U.S. Department of Transportation
Federal Highway Administration

North Carolina Division

310 New Bern Avenue, Suite 410
Raleigh, NC 27601
(919) 856-4346
(919) 747-7030
http://www.fhwa.dot.gov/ncdiv/

December 16, 2011

In Reply Refer To:
HDA-NC

Mr. Eugene A. Conti, Jr., Secretary
North Carolina Department of Transportation
1501 Mail Service Center
Raleigh, NC 27699-1501

Dear Secretary Conti:

Enclosed are the transportation conformity determination letters signed by the United States Department of Transportation (USDOT) for the FY 2012-2018 Transportation Improvement Programs (TIPs) and projects from the FY 2012-2018 State TIP (donut areas) for the following regions:

- Hickory
- Rocky Mount
- Metrolina
- Triad
- Triangle

Based on our review and comments provided by the Environmental Protection Agency (EPA), the program was found to conform to the purpose of the State Implementation Plan (or base year emissions where no State Implementation Plan is approved or found adequate by EPA) in accordance with 40 CFR Part 93.

The USDOT conformity determination letters are dated December 16, 2011.

If you have questions or comments, please contact Mr. Eddie Dancausse at 919-747-7026.

Sincerely,

For John F. Sullivan, III, P.E.
Division Administrator

Enclosures

cc: Sheila Holman, Director, Division of Air Quality, NCDENR
Susan Coward, Deputy Secretary, Intergovernmental Affairs and Budget Coordination, NCDOT
R. Scott Davis, Chief Air Planning Branch, EPA Region 4
Dianna Smith, EPA Region 4
Amanetta Somerville, EPA Region 4
Dan Thomas, NCDOT, Transportation Planning Branch
Mike Bruff, NCDOT, Transportation Planning Branch
Earlene Thomas, NCDOT, Transportation Planning Branch
Terry Arellano, NCDOT, Transportation Planning Branch
Andy Archer, NCDOT, Transportation Planning Branch
Pam Cook, NCDOT, Transportation Planning Branch
Heather Hildebrandt, NCDAQ
Loretta Barren, FHWA
Bill Marley, FHWA
Jill Stark, FHWA NC Division
John Tippett, Hickory MPO
John Marshall, Unifour RPO
Jamal Alavi, NCDOT, Transportation Planning Branch
Anil Paniker, NCDOT, Transportation Planning Branch
Linda Dosse, P.E., NCDOT, Transportation Planning Branch
Shannon Ransom, NCDOT, Transportation Planning Branch
Robert Cook, MUMPO
Phil Conrad, Cabarrus-Rowan MPO
Hank Graham, Gaston MPO
Bjorn Hansen, Lake Norman RPO
Dana Stoogenke, Rocky River RPO
Behshad Norowzi, NCDOT, Transportation Planning Branch
Ivo Dernev, NCDOT, Transportation Planning Branch
Bob League, Rocky Mount MPO
Ann Whitley, Upper Coastal Plain RPO
Wayne Davis, NCDOT Transportation Planning Branch
Michael Abuya, NCDOT Transportation Planning Branch
Andy Bailey, NCDOT Transportation Planning Branch
Hemang Surti, NCDOT Transportation Planning Branch
Mike Nunn, Burlington Graham MPO
Lydia McIntyre, Greensboro MPO
David Hyder, High Point MPO
Wendy Miller, Winston Salem MPO
Hanna Cockburn, Piedmont Triad COG
Scott Rhine, PART
Rupal Desai, NCDOT, Transportation Planning Branch
Julie Bollinger, NCDOT, Transportation Planning Branch
Scott Walston, NCDOT, Transportation Planning Branch
Wayne Davis, NCDOT, Transportation Planning Branch

Hemang Surti, NCDOT, Transportation Planning Branch
Ed Johnson, CAMPO
Felix Nwoko, DCHC MPO
Mike Nunn, BG MPO
Matt Day, Triangle RPO
Mike Cirello, Kerr Tar RPO
Daniel Van Liere, Upper Coastal Plain RPO
John Hodges Copple, Triangle J COG

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In Reply Refer To:
HDA-NC

Mr. Eugene A. Conti, Jr.
Secretary
North Carolina Department of Transportation
1501 Mail Service Center
Raleigh, NC 27699-1501

Dear Secretary Conti:

We reviewed the Metrolina Area Transportation Conformity Determination Report for the:

- Mecklenburg Union Metropolitan Planning Organization (MUMPO), the Gaston MPO and the Cabarrus Rowan MPO amended 2035 Long Range Transportation Plans (LRTPs)
- MUMPO, Gaston MPO and the Cabarrus Rowan MPO FY 2012-2018 Transportation Improvement Programs (TIPs)
- Projects from the FY 2012-2018 State TIP for the county donut areas of Gaston, Iredell (partial), Lincoln and Union

The MUMPO, the Gaston MPO and the Cabarrus Rowan MPO made conformity determinations on the amended 2035 LRTPs/FY 2012-2018 TIPs and the North Carolina Department of Transportation made conformity determinations on donut area projects from the FY 2012-2018 State TIPs on the following dates:

- MUMPO on July 20, 2011
- Gaston MPO on October 25, 2011
- Cabarrus Rowan MPO June 22, 2011
- The NCDOT (for the county donut areas of Gaston, Iredell, Lincoln and Union) on August 2, 2011

The MUMPO, the Gaston MPO and the Cabarrus Rowan MPO FY 2012-2018 TIPs are direct subsets of the 2035 LRTPs.

The Federal Highway Administration and the Federal Transit Administration reviewed these documents. We also coordinated our review with the Environmental Protection Agency (EPA) Region 4 and enclosed their comments to this letter.

Based on our review and the comments provided to us by the EPA, we find that the following conform to the purpose of the State Implementation Plan in accordance with 40 CFR Part 93:

- The MUMPO, the Gaston MPO and the Cabarrus Rowan MPO amended 2035 LRTPs

- The MUMPO, Gaston MPO and the Cabarrus Rowan MPO FY 2012-2018 TIPs
- Projects from the FY 2012-2018 State TIP for the county donut areas of Gaston, Iredell (partial), Lincoln and Union

Sincerely,

For John F. Sullivan, III, P.E.
Division Administrator

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

September 19, 2011

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 8-hour ozone and carbon monoxide conformity determinations for the amended 2035 Long Range Transportation Plan (LRTP) and updated FY 2012-2018 Transportation Improvement Programs (TIP) for the Cabarrus-Rowan Metropolitan Planning Organization (MPO), the Gaston Urban Area MPO, and the Mecklenburg-Union MPO; and the FY 2012-2018 TIPs for the donut areas of Lincoln, Iredell, Gaston, and Union counties in the North Carolina portion of the Charlotte bi-state nonattainment area. As allowed by the Transportation Conformity Rule, the South Carolina portion of this nonattainment area implements transportation conformity independent of the North Carolina portion of this area. We have completed our review, and recommend a finding of conformity for both the 1997 8-hour ozone standard and carbon monoxide standard for the amended 2035 LRTP and updated FY 2012 -2018 TIPs.

On August 15, 1997, and subsequently on July 1, 2004, U.S. Environmental Protection Agency published revisions related to the "Criteria and Procedures for Determining Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Funded or Approved Under Title 23 U.S.C. or the Federal Transit Act," or Transportation Conformity Rule (40 Code of Federal Regulations Part 93). These revisions outline the criteria that must be met for the 8-hour ozone standard. EPA has reviewed the conformity determinations related to the 8-hour ozone standard and carbon monoxide for the 2012-2018 TIPs, and has 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 PM2.5 National Ambient Air Quality Standards, Response to March 1999, Court Decision and Additional Rule Changes," (69 FR 40004) have been met.

EPA has considered this conformity determination in light of the current status of the Clean Air Interstate Rule (CAIR). EPA notes that the District of Columbia (D.C.) Circuit issued a decision on July 11, 2008 vacating CAIR. North Carolina v. EPA, 531 F.3d 896 (D.C. Cir. 2008). On September 24, 2008, EPA and other parties in the case filed motions for rehearing asking the D.C. Circuit to reconsider its decision in the case. On December 23, 2008, the court granted EPA's motion for rehearing to the extent it agreed to remand CAIR without vacating it. However, the court made no other changes to the July 11, 2008 opinion, remanding the case to EPA for further rulemaking consistent with this opinion. The court decision not to vacate CAIR left the rule in place temporarily. The opinion, however, also required EPA to promulgate another rule consistent with the court's July 11, 2008 opinion.

On August 8, 2011 (76 FR 48208) EPA published in the Federal Register, the Cross-State Air Pollution Rule (CSAPR) as a replacement for the remanded CAIR rule. CSAPR addresses emissions of Sulfur Dioxide and Nitrogen Dioxide in the covered states in 2012 and beyond, while the CAIR control requirements remain in place to address 2011 emissions.

Thank you again for the opportunity to review the conformity determinations for the amended 2035 LRTP and updated FY 2012-2018 TIPs for the Cabarrus-Rowan MPO, the Gaston Urban Area MPO, and the Mecklenburg-Union MPO; and the FY 2012-2018 TIP for the donut areas of Lincoln, Iredell, Gaston, and Union counties in the North Carolina portion of the Charlotte Bi-State Nonattainment area. If you have any questions regarding this letter, please contact Dianna Smith of the EPA Region 4 staff at (404) 562-9207.

Sincerely,

Brenda Johnson
Acting Chief
Air Quality Modeling
and Transportation Section

cc: Eddie Dancausse, FHWA NC
Loretta Barren, FHWA NC
Heather Hildebrandt, NC DAQ
Keith Melton, FTA Region 4