



RESOLUTION NO. 22-647-1

A RESOLUTION OF THE SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS (SCAG) APPROVING AMENDMENT 2 TO THE 2020 - 2045 REGIONAL TRANSPORTATION PLAN/SUSTAINABLE COMMUNITIES STRATEGY (CONNECT SOCIAL 2020) AND ITS CORRESPONDING CONFORMITY DETERMINATION

SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS 900 Wilshire Blvd., Ste. 1700 Los Angeles, CA 90017 T: (213) 236-1800 www.scag.ca.gov

WHEREAS, the Southern California Association of Governments (SCAG) is a Joint Powers Agency established pursuant to California Government Code section 6500 et seq.; and

REGIONAL COUNCIL OFFICERS

- President Jan C. Harnik, Riverside County Transportation Commission
First Vice President Art Brown, Buena Park
Second Vice President Curt Hagman, County of San Bernardino
Immediate Past President Clint Lorimore, Eastvale

WHEREAS, SCAG is the designated Metropolitan Planning Organization (MPO) pursuant to 23 U.S.C. section 134(d) for the counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino, and Ventura, and as such, is responsible for preparing and updating the Regional Transportation Plan (RTP) and the Federal Transportation Improvement Program (FTIP) pursuant to 23 U.S.C. section 134 et seq., 49 U.S.C. section 5303 et seq., and 23 C.F.R. section 450.312; and

COMMITTEE CHAIRS

- Executive/Administration Jan C. Harnik, Riverside County Transportation Commission
Community, Economic & Human Development Frank Yokoyama, Cerritos
Energy & Environment Deborah Robertson, Rialto
Transportation Ray Marquez, Chino Hills

WHEREAS, SCAG is the multi-county designated transportation planning agency under state law, and as such, is responsible for preparing, adopting and updating the RTP and SCS every four years pursuant to Government Code 65080 et seq., and for preparing and adopting the FTIP (regional transportation improvement program, under state law) every two years pursuant to Government Code sections 14527 and 65082, and Public Utilities Code section 130301 et seq.; and

WHEREAS, pursuant to Senate Bill (SB) 375 (Steinberg, 2008) as codified in Government Code section 65080(b) et seq., SCAG must prepare a Sustainable Communities Strategy (SCS) that demonstrates how the region will meet its greenhouse gas (GHG) reduction targets as determined by the California Air Resources Board (ARB); and

WHEREAS, the 2020 RTP/SCS must be consistent with all other applicable provisions of federal and state law including but not limited to: (1) The Fixing America's Surface Transportation Act (FAST Act) (P.L. 114-94, December 4, 2015) and the Moving Ahead for Progress in the 21st Century (MAP-21) (P.L. 112-141); (2) The metropolitan planning regulations at 23 C.F.R. Part 450, Subpart C; (3) California Government Code section 65080 et seq.; Public Utilities Code sections 130058 and 130059; and Public Utilities Code section 44243.5; (4) 174 and 176(c) and (d) of the federal Clean Air Act [(42 U.S.C. §§ 7504 and 7506(c) and (d))] and the United States Environmental Protection Agency (US EPA) Transportation Conformity Rule, 40 C.F.R. Parts 51 and 93; (5) Title VI of the 1964 Civil Rights Act and the Title VI assurance executed by the State pursuant to 23 U.S.C. section 324;

(6) The Department of Transportation's Final Environmental Justice Strategy (60 Fed. Reg. 33896; June 29, 1995) enacted pursuant to Executive Order 12898, which seeks to avoid disproportionately high and adverse impacts on minority and low-income populations with respect to human health and the environment; (7) Title II of the 1990 Americans with Disabilities Act (42 U.S.C. § 12101 et seq.) and accompanying regulations at 49 C.F.R. sections 27, 37, and 38; (8) Senate Bill 375 (Steinberg, 2008) as codified in California Government Code section 65080(b) *et seq.*; and

WHEREAS, in nonattainment and maintenance areas for transportation-related criteria pollutants, the MPO, as well as the Federal Highways Administration (FHWA) and Federal Transit Administration (FTA), must make a conformity determination on the RTP in accordance with the federal Clean Air Act to ensure that federally supported highway and transit project activities conform to the purpose of the applicable State Implementation Plan (SIP); and

WHEREAS, transportation conformity of the RTP is based upon a positive conformity finding with respect to the following tests: (1) regional emissions analysis, (2) timely implementation of Transportation Control Measures (TCMs), (3) interagency consultation and public involvement, and (4) financial constraint; and

WHEREAS, on May 7, 2020, the SCAG Regional Council adopted the 2020 RTP/SCS for federal transportation conformity purposes only, and on June 5, 2020, FHWA and FTA, in coordination with US EPA Region 9, determined that the 2020 RTP/SCS conforms to the applicable SIPs; On September 3, 2020, the SCAG Regional Council approved and adopted the 2020 RTP/SCS for all purposes; and

WHEREAS, on November 4, 2021, the SCAG Regional Council approved Amendment 1 to the 2020 RTP/SCS and the 2021 FTIP Consistency Amendment 21-05 including the associated transportation conformity determination. On January 4, 2022, FHWA and FTA, in coordination with the US EPA Region 9, determined that Amendment 1 and 2021 FTIP Consistency Amendment 21-05 conform to the applicable SIPs; and

WHEREAS, SCAG has received requests from the local county transportation commissions (CTCs) for additional project additions or modifications to the 2020 RTP/SCS and 2023 FTIP; and

WHEREAS, 23 U.S.C. section 134(j)(3)(C) requires projects in the 2023 FTIP to be consistent with the 2020 RTP/SCS; and

WHEREAS, the regional emissions analyses for the Amendment 2 to the 2020 RTP/SCS are identical to the regional emissions analyses for the 2023 FTIP. The regional emissions analyses used the EMFAC2014 model developed by the California Air Resources Board (CARB) and approved by US EPA for conformity analysis that started before or on August 15, 2021. The regional emissions analyses for all applicable transportation-related criteria pollutants and precursors meet all applicable emission budget tests or interim emission tests (build/no-build test) for all milestone, attainment, and planning horizon years in all nonattainment and maintenance areas; and

WHEREAS, pursuant to 23 C.F.R. Section 450.330(e) and 40 C.F.R. Parts 51 and 93, the TCM project categories and strategies identified in the applicable SIPs in the SCAG region were given funding

priority, are expected to be implemented on schedule and, in the case of any delays, any obstacles to implementation have been or are being overcome; and

WHEREAS, on July 7, 2022, SCAG's Regional Council authorized the release of the Draft Amendment 2 to the 2020 RTP/SCS (herein referred to as "Amendment 2" or "Amendment") for a 30-day public review and comment period; and

WHEREAS, a Notice of Availability for a 30-day public review and comment period was posted on SCAG's website on July 7, 2022; public notices were emailed to regional stakeholders; the Draft Amendment 2 was made available on SCAG's website; and copies were provided for review throughout the region by special request; and

WHEREAS, given recent public health directives limiting public gatherings due to the threat of COVID-19 and in compliance with the Governor's Executive Orders, two public hearings for the Draft Amendment 2 were held telephonically and electronically on July 19, 2022, and July 28, 2022, respectively; and

WHEREAS, to the extent that SCAG has received any written comments on the Draft Amendment 2, those comments have been responded to, and those comments along with responses are summarized in the final versions of the Amendment; and

WHEREAS, SCAG has engaged in the continuing, cooperative, and comprehensive transportation planning process mandated by 23 U.S.C. section 134(c) (3) and 23 C.F.R. section 450.312; and

WHEREAS, in accordance with the interagency consultation requirements, 40 C.F.R. section 93.105, SCAG consulted with the respective transportation and air quality planning agencies, including but not limited to, discussion of the draft conformity finding before the Transportation Conformity Working Group (a forum for implementing the interagency consultation requirements) throughout the Amendment development process; and

WHEREAS, the Amendment 2 includes a financial plan identifying the financial impact of the changes contained in the Amendment 2; and

WHEREAS, the Amendment 2 contains a positive transportation conformity determination. Using the final motor vehicle emission budgets submitted by ARB and found to be adequate or approved by the U.S. Environmental Protection Agency (EPA), this conformity determination is based upon staff's analysis of the applicable transportation conformity tests; and

WHEREAS, the conformity analysis of Amendment 2 has been conducted simultaneously with that for the 2023 FTIP in order to address the consistency requirement of federal law; and

WHEREAS, the transportation conformity analyses and determinations of the proposed final 2023 FTIP and the proposed final Amendment No. 2 to the 2020-2045 RTP/SCS were considered by SCAG's Energy and Environment Committee (EEC). At its September 1, 2022 meeting, SCAG's EEC approved staff's recommended action that the Regional Council approve the transportation

conformity determinations of the proposed final 2023 FTIP and the proposed final Amendment No. 2 to the 2020-2045 RTP/SCS and direct staff to submit to the FHWA and FTA for approvals at its October 6, 2022 meeting; and

WHEREAS, SCAG's Regional Council has reviewed the Amendment 2 to the 2020 RTP/SCS and related staff reports and materials, which are incorporated herein by this reference; and

NOW, THEREFORE BE IT RESOLVED, by the Regional Council of the Southern California Association of Governments, as follows:

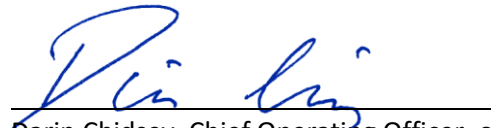
1. The Regional Council approves Amendment 2 to the 2020 RTP/SCS for the purpose of complying with the requirements of the FAST Act, MAP-21, and all other applicable laws and regulations as referenced in the above recitals. In adopting this Amendment, the Regional Council finds as follows:
 - a. Amendment 2 to the 2020 RTP/SCS complies with all applicable federal and state requirements, including the FAST Act and MAP-21 planning provisions; and
 - b. Amendment 2 to the 2020 RTP/SCS complies with the greenhouse gas emission reduction targets established by the California Air Resources Board and meets the requirements of Senate Bill 375 (Steinberg, 2008) as codified in Government Code 65080(b) et seq. by achieving per capita GHG emission reductions at 8% below 2005 per capita emissions levels by 2020 and 19% below 2005 per capita emissions levels by 2035; and
 - c. Amendment 2 to the 2020 RTP/SCS is consistent with the policies, programs, and projects in the federally approved 2020 RTP/SCS as amended and meet all federal and state requirements and regulations.
2. The Regional Council hereby makes a positive transportation conformity determination of Amendment 2 to the 2020 RTP/SCS. In making this determination, the Regional Council finds as follows:
 - a. Amendment 2 to the 2020 RTP/SCS passes the four tests and analyses required for transportation conformity, namely: regional emissions analysis, timely implementation of Transportation Control Measures, interagency consultation and public involvement, and financial constraint analysis, and;
3. SCAG's Executive Director or his designee is authorized to transmit Amendment 2 to the 2020 RTP/SCS and associated conformity findings to the FHWA and the FTA to make the final conformity determination in accordance with the Federal Clean Air Act and EPA Transportation Conformity Rule, 40 C.F.R. Parts 51 and 93.

PASSED, APPROVED, AND ADOPTED by the Regional Council of the Southern California Association of Governments at its regular meeting on the 6th day of October 2022.



Jan C. Harnik
President, SCAG
Riverside County Transportation Commission

Attested by:



Darin Chidsey, Chief Operating Officer, on behalf of
Kome Ajise
Executive Director

Approved as to Form:



Michael R.W. Houston
Chief Counsel