

## **AQCD Appendix A Supplemental Conformity Checklist**

Response to the applicable conformity criteria and procedures as they apply to the amended SKATS 2031 RTSP and the SKATS FY 08-FY 11 Transportation Improvement Program (TIP), as per State of Oregon conformity rules (OAR 340-252-0010 et seq.), is made in the following text. This checklist is provided to assist in the state and federal review of this conformity determination and the consultation requirements of OAR 340-252-0060.

### **1. General Conformity Requirements**

#### ***OAR 340-252-0050 and 40 CFR 93.104: Frequency of Conformity Determinations***

A new transportation plan must be found to conform before the plan is approved by the MPO or accepted by USDOT. The conformity determination for the current SKATS plan (2031 RTSP) was adopted on May 22, 2007, and was approved by USDOT on January 16, 2008, (*see letter in Appendix B*). The conformity determination marked the beginning of the four-year cycle of conformity for the RTSP (three-year cycle under State rules).

A new TIP must be demonstrated to conform before the TIP is accepted by USDOT, and the TIP must be updated no less frequently than every three years. The current MTIP, FY 08-FY 11, was adopted on May 22, 2007, and conformed by USDOT on January 16, 2008 (*see letter in Appendix B*). The conformity determination marked the beginning of the three-year cycle of conformity for the MTIP under State rules and a four-year cycle under federal rules as they applied to SKATS at the time. Subsequently, the SKATS area was designated as being in attainment for carbon monoxide, and a limited maintenance plan came into effect. This designation does not change the federal cycle length nor 'reset' the clock.

#### ***OAR 340-252-0060 and 40 CFR 93.105: Consultation***

Federal, state, and local interagency consultation are required before making conformity determinations. See the response to OAR 340-252-0130 below for details of the consultation carried out for this conformity determination.

The Salem-Keizer Area Transportation Study (SKATS) MPO is the lead agency responsible for making the conformity determination for the RTPs and TIPs, RTP amendments, TIP amendments, performing transportation modeling, regional emissions analyses, and preparing and distributing the draft and final documents. The MPO is the agency responsible for assuring the adequacy of the interagency consultation. The SKATS Technical Advisory Committee (TAC) is designated under this regulation as the standing committee for the purposes of consultation on air quality. Members of the SKATS TAC include representatives of the City of Salem, City of Keizer, City of Turner, Marion County, Polk County, Salem Area Mass Transit District, Oregon Department of Transportation, Oregon DEQ, and FHWA. This committee currently meets monthly. The meetings are open to the public.

As described in more detail in the response to OAR 340-252-0130 below, MPO staff conferred with TAC members, consulted other state and federal agencies on development of the conformity determinations, and provided public notices on the RTSP and TIP Amendment and conformity determination. This conformity determination is based on processes developed in 2007 during the conformity determination of the 2031 RTSP and FY 08-FY 11 TIP.

***OAR 340-252-0070 and 40 CFR 93.106: Content of Transportation Plans***

The 2031 RTSP describes the recommended and fiscally constrained transportation system up to the 2031 horizon year. Chapter 3 of the RTSP documents the employment and population projections and land use allocations by jurisdiction in five-year intervals from 2000 to 2031. These forecasts were coordinated with the local jurisdictions through a Land Use Subcommittee of the TAC, and adopted for use in the RTSP, TIP, and conformity determinations by the SKATS Policy Committee in November 2004. The projections for the population and employment in the area were extended from the previous horizon year of 2030 to the new horizon year of 2031 using the same methodology used for the 2030 RTSP. The SKATS Policy Committee endorsed this method in the Fall of 2006.

The highway and transit projects described within the RTSP are divided into “Recommended” and “Illustrative” categories (*see Table 15-1*). All projects are sufficiently identified by description and location to ensure adequate modeling of capacity, routes, and speeds. Transit operations described in Chapter 14 of the RTSP reflect the system prior to the September 2009 restructuring. The Plan recommends continuation of transit service levels where existing demand exists, and future service increases in service coverage, types, and frequencies including projects such as the High Priority Transportation Corridor, bus replacement, and ITS applications.

See additional information in response to OAR 340-252-0110 below.

***OAR 340-252-0090 and 40 CFR 93.108: Fiscal Constraints for Transportation Plans and TIPs***

The financial constraint assumptions developed for the plan are documented in the SKATS 2031 RTSP in Chapter 5 (Finance) and supplemented by Chapters 14 (Transit) and 15 (Highways).

**2. Criteria and Procedures for Determining Conformity**

***OAR 340-252-0100 and 40 CFR 93.109: General***

In order to demonstrate conformity of a transportation plan and/or TIP, specific criteria listed in OAR 340-252-0110 through 340-252-0200 (40 CFR 93.110 through 93.119) must be addressed. These criteria include using the latest planning assumptions and the latest emissions model and undertaking interagency consultation and public involvement. Responses to the criteria are listed below.

As of June 15, 2005, the SKATS area is not required to show conformity for HC and NO<sub>x</sub>, the precursors to ozone; and from March 2, 2009, is operating under a limited maintenance plan for Carbon Monoxide (CO), and thus not required to perform regional emissions modeling for CO.

***OAR 340-252-0110 and 40 CFR 93.110: Latest Planning Assumptions***

This criteria states that the conformity determination must be based upon the most recent planning assumptions in force at the time of the conformity determination. Key assumptions include population and employment forecasts for the 392 transportation analysis zones (TAZs) over which the transportation network of the 2031 RTSP is defined. This conformity analysis uses the most current projections of 2005 to 2031 population and employment as prepared by SKATS and reviewed by the SKATS TAC (see response to OAR 340-252-0070). Allocations were made to transportation analysis zones in consultation with the individual jurisdictions and coordinated with the SKATS Land Use Subcommittee. Housing, population, and employment forecasts and allocations reflect local development, redevelopment, and infill plans for mixed-use nodes, known projects currently in the planning process, and the availability of vacant, buildable land by current plan designation.

Transit service is assumed to change during the life of the RTSP. Current transit service is primarily a radial pulse system, with a central transfer station in downtown Salem. In West Salem there is a transfer station that connects five routes, with a shuttle between the West Salem transfer station and the downtown station. The transit district's adopted 2004 Strategic Business Plan calls for a number of service enhancements including additional transfer stations similar to the West Salem station. The plan calls this service the "3C" system of neighborhood circulators, outlying transit centers, and high-frequency corridor routes. This plan is in agreement with the policies and recommendations of Chapter 14 of the RTSP. The Strategic Business Plan recommends that fares be reviewed every two years and link them to an expected farebox rate of return but keep increases as small as possible and retain discounts for bus passes.

Salem Area Transit District's website and staff provided historical and current ridership numbers. Cherriots ridership grew from 2.7 million trips in 1990 to over 4.3 million in 2000, a 60 percent increase during the decade. An increase in fares led to a modest drop in ridership in 1994-95, but Cherriots quickly rebounded and by 1999 broke the 4 million rider mark for the first time in District history. In 2001, ridership experienced another 7 percent growth reaching over 4.6 million. Cherriots carried over 5 million riders in 2003 and 5.4 million in 2005. Data since have shown decreases between 2006 and 2008 after service cuts in 2006 from a failed tax levy. A second tax levy failed in 2008, which further reduced service. In September 2009, Cherriots restructured their routes and operating times implementing several of the "3C" concepts. Ridership numbers since the restructuring are not available.

There are no required TCMs for the SKATS area.

***OAD 340-252-0120 and 40 CFR 93.111: Latest Emissions Model***

As of March 2, 2009, SKATS is not required to perform regional emissions modeling as part of the conformity process. Thus, no modeling was performed as part of this amendment.

***OAD 340-252-0130 and 40 CFR 93.112: Consultation***

The SKATS MPO must make conformity determinations according to the interagency consultation procedures in OAR 340-252-0060 and according to the public involvement procedures established in OAR 340-252-0060 and 23 CFR Part 450.

Based on consultation conducted for the SKATS FY 04-FY 07 TIP amendment in December 2004, it was agreed that early consultation via e-mail was preferred by the MPO and state and federal agencies. For the SKATS 2030 RTSP and FY 06-FY 09 TIP, the initial consultation was a pre-analysis conformity plan prepared by SKATS (dated and e-mailed on February 15, 2005), sent to air quality staff specialists at FHWA, FTA, EPA, ODOT, and DEQ. The pre-analysis document described the procedures SKATS intended to use for the conformity analysis of the RTSP 2005-2030 and FY 06-FY 09 TIP. Comments to this pre-analysis plan were received from DEQ, ODOT, and FHWA. The only significant recommendation was from DEQ, which said that if the conformity is only for CO, then only Winter emission factors and results were needed.

Once the emission analysis was completed, a draft conformity determination was prepared for the SKATS TAC meeting of March 14, 2006, and SKATS Policy Committee meeting of March 21, 2006. The TAC recommended, and the Policy Committee concurred, that the draft conformity be released for public and agency review and comment. Copies of the draft conformity document were mailed to air quality specialists at FHWA, FTA, EPA, ODOT, and DEQ. Also, on March 24, 2005, a legal notice was placed in the Statesman Journal announcing the opening of the public comment period (beginning March 23 and ending April 2), the availability of the draft documents on the SKATS website (<http://www.mwvcog.org>).

A draft copy of the AQCD and appendices was sent to air quality staff specialists at FHWA, FTA, EPA, ODOT and DEQ on February 26, 2007, for review. The document was adopted by the SKATS Policy Committee on May 22, 2007.

For this amendment, a draft copy of the AQCD and appendices was sent to air quality staff specialists at FHWA, FTA, EPA, ODOT and DEQ on December 17, 2009 for review. This section will be updated after the review period is closed. Anticipated adoption of this document by the SKATS Policy Committee is set for January 26, 2009.

***OAD 340-252-0140 and 40 CFR 93.113: Timely Implementation of TCMs***

There are no TCM requirements in the SKATS non-attainment area.

***OAR 340-252-0150 and 40 CFR 93.114: Currently conforming transportation plan and TIP***

The 2031 RTSP was last adopted on May 22, 2007, and conformed on January 16, 2008 (*see USDOT letter included in AQCD Appendix B*). The SKATS FY 08-FY 11 MTIP, was conformed on January 16, 2008. (*see USDOT letter in Appendix B*).

Only one conforming transportation plan or TIP may exist in an area at any time; conformity determinations of a previous transportation plan or TIP expire once the current plan or TIP is found to conform by DOT.

***OAR 340-252-0160 and 40 CFR 93.115: Projects from a Plan and TIP***

Projects in the TIP are either drawn from the RTSP or are consistent with the policies and purpose of the plan and will not interfere with other projects specifically within the plan. Typically, MTIP projects not in the RTP are pavement rehabilitation/resurfacing projects.

***OAR 340-252-0200 and 40 CFR 93.119: Emission Reductions in Areas Without Motor Vehicle Emissions Budgets***

***OAR 340-252-0230 and 40 CFR 93.122: Procedures for Determining Regional Transportation-Related Emissions***

***OAR 340-252-0270 and 40 CFR 93.126: Exempt Projects***

***OAR 340-252-0280 and 40 CFR 93.127: Projects Exempt from Regional Emissions Analyses***

***OAR 340-252-0290 and 40 CFR 93.128: Traffic Signal Synchronization Projects***

Federal regulations for areas with an adopted CO limited maintenance plan state that regional emissions modeling is not required to demonstrate conformity. No emissions modeling were performed for this amendment to the SKATS 2031 RTSP and FY 08-FY 11 TIP. These sections deal with areas that are required to perform regional emissions modeling.