval by Caltrans.

NOW, THEREFORE BE IT RESOLVED, by the Regional Council of the Southern California Association of Governments as follows:

1. The Regional Council approves and adopts the 2023 FTIP for all six (6) counties (Imperial, Los Angeles, Orange, Riverside, San Bernardino and Ventura) in the SCAG region for the purpose of complying with federal and state metropolitan transportation planning requirements. In adopting the 2023 FTIP, the Regional Council finds as follows:
 - a. The 2023 FTIP complies with all applicable federal and state requirements and regulations; and
 - b. The 2023 FTIP implements and is consistent with SCAG's 2020-2045 RTP/SCS as amended; and
 - c. The 2023 FTIP passes all required transportation conformity tests and demonstrates positive transportation conformity.
2. In approving the 2023 FTIP, the Regional Council, approves the staff findings and incorporates all of the foregoing recitals in this Resolution.
3. SCAG's Executive Director or his designee shall transmit the 2023 FTIP and associated conformity determination 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 C.F.R. Parts 51 and 93.

PASSED, APPROVED AND ADOPTED by the Regional Council of the Southern California Association of Governments at its regular meeting this 6th day of October 2022.



Jan C. Harnik
President, SCAG
Riverside County Transportation Commission

Attested by:



Darin Chidsey, Chief Operating Officer, on behalf of
Kome Ajise
Executive Director

Approved as to Form:



Michael R.W. Houston
Chief Counsel