

**Conformity Determination Report**  
**for the**  
**2009–2015 Transportation Improvement Program**

- **Mecklenburg-Union Metropolitan Planning Organization**
- **Gaston Urban Area Metropolitan Planning Organization**
- **Cabarrus-Rowan Metropolitan Planning Organization**
- **North Carolina Department of Transportation**

(for the portions of the Metrolina Non-Attainment Areas in Gaston, Iredell (partial), Lincoln and Union Counties outside of MPO boundaries)

Date: June 00, 2008

*This report was coordinated by the North Carolina Department of Transportation for the Mecklenburg Union Metropolitan Planning Organization, the Gaston Urban Area Metropolitan Planning Organization, the Cabarrus Rowan Metropolitan Planning Organization, the Lake Norman Rural Planning Organization and the Rocky River Rural Planning Organization.*

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## 1.0 Introduction

The purpose of this report is to document compliance with the provisions of the Clean Air Act Amendments of 1990 (CAAA) and the Safe Accountable Efficient Transportation Equity Act: a Legacy for Users – 2005. The conformity determination for the 2009–2015 Transportation Improvement Program (TIP) is based on a regional emissions analysis that utilized the transportation networks in adopted and conforming 2030 Long Range Transportation Plans (LRTPs) and the emissions factors developed by the North Carolina Department of Environment and Natural Resources (NCDENR). All regionally significant federally funded projects in areas designated by the United States Environmental Protection Agency (USEPA) as air quality nonattainment or maintenance areas must come from a conforming LRTP and TIP.

The MPOs and the NCDOT are required by 23 CFR 134 and 40 CFR Parts 51 and 93 to make a conformity determination on any newly adopted or amended fiscally-constrained LRTPs and TIPs. Appendix A contains relevant portions of 40 CFR part 93. The intent of this report is to document the conformity determinations for the 2009–2015 TIPs for the Mecklenburg-Union MPO, the Gaston Urban Area MPO, the Cabarrus-Rowan MPO and the rural portions of the Metrolina Non-Attainment Area that are the responsibility of the North Carolina Department of Transportation (NCDOT). In addition, the United States Department of Transportation (USDOT), specifically, the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA), must make a conformity determination on the LRTPs and TIPs in all non-attainment and maintenance areas. The Metrolina Area is non-attainment for 8-hour ozone (Cabarrus, Gaston, Iredell, Lincoln, Mecklenburg, Rowan and Union counties) and maintenance for CO (Mecklenburg County).

The MPO/NCDOT Conformity Determinations for the 2030 LRTPs in the Metrolina Non-Attainment Area were approved as follows (Metrolina area 8-hour ozone and CO (Mecklenburg County) standards):

- Mecklenburg-Union MPO: May 16, 2007
- Gaston Urban Area MPO: June 7, 2007
- Cabarrus-Rowan MPO: August 17, 2005
- NCDOT (for the rural portion of Gaston, Iredell (partial), Lincoln and Union in the Metrolina Ozone Non-Attainment Area): May 9, 2007

By these actions, the MPOs and NCDOT demonstrated that the 2030 LRTPs are consistent with Section 176(c) of the Clean Air Act, the State Implementation Plan, SAFETEA-LU, and 40 CFR Parts 51 and 93. These conformity demonstrations were documented by the MPOs and NCDOT in the report entitled *Conformity Analysis and Determination Report*. That report included the regional emissions test comparison prepared for the 2030 LRTPs demonstrating that emissions in each of the analysis years of the LRTP (2010, 2020 and 2030) are less than or equal to the motor vehicle emissions budget established by the State Implementation Plan (SIP) (or base year emissions, in areas where no SIP is approved or found adequate by EPA) in accordance with 40 CFR Part 93 and approved by USEPA for the corresponding year.

USDOT made its conformity determination on the previously listed 2030 LRTPs on the following dates:

- Mecklenburg-Union MPO: June 29, 2007
- Gaston Urban Area MPO: June 29, 2007
- Cabarrus-Rowan MPO: June 29, 2007
- NCDOT (for the rural portion of Gaston, Iredell (partial), Lincoln and Union in the Metrolina Ozone Non-Attainment Area): June 29, 2007

A copy of the letters approving the conformity determinations is included in Appendix B.

The TIP for Fiscal Years 2009-2015 developed by the Mecklenburg-Union MPO and adopted on May \_\_, 2008 is a direct subset of the conforming 2030 LRTP documented in this report.

The TIP for Fiscal Years 2009-2015 developed by the Gaston Urban Area MPO and adopted by the TAC on May \_\_, 2008 is a direct subset of the conforming 2030 LRTP documented in this report.

The TIP for Fiscal Years 2009-2015 developed by the Cabarrus-Rowan MPO and adopted by the TAC on May \_\_, 2008 is a direct subset of the conforming 2030 LRTP documented in this report.

The rural (donut area) county projects from the STIP for Fiscal Years 2009-2015 developed by the NCDOT and adopted by the Board of Transportation on June \_\_, 2008, are consistent with the rural (donut area) projects from the 2007-2013 STIP (for the donut area counties of Gaston, Iredell (partial), Lincoln, and Union) that were modeled and found to conform by the USDOT on June 29, 2007.

## **2.0 Relationship of the LRTP and TIP**

In accordance with 40 CFR Parts 51 and 93, no further regional emissions analysis is required if the Transportation Improvement Program (TIP) is a direct subset of the Long Range Transportation Plan (LRTP) and if the following conditions are met:

- The TIP is consistent with the conforming LRTP such that the regional emissions analysis performed on the LRTP applies to the TIP;
- The TIP contains all projects which must be started in the TIP's timeframe to implement the highway and transit system envisioned by the LRTP in each of its horizon years;
- All Federally funded TIP projects which are regionally significant are part of the specific highway or transit system envisioned in the LRTP horizon years; and
- The design concept and scope of each regionally significant project identified in the TIP is not significantly different from that described in the LRTP.
- The number of travel lanes of each regionally significant project identified in the TIP is not significantly different from that described in the LRTP.

This report documents that the TIP for Fiscal Years 2009-2015 is a direct subset of the 2030 LRTPs for the Mecklenburg-Union MPO, the Gaston Urban Area MPO, the Cabarrus-Rowan MPO and the rural portions of the Metrolina Non-Attainment Areas that are the responsibility of the NCDOT. The 2030 LRTP for each of these areas are fiscally constrained and are consistent with 23 CFR Part 450 Subpart C. This conformity determination is based on the most recent estimates of the emissions and the most recent planning assumptions (including population, employment, travel and congestion estimates available) as determined by the appropriate MPOs and NCDOT. It has been demonstrated in the Conformity Determination Report that the LRTP conforms to the provisions of the Clean Air Act Amendments of 1990 and the Safe Accountable, Flexible, Efficient Transportation Equity Act: a Legacy for Users - 2005 (SAFETEA-LU) approved by the USDOT on August 10, 2005. Also, this LRTP conforms to the purpose of the SIP in accordance with 40 CFR Part 93. As a direct subset of the LRTP, no further regional emissions analysis (emissions budget comparison) is required for this TIP.

The Mecklenburg-Union MPO finds that the FY 2009-2015 TIP is a direct subset of the 2030 LRTP for the Mecklenburg-Union MPO, meets these conditions, and thus conforms to the purpose of the SIP (or base year emissions, in areas where no SIP is approved or found adequate by EPA) in accordance with 40 CFR Part 93.

The Gaston Urban Area MPO Transportation Advisory Committee (TAC), as the decision making body of the Gaston Urban Area MPO, finds that the FY 2009-2015 TIP is a direct subset of the 2030 LRTP for the Gaston Urban Area MPO, meets these conditions, and thus conforms to the purpose of the SIP (or base year emissions, in areas where no SIP is approved or found adequate by EPA) in accordance with 40 CFR Part 93.

The Cabarrus-Rowan MPO Transportation Advisory Committee (TAC), as the decision making body of the Cabarrus-Rowan MPO, finds that the FY 2009-2015 TIP is a direct subset of the 2030 LRTP for the Cabarrus-Rowan MPO, meets these conditions, and thus conforms to the purpose of the SIP (or base year emissions, in areas where no SIP is approved or found adequate by EPA) in accordance with 40 CFR Part 93.

The NCDOT, as the decision making body for STIP projects within the Metrolina Ozone Non-Attainment Area that are outside of MPO boundaries, finds that rural (donut area) county projects from the FY 2009-2015 STIP are consistent with the rural (donut area) projects from the FY 2007-2013 STIP (for the donut area counties of Gaston, Iredell (partial), Lincoln, and Union) that were modeled and found to conform by the USDOT on June 29, 2007.

Copies of the 2009-2015 TIPs (2009-2015 STIPs for donut areas) are attached to this report (Appendix C).

### **3.0 Latest Planning Assumptions**

The planning assumptions used to develop the Conformity Determination Report are the latest planning assumptions in the 2030 LRTP approved by the respective MPOs and NCDOT. Estimates of future population and employment are less than five years old. The vehicle age distribution and fleet mix distributions used as input to the emission model were based on the

current data from North Carolina Division of Motor Vehicles. This data is also less than five years old.

#### **4.0 Interagency Consultation**

The 2009-2015 TIP has undergone interagency consultation as required in the North Carolina Administrative Code Title 15A Subpart 2D 2002-2003 inclusive. An interagency consultation meeting involving the MPOs, NCDOT, NCDENR, FHWA and USEPA-Region 4 was held on November 29, 2007. A summary of issues raised and responses, along with any written agency comments, are provided in Appendix D.

#### **5.0 Public Involvement**

The 2009-2015 TIP was reviewed by the public in accordance with the Public Involvement Policies of the Mecklenburg-Union MPO, the Gaston Urban Area MPO, the Cabarrus-Rowan MPO and the NCDOT. This report was also made available for public review by the Lake Norman Rural Planning Organization and the Rocky River Rural Planning Organization (RPO). Copies of citizen comments and agency responses to them are attached to this report in Appendix E. The newspaper advertisements for public review and comment period are attached to this report in Appendix G.

#### **6.0 Findings of Conformity**

6.1 The Mecklenburg-Union MPO finds that the FY 2009-2015 TIP is a direct subset of the 2030 LRTP for the Mecklenburg-Union MPO Area. The TIP meets the conditions described earlier in this document and thus conforms to the intent of the Clean Air Act and the requirements of 40 CFR §93.

6.2 The Gaston Urban Area MPO TAC, as the decision making body of the Gaston Urban Area MPO, finds that the FY 2009-2015 TIP is a direct subset of the 2030 LRTP for the Gaston Urban Area MPO Area. The TIP meets the conditions described earlier in this document and thus conforms to the intent of the Clean Air Act and the requirements of 40 CFR §93.

6.3 The Cabarrus-Rowan MPO TAC, as the decision making body of the Cabarrus-Rowan MPO, finds that the FY 2009-2015 TIP is a direct subset of the 2030 LRTP for the Cabarrus-Rowan MPO Area. The TIP meets the conditions described earlier in this document and thus conforms to the intent of the Clean Air Act and the requirements of 40 CFR §93.

6.4 The NCDOT, as the decision making body for STIP projects within the Metrolina Ozone Non-Attainment Area that are outside of MPO boundaries, finds that rural (donut area) county projects from the FY 2009-2015 STIP are consistent with the rural (donut area) projects from the FY 2007-2013 STIP (for the donut area counties of Gaston, Iredell (partial), Lincoln, and Union) that were modeled and found to conform by the USDOT on June 29, 2007, in accordance with 40 CFR Part 93.

Copies of adopting and endorsing resolutions and conformity findings for 2009-2015 TIP (2009-2015 STIP for donut areas) are attached in Appendix F.