# Summary of March 20, 1995 consultation meeting

Participants:

Patricia Berry CATS Jon-Paul Kohler Patricia Morris Tom Murtha

FHwA USEPA CATS

- (1) The CATS interpretations of planning and air quality regulations raised in the July and August, 1994 letters and the questions raised at the October, 1994 consultation meeting were addressed. Mr. Kohler provided a copy of the January 5, 1995 response to IDOT (attached). CATS will be copied on such responses in the future.
- **(2)** It was agreed that the phrase "coming from the first three years of the previously conforming TIP", as used in describing projects in the baseline scenario in 51 CFR 438(c)(3) means that if any phase of a project is in the first three years of the FY 94-99 TIP and the project was modeled in the FY 94-98 TIP conformity analysis, the project will be in the baseline scenario in the FY 96-00 TIP conformity analysis.

One implication is that if phase I engineering for a non-exempt project has been added to the first three years of the FY 94-99 TIP, but the project was not included in the conformity analysis, the project will be in the action scenario when the conformity analysis is performed on the FY 96-00 TIP

- (3) It was agreed that tollway and county projects included in the FY 94-99 TIP appendix are in "the previously conforming TIP" for purposes of 51 CFR 438(c)(3).
- (4) It was agreed that grouped projects are in "the previously conforming TIP" for purposes of 51 CFR 438(c)(3). It was noted that some exempt grouped projects are modeled.
- In the FY 94-98 TIP conformity analysis, 1996, 2001, 2007, and 2010 were (5) used as analysis years. It was agreed that the same analysis years will be used for the FY 96-00 TIP conformity analysis. At least one project with Phase I engineering in the TIP is not expected to be implemented until after 2010. Such projects will not be included in any analysis year.
- Contingency planning to assure that if new conformity rules are promulgated, (6) there will be a "grace period" during which CATS may operate under the old rules was discussed, since many of the challenges last year revolved around the new regulations. Communication among and between division, region and D.C. offices of the federal agencies is essential.
- **(7)** CATS comments to Browner (attached) on the interim conformity rule amendments were discussed. It is hoped that the preamble of the final rule will provide clarification.

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Summary of April 4, 1995 consultation meeting

Participants:

Patricia Berry CATS Randy Blankenhorn **IDOT** Toby Frevert **IEPA** Doug Gerleman FTA Cheryl Kelley **IEPA** Patricia Morris USEPA Andrew Plummer CATS Eugene Ryan CATS

The primary topic was testing requirements for the conformity determination on the FY 96-00 TIP. Discussion centered around the fact that since only the 1996 budget is in place, the build/no-build test seems to be the only option. IEPA is committed to developing budgets, but boundary condition concerns must be resolved before budgets are set. The 1999 budget may be in place by August, 1995.

A question was raised regarding the inclusion of ECO in the 1996 budget. Mr. Frevert stated that 2 tons of conventional TCMs would be substituted—the budget would stay the same, but the reductions would come from different control measures.

Mr. Gerleman raised a question concerning progress on the VMT growth rate conciliation. Mr. Blankenhorn stated that IDOT is hiring a consultant, but the schedule for products is not yet available. IEPA stated that for planning purposes they are using a 1% growth rate.

The conformity process has already started and northeastern Illinois only has a 1996 budget to work with.

The consensus was that a letter should be generated through USEPA stating that meeting the 1996 budget and the build/no-build tests will be sufficient. Ms. Morris agreed and said she would talk with her management and the folks at Ann Arbor and start the process.

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# Summary of April 27, 1995 consultation meeting

Participants:

Patricia Berry CATS
Randy Blankenhorn IDOT
Toby Frevert IEPA
Doug Gerleman FTA
Cheryl Kelley IEPA
Jon-Paul Kohler FHwA
Eugene Ryan CATS

Mr. Frevert provided a draft copy of the USEPA letter discussed at the April 4 meeting (attached).

The outlook for a NOx waiver was discussed. It now appears that the waiver may need to be approved as part of a SIP revision. USEPA and IEPA will continue working toward getting the waiver.

Mr. Ryan presented issues raised by the RTP committee regarding when the region must have a new long range plan in place and the possibility of extending the life of the 2010 plan. As discussed at previous meetings, since the Policy Committee endorsed the revised 2010 plan in March of 1994, the region must have an updated plan by March of 1997. The question was posed that, if a new conformity analysis of the plan was performed and the Policy Committee reaffirmed the plan, then would the plan be considered updated with respect to the three-year time frame for plan updates. Mr. Kohler responded no; citing additional actions required by the Metropolitan Planning Rule for a plan to be considered updated. Mr. Kohler, referring to the rules, cited the specific actions that would be necessary which include extending the horizon year to at least a 20-year period. A summary of requirements in the planning rules for plan updates was also provided (attached).

The implications of not meeting the three-year deadline for plan updates was discussed. Implementation of projects would be affected. The attached USDOT memorandum addresses this issue. Further discussions will be necessary to clarify this item.

The last item discussed was exempt auxiliary lanes. A question was raised regarding whether there are any length limitations on such facilities. The AASHTO definition of auxiliary lanes was provided (attached).

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# Summary of May 22, 1995 Consultation Meeting

## Participants:

Jon-Paul Kohler	FHWA	217/492-4988
Patricia Morris	USEPA	312/353-8656
David Pohlman	USEPA	312/886-3299
Toby Frevert	IEPA	217/524-4343
Sam Long	IEPA	217/524-4619
Cheryl Kelley	IEPA	217/524-4947
Randy Blankenhorn	IDOT	217/785-2994
Susan Stitt	IDOT	217/782-2863
Tim Milam	IDOT	217/496-2875
Dean B. Englund	CATS	312/793-3456
Tom Murtha	CATS	312/793-3470
Andrew Plummer	CATS	312/793-3470
David Zavattero	CATS	312/793-3456
Eugene Ryan	CATS	312/793-3456

#### NOx Waiver Status

Toby Frevert noted that the May 3 Federal Register indicated that Knoxville received a NOx waiver that applies to transportation conformity without going through an SIP revision. Ms. Morris stated that Region 5 USEPA believes that, because Knoxville is a "clean data" area and northeastern Illinois is not, that the Knoxville procedure does not apply here. USEPA believes that IEPA should conduct a public hearing on a NOx IEPA does not believe this should be waiver SIP revision. necessary. If a process began on June 1 to seek an SIP revision, it would be possible to receive USEPA approval for a NOx waiver by September 1. The last date that a NOx waiver approval would work with the current TIP conformity schedule is approximately October 1 (date the conformity analysis is to be released for public comment). It was agreed that IEPA and USEPA need to reach an agreement soon on how the NOx waiver is to be handled so as not to disrupt the TIP conformity process.

## VMT Growth Issue

It was agreed that IEPA, IDOT and CATS need to put in writing an understanding on how VMT growth is to be forecasted.

#### Seasonal Adjustment Factor

A question was raised, if better data is available to calculate a seasonal adjustment factor, can a factor calculated with this data be used in the conformity analysis even if it differs from that used in the baseline inventory and budget calculations. Mr. Frevert argued that the purpose of the budget to assure that emissions don't exceed some limit. If it can be demonstrated with the best data available that the budget is not being exceeded, the requirements are being met. Ms. Morris indicated she would bring this issue back to the office and offer the Region 5 conclusion at the next meeting.

## PM-10 Conformity

This past year had four violations of the PM-10 standards in the McCook non-attainment area. The violations were thought in part to be attributable to road construction projects. IDOT has provisions in its contracts to mitigate particulate emissions. CATS agreed to contact all other implementors of road construction projects in that PM-10 non-attainment area and urge them to use the IDOT mitigation techniques.

#### New 1996 VOM Emissions Budget

IEPA is in the final stages of developing a new 1996 VOM emissions budget for mobile sources in the northeastern Illinois attainment area. This budget will be lower than that used in the last conformity analysis. IEPA transmitted to CATS the MOBILE model settings to be used in conjunction with the new budget. CATS will rerun the emissions calculations from the last conformity work to ascertain the effect.

# Build/No Build Test for 1996

In the next conformity analysis, the transportation networks for 1996 build and no-build cases will be virtually identical. A difference could only be caused if a new project that did not appear in the first three years of the previous TIP would be implemented by 1996. The question was raised, given this situation, if the 1996 Build/No Build comparison was a reasonable test. Ms. Morris stated that USEPA would look at this issue. Mr. Blankenhorn stated that he thought there would be a few projects that met this condition.

# Summary of August 14 Tier Two Consultation Meeting

## Participants:

Carla Berroyer IDOT **CATS** Patricia Berry Randy Blankenhorn **IDOT CATS** Linda Bolte Toby Frevert **IEPA** FTA-5 Doug Gerleman Luann Hamilton CDOT Samuel Herrera FHWA-Reg. 5 Jerry Hoff Metra Jon-Paul Kohler **FHWA** Don Kopec CATS Patricia Morris USEPA Eugene Ryan **CATS** Ronald Shimizu RTA Bill Smith IDOT-OP&P John Tomczyk **CDOT** Dave Zavattero CATS

# Approval of Summary of May 22 Consultation Meeting

The participants approved the summary of the May 22 meeting with no changes.

### **Regionally Significant Project Definition**

The question of what constitutes a regionally significant project was discussed as it relates to the 2020 RTP. The RTP Committee at a prior meeting agreed with the basics of the IDOT proposal which is that new or extended freeways and fixed rail projects are regionally significant and should be specifically delineated in the plan. However, individual arterial add lanes projects or bus route extensions and expansions should not be individually designated. The plan would indicate the system level objectives for Strategic Regional Arterial improvements and bus expansion. For the purpose of the conformity analysis, a representative sample of projects reflecting the overall system level objectives of the plan would be modeled. In this way, a good estimate of the pollution emissions impacts of the plan could be calculated. The USEPA and IEPA representatives agreed that this was a proper procedure to include these unspecified investments in the conformity analysis. The USDOT representatives were unsure if selecting projects to represent system level objectives would be appropriate for the plan conformity. The option of excluding from the conformity analysis any project which cannot be clearly identified in the plan was discussed.

# Inclusion of Non-Federally Funded and Phase One Engineering Projects in the Conformity Analysis

Ms. Berry summarized the discussions of the Work Program Committee at its July meeting regarding projects proposed for inclusion in the TIP that appear as Corridors of the Future in the 2010 TSD Plan. Phase 1 engineering, as an exempt activity, may appropriately be included in the FY 96-00 TIP, but no such project should be modeled in the conformity analysis. The participants concurred.

#### Status of NOx Waiver

Ms. Morris said that the notice of USEPA's proposal to approve the NOx waiver for transportation conformity will be published in the Federal Register this week (it was published August 16). A 30-day public comment period will then begin.

Regarding rule changes, she said that the final rule on the transition to the control strategy period was published in the Federal Register August 7. This finalizes the interim final rule issued February 8 to align the timing of conformity rule actions with sanctions.

The next rule changes are still at OMB and it now appears they will not be published until early September. Proposed changes under discussion include changing the conformity determination time limit from 12 to 18 months and allowing TCMs to continue in the case of conformity lapse. This rule will also include changing the NOx exemption rules from section 182f to 182b1, which will allow USEPA to issue a final approval upon appropriate disposition of comments on the waiver. USEPA accepts the LADCO modeling which is a strong basis for accepting that NOx control would not help the ozone problem in the region.

The TIP schedule call for the public comment period on the FY 96-00 TIP to begin November 29. If a NOx waiver is not in place at that time, the documentation will include an indication that the NOx waiver is being sought. No NOx data will be produced in any case. If the NOx waiver is denied, the conformity analysis will be redone and a new public comment period held.

# Baseline/Action Classification of Exempt Projects Amended into an existing TIP

Mr. Kohler indicated that headquarters had not yet responded to the request from Mr. Herrera and Mr. Kohler to allow CATS to place exempt projects amended into the FY 94-98 TIP in the action only scenario for the FY 96-00 analysis. Ms. Berry said that it was too late for this year, since coding has already begun, but the request is still urgent because the CMAQ projects are being held up. Mr. Herrera said that if the federal representatives at the table all agreed that it was appropriate, they should be able to generate a letter to that effect without waiting for a response from headquarters. Ms. Morris and Mr. Gerleman concurred. Mr. Kohler will draft such a letter.

#### Seasonal Adjustment Factor

Mr. Frevert said that if the seasonal adjustment factor developed by CATS staff is based on local data and is technically superior to that used in the SIP then it is appropriate to use it in the FY 96-00 TIP conformity analysis. Ms. Morris concurred with Mr. Frevert that the technically superior seasonal adjustment factor should be used for conformity and asked if subsequent SIPs will use this new factor. Mr. Frevert said they would.

## Extension of Validity Period for the FY 94-99 TIP

Ms. Berry summarized the discussion of the Work Program Committee at its May meeting. Members felt it appropriate to request consideration of an extension of the FY 94-99 TIP. The air quality conformity rules require a TIP conformity analysis at least every three years. The metropolitan planning rule requires a TIP update at least every two years. The FY 94-98 TIP was adopted by the Policy Committee in March of 1994, so it must be updated by March of 1996. The rules allow that an extension may be granted in extenuating circumstances.

The participants agreed that it was appropriate to request an extension and that CATS staff should transmit a letter to IDOT with the request. IDOT will then transmit a request for extension to FHWA. The FY 94-99 TIP's life would be extended until such time as the conformity finding on the FY 96-00 TIP is approved. Mr. Herrera said that the driving factors behind the update requirement are fiscal consistency and consistency with the STIP. Since the FY 94-99 TIP is financially constrained and both the STIP and the TIP extend through FY 99, both of these conditions are met, Mr. Herrera was optimistic that an extension would be granted. Ms. Morris, Mr. Kohler and Mr. Gerleman concurred.

## Topics for and Scheduling of a Tier One Meeting

Mr. Kohler said that he had been in contact with headquarters and that Mr. Shrouds stated that if the MPO, state agencies and regional and divisional federal agencies agreed on the consultation issues, there is no need to get headquarters involved. Mr. Blankenhorn asked if headquarters would provide something in writing indicating that this is the case and committing to not coming into the process at a later date and possibly overturning decisions that this group has made to direct the conformity analysis work.

Mr. Herrera said that Washington has totally delegated conformity responsibilities to the division and region and that everyone at the table should bring their issues to the table to be sure that nothing comes up months from now that has not been addressed. Ms. Berry reviewed some of the issues discussed at the consultation meetings that have been held since the Washington representatives participated in the October, 1994 meeting. Mr. Herrera requested copies of the meeting summaries. He asked whether the model enhancements agreed to at the October meeting were in place. Ms. Berry said that they are in place and that these issues are regularly discussed at the Implementors' Model Subcommittee and the Technical Procedures Task Force.

The group agreed that another Tier 2 meeting is needed in the near future so that concurrence can be established on the region's approach to this year's conformity analysis. Or if we find that we don't have concurrence we can call in Washington for direction. Mr. Blankenhorn asked that the federal representatives contact their Washington and Ann Arbor counterparts to assure that all issues are covered. CATS staff will develop an agenda with input from all participants and will provide supporting documentation, particularly on the model enhancements, for distribution to the local, DC, and Ann Arbor representatives prior to the meeting.

A tentative date of September 22 was set, subject to participants' availability and CATS staff ability to develop appropriate documentation in that time frame.

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