

## SOUTHWESTERN PENNSYLVANIA COMMISSION

### RESOLUTION 1-08

A RESOLUTION OF THE SOUTHWESTERN PENNSYLVANIA COMMISSION to make a finding of conformity that proposed amendments to the 2035 Transportation and Development Plan (the 2035 Plan) and 2007-2010 Transportation Improvement Program (TIP) for the Pittsburgh Transportation Management Area (TMA) are consistent with the requirements of the federal Clean Air Act (as amended).

WHEREAS, the Congress of the United States enacted the Clean Air Act of 1964 (CAA) and amended the Act in 1977 (CAA 77) and 1990 (CAA 90); and

WHEREAS, the federal Clean Air Act authorizes the Environmental Protection Agency (EPA) to establish National Ambient Air Quality Standards (NAAQS), to define the boundaries of areas not in attainment of the Standards, and to establish criteria and procedures for attaining and maintaining the Standards; and

WHEREAS, the EPA, in the “Air Quality Designations and Classifications for the 8-Hour Ozone NAAQS” (40 CFR Part 81), published as a Final Rule in the April 30, 2004 Federal Register and effective on June 15, 2004, designated three ozone nonattainment areas in the SPC planning region; these included the Pittsburgh-Beaver Valley nonattainment area (comprised of the seven counties: Allegheny, Armstrong, Beaver, Butler, Fayette, Washington, and Westmoreland); the Greene County nonattainment area; and the Clearfield-Indiana nonattainment area (comprised of Clearfield County, which is outside of SPC’s planning area, and Indiana County which is within SPC’s planning area); and

WHEREAS, the EPA, in the “Air Quality Designations and Classifications for the Fine Particles (PM<sub>2.5</sub>) NAAQS” (40 CFR Part 81), published as a Final Rule in the January 5, 2005 Federal Register and effective on April 5, 2006, designated three PM 2.5 nonattainment areas in the SPC planning region; these included the Liberty-Clairton nonattainment area (comprised of five municipalities within Allegheny County); the Pittsburgh-Beaver Valley nonattainment area (comprised of Beaver, Butler, Washington, and Westmoreland counties in their entirety and parts of Allegheny, Armstrong, Greene, and Lawrence counties); and the Johnstown nonattainment area (portions of Indiana County within SPC’s planning area, and all of Cambria County which is in the planning area of the Johnstown MPO); and

WHEREAS, the Southwestern Pennsylvania Commission (SPC), as the MPO for the Pittsburgh Transportation Management Area, is responsible under Section 134 of Title 23, U.S.C. and Section 8 of Title 49, U.S.C. for carrying out a continuing, cooperative, and comprehensive transportation planning process; Section 174 of the Clean Air Act designates this same organization as responsible for the transportation-related air quality planning within designated nonattainment and maintenance areas to achieve and maintain NAAQS; and

WHEREAS, the EPA, in the Transportation Conformity Rule (40 CFR Part 93), as amended, provides criteria and procedures to be followed by Metropolitan Planning Organizations (MPOs) in making conformity determinations regarding transportation plans, programs, and projects within designated nonattainment and maintenance areas; and

WHEREAS, the Transportation Conformity Rule and Sections 174 and 176(c) and (d) of the Clean Air Act (Sections 7504 and 7506(c) and (d) of Title 42 U.S.C.) require that the MPO not approve or amend any plan, program, or project which does not conform with the Clean Air Act; and

WHEREAS, the Transportation Conformity Rule identifies projects and project types which are “exempt” from regional conformity analysis; and

WHEREAS, the Transportation Conformity Rule requires a new finding of conformity by the MPO prior to an MPO action to adopt or amend the Transportation Plan or TIP when that action involves projects or project types which are not "exempt" from regional conformity analysis, or prior to any federal action to approve project designs, environmental documents, or other aspects of “non-exempt” projects that are not required to be programmed on the regional Plan or TIP; and

WHEREAS, the Pennsylvania Turnpike Commission has proposed amendments to the 2035 Plan and 2007-2010 TIP to add two “non-exempt” projects (“Mon Fayette Expressway Uniontown–Brownsville Phase 2” and “US 22 to I-79 Southern Beltway Project”); and

WHEREAS, the Pennsylvania Department of Transportation has proposed “non-exempt” amendments to a project currently programmed on the 2035 Plan and 2007-2010 TIP (“State Route 21, Section J10, Thompsons Crossroads to US Route 119”); and

WHEREAS, SPC has conducted a qualitative and quantitative analysis consistent with the applicable criteria and procedures of the Clean Air Act (as amended) and the Transportation Conformity Rule, and has demonstrated that the amended 2035 Plan and 2007-2010 TIP conform with the Clean Air Act; and

WHEREAS, the results of the conformity analysis were made available for public review and comment consistent with SPC’s established public review procedures from December 17, 2007 through January 22, 2008 including two public meetings.

NOW, THEREFORE, BE IT RESOLVED that the Southwestern Pennsylvania Commission finds that the region’s amended 2035 Plan and 2007-2010 TIP conform to the Clean Air Act (as amended) by supporting its intention of achieving and maintaining the NAAQS; and

BE IT FURTHER RESOLVED that the region's amended 2035 Plan and 2007-2010 TIP are consistent with the Clean Air Act (as amended) and the Transportation Conformity Rule; no goals, directives, recommendations, or projects in the Plan or TIP contradict in a negative manner any specific requirements or commitments of applicable State Implementation Plans (SIPs).

RESOLVED FURTHER that assessment of the PM 2.5 and 8-Hour Ozone nonattainment areas within the SPC region demonstrates that the amended transportation plans, programs, and projects for those areas conform with the provisions of the Clean Air Act and the applicable criteria and procedures of the Transportation Conformity Rule.

I, Rodney D. Ruddock, HEREBY CERTIFY that I am Secretary-Treasurer of the SOUTHWESTERN PENNSYLVANIA COMMISSION; that the foregoing resolution was adopted, in accordance with the By-Laws, by the Members of said Commission at a meeting duly called and held on the 28th day of January 2008; and that said resolution is now in full force and effect.

IN TESTIMONY WHEREOF I hereto subscribe my name as Secretary-Treasurer.

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Secretary-Treasurer