
**Transportation Conformity Determination Report for
the 1997 ozone NAAQS**

Triangle Region

*Capital Area Metropolitan Planning Organization
(CAMPO)*

- *2020-2029 Transportation Improvement Program*

*Durham-Chapel Hill-Carrboro Metropolitan Planning
Organization (DCHC MPO)*

- *2045 Metropolitan Transportation Plan (MTP) Amendments*
- *2020-2029 Transportation Improvement Program*

*Burlington-Graham Metropolitan Planning Organization
(BG MPO)*

- *2020-2029 Transportation Improvement Program*

NC DOT (for projects outside of MPO boundaries)

- *2020-2029 Transportation Improvement Program*

Adoption Dates: December 11, 2019 (DCHC MPO)
October 16, 2019 (CAMPO)
October 15, 2019 (BG MPO)

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Acknowledgements

This *Transportation Conformity Report* for the DCHC MPO 2045 Metropolitan Transportation Plan (MTP) and the CAMPO, DCHC MPO, BG MPO and NCDOT 2020-2029 Transportation Improvement Programs (TIPs) was prepared by the Triangle J Council of Governments. Individuals from the following agencies contributed their efforts towards the completion of the Transportation Conformity Determination Report. They include:

- NC Capital Area Metropolitan Planning Organization
- Durham-Chapel Hill-Carrboro Metropolitan Planning Organization
- Burlington-Graham Metropolitan Planning Organization
- NC Department of Transportation
- NC Department of Environmental Quality, Division of Air Quality
- US Federal Highway Administration
- US Federal Transit Administration
- US Environmental Protection Agency

Executive Summary

As part of their transportation planning processes, the North Carolina Capital Area Metropolitan Planning Organization (CAMPO), the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC MPO), the Burlington-Graham Metropolitan Planning Organization (BG MPO) and the North Carolina Department of Transportation (NCDOT) completed the transportation conformity process for amendments to the 2045 MTP (DCHC MPO) and for the 2020-2029 TIP (DCHC MPO, CAMPO, BG MPO and NCDOT). This report documents that the 2045 MTP and 2020-2029 TIP meet the federal transportation conformity requirements in 40 CFR Part 93.

Clean Air Act (CAA) section 176(c) (42 U.S.C. 7506(c)) requires that federally funded or approved highway and transit activities are consistent with ("conform to") the purpose of the State Implementation Plan (SIP). Conformity to the purpose of the SIP means that transportation activities will not cause or contribute to new air quality violations, worsen existing violations, or delay timely attainment of the relevant NAAQS or any interim milestones. 42 U.S.C. 7506(c)(1). U.S. EPA's transportation conformity rules establish the criteria and procedures for determining whether metropolitan transportation plans, transportation improvement programs (TIPs), and federally supported highway and transit projects conform to the SIP. 40 CFR Parts 51.390 and 93.

On February 16, 2018, the United States Court of Appeals for the District of Columbia Circuit in *South Coast Air Quality Mgmt. District v. EPA* ("South Coast II," 882 F.3d 1138) held that transportation conformity determinations must be made in areas that were either nonattainment or maintenance for the 1997 ozone national ambient air quality standard (NAAQS) and attainment for the 2008 ozone NAAQS when the 1997 ozone NAAQS was revoked. These conformity determinations are required in these areas after February 16, 2019. The Research Triangle Region was "maintenance" at the time of the 1997 ozone NAAQS revocation on April 6, 2015 and was also designated attainment for the 2008 ozone NAAQS on May 21, 2012. Therefore, per the *South Coast II* decision, this conformity determination is being made for the 1997 ozone NAAQS on the MTP and TIP.

This conformity determination was completed consistent with CAA requirements, existing associated regulations at 40 CFR Parts 51.390 and 93, and the *South Coast II* decision, according to EPA's *Transportation Conformity Guidance for the South Coast II Court Decision* issued on November 29, 2018.

1.0 Background

1.1 Transportation Conformity Process

The concept of transportation conformity was introduced in the Clean Air Act (CAA) of 1977, which included a provision to ensure that transportation investments conform to a State implementation plan (SIP) for meeting the Federal air quality standards. Conformity requirements were made substantially more rigorous in the CAA Amendments of 1990. The transportation conformity regulations that detail implementation of the CAA requirements were first issued in November 1993, and have been amended several times. The regulations establish the criteria and procedures for transportation agencies to demonstrate that air pollutant emissions from metropolitan transportation plans, transportation improvement programs and projects are consistent with (“conform to”) the State’s air quality goals in the SIP. This document has been prepared for State and local officials who are involved in decision making on transportation investments.

Transportation conformity is required under CAA Section 176(c) to ensure that Federally-supported transportation activities are consistent with (“conform to”) the purpose of a State’s SIP. Transportation conformity establishes the framework for improving air quality to protect public health and the environment. Conformity to the purpose of the SIP means Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) funding and approvals are given to highway and transit activities that will not cause new air quality violations, worsen existing air quality violations, or delay timely attainment of the relevant air quality standard, or any interim milestone.

U. S. EPA originally declared Durham County, Wake County and Dutchville Township in Granville County non-attainment for ozone (O₃) under the 1-hour ozone standard and Durham County and Wake County non-attainment for Carbon Monoxide (CO) on November 15, 1990. Ozone, the primary component of smog, is a compound formed when volatile organic compounds (VOC) and oxides of nitrogen (NO_x) mix together in the atmosphere with sunlight. NO_x and VOC are referred to as ozone “precursors.” Durham County, Wake County and Dutchville Township were redesignated by U. S. EPA to attainment with a maintenance plan for ozone under the 1-hour standard on June 17, 1994 and Durham County and Wake County were redesignated by U. S. EPA to attainment with a maintenance plan for CO on September 18, 1995. The 20-year CO maintenance requirements for the Triangle expired in 2015.

In 1997, the NAAQS for ozone was reviewed and revised to reflect improved scientific understanding of the health impacts of this pollutant. When the standard was revised in 1997, an eight-hour ozone standard was established that was designed to replace the

one-hour standard. The U. S. EPA designated the entire Triangle area as a “basic” non-attainment area for ozone under the eight-hour standard with an effective date of June 15, 2004; the designation covered the following geographic areas:

- Durham County
- Wake County
- Orange County
- Johnston County
- Franklin County
- Granville County
- Person County
- Baldwin, Center, New Hope and Williams Townships in Chatham County

On December 26, 2007, the Triangle Area was redesignated as attainment with a maintenance plan for ozone under the eight-hour standard.

The U.S. Court of Appeals for the DC Circuit in the South Coast Air Quality Management District v EPA, No. 15-1115, issued a decision on February 16, 2018. In that decision, the Court struck down portions of the 2008 Ozone National Ambient Air Quality Standards (NAAQS) State Implementation Plan Requirements Rule which vacated the revocation of transportation conformity requirements for the 1997 8-hour Ozone NAAQS.

In November 2018, U. S. EPA issued Guidance for the South Coast v EPA Court Decision. U. S. EPA’s guidance states that transportation conformity for MTPs and TIPs for the 1997 ozone NAAQS can be demonstrated without a regional emissions analysis pursuant to 40 CFR 93.109(c). Transportation conformity for the 1997 ozone NAAQS would be required on MTP and TIP actions as of February 16, 2019.



2.0 2045 Metropolitan Transportation Plan

The *Connect2045 Metropolitan Transportation Plan* is one part of the MPO's transportation planning process. The *Connect2045 Metropolitan Transportation Plan* (2045 MTP) was developed by DCHC MPO and CAMPO between 2015 and 2018. Federal law *40 CFR part 93.104(b)(3)* requires a conformity determination of transportation plans no less frequently than every four years. As required in *40 CFR 93.106*, the analysis years for the transportation plans are no more than ten years apart. The DCHC MPO is amending its 2045 MTP to incorporate the 2020-2029 TIP. The DCHC MPO area includes all of Durham County and parts of Orange and Chatham Counties. CAMPO recently completed amendments to the 2045 MTP and the CAMPO board approved the Air Quality Conformity Determination Report for the MTP amendments and related 2018-2027 TIP amendments on August 21, 2019. The BG MPO has a separate 2040 MTP that is not being amended.

The Transportation Plan used the latest adopted planning assumptions as discussed in *40 CFR 93.110*, and were adopted as part of the Plan. Four components combine to represent planning assumptions and translate them into travel:

- a. A single travel demand model was developed for the urbanized portion of the Triangle maintenance area, including all of the DCHC MPO and CAMPO areas and the portion of the Burlington-Graham MPO within Orange County.
- b. A single set of population, housing and employment projections was developed and adopted by the MPOs, using GIS-based growth allocation.
- c. A set of highway and transit projects that was consistent across jurisdiction boundaries was developed and refined through partner cooperation.
- d. Forecasts of travel entering and leaving the modeled area were updated to reflect the most recent traffic count data.

This collection of socioeconomic data, highway and transit networks and travel forecast tools and methods, representing the latest planning assumptions, was finalized through the adoption of the Metropolitan Transportation Plan. Additional detail on planning assumptions is available in the MTP documents, which are available from DCHC MPO, CAMPO and the Triangle J Council of Governments.

The Transportation Plan is fiscally constrained as discussed in *40 CFR 93.108*. The Plan is fiscally constrained to the year 2045. The estimates of available funds are based on historic funding availability and methods used in the NCDOT Strategic Transportation Investments legislation and policy, and include federal, state, private, and local funding sources. Additional detail on fiscal constraint is included in the MPO transportation plan.

This conformity determination is for an amendment to the DCHC 2045 MTP. The projects that constitute this amendment are listed in Appendix A and consist of changes to the highway project list in the *Connect2045 MTP* and fixed guideway and premium transit projects described in Chapter 7.3 of the MTP. Text changes to the *Connect2045* report reflect the project changes summarized in Appendix A of this CDR.



3.0 2020-2029 Transportation Improvement Program (TIP)

The 2020-2029 TIP is one part of an MPO's transportation planning process. The planning process includes the development of a Metropolitan Transportation Plan (MTP). The MPO adopts the long-range transportation plan. As projects in these long-range plans advance to implementation, they are programmed in the TIP for study, design, right-of-way acquisition and construction, provided they attain environmental permits and other necessary clearances.

The purpose of the TIP is to set forth an MPO's near-term program for transportation projects. The TIP is prepared according to an MPO's procedures. An MPO Committee works with the State DOT and the appropriate transit operators in developing a draft TIP. Following public and agency review, the TIP is typically approved by the State DOT (as part of the STIP), and the MPO. The TIP is forwarded to the State DOT, then on to federal funding agencies – the Federal Highway Administration, and the Federal Transit Administration.

This conformity determination is on the new 2020-2029 TIP. Projects in each MPO TIP and the NCDOT STIP are available on each MPO's web site and from the NCDOT and Triangle J Council of Governments.

4.0 Transportation Conformity Determination: General Process

Per the court's decision in *South Coast II*, beginning February 16, 2019, a transportation conformity determination for the 1997 ozone NAAQS will be needed in 1997 ozone NAAQS nonattainment and maintenance areas identified by EPA¹ for certain transportation activities, including updated or amended metropolitan MTPs and TIPs. Once U.S. DOT makes its 1997 ozone NAAQS conformity determination for the MTP and 2020-2029 TIP, conformity will be required no less frequently than every four years. This conformity determination report will address transportation conformity for the 2045 MTP in the DCHC MPO area and 2020-2029 TIP for DCHC MPO, CAMPO, BG MPO and NCDOT in the portion of the Triangle maintenance area outside of the MPO boundaries.

¹ The areas identified can be found in EPA's "Transportation Conformity Guidance for the South Coast II Court Decision, EPA-420-B-18-050, available on the web at: www.epa.gov/state-and-local-transportation/policy-and-technical-guidance-state-and-local-transportation .

50 Transportation Conformity Requirements

5.1 Overview

On November 29, 2018, EPA issued **Transportation Conformity Guidance for the South Coast II Court Decision**² (EPA-420-B-18-050, November 2018) that addresses how transportation conformity determinations can be made in areas that were nonattainment or maintenance for the 1997 ozone NAAQS when the 1997 ozone NAAQS was revoked, but were designated attainment for the 2008 ozone NAAQS in EPA's original designations for this NAAQS (May 21, 2012).

The transportation conformity regulation at 40 CFR 93.109 sets forth the criteria and procedures for determining conformity. The conformity criteria for MTPs and TIPs include: latest planning assumptions (93.110), latest emissions model (93.111), consultation (93.112), transportation control measures (93.113(b) and (c), emissions budget and/or interim emissions (93.118 and/or 93.119). For the 1997 ozone NAAQS areas, transportation conformity for MTPs and TIPs for the 1997 ozone NAAQS can be demonstrated without a regional emissions analysis, per 40 CFR 93.109(c). This provision states that the regional emissions analysis requirement applies one year after the effective date of EPA's nonattainment designation for a NAAQS and until the effective date of revocation of such NAAQS for an area. The 1997 ozone NAAQS revocation was effective on April 6, 2015, and the *South Coast II* court upheld the revocation. As no regional emission analysis is required for this conformity determination, there is no requirement to use the latest emissions model, or budget or interim emissions tests.

Therefore, transportation conformity for the 1997 ozone NAAQS for the DCHC MPO 2045 MTP Amendment and 2020-2029 TIP for DCHC MPO, CAMPO, BG MPO and NCDOT for the portion of the maintenance area outside of MPO boundaries can be demonstrated by showing the remaining requirements in Table 1 in 40 CFR 93.109 have been met. These requirements, which are laid out in Section 2.4 of EPA's guidance and addressed below, include:

- Latest planning assumptions (93.110)
- Consultation (93.112)
- Transportation Control Measures (93.113)
- Fiscal constraint (93.108)

² Available from <https://www.epa.gov/sites/production/files/2018-11/documents/420b18050.pdf>

52 Latest Planning Assumptions

The use of latest planning assumptions in 40 CFR 93.110 of the conformity rule generally apply to regional emissions analysis. In the 1997 ozone NAAQS areas, the use of latest planning assumptions requirement applies to assumptions about transportation control measures (TCMs) in an approved SIP.

The North Carolina SIP does not include any TCMs, see also Section 5.4.

53 Consultation Requirements

The consultation requirements in 40 CFR 93.112 were addressed both for interagency consultation and public consultation.

Interagency consultation was conducted with DCHC MPO, CAMPO, BG MPO, NC DOT, NC DAQ, FHWA, FTA, and EPA. Interagency consultation was conducted consistent with the North Carolina Conformity SIP.

Public consultation was conducted consistent with planning rule requirements in 23 CFR 450, and in conformance with CAMPO's, DCHC MPO's, and BG MPO's adopted Public Involvement Policies. Public comment periods varied for each participating MPO, typically ending on the date of the public hearing. The dates of the public hearings for each MPO were:

December 11, 2019 (DCHC MPO)
 October 16, 2019 (CAMPO)
 October 15, 2019 (BG MPO)

No public comments were received. Agency comments, and responses to these comments, are contained in Appendix E.

54 Timely Implementation of TCMs

The North Carolina SIP does not include any TCMs.

55 Fiscal Constraint

Transportation conformity requirements in 40 CFR 93.108 state that transportation plans and TIPs must be fiscally constrained consistent with DOT's metropolitan planning regulations at 23 CFR part 450. The 2045 MTP and 2020-2029 TIP are fiscally constrained, as demonstrated in Chapter 8 of the 2045 MTP.

Conclusion

The conformity determination process completed for the amended 2045 DCHC MPO MTP and new 2020-2029 TIP for DCHC MPO, BG MPO, CAMPO and NCDOT demonstrates that these planning documents meet the Clean Air Act and Transportation Conformity rule requirements for the 1997 ozone NAAQS.

APPENDIX A: 2045 DCHC MPO MTP Amendments

List of Changes for Durham-Chapel Hill-Carrboro MPO 2045 MTP Amendments

Changes to 2045 MTP Appendix 1: Roadway Project List

Sorted by Project Name. **Bold font** denotes additions. ~~Strikethrough~~ denotes deletions.

MTP ID	Highway Project	From	To	Existing Lanes	Proposed Lanes	Improvement Type(a)	Length (miles)	Estimated Cost	STI Tier	Reg. Sig.(a)	Exempt (c)	TIP#
2025 Horizon Year												
43 (c)	I-40	US 15-501	NC 86	4	6	Widening	3.9	29,316,000	St	Yes	No	I-3306 AB
89.3 (e)	Orange Grove Connector	Orange Grove Rd	US 70	-	2	New Location	0.4	5,299,000	Div	No	No	U-5848
2035 Horizon Year												
504 (g)	Cole Mill Rd Extension	NC 147	Hillsborough Rd	0	4	New	0.3	\$23,980,000	Div	No	No	N/A
367 (e)	Erwin Rd	Cameron Blvd	W Main St	4	4	Modernization	1.8	12,025,000	Div	No	-	N/A
111 (d)	Fordham Blvd (US 15-501)	I-40	Ephesus Church Rd	4	4	Modernization	1.6	2,052,000 33,726,000	St	Yes	No	U-5304F
240 (d)	Fordham Blvd (US 15-501)	Ephesus Church Rd	NC 54	4	4	Modernization	2.1	45,498,000 35,344,000	St	Yes	No	U-5304D
73 (d)	Fordham Blvd (US 15-501)	NC 54	NC 86 (S Columbia)	4	4	Modernization	2.3	49,832,000 28,285,000	St	Yes	No	U-5304B
204 (d)	Fordham Blvd/Raleigh Rd	Interchange	--	-	-	Upgrade	N/A	14,800,000	St	No	93.127	U-5774A
626 (d)	Fordham Blvd/ S Columbia St	Interchange	--	-	-	Upgrade	N/A	35,000,000 33,040,000	St	Yes	No	U-5304A
48.1 (h)	I-85	Mt Herman Church Rd	Durham County Line	4	6	Widening	2.5	39,118,000	St	Yes	No	I-5983
48 (h)	I-85	I-40	Mt Herman Church Rd	4	6	Widening	6.0	197,738,000	St	Yes	No	N/A
48 (h)	I-85	Orange Grove Rd	Sparger	4	6	Widening	7.8	133,400,000	St	Yes	No	I-0305

MTP ID	Highway Project	From	To	Existing Lanes	Proposed Lanes	Improvement Type(a)	Length (miles)	Estimated Cost	STI Tier	Reg. Sig.(a)	Exempt (c)	TIP#
504.1 (f) (g)	NC 147/Cole Mill Rd Extension	Interchange	--	-	-	New	N/A	(see #504)	St	Yes	No	N/A
64.12 (d)	NC 147 (Operational Improvements)	W Chapel Hill St	Briggs Av	4	4	Modernization	3.0	58,400,000 58,000,088	St	No	No	U-5937
64.13 (d)	NC 147 (possible managed lanes)	East End Conn Future I-885	I-40	4	8	Widening	3.9	179,248,000	St	Yes	No	U-5934
69.21 (d)	NC 54	Highgate Dr	Fayetteville Rd	4	4	Modernization	0.4	(see #69.2)	Reg	No	93.126	U-5774H
70.5 (f)	NC 54/Falconbridge Rd/Southwest Durham Drive	Interchange	--	-	-	New	N/A	(see #70)	Reg	Yes	No	U-5774D
70.6 (f)	NC 54/Farrington Rd	Grade Separation	--	-	-	New	N/A	(see #70)	Reg	Yes	No	U-5774E
87 (d)	S Churton St	Eno River (Hillsborough)	I-40	2	4	Widening	2.2	31,825,000 54,055,000	Div	No	No	U5845
476 (e)	University Dr	MLK Parkway	Shannon Rd	5	4	Modernization	0.5	768,000	Div	No	-	N/A
438 (g)	US 15-501	US 64 Bypass (Pittsboro)	Smith Level Rd	4	4	Synchronized Street	10.5	45,640,000	St	Yes	No	U-6192
113.2 (f)	US 15-501/Mt Moriah Rd	Grade separation	--	-	-	New	N/A	(See #113)	St	Yes	No	U-6067
113.3 (f)	US 15-501/Southwest Durham Dr	Interchange	--	-	-	New	N/A	(See #113)	St	Yes	No	U-6067
113.4 (f)	US 15-501/New collector road	Grade separation	--	-	-	New	N/A	(See #113)	St	Yes	No	U-6067
485 (d)	US 70 (freeway conversion)	Lynn Rd	S Miami Blvd	4	6	Freeway	1.6	111,020,000 62,700,000	St	Yes	No	U-5720A
485.1 (f)	US 70/Lynn Rd Extension	Interchange	--	-	-	New	N/A	(see #485)	St	Yes	No	U-5720A
116.1 (d)	US 70/Miami Blvd/Sherron Rd	Interchange	--	-	-	New	N/A	\$46,621,000 73,200,000	St	Yes	No	U-5720B
116.2 (f)	US 70/Angier Av	Interchange	--	-	-	New	N/A	(see #116)	St	Yes	No	U-5720C

These footnotes clarify the table data on the previous pages.

- (a) Reg. Sig. means Regionally Significant. Changes to these projects, e.g., deletion from the plan, could require a new air quality conformity determination.
- (b) Projects that are exempt may continue to move forward in the case of a plan lapse whereas non-exempt projects will not receive federal action until there is an approved MTP. In this column, exempt projects are indicated by the regulation section that provides the exemption, e.g., 93.126.
- (c) This project is to be moved from the 2035 project horizon to the 2025 horizon. It has been advanced in the Transportation Improvement Plan (TIP).
- (d) This project is to be moved from the 2025 project horizon to the 2035 horizon. It has been delayed in the Transportation Improvement Plan (TIP).
- (e) This project is to be deleted from the 2045 MTP.
- (f) These are separately identified interchange and grade separation projects that are funded as part of a larger roadway project.
- (g) These are new projects for the 2045 MTP.
- (h) This project consolidates into a new, single project in the 2045 MTP.

Changes for Durham-Chapel Hill-Carrboro MPO 2045 MTP Transit Corridor Projects

Project Title	Emissions Analysis Status	Programming Description	Explanation of Need for MTP Amendment	Requested by
Central Durham to Chapel Hill Premium Bus/BRT	Regionally Significant	Investment that would closely approximate the corridor and activity centers of the original Durham-Orange Light Rail Transit (D-O LRT) from the 2045 MTP. This project would likely be examined in different segments with services that utilize all or parts of infrastructure segments. Facilities might include dedicated bus lanes, enhanced bus stops and stations, and bus signal preemption. The corridor would include, but not be limited to: the former D-O LRT alignment; US 15-501 between Durham and Chapel Hill; US 15-501 bypass in Chapel Hill; US 15-501 bypass in Durham; the NC 147 and NCRR line accessing North Carolina Central University (NCCU), downtown Durham and Duke University and Medical Center; NC54 between I-40 and UNC; and UNC to downtown Carrboro.	DO LRT project withdrawn from consideration for state and federal funding	DCHC MPO
Central Durham to Wake County Premium Bus/BRT	Regionally Significant	Investment that would connect Central Durham to RTP and western Wake County communities. NC 147 widening will likely add two lanes per direction, and one of those additional lanes could be used as an express/bus lane for premium bus/BRT service.	Align with CAMPO Raleigh-RTP BRT MTP project (CAMPO ID #156); take advantage of evolving design of NC147 widening project (TIP# U-5934)	DCHC MPO
Pittsboro to Chapel Hill Premium Bus/BRT	Not Regionally Significant	Investment that would connect Pittsboro, Chatham Park (burgeoning large scale development), Chapel Hill, and the UNC campus and health care facilities. Service and amenity upgrades might include short headways, express service, full service stations, sheltered bus stops, signal preemption, and other characteristics often associated with BRT.	Leverage the current bus service in that corridor by connecting to the future North-South BRT in Chapel Hill to create a more efficient, seamless service	DCHC MPO
Hillsborough to Chapel Hill Premium Bus/BRT	Not Regionally Significant	Investment that would connect Hillsborough, expanding UNC healthcare and community college facilities, and Chapel Hill. Service and amenity upgrades might include short headways, express service, full service stations, sheltered bus stops, signal preemption, and other characteristics often associated with BRT.	Leverage the current bus service in that corridor by connecting to the future North-South BRT in Chapel Hill to create a more efficient, seamless service	DCHC MPO
Durham to Mebane rapid rail service (commuter rail)	Regionally Significant	Commuter rail investment that would connect Durham to Mebane. The current description is Durham-to-Hillsborough. Changing the description to extend the service to the MPO boundary allows Durham-to-Mebane service to be analyzed	enable extension of commuter rail to Mebane based on cost, ridership and partner revenue contributions	DCHC MPO

APPENDIX B: Conformity Process Schedule

NCDOT releases 2020-29 STIP:	August 7, 2019
Initial conformity partner consultation - request comment on schedule & report format:	August 9, 2019
MPOs provide tables of any MTP amendments and lists of TIP projects:	August 14, 2019
Draft CDR complete and sent to MPOs and agency partners for review and comment:	August 15, 2019
MPO Authorization to release draft conformity report for public comment:	August 21, 2019 (BG MPO) September 11, 2019 (DCHC) September 11, 2019 (CAMPO)
Target date for receipt of all FHWA, FTA, EPA and DAQ comments:	September 30, 2019
Updated Draft of CDR with agency comments and responses:	October 9, 2019
Target date for NCDOT Conformity Finding for the donut areas:	November 13, 2019
Public Hearing and Action on TIP, MTP amendment(s) and Conformity Determination:	December 11, 2019 (DCHC) October 16, 2019 (CAMPO) October 15, 2019 (BG MPO)
Federal Action (USDOT determination and letter to State/MPO):	March 2020
Conformity Process complete:	March 2020

APPENDIX C: Interagency Consultation

Interagency consultation followed a process similar to that used in recent conformity determinations:

1. The MPOs, NCDOT, Triangle J COG and FHWA staff discussed the areas and plans to be covered by the CDR, propose a tentative schedule and prepare a template for the report.
2. The report template and tentative schedule was circulated to agency staff by FHWA, seeking any initial comments.
3. The draft report with the schedule was released for public and agency comment, with the draft report sent to agency partners by FHWA staff.
4. Comments received were forwarded to Triangle J COG staff who summarized the comments and prepared comments in consultation with the applicable MPOs and incorporated the responses in the final Conformity Determination Report.

APPENDIX D:

Public Participation and Notification

Public participation and notification followed each MPO's Public Participation Plan, which can be viewed at the following sites:

<https://www.camponc.us/get-involved/public-participation-plan>

<http://www.dhcmponc.org/involvement/public.asp>

https://www.dropbox.com/s/epd2x6u8wtwvshc/Public%20Involvement%20Policy_BGMPO_PART2014.pdf?dl=0

Each MPO posted the draft CDR on its website and MPOs that use social media included notification of the CDR in its social media communications. Each MPO conducted a public comment period and held a public hearing on the Conformity Determination Report. If required as part of the Public Participation Plan, this appendix includes copies of public notifications and affidavits from media organizations.

The dates of the public hearings for each MPO were:

December 11, 2019 (DCHC MPO)

October 16, 2019 (CAMPO)

October 15, 2019 (BG MPO)



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MPO Board 12/11/2019 Item 8 Additional Handout

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Attention:

CITY OF DURHAM - DCHC MPO
101 CITY HALL PLAZA 4TH FLR, TRANSPORTATION DEPT.
DURHAM, NC 27701

ANNOUNCING

Comment Period on Transportation Plan, Air Quality Conformity, and Non-Discrimination Policy

The Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC MPO) programs state and federal transportation projects in our region. The DCHC MPO wants public feedback on three draft plans, including:

Amendment #2 to the 2045 Metropolitan Transportation Plan (MTP) - This plan identifies future highway, transit, bicycle, pedestrian and other transportation projects to be implemented through the year 2045. See www.bif.ly/MTP-Amend2.

Transportation Conformity Determination Report - This report demonstrates that pollutant emissions from the future transportation sector will comply with current federal standards. See www.bif.ly/MPO-AQ.

Title VI Non-Discrimination Plan - This plan sets the federal non-discrimination policies, practices, training and processes for the DCHC MPO. See www.bif.ly/MPO-TitleVI.

Citizens are encouraged to review these documents and provide feedback through the Web sites indicated above, or directly to the MPO's Board at a Public Hearing - Wednesday, October 9, 2019, at 9:00AM in the Committee Room (2nd Floor of Durham City Hall, 101 City Hall Plaza). Persons with disabilities will be accommodated - provisions must be requested at least 48 hours in advance of the meeting.

Las partes críticas de los planes pueden ser traducida en español por petición.

The public comment period will be through October 22, 2019 for Amendment #2 to the 2045 MTP and the Conformity Determination Report, and through October 1, 2019 for the Non-Discrimination Plan.

Direct comments and questions to:

Andy Henry, City of Durham, Transportation Department
101 City Hall Plaza, Durham, NC 27701
E-mail: andrew.henry@durhamnc.gov Phone: (919) 560-4366, ext. 36419

www.dchcmo.org

H-S: September 15, 2019

STATE OF NORTH CAROLINA

COUNTY OF WAKE

Before the undersigned, a Notary Public of Johnston County, North Carolina, duly commissioned and authorized to administer oaths, affirmations, etc., personally appeared BETSY WOMBLE, who being duly sworn or affirmed, according to law, doth depose and say that he or she is Accounts Receivable Specialist of the News & Observer Publishing Company, a corporation organized and doing business under the Laws of the State of North Carolina, and publishing a newspaper known as Durham Herald-Sun, Durham County and State aforesaid, the said newspaper in which such notice, paper, document, or legal advertisement was published was, at the time of each and every such publication, a newspaper meeting all of the requirements and qualifications of Section 1-597 of the General Statutes of North Carolina and was a qualified newspaper within the meaning of Section 1-597 of the General Statutes of North Carolina, and that as such he or she makes this affidavit; and is familiar with the books, files and business of said corporation and by reference to the files of said publication the attached advertisement

1 Insertion(s)

Published On:

September 15, 2019

Betsy Womble

BETSY WOMBLE, Accounts Receivable
Specialist

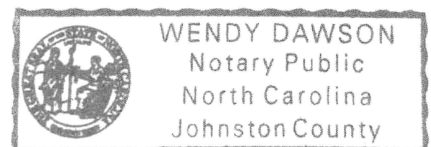
Wendy Dawson

Electronic Notary Public

State of North Carolina

Sworn to and subscribed before me this
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My Commission Expires: 7/10/2023



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ANNOUNCING

Comment Period on Transportation Plan, Air Quality Conformity, and Non-Discrimination Policy

The Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC MPO) programs state and federal transportation projects in our region. The DCHC MPO wants public feedback on three draft plans, including:

Amendment #2 to the 2045 Metropolitan Transportation Plan (MTP) – This plan identifies future highway, transit, bicycle, pedestrian and other transportation projects to be implemented through the year 2045. See www.bit.ly/MTP-Amend2.

Transportation Conformity Determination Report – This report demonstrates that pollutant emissions from the future transportation sector will comply with current federal standards. See www.bit.ly/MPO-AQ.

Title VI Non-Discrimination Plan – This plan sets the federal non-discrimination policies, practices, training and processes for the DCHC MPO. See www.bit.ly/MPO-TitleVI.

Citizens are encouraged to review these documents and provide feedback through the Web sites indicated above, or directly to the MPO's Board at a Public Hearing – Wednesday, October 9, 2019, at 9:00AM in the Committee Room (2nd Floor of Durham City Hall, 101 City Hall Plaza). Persons with disabilities will be accommodated – provisions must be requested at least 48 hours in advance of the meeting.

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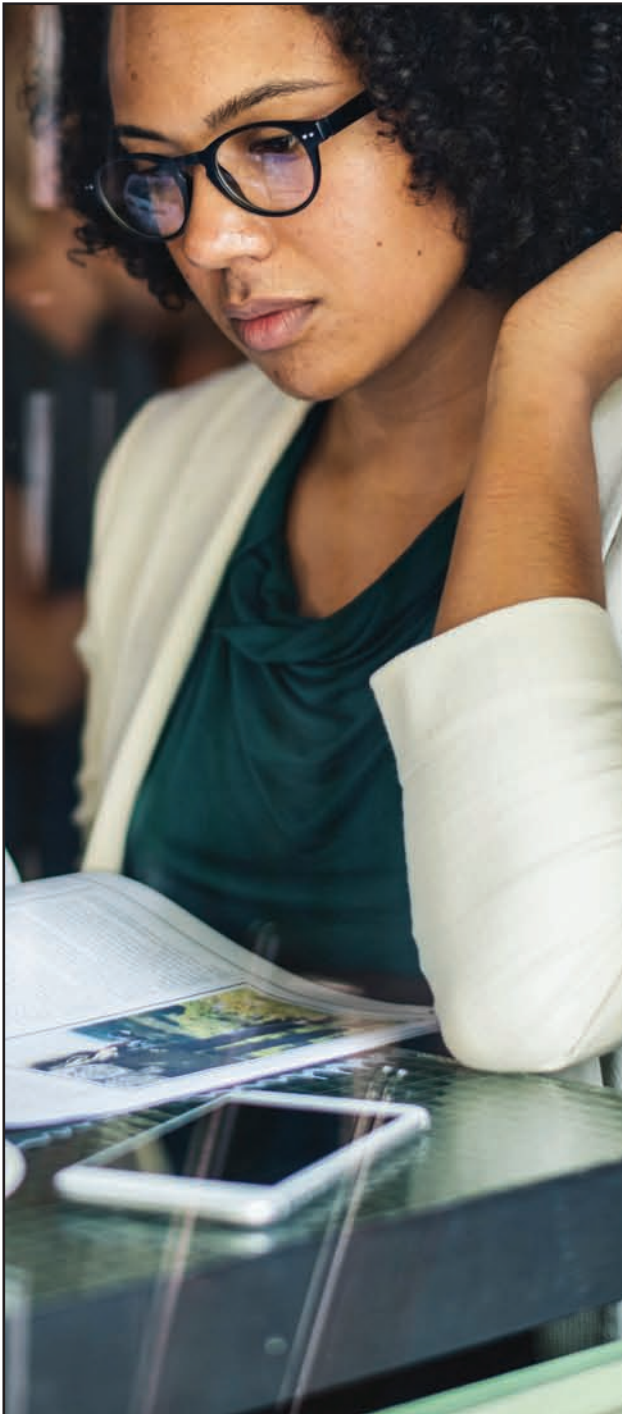
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PUBLIC NOTICE

BURLINGTON - GRAHAM METROPOLITAN PLANNING ORGANIZATION URBAN AREA TRANSPORTATION CONFORMITY DETERMINATION REPORT Public Review Period

Transportation conformity is required by the Clean Air Act (section 176(c) (42 U.S.C. 7506(c)) to ensure that federal funding and approval for transportation projects within the Burlington - Graham Metropolitan Planning Organization (BGMP) urban area are consistent with the air quality goals established by the State Implementation Plan (SIP) and included in the BGMP Metropolitan Transportation Plan and Metropolitan Transportation Improvement Program. The BGMP invites public review and comment on the Triangle Area Draft Transportation Conformity Determination Report (CDR). The Draft CDR will be available for review at the Burlington Department of Public Works and Transportation, 234 E. Summit Avenue, Burlington NC and on the BGMP's website at www.bgmpo.org. The public is also welcomed to make comments at the BGMP Transportation Advisory Committee meeting on August 20, 2019 at 5:00 p.m. The public comment period will conclude on September 21, 2019.

All inquiries may be directed to the BGMP

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MPO Administrator at
(336) 513.5418 or via
email to wmallette@burlingtonnc.gov.

Beverly D. Smith
Interim City Clerk
City of Burlington, NC

August 19, 2019
September 11, 2019

APPENDIX E:

Public & Agency Comments and Responses

Appendix E contains any comments on the draft conformity report and responses to these comments. Each commenter is assigned a code and each comment a number. Responses follow each comment. In certain instances, the respondent may insert italicized, bracketed wording to clarify the comment, using the format *[clarifying comment]*. Except as noted by any italicized, bracketed comments, or in the case of minor spelling or grammatical corrections, no changes are made to the comments as received. Comments submitted in digital formats may have altered formats from the original due to the mechanics of importing and combining these files within this appendix.

The following organizations and individuals provided written responses to the request for comments on the draft conformity determination report; no comments on the Conformity Determination Report were received from the general public:

1. NC Department of Transportation (NCDOT)

Letter from Secretary Jim Trogdon to John Sullivan, FHWA, September 27, 2019

2. U.S. Environmental Protection Agency (U.S. EPA)

Email from Dianna Myers to Loretta Barren, FHWA, August 14, 2019

NC Department of Transportation (NCDOT)

[The NCDOT included comments within its letter finding that the 2020-2029 STIP complies with the provisions of the Clean Air Act, which is included with other resolutions and findings in Appendix F. For clarity, these are extracted and numbered below]

NCDOT1:

Even though the following project is not regionally significant, please note the change between the 2018-2027 STIP and the 2020-2029 STIP. The construction schedule for project R-5718 changed from FY2021 in the 2018-2027 STIP to FY2024 in the 2020-2029 STIP.

Response:

The schedule change for R-5718 is noted. Since the conformity determination is on the 2020-2029 STIP, which also serves as the transportation plan in the donut area of the Triangle maintenance area, the updated schedule is the applicable one.

NCDOT2:

The NCDOT is requesting approval on or before March 20, 2020.

Response:

The requested approval date is noted and is consistent with the conformity process schedule agreed to through the interagency consultation shown in Appendix B.

U.S. Environmental Protection Agency (U.S. EPA)

[The U.S. EPA submitted its comments embedded in the draft conformity report pdf. For clarity, these are extracted and individually numbered below, with added reference to appropriate page numbers and paragraphs]

U.S. EPA1:

[Some comments recommended changes to capitalization, punctuation and abbreviations, and noted some missing text]

Response:

All of the recommended capitalization, punctuation and abbreviation changes were incorporated in this final report.

U.S. EPA2:

Since there is not a requirement to do a regional emissions analysis, project changes do not have to be documented in the conformity determination report unless U.S. DOT has a planning requirement for the documentation. If the MTP and/or TIP documents themselves reflect the changes that should be sufficient. It will not hurt the MPO to include the document with the changes outlined. It's an extra bit of work.

Response:

For ease of comparison, highway and transit project lists are retained in Appendix A for those projects that are the subject of the DCHC MPO MTP amendment. As noted in the comment, the revised 2045 MTP document reflects these changes and readers are referred to the DCHC MPO web page for the lists and descriptions of all the MTP projects (including those not part of this MTP amendment).

U.S. EPA3:

[page 7 - The commenter recommended striking text related to the amendment of the MTP that is not necessary in the CDR since no emissions analysis is required]

Response:

Page 7 has been updated to make clear that no emissions analysis is necessary and therefore an explanation of the planning assumptions and analysis years are not required, but retained the original text as well so that readers are aware that the 2045 Plan nevertheless included these planning assumptions.

U.S. EPA4

[page 7, page 8 and page 9 - The commenter asked questions about which MPOs were amending an MTP and whether the 2020-29 TIP was new or amended.]

Response:

Language on page 7, page 8, page 9 and elsewhere in the document has been changed to clarify that only DCHC MPO is amending an MTP, and all TIP actions relate to the new 2020-2029 TIP; no TIP amendments are being made. For context, the text does reference and recent CAMPO MTP and 2018-2027 TIP amendment that overlapped with the schedule for this document.

U.S. EPA5

[page 10, Section 5.3] Add a statement here that says the public comment period ran from ____ to _____. No comments were received (if you receive comments, delete sentence because the next sentence captures all the comments).

Response:

The public comment periods were somewhat different for each participant; generally held open through the final public hearing. The date of the public hearing for each participant has been added, along with a sentence that no comments on the CDR were received from the public.

APPENDIX F:

Adoption, Endorsement Resolution and Agency Determinations

The following pages in the final report will contain adoptions, endorsement resolutions and agency determinations after all of the agencies have completed the process.



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

ROY COOPER
GOVERNOR

JAMES H. TROGDON, III
SECRETARY

September 27, 2019

Mr. John F. Sullivan, PE, Division Administrator
Federal Highway Administration
North Carolina Division
310 New Bern Avenue, Suite 410
Raleigh, North Carolina 27601

Subject: Franklin, Granville, Johnston and Person Counties Donut Area Conformity
Determination

Dear Mr. Sullivan:

The North Carolina Department of Transportation finds that the 2020-2029 State Transportation Improvement Program (STIP), which is the transportation plan for the donut area of Franklin, Granville, Johnston and Person Counties, complies with the provisions of the Clean Air Act of 1990 and the Fixing America's Surface Transportation (FAST) Act of 2015.

This fiscally constrained transportation plan helps eliminate or reduce violations of the national ambient air quality standards in the donut area of Franklin, Granville, Johnston and Person Counties that is outside of the Capital Area Metropolitan Planning Organization (CAMPO). The report documents the validity of the conformity finding for the donut area and compliance with the Transportation Conformity Regulation 40 CFR 51 and 93.

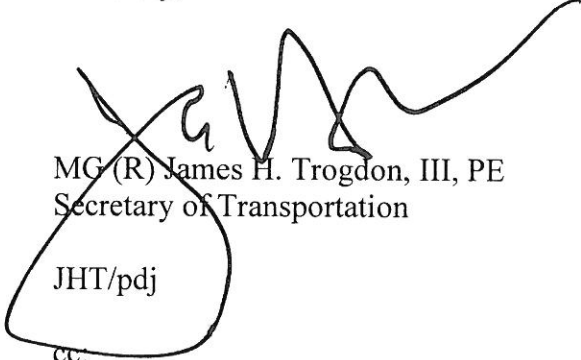
Even though the following project is not regionally significant, please note the change between the 2018-2017 STIP and the 2020-2029 STIP. The construction schedule for project R-5718 changed from FY2021 in the 2018-2017 STIP to FY2024 in the 2020-2029 STIP.

Please begin your final review of this conformity determination and related documentation. The NCDOT is requesting approval on or before March 20, 2020.

Mr. John F. Sullivan, PE, Division Administrator
September 27, 2019
Page 2

If any federal agencies have any questions or comments regarding this conformity determination, please contact Phyllis D. Jones of the Transportation Planning Division at (919) 707-0970.

Sincerely,



MG (R) James H. Trogdon, III, PE
Secretary of Transportation

JHT/pdj

cc.

Mike Abraczinskas, Director, Division of Air Quality, NCDEQ
Loretta Barren, FHWA North Carolina Division
Dianna Myers, EPA Region 4
Boyd Melton, FTA Region 4
Jamal Alavi, PE, Transportation Planning Division
Travis Marshall, PE, Transportation Planning Division
Heather Hildebrandt, Transportation Planning Division
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