



RESOLUTION NO. 23-656-2

A RESOLUTION OF THE SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS (SCAG) APPROVING AMENDMENT 3 TO THE 2020 - 2045 REGIONAL TRANSPORTATION PLAN/SUSTAINABLE COMMUNITIES STRATEGY (CONNECT SOCIAL 2020), CONSISTENCY AMENDMENT #23-03 TO THE 2023 FEDERAL TRANSPORTATION IMPROVEMENT PROGRAM (2023 FTIP) (ALSO HEREIN REFERRED TO AS "AMENDMENTS"); 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

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First Vice President Curt Hagman, County of San Bernardino
Second Vice President Cindy Allen, Long Beach
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WHEREAS, the Southern California Association of Governments (SCAG) is a Joint Powers Agency established pursuant to California Government Code section 6500 et seq.;

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;

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.;

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);

WHEREAS, the Connect SoCal 2020 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 (U.S. 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.*;

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);

WHEREAS, transportation conformity of the Connect SoCal 2020 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;

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

WHEREAS, on November 4, 2021, the SCAG Regional Council approved Amendment 1 to the Connect SoCal 2020 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 to the Connect SoCal 2020 and 2021 FTIP Consistency Amendment 21-05 conform to the applicable SIPs;

WHEREAS, on October 6, 2022, the SCAG Regional Council approved Amendment 2 to the Connect SoCal 2020 and 2023 FTIP, including the associated transportation conformity determination. On December 16, 2022, FHWA and FTA, in coordination with the US EPA Region 9, determined that Amendment 2 to the Connect SoCal 2020 and 2023 FTIP conform to the applicable SIPs;

WHEREAS, due to significant technical changes in the U.S. EPA's then-recently approved emission model (EMFAC2021), calculated regional emissions increased significantly in many nonattainment areas within the SCAG region even though the underlying travel activity projections remained the same. As a result, the entire SCAG region was under the transportation conformity lockdown. The conformity lockdown has been impacting over 26 billion worth of transportation projects, including critical transit projects because SCAG could not add new projects or amend current projects under the lockdown;

WHEREAS, staff from the South Coast Air Quality Management District, the California Air Resources Board (ARB), the U.S. EPA, and SCAG has made significant progress to address the regional transportation conformity lockdown;

WHEREAS, ARB's new emission model (EMFAC2021) received U.S. EPA's approval and became effective on November 15, 2022;

WHEREAS, the updated Coachella Valley ozone transportation conformity budgets received U.S. EPA's final approval and became effective April 12, 2023;

WHEREAS, ARB developed and officially submitted to U.S. EPA interim off-model adjustment factors for EMFAC2021 for MPOs to use for regional transportation conformity determinations in April 2023. The interim off-model adjustment factors are expected to receive U.S. EPA approval by the end of May 2023, thus fully lifting the transportation conformity lockdown in the SCAG region and in time for SCAG's Regional Council approval at its regular meeting on June 1, 2023;

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

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

WHEREAS, on January 5, 2023, SCAG's Regional Council authorized the release of the Draft Amendments including the associated transportation conformity analysis for a 30-day public review and comment period;

WHEREAS, a Notice of Availability for a 30-day public review and comment period was posted on SCAG's website on January 5, 2023; public notices were emailed to regional stakeholders; the Draft Amendments and the associated transportation conformity analysis were made available on SCAG's website; and copies were provided for review throughout the region by special request;

WHEREAS, given recent public health directives limiting public gatherings due to the threat of COVID-19 and in compliance with the Governor's recent Executive Order N29-20, one public hearing for the Amendments were held telephonically and electronically on January 17, 2023;

WHEREAS, following the 30-day public comment period, SCAG staff continued to revise the draft amendments document based on public comments and provided updates to Caltrans, County Transportation Commissions (CTCs), and federal and State agencies at SCAG's Transportation Conformity Working Group (TCWG). The revisions were minor and technical in nature and did not alter the draft amendments' conclusions or findings, including the associated transportation conformity determination;

WHEREAS, as a precautionary measure, revisions to the Amendments including the revisions to the associated transportation conformity analysis were released for another 15-day public review

and comment period. The general public and SCAG's TCWG were notified of the availability of the revisions;

WHEREAS, to the extent that SCAG has received any written comments on the Draft Amendment 3 and the revisions, those comments have been responded to, and those comments along with responses are summarized in the final versions of the Amendments;

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;

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;

WHEREAS, the Amendment 3 includes a financial plan identifying the financial impact of the changes contained in the Amendment 3;

WHEREAS, the Amendment 3 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. EPA, this conformity determination is based upon staff's analysis of the applicable transportation conformity tests;

WHEREAS, the conformity analysis of Amendment 3 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 analysis and determination of the proposed final Amendments were considered by SCAG's Energy and Environment Committee (EEC). At its June 1, 2023 meeting, SCAG's EEC approved staff's recommended action that the Regional Council approve the transportation conformity determination of the proposed final Amendments and direct staff to submit to the FHWA and FTA for approvals;

WHEREAS, SCAG's Regional Council has reviewed the Amendments including the associated transportation conformity determination and related staff reports and materials, which are incorporated herein by this reference;

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

1. The Regional Council approves Amendment 3 to the Connect SoCal 2020 and 2023 FTIP Consistency Amendment 23-03 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:

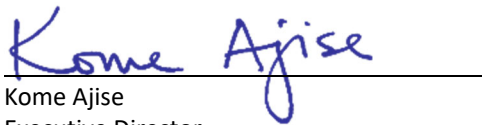
- a. Amendment 3 to the Connect SoCal 2020 comply with all applicable federal and state requirements, including the FAST Act and MAP-21 planning provisions;
 - b. Amendment 3 to the Connect SoCal 2020 comply with the greenhouse gas emission reduction targets established by the California Air Resources 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 3 to the Connect SoCal 2020 are 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 3 to the Connect SoCal 2020. In making this determination, the Regional Council finds as follows:
 - a. Amendment 3 to the Connect SoCal 2020 pass the five tests required for transportation conformity, namely: consistency with the adopted Connect SoCal 2020 as amended, 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 3 to the Connect SoCal 2020 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 1st day of June, 2023.



Art Brown
President, SCAG
City of Buena Park

Attested by:



Kome Ajise
Executive Director

Approved as to Form:



Michael R.W. Houston