

# **APPENDIX F:**

## **Adoption, Endorsement Resolution and Agency Determinations**

The following pages in the final report will contain adoptions, endorsement resolutions and agency determinations after all of the agencies have completed the process.



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

ROY COOPER  
GOVERNOR

JAMES H. TROGDON, III  
SECRETARY

September 27, 2019

Mr. John F. Sullivan, PE, Division Administrator  
Federal Highway Administration  
North Carolina Division  
310 New Bern Avenue, Suite 410  
Raleigh, North Carolina 27601

Subject: Franklin, Granville, Johnston and Person Counties Donut Area Conformity  
Determination

Dear Mr. Sullivan:

A handwritten signature in blue ink, appearing to read "JT", written over the text "Dear Mr. Sullivan:".

The North Carolina Department of Transportation finds that the 2020-2029 State Transportation Improvement Program (STIP), which is the transportation plan for the donut area of Franklin, Granville, Johnston and Person Counties, complies with the provisions of the Clean Air Act of 1990 and the Fixing America's Surface Transportation (FAST) Act of 2015.

This fiscally constrained transportation plan helps eliminate or reduce violations of the national ambient air quality standards in the donut area of Franklin, Granville, Johnston and Person Counties that is outside of the Capital Area Metropolitan Planning Organization (CAMPO). The report documents the validity of the conformity finding for the donut area and compliance with the Transportation Conformity Regulation 40 CFR 51 and 93.

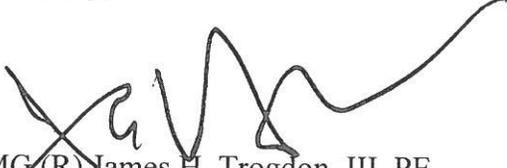
Even though the following project is not regionally significant, please note the change between the 2018-2017 STIP and the 2020-2029 STIP. The construction schedule for project R-5718 changed from FY2021 in the 2018-2017 STIP to FY2024 in the 2020-2029 STIP.

Please begin your final review of this conformity determination and related documentation. The NCDOT is requesting approval on or before March 20, 2020.

Mr. John F. Sullivan, PE, Division Administrator  
September 27, 2019  
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If any federal agencies have any questions or comments regarding this conformity determination, please contact Phyllis D. Jones of the Transportation Planning Division at (919) 707-0970.

Sincerely,



MG (R) James H. Trogdon, III, PE  
Secretary of Transportation

JHT/pdj

cc.

Mike Abraczinskas, Director, Division of Air Quality, NCDEQ  
Loretta Barren, FHWA North Carolina Division  
Dianna Myers, EPA Region 4  
Boyd Melton, FTA Region 4  
Jamal Alavi, PE, Transportation Planning Division  
Travis Marshall, PE, Transportation Planning Division  
Heather Hildebrandt, Transportation Planning Division  
Phil Geary, PE, Transportation Planning Division  
Carlos Moya-Astudillo, Transportation Planning Division  
Jill Vitas, Division of Air Quality, NCDEQ

**RESOLUTION FINDING**  
**THE AMENDED 2045 METROPOLITAN TRANSPORTATION PLAN (MTP) AND**  
**THE 2020-2029 TRANSPORTATION IMPROVEMENT PROGRAM (TIP)**  
**FOR THE DURHAM CHAPEL HILL CARRBORO METROPOLITAN PLANNING**  
**ORGANIZATION (DCHC MPO)**  
**IN CONFORMITY WITH THE NORTH CAROLINA STATE IMPLEMENTATION PLAN**

A motion was made by TAC Member JENN WEAVER and seconded by TAC Member KEVIN PRICER for the adoption of the following resolution, and upon being put to a vote, was duly adopted.

**WHEREAS**, the Durham-Chapel Hill-Carrboro Metropolitan Transportation Planning Organization (DCHC MPO) Board is the duly recognized transportation decision making body for the 3-C transportation planning process (i.e., continuous, cooperative, and comprehensive) of the DCHC MPO; and

**WHEREAS**, the DCHC MPO Board is the duly recognized transportation decision making body for the DCHC MPO as required by 23 CFR Part 134; and

**WHEREAS**, the Fixing of America's Surface Transportation Act (FAST Act) requires all Metropolitan Planning Organizations to develop and maintain a Metropolitan Transportation Plan and Transportation Improvement Program; and

**WHEREAS**, the DCHC MPO 2045 Metropolitan Transportation Plan and the FY 2020-2029 Transportation Improvement Program meet the planning requirements of 23 CFR Part 134; and

**WHEREAS**, the United States Environmental Protection Agency (USEPA) designated the Raleigh-Durham Chapel Hill Area as nonattainment area for the prior 1997 8-hour ozone standard on June 15, 2004, and due to improved air quality in the region the area was re-designated from nonattainment to attainment on December 26, 2007; and

**WHEREAS**, the conformity analysis report dated December 11, 2019 used the latest planning assumptions approved by the DCHC MPO for population, employment, travel and congestion as required in 40 CFR Part 93.110; and

**WHEREAS**, the conformity determination used the latest emissions model approved by the USEPA; and

**WHEREAS**, interagency consultation has been made in accordance with the established interagency consultation procedures for North Carolina and the DCHC MPO; and

**WHEREAS**, there are no transportation control measures listed in North Carolina's State Implementation Plan; and

**WHEREAS**, the programs and projects included in the amended 2045 Metropolitan Transportation Plan are consistent with the North Carolina State Implementation Plan emissions budgets based on a regional emissions analysis; and

(Continued)

(Continued – Resolution Adopting Air Quality Conformity for the DCHC MPO 2045 MTP and 2020-29 TIP)

**WHEREAS**, the donut area projects were included in the conformity regional emissions analysis; and

**WHEREAS**, the programs and projects included in the DCHC MPO Transportation Improvement Program for FY 2020-2029 are financially constrained in accordance with State and Federal law; and

**WHEREAS**, the programs and projects included in the DCHC MPO Transportation Improvement Program for FY 2020-2029 are a direct subset of the 2045 Metropolitan Transportation Plan.

**NOW, THEREFORE BE IT RESOLVED** that the DCHC MPO's amended 2045 Metropolitan Transportation Plan and the 2020-2029 Transportation Improvement Program conforms to the intent of the North Carolina State Implementation Plan in accordance with the Clean Air Act as Amended on this, the 11<sup>th</sup> day of December, 2019.



\_\_\_\_\_  
Damon Seils, DCHC MPO Board Chair

Durham County, North Carolina

I certify that Damon Seils personally appeared before me this day acknowledging to me that he signed the forgoing document.

Date: December 11, 2019



\_\_\_\_\_  
Frederick Brian Rhodes, Notary Public  
My commission expires: May 10, 2020

## RESOLUTION

### RESOLUTION FINDING THE BURLINGTON GRAHAM MPO 2040 METROPOLITAN TRANSPORTATION PLAN AND THE FY 2020-2029 TRANSPORTATION IMPROVEMENT PROGRAM IN CONFORMITY WITH THE NORTH CAROLINA STATE IMPLEMENTATION PLAN

A motion was made by Eddie Boswell and seconded by Lee Kimrey for adoption of the following resolution, and upon being put to a vote was duly adopted.

**WHEREAS,** the Transportation Advisory Committee is the duly recognized transportation decision making body for the 3-C transportation planning process of the Burlington Graham Metropolitan Planning Organization; and

**WHEREAS,** Clean Air Act (CAA) section 176(c) (42 U.S.C. 7506(c)) requires that federally funded or approved highway and transit activities are consistent with (“conform to”) the purpose of the State Implementation Plan (SIP); and

**WHEREAS,** the Burlington Graham MPO 2040 Metropolitan Transportation Plan (MTP) and the FY 2020-2029 Transportation Improvement Program (TIP) meet the planning requirements of 23 CFR 450 and the transportation conformity requirements in 40 CFR 51 and 93; and

**WHEREAS,** the regional emissions analysis for the programs and projects included in the 2040 Burlington Graham MPO MTP are consistent with the North Carolina SIP’s limits (or interim emissions tests in areas where no SIP is approved or found adequate); and

**WHEREAS,** the Triangle Region was “maintenance” at the time of the 1997 ozone national ambient air quality standard (NAAQS) revocation on April 6, 2015 and was also designated attainment for the 2008 ozone NAAQS on May 21, 2012 and per the South Coast II decision, the conformity determination is being made for the 1997 ozone NAAQS on the MTP and TIP; and

**WHEREAS,** that conformity determination was made according to the established interagency consultation procedures for North Carolina; and

**NOW, THEREFORE BE IT RESOLVED** that the Burlington Graham MPO 2040 MTP and the Metropolitan FY 2020-2029 TIP conforms to the intent of the SIP in accordance with the Clean Air Act, on this, the 15<sup>th</sup> day of October 2019.

**CERTIFICATE:** The undersigned certifies that the foregoing is a true and correct copy of a resolution adopted by the voting members of the BGMPO TAC on October 15, 2019.

Date: 10-21-2019

By: [Signature]

**BGMPO TAC Chair**

STATE of: North Carolina

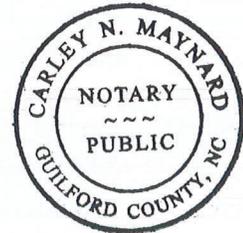
COUNTY of: Alamance

I, Carley N. Maynard, Notary Public of Guilford County, North Carolina do hereby certify that Leonard Williams personally appeared before me on the 21<sup>st</sup> day of October to affix his signature to the foregoing document.

[Signature]

Notary Public

My Commission expires: January 28, 2023



**RESOLUTION ADOPTING THE FY2020-2029 TRANSPORTATION IMPROVEMENT PROGRAM AND FINDING THE 2020-2029 TRANSPORTATION IMPROVEMENT PROGRAM (TIP) FOR THE CAPITAL AREA METROPOLITAN PLANNING ORGANIZATION (CAMPO) IN CONFORMITY WITH THE NORTH CAROLINA STATE IMPLEMENTATION PLAN**

A motion was made by Executive Board Member JOHN BYRNE and seconded by Executive Board Member HOWARD PENNY for the adoption of the following resolution, and upon being put to a vote, was duly adopted.

**WHEREAS**, the Capital Area Metropolitan Transportation Planning Organization (CAMPO) Board is the duly recognized transportation decision making body for the 3-C transportation planning process (i.e., continuous, cooperative, and comprehensive) of the CAMPO; and

**WHEREAS**, the CAMPO Board is the duly recognized transportation decision making body for the CAMPO as required by 23 CFR Part 134; and

**WHEREAS**, the Fixing of America's Surface Transportation Act (FAST Act) requires all Metropolitan Planning Organizations to develop and maintain a Metropolitan Transportation Plan and Transportation Improvement Program; and

**WHEREAS**, the FY 2020-2029 Transportation Improvement Program meet the planning requirements of 23 CFR Part 134; and

**WHEREAS**, the United States Environmental Protection Agency (USEPA) designated the Raleigh-Durham Chapel Hill Area as nonattainment area for the prior 1997 8-hour ozone standard on June 15, 2004, and due to improved air quality in the region the area was re-designated from nonattainment to attainment on December 26, 2007; and

**WHEREAS**, the conformity analysis report dated October 16, 2019 used the latest planning assumptions approved by the CA MPO for population, employment, travel and congestion as required in 40 CFR Part 93.110; and

**WHEREAS**, the conformity determination used the latest emissions model approved by the USEPA; and

**WHEREAS**, interagency consultation has been made in accordance with the established interagency consultation procedures for North Carolina and the CAMPO; and

**WHEREAS**, there are no transportation control measures listed in North Carolina's State Implementation Plan; and

**WHEREAS**, the programs and projects included in the FY2020-2029 Transportation Improvement Program are consistent with the North Carolina State Implementation Plan emissions budgets based on a regional emissions analysis; and

(Continued)

(Continued – Resolution Adopting FY2020-2029 TIP and Air Quality Conformity for the CAMPO 2020-29 TIP)

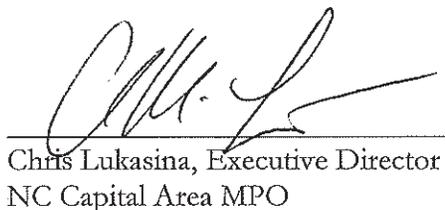
**WHEREAS**, the donut area projects were included in the conformity regional emissions analysis; and

**WHEREAS**, the programs and projects included in the CAMPO Transportation Improvement Program for FY 2020-2029 are financially constrained in accordance with State and Federal law; and

**WHEREAS**, the programs and projects included in the CAMPO Transportation Improvement Program for FY 2020-2029 are a direct subset of the 2045 Metropolitan Transportation Plan.

**NOW, THEREFORE BE IT RESOLVED** that the Capital Area Metropolitan Planning Organization Executive Board adopts the 2020-2029 Transportation Improvement Program and the 2020-2029 Transportation Improvement Program conforms to the intent of the North Carolina State Implementation Plan in accordance with the Clean Air Act as Amended on this, the 16th day of October 2019.

  
\_\_\_\_\_  
Sig Hutchinson, Acting Chair  
NC Capital Area MPO Executive Board

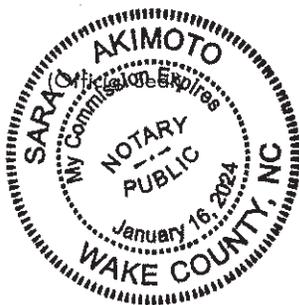
  
\_\_\_\_\_  
Chris Lukasina, Executive Director  
NC Capital Area MPO

County of Wake

State of North Carolina

I, Sara L. Akimoto, a Notary Public for said County and State, do hereby certify that on this, the 16th day of October, 2019, personally appeared before me, Sig Hutchinson, known to me by his presence and acknowledged the due execution of the foregoing RESOLUTION ADOPTING THE FY2029-2029 TRANSPORTATION IMPROVEMENT PROGRAM AND FINDING THE NC CAPITAL AREA METROPOLITAN PLANNING ORGANIZATION (CAMPO) IN CONFORMITY WITH THE NORTH CAROLINA STATE IMPLEMENTATION PLAN.

Witness my hand and official seal, this the 16<sup>th</sup> day of October, 2019.



  
\_\_\_\_\_  
Sara L. Akimoto, Notary Public

My Commission Expires: January 16, 2024



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

February 6, 2020

John F. Sullivan, III, P.E.  
Division Administrator  
North Carolina Division Office  
Federal Highway Administration  
310 New Bern Avenue, Suite 410  
Raleigh, North Carolina 27601

Dear Mr. Sullivan:

Thank you for your letter requesting our review of the transportation conformity determinations for the 1997 8-hour ozone national ambient air quality standards (NAAQS) for the Updated Fiscal Year (FY) 2020-2024 Transportation Improvement Program (TIP) for the Capital Area Metropolitan Planning Organization (CAMPO), the Burlington-Graham Metropolitan Planning Organization (BGMPO), the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHCMPO) and the Amended 2045 Metropolitan Transportation Plan (MTP) for CAMPO located in the Raleigh (Triangle), North Carolina maintenance area. We have completed our review and recommend a finding of conformity for the updated FY 2020-2024 TIPs and the amended 2045 MTP for the Triangle, North Carolina maintenance area.

On August 15, 1997, July 1, 2004, and subsequently on May 6, 2005, the U.S. Environmental Protection Agency published revisions related to the criteria and procedures for determining that transportation plans, programs, and projects which are funded or approved under Title 23 U.S.C. or the Federal Transit Act conform with State or Federal air quality implementation plans or the Transportation Conformity Rule (40 Code of Federal Regulations Part 93). These revisions outline the criteria that must be met for the 8-hour ozone and annual PM<sub>2.5</sub> standards. The EPA has reviewed the conformity determination related to the 1997 8-hour ozone NAAQS for the updated TIPs and amended 2045 MTP for the Triangle, North Carolina maintenance area and concluded that all of the criteria, including those outlined in the July 1, 2004, conformity rule revision entitled, "Transportation Conformity Rule Amendments: Conformity Amendments for New 8-hour Ozone and PM<sub>2.5</sub> National Ambient Air Quality Standards, Response to March 1999, Court Decision and Additional Rule Changes," (69 FR 40004) have been met.

Thank you again for the opportunity to review the conformity determination for the updated FY 2020-2024 TIPs and the amended 2045 MTP for CAMPO, BGMPO and DCHCMPO located in the Triangle, North Carolina maintenance area. If you have any questions regarding this letter, please contact Dianna Myers at (404) 562-9207 of the EPA Region 4 staff.

Sincerely,

A handwritten signature in black ink, appearing to read 'Joel Huey', with a stylized flourish extending to the right.

Joel Huey  
Acting Chief  
Air Regulatory Management Section

cc: Loretta Barren, FHWA NC  
Keith Melton, FTA Region 4  
Heather Hilderbrandt, NCDOT  
Phyllis Jones, NCDOT  
Randy Strait, NCDEQ



U.S. Department  
of Transportation  
**Federal Highway  
Administration**

**North Carolina Division**

February, 6, 2020

310 New Bern Avenue, Ste 410  
Raleigh, North Carolina 27601  
Phone: 919-856-4346  
FAX: 919-747-7030  
<http://www.fhwa.dot.gov/ncdiv>

In Reply Refer To:  
HDA-NC

Mr. James H Trogdon, III  
Secretary, North Carolina Department of Transportation  
1501 MSC  
Raleigh, North Carolina

Dear Secretary Trogdon:

The Federal Highway Administration, the Federal Transit Administration and Environmental Protection Agency (EPA) Region 4 reviewed the Triangle Region Transportation Conformity Determination Report (CDR) and supporting documentation for the:

- ❑ Burlington Graham (BG) Metropolitan Planning Organization (MPO) 2040 Metropolitan Transportation Plan (MTP)
- ❑ BG MPO FY 2020-2024 Transportation Improvement Program (TIP)
- ❑ Capital Area (CA) MPO 2020-2024 TIP amendment
- ❑ Durham Chapel Hill Carrboro (DCHC) MPO 2045 MTP amendment
- ❑ DCHC MPO FY 2020-2024 TIP amendment
- ❑ Projects from the FY 2020-2024 State TIP for the county donut areas of Franklin, Granville, Johnston and Person.

No comments were received on the CDR or supporting documentation.

Because of the February 16, 2018, South Coast Air Quality Management District vs EPA ruling, the RM MPO made a conformity determination on their 2045 MTP/FY 2020-2024 TIP and the North Carolina Department of Transportation completed a conformity analysis on projects for the county donut areas of Edgecombe and Nash for the 1997 ozone standard on the following dates:

- ❑ BGMPO on October 15, 2019
- ❑ CAMPO on October 16, 2019
- ❑ DCHCMPO on December 11, 2019
- ❑ The NCDOT (for the county donut areas of Franklin, Granville and Johnston) on September 27, 2019

The BGMPO FY 2020-2024 TIP is a direct subset of their 2040 MTP.  
The CAMPO FY 2020-2024 TIP is a direct subset of their 2045 MTP.  
The DCHC FY 2020-2024 TIP is a direct subset of their 2045 MTP.

Based on our review, we find that the following areas conform to the purpose of the State Implementation Plan in accordance with 40 CFR Part 93.

Sincerely,

A handwritten signature in black ink that reads "Jordana W. Bauer". The signature is written in a cursive style with a large initial "J" and a distinct "W".

For John F. Sullivan III, P.E.  
North Carolina Division Administrator  
Federal Highway Administration