

**RESOLUTION 2008-14**

**THE BROOKE-HANCOCK-JEFFERSON  
TRANSPORTATION STUDY TECHNICAL ADVISORY COMMITTEE  
AND  
THE BROOKE-HANCOCK-JEFFERSON METROPOLITAN PLANNING  
COMMISSION AND THE BROOKE-HANCOCK-JEFFERSON  
TRANSPORTATION STUDY POLICY COMMITTEE  
RECOMMENDATION IN THE MATTER OF ADOPTING AN UPDATE  
OF THE TRANSPORTATION PLAN AND  
DEMONSTRATING CONFORMITY TO THE NATIONAL AMBIENT AIR  
QUALITY STANDARDS FOR GROUND-LEVEL O-ZONE**

**WHEREAS,** the Brooke-Hancock-Jefferson Transportation Study Policy Committee is designated as the Metropolitan Planning Organization jointly by the Governor of the State of Ohio, acting through the Ohio Department of Transportation and by the Governor of the State of West Virginia, acting through the West Virginia Department of Transportation, Division of Highways, all in cooperation with locally elected officials for Brooke and Hancock Counties, West Virginia, and Jefferson County, Ohio; and

**WHEREAS,** the Brooke-Hancock-Jefferson Metropolitan Planning Commission is, pursuant to Executive Order 12372, designated the Metropolitan Clearinghouse for the above-named counties; and

**WHEREAS,** the BHJMPO has, pursuant to 23 United States Code 134, and 49 United States Code 1602(a)(2), 1603(a), and 1604(g)(1) and (2), caused a Transportation Plan consisting of its Long Range Transportation Plan adopted May 2004 and a Public Transit Human Services Coordinated Transportation Plan adopted March 2008; and

**WHEREAS,** the BHJMPO has, pursuant to 23 United States Code 134, and 49 United States Code 1602(a)(2), 1603(a) and 1604(g)(1) and (2), adopted May 2007 a Biennial Transportation Improvement Program for Fiscal Year 2008 through 2011 found to be consistent with the Long Range Transportation Plan; and

**WHEREAS,** the transportation conformity rule, found in the applicable provisions OF *Title 40: Protection of the Environment – Code of Federal Regulations (CFR) Part 93*, ensures that the U.S. Department of Transportation, Metropolitan Planning Organizations, and other recipients of federal funds approve transportation activities that are consistent with air quality goals; and

**WHEREAS,** on April 15, 2004, the USEPA designated all three metropolitan area counties (Brooke and Hancock in West Virginia; Jefferson in Ohio) as non-attainment for the 8-hour ground-level ozone standard and must achieve attainment by 2009; and

**WHEREAS,** on January 5, 2005, the USEPA designated all three metropolitan area counties (Brooke and Hancock in West Virginia; Jefferson in Ohio) as non-attainment for the *New PM<sub>2.5</sub> National Ambient Air Quality Standard: PM<sub>2.5</sub> Precursors*; and

**WHEREAS,** the Ohio Environmental Protection Agency has, pursuant to Section 110 of the Federal Clean Air Act, as amended in 1990, and prepared an Ohio State Implementation Plan for Air Quality most recently updated through June 2007, including “A Portion of the Ohio State Implementation Plan for Air Quality Relating to the Ohio Portion of the Brooke-Hancock-Jefferson Metropolitan Area (Jefferson County, Ohio)”; and

**WHEREAS,** the West Virginia Division of Environmental Protection, Office of Air Quality, has, pursuant to Section 110 of the Federal Clean Air Act, as amended in 1990, prepared a West Virginia State Implementation Plan for Air Quality most recently updated for the applicable Transportation Plan area in June 2007; and

**WHEREAS,** the consultation process has determined that conformity will consist of a  $\leq$  2002 base line interim test; and for PM<sub>2.5</sub> Precursors and Budget Emission Tests for O-Zone Precursors as set forth in each respective SIP; and

**WHEREAS,** the region’s Transportation Plan has undergone a conformity analysis and has been demonstrated to conform with the State Implementation Plan (SIP) for air quality; and

**WHEREAS,** adequate opportunity for citizen and local government involvement in the development and review of the Transportation Plan Update has been the result of the process and techniques used by the BHJTS staff in preparing the document.

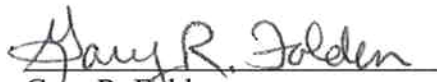
**WHEREAS,** the BHJTS Technical Advisory Committee and the Brooke-Hancock-Jefferson Metropolitan Planning Commission and the Brooke-Hancock-Jefferson Transportation Study Policy Committee, by action taken on June 26, 2008, at a Special called joint meeting recommend that the above mentioned plan be adopted as the Year 2030 Long Range Transportation Plan for the BHJ region subject to any revisions required as a result of review by various State or Federal agencies.

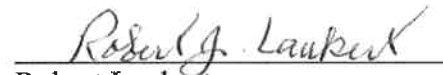
**NOW, THEREFORE, BE IT RESOLVED:**

1. That this Committee accepts the conformity tests and determines that the projects listed in the Long Range Transportation Plan and the Fiscal Years 2008-2011 Transportation Improvement Program do no cause or contribute to any new violation of the National Ambient Air Quality Standard.

2. That this Committee reaffirms its approval of the Long Range Transportation Plan and the Public Transit-Human Service coordinated Transportation Plan as the Transportation Plan for the BHJTS Region including Brooke and Hancock Counties of West Virginia and Jefferson County of Ohio, and recommends that its members incorporate these improvements into their planning for transportation improvements in their governmental units;
3. That this Committee affirms the consistency between the transportation plan and the State Implementation Plans for Air Quality;
4. That this Committee requests Area requests an 8-hour National Ambient Air Quality Standard determination for the BHJ Regional 2030 Transportation Plan and the Fiscal Years 2008 through 2011 Transportation Improvement Program;
5. That this Committee requests Area requests a conformity determination to the *Pm 2.5 National Ambient Air Quality Standard* from applicable federal and state agencies for the *BHJ Regional 2030 Transportation Plan* and the *FY2008-2011 Transportation Improvement Program*.

**ADOPTED**, this 26<sup>th</sup> day of June, 2008, at a special called joint meeting of the Brooke-Hancock-Jefferson Transportation Study Technical Advisory Committee and the Brooke-Hancock-Jefferson Metropolitan Planning Commission and the Brooke-Hancock-Jefferson Transportation Study Policy Committee.


  
Gary R. Folden  
Full Commission Chairman

  
Robert Laukert  
TAC Chairman

ATTEST:

  
John C. Brown  
Executive Director

ATTEST:

  
Michael J. Paprocki  
Transportation Study Director