

Summary of Meeting

Michigan Transportation Conformity Interagency Workgroup (MITC- IAWG)

Berrien County Nonattainment Area

TwinCATS 2045 LRTP and 2017-2020 TIP, NATS 2040 LRTP and 2017-2020 TIP, and Rural Areas

2 - 4 p.m. (EDT), Monday, July 9, 2018

TPS 3rd floor, Van Wagoner Transportation Building, Lansing, Michigan

Conference number and web link information provided in e-mail

Agenda

Welcome and introduction: Name and Agency

<u>Name</u>	<u>Agency</u>
In attendance:	
Jason Latham	Berrien County Road Department (BCRD)
Breanna Bukowski	Michigan Department of Environmental Quality (MDEQ)
Kaitlyn Leffert	MDEQ
Michael Leslie	US Environmental Protection Agency (EPA)
Andrea Dewey	Federal Highway Administration (FHWA) - Michigan office
Katie Beck	Michigan Department of Transportation (MDOT)
Ryan Gladding	MDOT
Amy Lipset	MDOT
Don Mayle	MDOT
Jim Sturdevant	MDOT
Donna Wittl	MDOT
Kim Gallagher	Southwest Michigan Planning Commission (SWMPC) representing TwinCATS and NATS MPOs
Absent:	
Andy Pickard	FHWA
Brian Sanada	MDOT
Krishina Welch	Federal Transit Administration (FTA)
Angelica Salgado	FTA
Brandon Kovnat	SWMPC

Attendance at the meeting was in person and teleconferencing with web linking.

Materials distributed before the meeting:

- 1) Agenda
- 2) Project lists: TwinCATS (two lists), NATS (two lists), and rural area.
- 3) Transportation Conformity SIP: provides roles, responsibilities, and regulations for IAWG in Michigan.
- 4) List of exempt projects in the Conformity Regulations.
- 5) Link to information on Road Diets (agenda topic): https://safety.fhwa.dot.gov/road_diets/.
- 6) Link to conformity training:
https://www.fhwa.dot.gov/Environment/air_quality/conformity/training/sdtrain.cfm.

Introduction and background on conformity and interagency workgroup (IAWG):

Regional transportation conformity is required by the CAA to ensure that federally funded or approved projects are consistent to the state implementation plan (SIP). IAWG is a collaborative process between agencies to decide and reach agreement on key elements of the conformity process. IAWG is required by the conformity rule.

Transportation Conformity State Implementation plan (document sent with meeting materials):

- This memorandum of agreement (MOA) defines roles, responsibilities, and regulations for IAWG in Michigan.
 - Everyone indicated they received a copy.
 - The MPO or commission will need to sign the document and other MPOs in nonattainment areas.
 - MOA is not a template. SEMCOG is currently the only MPO that has signed because they were the only MPO in a nonattainment/maintenance area when the MOA was created.
 - Requirement of Clean Air Act.
 - Shouldn't need to be re-signed by agencies as the only change is additional agencies are signing, original document not being changed (question raised by DEQ, confirmed by EPA), exact details need to be determined.

A brief history of the Berrien County Nonattainment Area status was provided.

- 2004 - Designated nonattainment for 1997 ozone standard.
- 2007 - Re-designated attainment/maintenance for 1997 ozone standard.
- 2012 - Designated attainment for 2008 ozone standard.
- 2013 - The EPA partially revoked the 1997 ozone standard; not required to do transportation conformity because maintenance area.
- 2015 - The EPA completely revoked 1997 ozone standard.
- 2018, April 23 - Because of a court decision in the South Coast case, FHWA/EPA requires area that were former maintenance areas for the 1997 ozone standard to do conformity.
- 2018, August 3 - Area designated nonattainment for 2015 ozone standard: existing or new LRTP in area have one year to demonstrate conformity.

Two ozone standards tests need to be met: one for the 1997 ozone standard (because of the court decision in the South Coast case, FHWA/EPA is requiring areas that were previously maintenance areas for the 1997 ozone standard to do conformity), and the second for being designated nonattainment on Aug. 3, 2018, for the 2015 ozone standard. A map of the 1997 ozone standard conformity areas was shown. The areas are the same for both standards (1997 and 2015). The area contains two MPOs and a rural area. Both TwinCATS 2045 LRTP and NATS 2040 LRTP, along with the rural area, need to conform to both standards. The Cass County part of NATS does not have to conform to the 2015 ozone standard, only the 1997 ozone standard. Because the travel demand model is being run, all projects that can be modeled are being modeled. For the 2015 ozone standard, the LRTPs need to conform; conformity needs to be done even if all projects are exempt. For the 1997 standard, conformity only needs to be conducted if there is a non-exempt project.

What projects conformity applies to - federal projects versus non-federal:

- Described the difference between federal and non-federal projects, and when conformity applies.
- Federal projects are:
- Projects receiving or proposed to get federal funds from the Federal-Aid Highway program or federal mass transit program or require federal approval by either FHWA or FTA for any part of the project.

Non-Federal Projects are:

- Projects funded by or approved by a recipient of Title 23 or Title 49 funds and do not require
- any FHWA or FTA approval.
- Non-Federal projects only need to be included in regional conformity if “regionally significant.” All federal projects must be included in conformity; non-federal projects must be included if they require any federal approvals.

The group discussed what are considered Regionally Significant Projects:

Discussion included the purpose of and use, and provided definition, in conformity regulation. A map was displayed of Benton Harbor with major employers as an example. The group discussed altering the definition but, in the end, decided the conformity rule definition was sufficient.

Conformity regulation definition:

Transportation project on a facility which serves regional transportation needs (access to and from the areas) from outside the region, access to major activity centers (and new centers of activity malls, sporting, and transportation terminals), and would normally be included in the travel

demand model.

At a minimum, includes principal arterials (national functional classification 1, 2, and 3) and fixed guideway transit that offer an alternative to regional highway travel.

The group agreed the definition of regionally significant projects would be the same as the conformity regulation definition.

Analysis year	Reason
2015	Validation year of travel demand models (base year)
2018	Budget year for maintenance plan from 1997 ozone standard (will stop being an analysis year after calendar year 2018)
2020	Attainment year for area for the 2015 ozone standard
2030	Interim year (so analysis years not more than 10 years apart)
2040	Last year of Niles long range transportation plan (later so analysis years not more than 10 years apart)
2045	Last year of Benton Harbor long range transportation plan

Group discussion and decisions:

Analysis years: The group agreed on these analysis years listed below.

A question was raised about having the new TIP year as an analysis year. The group discussed that there would not be a benefit given the number of existing analysis years. However, if there are non-exempt projects in the new TIP, there will have to be a conformity analysis done.

1) Emission tests (conformity tests): *budget from maintenance plan for 1997 ozone standard:*

Because the area has a maintenance budget from the 1997 ozone standard, we are required to use that as the conformity test for both ozone standards. This means the emission generated from the conformity analysis must be equal or less than the budget, otherwise known as the motor vehicle emissions budget (MVEB). The MVEB is the portion of the total allowable emissions in the area allocated to highway and transit vehicle use as defined in the SIP. By being below the MVEB, the area is conforming to the SIP.

2) Exempt projects: An excerpt from the EPA Transportation Conformity Regulations of April 2012 was sent out with the meeting materials. All projects need to be evaluated for conformity, but some projects are exempt from conformity. It is the task of the IAWG to determine which projects are exempt from conformity and which projects are non-exempt. The conformity regulation groups exempt projects by type. A few examples were given for each category listed below.

a. Listed in conformity regulations (document sent with meeting materials)

- i. *Safety*
 - ii. *Mass transit*
 - iii. *Air quality*
 - iv. *Other*
 - v. *Exempt from Regional Emission Analysis* – projects listed in this category are not exempt from project-level conformity but are exempt from regional conformity.
- b. *Exempt projects treated as non-exempt* (IAWG discretion): The group discussed this idea but decided at this time nothing would be considered in this category.
- c. *Allowing non-exempt projects that require conformity to proceed but will be modeled the next time a conformity analysis is conducted* – The group discussed this idea but decided at this time nothing would be considered in this category.

All projects that can be modeled in the travel demand model will be modeled regardless of exempt status. The group discussed what this means and how it works.

- d. *Specific projects requiring discussion and decision*: The group discussed specific types of projects listed below.
- i. *Traffic circles*: The group discussed, then agreed to exempt; intersection channelization project.
 - ii. *Auxiliary lanes if less than 1 mile*: The group discussed, then agreed to exempt; projects that correct, improve, or eliminate a hazardous or feature.
 - iii. *Road diets*: The group discussed how road diets are usually studied to determine how it would function compared to the existing road. Road diets must meet certain criteria to move toward construction. If a project moves forward, the criteria supports an exempt classification. The group discussed specific types of road diets:
 - a) 4 to 3 lanes: 4 through lanes to 2 through lanes with dual center left turn lane: The group discussed, then agreed to exempt; projects that correct, improve, or eliminate a hazardous location or feature.
 - b) 5 to 3 lanes: 4 through lanes and dual left center turn lane to 2 through lanes and dual center left turn lane: The group discussed, then agreed to exempt; projects that correct, improve, or eliminate a hazardous location or feature.
 - iv. *Other*:
 - a) The group was asked to consider a road diet of 4 through lanes to 2 through lanes. The group discussed what would be done with the removed two lanes, if there would be bike lanes, parking, etc.? Next year, the Berrien County Road Department has a potential 4 to 2 lane road diet with the removal of motor vehicle travel lanes converted to bike lanes. The group discussed this specific change. The group discussed then agreed that a road diet of 4 through lanes to 2 through lanes, with the removed motor vehicle travel lanes converted to bike lanes, is exempt. (See e-mail IAWG July 2018, this decision was changed.)
 - b) Other types of road diets must be discussed by the group to consider specific details (nonmotorized, parking, simultaneous road diets with one-way to two-

way conversions, etc.) to determine exempt or non-exempt status. In general, FHWA supports road diets but potential concerns for different scenarios need to be considered.

- c) *Addition of right-turn lane or left-turn lane at an intersection, individual lane length less than half a mile:* The group discussed this idea. It was pointed out that these types of projects are funded with CMAQ dollars, which would support justification of exempt status. It was stated that these projects are not modeled with the travel demand models. After discussion, the group agreed exempt, with either justification: 1) projects that correct, improve, or eliminate a hazardous feature; or 2) not modeled with the travel demand models.
- d) *Allowing non-exempt projects that require conformity to proceed but will be modeled the next time a conformity analysis is conducted:* The group discussed this idea but decided at this time nothing would be considered in this category.

The group discussed if “exempt” means it doesn’t harm? Discussion was provided, where exempt means it doesn’t need to be included in a regional conformity analysis. The EPA indicated there are several reasons for an exemption: it could be neutral, could be a safety concern, and could have to do with modeling.

3) Regionally significant projects: Topic covered earlier in meeting.

4) Discussion of projects not triggering a conformity analysis but included with next conformity analysis: Allowing non-exempt projects that requires conformity to proceed but will be modeled the next time a conformity analysis is conducted. The group discussed this idea but decided at this time nothing would be considered in this category.

5) Project phase and consideration of exempt or non-exempt status: It was mentioned that projects must have enough detail to be modeled with the travel demand model. Projects are modeled based on the year the project will be open to traffic. Most job phases are exempt except construction. Below is a list of typical phases.

CON = Construction

EPE = Early preliminary engineering (used for scoping before design)

NI = Non-infrastructure (projects not involving physical construction of transportation facility or assets)

PE = Preliminary engineering

ROW = Right of way

SUB = Sub-surface engineering

T-CAP = Transit capital

7) Review current list of projects for exempt or non-exempt status: The group was sent these project lists. The group during the meeting reviewed projects in each of these lists:

a. *Projects in TwinCATS:*

Benton Harbor FY17-20 TIP Submitted 2018-05-25 IAWG list: all projects on the list exempt.

The group talked about two projects not on the list:

- I-94/I-94 BL interchange redesign (it was confirmed after the meeting 2021 is open to traffic year). During the meeting, a map was shown to describe the project. A discussion of ramps being exempt took place. The project will be added to the LRTP project list with an exempt status.
- US-31 extension to connect to I-94 (open to traffic 2045). The details of this project were discussed and the project will be added to the LRTP project list with a non-exempt status. A federal grant to fund this project is currently being worked on and will be submitted soon.

Benton Harbor FY17-20 TIP Approved 2018 -06 – 15 transit IAWG list: all projects on the list exempt.

b. *Projects in NATS: projects in Berrien County:*

Niles FY17-20 TIP Submitted 2018-03-27 IAWG list: all projects on the list exempt.

Niles FY17-20 TIP Approved 2018 -06 – 22 transit IAWG list: all projects on the list exempt.

Other projects? There were no other projects.

c. *Projects in rural area:*

Berrien County Local and Transit 2018-2019 IAWG list: all projects on the list exempt.

Road Commission projects? No other projects.

Other projects? None.

d. *Any regionally significant non-federal projects?* None known.

The question was asked if a new transit facility would be exempt. A new transit hub would be a non-exempt project in general. The group will need to discuss more as the project gets closer. How this project might be modeled with the travel demand model would need to be discussed since the existing model does not model transit.

The question was asked: just because all projects are exempt does that mean an IAWG does not need to meet? This question was answered in the section on TIP amendments.

The group discussed a potential project of replacing a grade-separated intersection with an at-grade

signalized intersection. It was asked if this was the kind of project the group would review; answer was yes.

8) Conformity of TIP amendments

a. *Discussion on number and timing of amendments and project review:*

The conformity regulations specify:

- Amendment to only add or delete exempt project* - does not require new conformity analysis
- Amendment to add or delete non-exempt project* - requires new conformity analysis
- Administrative modifications* - does not require new conformity analysis

- iv. General Practice: *Moving projects within analysis year groups* - does not require new conformity analysis

The question was asked: how many times a year does the MPO have TIP amendments? The answer: every other month but can be more frequent. There are general guidelines to limit it to six times per year, but it is not a requirement.

The group was asked: how does IAWG want to handle TIP amendment review? The group discussed what was done in the past and other options. The group agreed that all amendments will be emailed to the MITC-IAWG for review. (See e-mail MITC-IAWG July 30, 2018, details for process are explained.)

9) *Conformity of LRTP amendments:* The same process will be followed as described for TIP amendments.

10) *Regional Emission Analysis:* MDOT is responsible for travel demand modeling and emission modeling.

a. *Emission model: MOVES2014a*

b. *Travel demand models*

i. *TwinCATS model for the Benton Harbor MPO area*

ii. *NATS model for Niles MPO area in Berrien County*

iii. *Statewide Model - rural area of county not modeled with TwinCATS or NATS*

The conformity document is scheduled to be completed with the public comment period starting Sept. 4. The document then goes to NATS policy, TwinCATS policy, and then SWMPC Commission for approval.

11) *Conformity analysis and document:*

a. *Project lists, including project description, costs, financial resources, conformity status, etc. (project list with this information included in document)*

b. *Summary of IAWG meeting and decisions, and participants*

c. *MDOT will be drafting the conformity analysis document with the MPO*

d. *The MPO will hold public review and comment period per Public Participation Plan*

e. *Public comments will be addressed*

12) *Other discussion items:* Nothing

Future MITC-IAWG: NATS LRTP tentatively March 2019 (Note: This date has been moved to mid-February).