

ACTION TRANSMITTAL No. 2018-49

DATE: December 13, 2018

TO: Transportation Advisory Board

PREPARED BY: Joe Barbeau, Senior Planner (651-602-1705)

SUBJECT: 2019-2022 TIP Amendment: TH 212 and CSAH 44 Interchange

REQUESTED ACTION: The City of Chaska requests an amendment to the 2019-2022 Transportation Improvement Program (TIP) to add a project to construct an interchange at TH 212 and CSAH 44 (SP # 196-020-010).

RECOMMENDED MOTION: That the Transportation Advisory Board accept the public comments and adopt an amendment into the 2019-2022 TIP to approve the City of Chaska's project to construct an interchange at TH 212 and CSAH 44 (SP # 196-020-010).

BACKGROUND AND PURPOSE OF ACTION: This TIP amendment is needed to add a new project into the Transportation Improvement Program (TIP). In 2017, the Minnesota legislature appropriated \$10.5M to this project through the Local Road Improvement Program (LRIP) for right of way, engineering and construction of the Interchange at TH 212 and CSAH 44.

RELATIONSHIP TO REGIONAL POLICY: Federal law requires that all transportation projects that will be funded with federal funds must be in an approved TIP and meet the following four tests: fiscal constraint; consistency with the adopted regional transportation plan; air quality conformity; and opportunity for public input. It is the TAB's responsibility to adopt and amend the TIP according to these four requirements.

STAFF ANALYSIS: The TIP amendment meets fiscal constraint because the state and local funds are sufficient to fully fund the project. This amendment is consistent with the Metropolitan Council Transportation Policy Plan, adopted by the Metropolitan Council on January 14, 2015, with FHWA/FTA conformity determination established on March 13, 2015. The Minnesota Interagency Air Quality and Transportation Planning Committee identified the project as an A30 regionally significant project as part of its conformity analysis for the 2019-2022 TIP. The analysis has resulted in a conformity determination that the projects included in the 2019-2022 TIP meet all relevant regional emissions analysis and budget tests. The 2019-2022 TIP conforms to the relevant sections of the Federal Conformity Rule and to the applicable sections of Minnesota State Implementation Plan for air quality. Public input opportunities for this amendment are provided through the TAB's and Council's regular meetings along with a 21-day public comment period for this amendment due to the project's regional significance in adding capacity.

COMMITTEE COMMENTS AND ACTION: At its October 18, 2018, meeting, the Funding & Programming Committee voted unanimously to recommend approval of the TIP amendment request to construct an interchange at TH 212 and CSAH 44 for the purpose of releasing it for a public comment period.

At its November 7, 2018, meeting, the Technical Advisory Committee voted unanimously to recommend approval of the TIP amendment request to construct an interchange at TH 212 and CSAH 44 for the purpose of releasing it for a public comment period.

At its November 18, 2018, meeting, the Transportation Advisory Board voted unanimously to release the TIP amendment request for a public comment period.

STAFF RESPONSE TO COMMENTS: No comments were received.

ROUTING

TO	ACTION REQUESTED	DATE COMPLETED
TAC Funding & Programming Committee	Review & Recommend	10-18-2018
Technical Advisory Committee	Review & Recommend	11-7-2018
Transportation Advisory Board	Release for Public Comment	11-15-2018
Transportation Advisory Board	Review & Adopt	
Metropolitan Council Transportation Committee	Review & Recommend	
Metropolitan Council	Review & Concur	

Please amend the 2019-2022 Transportation Improvement Program (TIP) to include this project in program year 2019. This project is being submitted with the following information:

PROJECT IDENTIFICATION:

SEQ #	State Fiscal Year	A	D	Route System	Project Number (S.P. #) (Fed # if available)	Agency	Description include location, description of all work, & city (if applicable)	Miles
NA	2019	M	M	CSAH 44	SP 196-020-010	City of Chaska	Right of way, Engineering, and Reconstruction of CSAH 44, modifications to Bridge No. 10017 and construction of a new interchange at US Highway 212 including new pedestrian Bridge No. 10060	1.2

Prog	Type of Work	Prop Funds	Total \$	FHWA \$	AC \$	TH \$	Other \$
	Reconstruction	Local/LRIP	\$19,390,000	-	-	-	\$8.89M (Local) \$10.5M (LRIP)

PROJECT BACKGROUND:

- Briefly describe why amendment is needed (e.g., project in previous TIP but not completed; illustrative project and funds now available; discretionary funds received; inadvertently not included in TIP).

This amendment is needed to add this new project to the TIP. In 2017, the Minnesota legislature appropriated \$10.5M to this project through the Local Road Improvement Program (LRIP) for right of way, engineering and construction of the Interchange at CSAH 44 and TH 212.

- How is Fiscal Constraint Maintained as required by 23 CFR 450.216 (check all that apply)?
 - New Money ✓
 - Anticipated Advance Construction
 - ATP or MPO or MnDOT Adjustment by deferral of other projects
 - Earmark or HPP not affecting fiscal constraint
 - Other

The costs are being funded by the State of Minnesota (LRIP), Carver County, and the City of Chaska. There are not any federal funds in the project.

CONSISTENCY WITH MPO LONG RANGE PLAN:

This amendment is consistent with the Metropolitan Council Transportation Policy Plan, adopted by the Metropolitan Council on January 14, 2015, with FHWA/FTA conformity determination established on March 13, 2015.

AIR QUALITY CONFORMITY:

- Subject to conformity determination ✓
 - Exempt from regional level analysis
 - N/A (not in a nonattainment or maintenance area)
- ✓ The Minnesota Interagency Air Quality and Transportation Planning Committee identified the project

as an A30 regionally-significant project. The attached analysis resulted in a conformity determination that the projects included in the 2019-2022 TIP will meet all relevant regional emissions analysis and budget tests. The 2017-2020 TIP will conform to the relevant sections of the Federal Conformity Rule and to the applicable sections of Minnesota State Implementation Plan for air quality.

Appendix B

Conformity Documentation Of the 2019-2022 Transportation Improvement Program to the 1990 Clean Air Act Amendments May 3, 2018

Air Quality Conformity

Clean Air Act Conformity Determination

The Minneapolis-Saint Paul region is within an EPA-designated limited maintenance area for carbon monoxide. A map of this area, which for air quality conformity analysis purposes includes the seven-county Metropolitan Council jurisdiction plus Wright County and the City of New Prague, is shown below. The term "maintenance" reflects the fact that regional CO emissions were unacceptably high in the 1970s when the National Ambient Air Quality Standards (NAAQS) were introduced, but were subsequently brought under control. A second 10-year maintenance plan was approved by EPA on November 8, 2010, as a "limited maintenance plan." Every Transportation Policy Plan (TPP) or Transportation Improvement Program (TIP) approved by the Council must be analyzed using specific criteria and procedures defined in the Conformity Rule to verify that it does not result in emissions exceeding this current regional CO budget. A conforming TIP and TPP must be in place in order for any federally funded transportation program or project phase to receive FHWA or FTA approval.

The analysis described in the appendix has resulted in a Conformity Determination that the the 2019-2022 TIP meets all relevant regional emissions analysis and budget tests as described herein and conforms to the relevant sections of the Federal Conformity Rule and to the applicable sections of Minnesota State Implementation Plan for air quality.

Public Involvement & Interagency Consultation Process

The Council remains committed to a proactive public involvement process used in the development and adoption of the TIP as required by the Council's [Transportation Public Participation Plan](#), adopted on July 26, 2017. An interagency consultation process was used to develop the TIP. Consultation continues throughout the public comment period to respond to comments and concerns raised by the public and agencies prior to final adoption by the Council. The Council, MPCA, and MnDOT confer on the application of the latest air quality emission models, the review and selection of projects exempted from a conformity air quality analysis, and regionally significant projects that must be included in the conformity analysis of the TIP. An interagency conformity work group provides a forum for interagency consultation on technical conformity issues, and has met in person and electronically over the course of the development of the TPP and TIP.

Emissions Test

In 2010, the EPA approved a Limited Maintenance Plan for the maintenance area. A limited maintenance plan is available to former non-attainment areas which demonstrate that monitored concentrations of CO remain below 85% of the eight-hour NAAQS for eight consecutive quarters. MPCA CO monitoring data shows that eight-hour concentrations have been below 70% of the NAAQS since 1998 and below 30% of the NAAQS since 2004.

Under a limited maintenance plan, the EPA has determined that there is no requirement to project emissions over the maintenance period and that “an emissions budget may be treated as essentially not constraining for the length of the maintenance period because it is unreasonable to expect that such an area will experience so much growth in that period that a violation of the CO NAAQS would result.” No regional modeling analysis is required; however, federally funded projects are still subject to “hot spot” analysis requirements.

The limited maintenance plan adopted in 2010 determines that the level of CO emissions and resulting ambient concentrations continue to demonstrate attainment of the CO NAAQS. The following additional programs will also have a beneficial impact on CO emissions and ambient concentrations: ongoing implementation of an oxygenated gasoline program as reflected in the modeling assumptions used in the State Implementation Plan; a regional commitment to continue capital investments to maintain and improve the operational efficiencies of highway and transit systems; adoption of *Thrive MSP 2040*, which supports land use patterns that efficiently connect housing, jobs, retail centers, and transit-oriented development along transit corridors; and the continued involvement of local government units in the regional 3C transportation planning process, which allows the region to address local congestion, effectively manage available capacities in the transportation system, and promote transit supportive land uses as part of a coordinated regional growth management strategy. For all of these reasons, the Twin Cities CO maintenance areas will continue to attain the CO standard for the next 10 years.

Transportation Control Measures

Pursuant to the Conformity Rule, the Council reviewed the 2019-2022 TIP and certifies that it conforms to the State Improvement Plan and does not conflict with its implementation. All transportation system management strategies which were the adopted transportation control measures for the region have been implemented or are ongoing and funded. There are no TSM projects remaining to be completed. There are no fully adopted regulatory new TCMs nor fully funded non-regulatory TCMs that will be implemented during the programming period of the TIP. There are no prior TCMs that were adopted since November 15, 1990, nor any prior TCMs that have been amended since that date. A list of officially adopted transportation control measures for the region may be found in the Nov. 27, 1979, Federal Register notice for EPA approval of the Minneapolis-St. Paul Carbon Monoxide Maintenance Plan. Details on the status

of adopted Transportation Control Measures can be found in the 2040 Transportation Policy Plan, in [Appendix E](#).

Federal Requirements

The 2019-2022 TIP meets the following Conformity Rule requirements:

Inter-agency consultation: The Minnesota Pollution Control Agency (MPCA), Minnesota Department of Transportation (MnDOT), Environmental Protection Agency (EPA), and Federal Highway Administration (FHWA) were consulted during the preparation of the TIP and its conformity review and documentation. The "Transportation Conformity Procedures for Minnesota" handbook provides guidelines for agreed-upon roles and responsibilities and inter-agency consultation procedures in the conformity process.

Regionally significant and exempt projects: The analysis includes all known federal and nonfederal regionally significant projects. Exempt projects not included in the regional air quality analysis were identified by the inter-agency consultation group and classified.

Donut areas: No regionally significant projects are planned or programmed for the City of New Prague. Regionally significant projects were identified for Wright County to be built within the analyses period of the Plan and incorporated into the conformity analysis.

Latest planning assumptions: The published source of socioeconomic data for this region is *Thrive MSP 2040*. The latest update to these forecasts was published by the Metropolitan Council in April 2018.

Public Participation: The TIP was prepared in accordance with the Transportation Public Participation Plan, adopted by the Council on July 26, 2017. This process satisfies federal requirements for public involvement and public consultation.

Fiscal Constraint: The TIP addresses the fiscal constraint requirements of the Conformity Rule.

The Council certifies that the TIP does not conflict with the implementation of the State Implementation Plan, and conforms to the requirement to implement the Transportation System Management Strategies, which are the adopted Transportation Control Measures (TCMs) for the region. All of the adopted TCMs have been implemented.

Any TIP projects that are not specifically listed in the plan are consistent with the goals, objectives, and strategies of the plan and will not interfere with other projects specifically included in the plan.

There are no projects which have received NEPA approval and have not progressed within three years.

Although a small portion of the Twin Cities Metropolitan Area is a maintenance area for PM-10, the designation is due to non-transportation sources, and therefore is not analyzed herein.

List of Regionally Significant Projects

Pursuant to the Conformity Rule, the projects listed in the TIP and Transportation Policy Plan (see Appendix C) were reviewed and categorized using the following determinations to identify projects that are exempt from a regional air quality analysis, as well as regionally significant projects to be included in the analysis. The classification process used to identify exempt and regionally significant projects was developed through an interagency consultation process involving the MPCA, EPA, FHWA, the Council and MnDOT. Regionally significant projects were selected according to the definition in Section 93.101 of the Conformity Rules:

"Regionally significant project means a transportation project (other than an exempt project) that is on a facility which serves regional transportation needs (such as access to and from the area outside of the region, major activity centers in the region, major planned developments such as new retail malls, sports complexes, etc., or transportation terminals as well as most terminals themselves) and would normally be included in the modeling of a metropolitan area's transportation network, including at a minimum all principal arterial highways and all fixed guideway transit facilities that offer an alternative to regional highway travel."

Junction improvements and upgraded segments less than one mile in length are not normally coded into the Regional Travel Demand Forecast Model, and therefore are not considered to be regionally significant, although they are otherwise not exempt. The exempt air quality classification codes used in the "AQ" column of project tables of the Transportation Improvement Program are listed at the end of this appendix. Projects which are classified as exempt must meet the following requirements:

- The project does not interfere with the implementation of transportation control measures.
- The project is exempt if it falls within one of the categories listed in Section 93.126 in the Conformity Rule. Projects identified as exempt by their nature do not affect the outcome of the regional emissions analyses and add no substance to the analyses. These projects are determined to be within the four major categories described in the conformity rule.

The inter-agency consultation group, including representatives from MnDOT, FHWA, MPCA, EPA, and the Council, reviewed list of projects to be completed by 2040 including the following:

- Existing regionally significant highway or transit facilities, services, and activities;
- Regionally significant projects (regardless of funding sources) which are currently:
 - under construction or undergoing right-of-way acquisition, or;
 - come from the first year of a previously conforming Transportation Improvement Program, or;

- have completed the NEPA process, or;
- listed in the 2019-2022 Transportation Improvement Program, or;
- listed in the Transportation Policy Plan (Appendix C), or;
- identified for Wright County.

Each project was assigned to a horizon year (open by January of 2020, 2030 or 2040) and categorized in terms of potential regional significance and air quality analysis exemption as per Sections 93.126 and 93.127 of the Conformity Rule, using the codes listed in this appendix. The resulting list of regionally significant projects is shown below.

Horizon Year 2020

Rebuild and Replace Highway Assets

- I-35W: from MN36/MN280 in Roseville to just N I694 in Arden Hills/new Brighton- Auxiliary lanes (6284-180AC1)
- I-35W MnPASS Southbound from downtown Minneapolis to 46th St.
- TH 100: from 36th St to Cedar Lake Rd in St. Louis Park - reconstruct interchanges including constructing auxiliary lanes
- TH 169: Bridge replacement over nine mile creek in Hopkins

Strategic Capacity Enhancements

- I-94: EB from 7th St Exit to Mounds Blvd in St Paul- add auxiliary lane
- TH 55: from N Jct MN149 to S Jct MN149 in Eagan- widen from 4-lane to 6-lane
- I-494 SB from I-94/I-694 to Bass Lake Road: add auxiliary lane
- I-494 from CSAH 6 to I-94/I-694: Construct one additional lane in each direction
- I-494 from TH 55 to CSAH 6, construct one auxiliary lane
- I-494 NB from I-394 to Carlson Pkwy, construct auxiliary lane
- I-694 from Lexington Ave to east of Rice St: Construct one additional lane in each direction
- I-94 from TH 241 in St. Michael to TH 101 in Rogers: Extend westbound ramp, add westbound lane through TH 101 interchange, and add eastbound lane between the interchanges
- I-35E MnPASS Extension from Little Canada Road to County Road J
- TH 610 from I-94 to Hennepin County 81: Complete 4-lane freeway
- TH 5 from 94th St to Birch St in Waconia: Widen to 4-lanes
- TH 62 from France Ave to Xerxes: Construct EB auxiliary lane
- TH 55 from Plymouth Blvd to Vicksburg Ln in Plymouth, Construct WB auxiliary lane.
- I-94: SB I-694 to I-94 EB and I-694 NB to I-94 EB ramps: modify the CD road and convert to individual exists.
- US 169 at Scott County 3 in Belle Plaine, construct new overpass
- MN 41 between US 212 and CSAH 14: Reconstruction and expansion

- US 52 at CSAH 42 in Rosemount: Reconstruct to 4-lane divided, bridges and access ramps
- I-35W in Burnsville: Add Auxillary lanes between Black Dog Rd and 106th Street
- I-494 in South St Paul and Inver Grove Heights: Add Auxillary lanes between Hardman Ave and Bovey Ave.
- I-35W from CR C in Roseville to Lexington Ave in Lino Lakes: Construct MNPASS LaneI-694 in Arden Hills: Construct 2 lane entrance ramp from US 10 to EB694
- US 10 from SB I-35W to CSAH 96 in Arden Hills: Construct two lane exit from I-35W, construct auxillary lane on US 10.
- US 169 from MN 41 to Scott County Road 69 in Jackson Twp: Construct Frontage road
- I-694 in Oakdale - auxiliary lane SB from 10th St to I-94
- MN 36, AT CSAH 35 (HADLEY AVE) IN OAKDALE

Regional Highway Access | Horizon Year 2020

- US 10 at Armstrong Blvd in Ramsey: New interchange and rail grade separation
- US 52 at Dakota CSAH 86 in Randolph Township – grade separated crossing
- I-94 at 5th/7th Street in Minneapolis- reconstruct interchange to close 5th street ramp and replace it with one at 7th street.
- I-494 at CSAH 28 in Bloomington: Construct ramp to WB I-494 including new bridge.
- US 169 at MN 41 in Jackson Twp: Construct interchange
- MN 36 at Hadley Ave in Oakdale: Construct interchange

Transitway System

- METRO Orange Line
- METRO Green Line extension
- Arterial BRT along Penn Ave in Brooklyn Center and Minneapolis

Other Regionally Significant Transit Expansion

- Stillwater Park and Ride at TH 36

2011 Regional Solicitation Selected Projects

- St. Paul East 7th Street: Limited stop transit service demonstration
- St. Paul Pierce Butler Rte: from Grotto St to Arundel St at Minnehaha Ave- extension on a new alignment as a 4-lane roadway
- 105th Ave: extension to 101st Ave W of I-94 in Maple Grove
- Lake Street and I-35W
- TH 149: from TH 55 to just N of I-494 in Eagan-reconstruct from 4-lane to 5-lane
- Anoka CSAH 11: from N of Egret Blvd to N of Northdale Blvd - reconstruction of CSAH 11 (Foley Blvd) as a 4-lane divided roadway

- Hennepin CSAH 34: from W 94th St to 8500 Block in Bloomington - reconstruction of CSAH 34 (Normandale Blvd) as a 4-lane divided roadway
- *Hennepin CSAH 53: from just W of Washburn Ave to 16th Ave in Richfield-reconstruct to a 3-lane section center turn lane, raised concrete median, signal replacement, sidewalks, on-road bikeways
- Hennepin CSAH 81: from N of 63rd Ave N to N of CSAH 8 in Brooklyn Park - reconstruct to a multi-lane divided roadway
- Hennepin CSAH 35: from 67th St to 77th St in Richfield-reconstruct including transit, bicycle, and pedestrian facilities
- Scott CSAH 17: from S of CSAH 78 to N of CSAH 42 - reconstruct as a 4-lane divided roadway
- Anoka CSAH 116 from east of Crane St through Jefferson St – reconstruct to 4-lane divided roadway

2014 Regional Solicitation Selected Projects

- Scott County: TH 169 and TH 41 interchange
- Eagan: Reconstruction of CSAH 31 from I-35E to Northwood/Central Parkway
- Washington County: TH 36/Hadley interchange
- Dakota County: CSAH 42/TH 52 interchange
- Washington County: CSAH 13 expansion
- Hennepin County: CSAH 81 expansion
- Bloomington: E Bush Lake Road I-494 WB entrance ramp
- Anoka County: CSAH 78 expansion from 139th Ln to CSAH 18
- Carver County: TH 41 expansion
- St. Louis Park: Beltline Park and Ride
- Metro Transit: Route 62 service expansion
- MVTA: 169 connector service
- Metro Transit: Route 2 service expansion
- Metro Transit: Emerson-Fremont Ave corridor bus and technology improvements
- Metro Transit: Chicago Ave corridor bus and technology Improvements

2016 Regional Solicitation Selected Projects

- Brooklyn Center: US 252/66th Avenue Interchange
- Louisville Township: US 169 and CSAH 14 interchange
- Dayton: Brockton lane interchange
- Roseville: Snelling Avenue expansion
- Washington County: US 36 and Manning Avenue interchange
- Richfield: 77th Street underpass of CSAH 77
- Brooklyn Park: US 169 and 101st Avenue interchange

Projects Outside of Metropolitan Planning Area, Inside Maintenance Area

- I-94: from MN 25 to CSAH 18 – reconstruction including addition of auxiliary lanes
- CSAH 19 in Alberville: Extend Multilane Roadway from Lamplight Dr to N of 70th St

Horizon Year 2030

MnPASS Investments | Horizon Year 2030

- I-35W from MN 36 to US 10 – construct MnPASS Lane
- I-94 from Cedar Avenue to Marion Street – construct MnPASS Lane

Transitway System | Horizon Year 2030

- METRO Blue Line extension
- METRO Gold Line dedicated BRT
- Arterial BRT along Chicago Avenue and Emerson and Fremont avenues in Brooklyn Center, Minneapolis, Richfield, and Bloomington
- METRO Red Line Stage 2 improvements including extension of BRT service to 181st Street in Lakeville

Other Regionally Significant Transit Expansion

- US 52, at MN 50 in hampton, in the NW quadrant- expand park and pool lot

Projects Outside of Metropolitan Planning Area, Inside Maintenance Area

- Wright CSAH 19 from Lamplight Dr to N of 70th St in Albertville – extend multilane roadway
- Wright CSAH 19 from Chestnut Ave SE to Ash Ave NE in St. Michael – roadway expansion

Strategic Capacity Enhancements

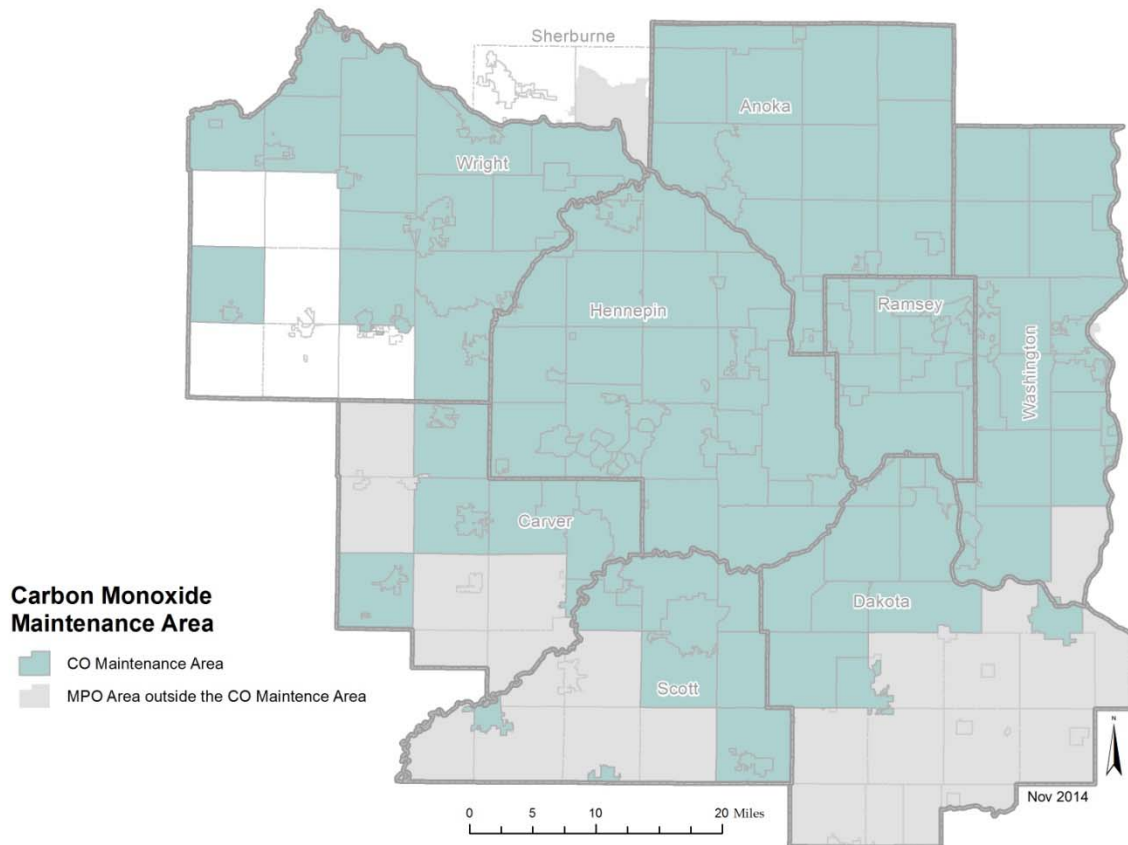
- I-94, from MN 101 in rogers to i-494 in Maple Grove: add EB and WB lanes between MN 610 and MN 101
- US 169 at 101st Ave in Brooklyn Park - construct interchange
- MN 41 from S of Minnesota River bridge to Walnut St in Chaska – improve intersection at CSAH 61
- MN 252, at 66th Ave N in Brooklyn Center-construct interchange, convert to freeway, close intersection at 70th Ave
- US 10/169 from Anoka/Ramsey city limits to Green Haven Rd/Main St interchange-reconstruct, grade separate intersections at Fair oak Ave and Thurston Ave, improve frontage and supporting road configurations to Main St and Thurston Ave
- CSAH 83 from US 169 north ramp to south of 4th Ave E in Shakopee-reconstruct to urban 4-lane divided roadway
- Reconstruct CSAH 21/TH 13 intersection in Prior Lake including on CSAH 21 from West Ave intersection to Franklin Trail E of MN 13 -reconstruct intersection with Main Ave to 3/4 intersection, roundabouts at TH 13 & Arcadia Ave intersection, ¾ intersection at TH 13 & Pleasant St
- MN 13 and Dakota Ave in Savage, from W of Dakota Ave to E of Yosemite- grade separated interchange at Dakota Ave, frontage roads and access ramps

- US 10, from W City of Anoka border to EB entrance ramp from W Main St. Includes new interchange with bridges at Thurston Ave, grade separation at Fairoak with bridge and supporting roadways on north and south side of US 10
- CSAH 70, from 0.36 mi E of I-35 to CSAH 23 in Lakeville- expand 2 to 4 lane
- US 212 from Carver (CSAH 11) to Cologne (CSAH 36)- expand 2 lane to 4 lane
- CSAH 14 from Lexington Ave NE (CSAH 17) to 0.23 mi E of Lever St in Blaine - reconstruct from 2 to 4 lane

Horizon Year 2040

- No projects identified

Figure E-1: Carbon Monoxide Maintenance Area





520 Lafayette Road North | St. Paul, Minnesota 55155-4194 | 651-296-6300
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October 24, 2018

Elaine Koutsoukos
Transportation Advisory Board Coordinator
Metropolitan Council
390 Robert Street North
St. Paul, MN 55101-1805

RE: 2019-2022 Draft Transportation Improvement Program Amendment

Dear Elaine Koutsoukos:

The Minnesota Pollution Control Agency (MPCA) has completed its formal review of the draft 2019-2022 Transportation Improvement Program (TIP) amendment request. The proposed TIP amendment includes the construction of an interchange at County State Aid Highway 44 and Trunk Highway 212.

The MPCA staff has examined the draft TIP for conformance with a checklist of requirements from the joint Transportation Conformity Rule (Rule) of the U.S. Environmental Protection Agency (EPA) and the U.S. Department of Transportation. The intent of the Rule is to ensure compliance with the Clean Air Act Amendments of 1990 and the new transportation reauthorization bill "Fixing America's Surface Transportation (FAST) Act when a Metropolitan Planning Organization (MPO) or state department of transportation serves as a distribution agency for federal transportation funds.

The Rule requires that the MPOs base their TIPs and long-range comprehensive Transportation Plans on the latest planning assumptions. As a result, the draft TIP's air quality conformity analysis is based on the most current Metropolitan Council (the Council) socioeconomic data used in Thrive MSP 2040, which was adopted by the Council on May 28, 2014. The planning document provides the Council with the socioeconomic data (planning assumptions) to develop long-range forecasts of regional highway and transit facilities' needs.

On November 8, 2010, the EPA approved a Limited Maintenance Plan request for the Twin Cities maintenance area. Under a Limited Maintenance Plan, the EPA has determined that there is no requirement to project emissions over the maintenance period and that "an emission budget may be treated as essentially not constraining for the length of the maintenance period". The reason is that it is unreasonable to expect that the Twin Cities maintenance area will experience so much growth within this period that a violation of carbon monoxide (CO) National Ambient Air Quality Standard (NAAQS) would result. Therefore, no regional modeling analysis is required, however federally funded projects are still subject to "hot spot" analysis requirements. The Limited Maintenance Plan adopted in 2010, determines that the level of CO emissions and resulting ambient concentrations will continue to demonstrate attainment of the CO NAAQS.

The current TIP was also prepared in accordance with the public participation plan for transportation planning adopted by the Council on July 26, 2017. This process satisfies FAST Act requirements for public participation involvement, as well as the public consultation procedures requirements of Conformity Rule.

Elaine Koutsoukos

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October 24, 2018

Based on this review, the analysis described in the conformity Appendix B, and submitted by Council has resulted in a Conformity Determination that the additional project included in the 2019-2022 TIP meet all relevant regional emissions analysis and budget tests as described therein. The 2019-2022 TIP also conforms to the relevant sections of the Federal Conformity Rule and the applicable sections of the Minnesota State Implementation Plan for air quality.

The MPCA staff appreciates the opportunity given to review this document as part of the EPA Transportation Conformity Rule consultation process. The MPCA staff also appreciates the cooperation of the interagency consultation group that includes the Council, EPA, Minnesota Department of Transportation (MnDOT), and Federal Highway Administration (FHWA) for their immediate assistance in resolving all policy and technical analysis issues with respect to the projects' air quality classification and their willingness to accept the suggested course of action.

Please contact me if you have any questions at 651-757-2347 or via email at innocent.eyoh@state.mn.us.

Sincerely,



Innocent Eyoh
Planner Principal
Air Assessment Section
Environmental Analysis and Outcomes Division

cc: Andrew Emanuele, FHWA
Michael Leslie, Region 5, EPA
Jonathan Ehrlich, Metropolitan Council
Joseph Barbeau, Metropolitan Council
Lisa Freese, Technical Advisory Committee Chair
Paul Oehme, Technical Advisory Committee Funding and Programming Committee Chair
Bobbi Retzlaff, MnDOT
Lynne Bly, MnDOT
Dave Thornton, MPCA, St. Paul
Todd Biewen, MPCA, St. Paul
Frank Kohlasch, MPCA, St. Paul
Mary Jean Fenske, MPCA, St. Paul
Amanda Jarrett Smith, MPCA, St. Paul

Exempt Projects

Certain transportation projects eligible for funding under Title 23 U.S.C. have no impact on regional emissions. These are "exempt" projects that, because of their nature, will not affect the outcome of any regional emissions analyses and add no substance to those analyses. These projects (as listed in Section 93.126 of the Conformity Rules) are excluded from the regional emissions analyses required in order to determine conformity of the Transportation Policy Plan and the TIP.

The following is a list of "exempt" projects and their corresponding codes used in column "AQ" of the TIP. Except for projects given an "A" code, the categories listed under Air Quality should be viewed as advisory in nature, and relate to project specific requirements rather than to the air quality conformity requirements. Ultimate responsibility for determining the need for a hot-spot analysis for a project rests with the U.S. Department of Transportation. The Council has provided the categorization as a guide to possible conformity requirements.

Projects that Do Not Impact Regional Emissions

Safety

- S-1: Railroad/highway crossing
- S-2: Hazard elimination program
- S-3: Safer non-federal-aid system roads
- S-4: Shoulder improvements
- S-5: Increasing sight distance
- S-6: Safety improvement program
- S-7: Traffic control devices and operating assistance other than signalization projects
- S-8: Railroad/highway crossing warning devices
- S-9: Guardrails, median barriers, crash cushions
- S-10: Pavement resurfacing and/or rehabilitation
- S-11: Pavement marking demonstration
- S-12: Emergency relief (23 U.S.C. 125)
- S-13: Fencing
- S-14: Skid treatments
- S-15: Safety roadside rest areas
- S-16: Adding medians
- S-17: Truck climbing lanes outside the urbanized area
- S-18: Lighting improvements
- S-19: Widening narrow pavements or reconstructing bridges (no additional travel lanes)
- S-20: Emergency truck pullovers

Transit

- T-1: Operating assistance to transit agencies
- T-2: Purchase of support vehicles
- T-3: Rehabilitation of transit vehicles
- T-4: Purchase of office, shop, and operating equipment for existing facilities
- T-5: Purchase of operating equipment for vehicles (e.g., radios, fareboxes, lifts, etc.)
- T-6: Construction or renovation of power, signal and communications systems
- T-7: Construction of small passenger shelters and information kiosks
- T-8: Reconstruction or renovation of transit buildings and structures (e.g., rail or bus buildings, storage and maintenance facilities, stations, terminals and ancillary structures)
- T-9: Rehabilitation or reconstruction of track structures, track and trackbed in existing rights-of-way
- T-10: Purchase of new buses and rail cars to replace existing vehicles or for minor expansions of the fleet
- T-11: Construction of new bus or rail storage/maintenance facilities categorically excluded in 23 CFR 771

Air Quality

- AQ-1: Continuation of ridesharing and vanpooling promotion activities at current levels
- AQ-2: Bicycle and pedestrian facilities

Other

- O-1: Specific activities that do not involve or lead directly to construction, such as planning and technical studies, grants for training and research programs, planning activities conducted pursuant to titles 23 and 49 U.S.C., and Federal-aid systems revisions
- O-2: Engineering to assess social, economic and environmental effects of the proposed action or alternatives to that action
- O-3: Noise attenuation
- O-4: Advance land acquisitions (23 CFR 712 or 23 CFR 771)
- O-5: Acquisition of scenic easements
- O-6: Plantings, landscaping, etc.
- O-7: Sign removal
- O-8: Directional and informational signs
- O-9: Transportation enhancement activities (except rehabilitation and operation of historic transportation buildings, structures or facilities)
- O-10: Repair of damage caused by natural disasters, civil unrest, or terrorist acts, except projects involving substantial functional, locational or capacity changes

Projects Exempt from Regional Emissions Analyses that May Require Further Air Quality Analysis

The local effects of these projects with respect to carbon monoxide concentrations must be considered to determine if a "hot-spot" type of an analysis is required prior to making a project-level conformity determination. These projects may then proceed to the project development process even in the absence of a conforming transportation plan and Transportation Improvement Program. A particular action of the type listed below is not exempt from regional emissions analysis if the MPO in consultation with the MPCA, MnDOT, EPA, and FHWA (in the case of a highway project) or FTA (in the case of a transit project) concur that it has potential regional impacts for any reason.

Channelization projects include left and right turn lanes and continuous left turn lanes as well as those turn movements that are physically separated. Signalization projects include reconstruction of existing signals as well as installation of new signals. Signal preemption projects are exempt from hot-spot analysis. A final determination of the intersections that require an analysis by the project applicant rests with the U.S. DOT as part of its conformity determination for an individual project.

Projects Exempt from Regional Emissions Analyses

- E-1: Intersection channelization projects
- E-2: Intersection signalization projects at individual intersections
- E-3: Interchange reconfiguration projects
- E-4: Changes in vertical and horizontal alignment
- E-5: Truck size and weight inspection stations
- E-6: Bus terminals and transfer points

Non-Classifiable Projects

Certain unique projects cannot be classified, as denoted by "NC." These projects were evaluated through an interagency consultation process and determined not to fit into any exempt or intersection-level analysis category, but they are clearly not of a nature that would require inclusion in a regional air quality analysis.

Traffic Signal Synchronization

Traffic signal synchronization projects (Sec. 83.128 of the Conformity Rules) may be approved, funded and implemented without satisfying the requirements of this subpart. However, all subsequent regional emissions analysis required by subparts 93.118 and 93.119 for transportation plans, Transportation Improvement Programs, or projects not from a conforming plan and Transportation Improvement Program, must include such regionally significant traffic signal synchronization projects.

Regionally Significant Projects

The following codes identify the projects included in the "action" scenarios of the air quality analysis:

- A-20: Action Year 2020
- A-30: Action Year 2030
- A-40: Action Year 2040