

ACTION TRANSMITTAL

No. 2014-16

DATE: February 7, 2014

TO: TAC Planning Committee

REQUESTED BY: Minnesota Pollution Control Agency

PREPARED BY: Jonathan Ehrlich, Planning Analyst (651-602-1408)

SUBJECT: Memorandum of Agreement Regarding Determination of Conformity of Transportation Plans, Programs, and Projects to State Implementation Plans

REQUESTED ACTION: Request that the TAC Planning Committee recommend to the Technical Advisory Committee of TAB that the Metropolitan Council approve the attached draft Memorandum of Agreement for signature by the Regional administrator

RECOMMENDED MOTION: That the Technical Advisory Committee of the Transportation Advisory Board recommend approval of the attached draft Memorandum of Agreement and forward it to the Transportation Advisory Board and the Metropolitan Council for approval (see Attachments)

BACKGROUND AND PURPOSE OF ACTION: The State Implementation Plan (SIP) is a federally required planning document prepared and maintained by the MPCA identifying state actions and programs to implement designated responsibilities under the Clean Air Act to reduce emissions and maintain compliance with national ambient air quality standards.

Transportation conformity is the process that links transportation planning to the SIP. Conformity determinations by USDOT and the MPO are required for transportation plans (the TPP), programs (the TIP), and federally approved transportation projects in non-attainment and maintenance areas.

The federal Conformity Rules lay out the technical and procedural requirements of conformity determinations and require states to develop their own conformity procedures as part of their SIP. These procedures and commitments are called the Transportation Conformity SIP. In Minnesota, the Transportation Conformity SIP will take the form of a Memorandum of Agreement between the member agencies of the Interagency Air Quality and Transportation Planning Committee (consisting of FHWA, FTA, EPA, MnDOT, MPCA, Metropolitan Council, and Duluth-Superior Metropolitan Interstate Council).

The attached Memorandum of Agreement was prepared by the Minnesota Interagency Air Quality and Transportation Planning Committee for submittal to EPA as the state's federally required Transportation Conformity State Implementation Plan (SIP). It addresses the three requirements of a Transportation Conformity SIP:

- Procedures identifying the roles and responsibilities of involved agencies, interagency consultation, technical analysis, conformity determination procedures, and conflict resolution procedures;
- Commitments to any required control measures that are not included in the TPP and TIP;
- Commitments to mitigation measures to obtain project level conformity determination.

Upon signature of the Memorandum of Agreement by all seven agencies, it will be published by MPCA in the State Register for public comment, and then submitted to U.S. EPA for approval.

RELATIONSHIP TO REGIONAL POLICY: A state with a maintenance area is required by federal law to have an approved Transportation Conformity SIP. Approval of the TPP, TIP, and receipt of federal transportation funds requires that the state have an approved SIP.

Upon signature of the Memorandum of Agreement by all six agencies, it will be published by MPCA in the State Register for public comment, and then submitted to U.S. EPA for approval.

STAFF ANALYSIS: The Memorandum of Agreement formalizes and makes binding commitments to follow a process for determining Clean Air Act Conformity that is long-standing practice of all parties. The text of the Memorandum of Agreement has been reviewed and approved by the Metropolitan Council's Office of General Counsel.

ROUTING

| TO | ACTION REQUESTED | DATE COMPLETED |
|---|--------------------|----------------|
| TAC Planning or Funding & Programming Committee | Review & Recommend | |
| Technical Advisory Committee | Review & Recommend | |
| Transportation Advisory Board | Review & Recommend | |
| Metropolitan Council Transportation Committee | Review & Recommend | |
| Metropolitan Council | Review & Adopt | |