SOUTHWESTERN PENNSYLVANIA COMMISSION

RESOLUTION NO. 14-05

A RESOLUTION OF THE SOUTHWESTERN PENNSYLVANIA COMMISSION to make a finding of conformity that the region's transportation plans, programs, and projects are consistent with the requirements of the federal Clean Air Act (as amended).

WHEREAS, the Congress of the United States enacted the Clean Air Act of 1964 (CAA) and amended the Act in 1977 (CAAA 77) and 1990 (CAAA 90); and

WHEREAS, the Clean Air Act authorizes the Environmental Protection Agency (EPA) to establish National Ambient Air Quality Standards (NAAQS), to define the boundaries of areas not in attainment of the Standards, and to establish criteria and procedures for attaining and maintaining the Standards; and

WHEREAS, the EPA, in the Transportation Conformity Rule (40 CFR Part 93), as amended, provides criteria and procedures to be followed by Metropolitan Planning Organizations (MPOs) in making conformity determinations regarding transportation plans, programs, and projects within designated nonattainment and maintenance areas; and

WHEREAS, the Southwestern Pennsylvania Commission (SPC), as the MPO for the Pittsburgh Transportation Management Area, is responsible under Section 134 of Title 23, U.S.C. and Section 8 of Title 49, U.S.C. for carrying out a continuing, cooperative, and comprehensive transportation planning process; Section 174 of the Clean Air Act designates this same organization as responsible for the transportation-related air quality planning within designated nonattainment and maintenance areas to achieve and maintain NAAQS; and

WHEREAS, the Transportation Conformity Rule and Sections 174 and 176(c) and (d) of the Clean Air Act (Sections 7504 and 7506(c) and (d) of Title 42 U.S.C.) require that the MPO not approve any plan, program, or project which does not conform with the Clean Air Act; and

WHEREAS, the Transportation Conformity Rule identifies projects and project types which are "exempt" from regional conformity analysis; and

WHEREAS, the Transportation Conformity Rule requires a new finding of conformity by the MPO prior to an action to adopt or amend the Transportation Plan or TIP when that action involves projects or project types which are not "exempt" from regional conformity analysis or, for "non-exempt" projects not required to be programmed on the regional Plan or TIP, prior to any federal action to approve project designs, environmental documents, or other aspects of those projects; and

WHEREAS, two privately-funded "non-exempt" projects have been proposed in Allegheny County (Cherrington Parkway Extension, Moon Township; Collier Crossing Connector and I-79 Kirwan Heights Interchange Improvements, Collier Township); and

WHEREAS, SPC has conducted a qualitative and quantitative analysis consistent with the applicable criteria and procedures of the Clean Air Act (as amended) and the Transportation Conformity Rule, and has demonstrated that the 2005-2008 TIP and the region's 2030 Long Range Plan will continue to conform with the Clean Air Act upon implementation of the two proposed privately-funded projects; and

WHEREAS, because the proposed projects do not involve federal or state transportation funding, the projects are not required to be programmed on the Plan or TIP, and amendments to the TIP and Long Range Plan are not needed; and

WHEREAS, the results of the conformity analysis were made available for public review and comment consistent with SPC's established public review procedures.

NOW, THEREFORE, BE IT RESOLVED that the Southwestern Pennsylvania Commission finds that, upon completion of the two proposed privately-funded projects (Cherrington Parkway Extension, Moon Township; Collier Crossing Connector and I-79 Kirwan Heights Interchange Improvements, Collier Township), the region's 2030 Long Range Plan and the 2005-2008 TIP will continue to conform with the Clean Air Act (as amended) by supporting its intention of achieving and maintaining the NAAQS; and

BE IT FURTHER RESOLVED that the region's 2030 Long Range Plan and the 2005-2008 TIP will continue to be consistent with the Clean Air Act (as amended) and Transportation Conformity Rule; no goals, directives, recommendations, or projects in the TIP or Long Range Plan contradict in a negative manner any specific requirements or commitments of the applicable State Implementation Plan.

RESOLVED FURTHER that technical analysis has demonstrated that the region's transportation plans, programs, and projects conform with the provisions of the Clean Air Act and the applicable criteria and procedures of the Transportation Conformity Rule.

I, Dan Onorato, HEREBY CERTIFY that I am Secretary-Treasurer of the SOUTHWESTERN PENNSYLVANIA COMMISSION; that the foregoing resolution was adopted, in accordance with the By-Laws, by the Members of said Commission at a meeting duly called and held on the 30th day of June 2005; and that said resolution is now in full force and effect.

IN TESTIMONY WHEREOF I hereto subscribe my name as Secretary-Treasurer.

_____

Secretary-Treasurer