

ATTACHMENT 5

DRAFT PUBLIC NOTICE AND ADOPTION RESOLUTION

**NOTICE OF PUBLIC HEARING ON THE
DRAFT AMENDMENT #11 TO THE 2009 FEDERAL TRANSPORTATION
IMPROVEMENT PROGRAM, 2007 RTP AMENDMENT #4 AND
CORRESPONDING DRAFT CONFORMITY ANALYSIS**

NOTICE IS HEREBY GIVEN that the San Joaquin Council of Governments will hold a public hearing on May 26, 2009 between 10:00 a.m.-11:00 a.m. at SJCOG office building located at 555 East Weber Avenue, Stockton, CA 95202 regarding the Draft Amendment #11 to the 2009 Federal Transportation Improvement Program (FTIP), 2007 RTP Amendment #4, and corresponding Draft Conformity Analysis. The purpose of the hearing is to receive public comments.

- The 2009 FTIP is a listing of capital improvement and operational expenditures utilizing federal and state monies for transportation projects in San Joaquin County during the next four years.
- The Draft Amendment #11 to the 2009 FTIP contains changes to transit projects as well as roadway projects funded with fund sources FTA Section 5308, American Recovery and Reinvestment Act of 2009 and High Priority Project.
- The RTP is a long-term strategy to meet San Joaquin County transportation needs out to the year 2030. The document is also referred to as the 2007 RTP.
- The 2007 RTP Amendment #4 adds projects to the RTP and makes changes to existing RTP projects.
- An Environmental Impact Report (EIR) supplement is not necessary as the project changes remain consistent with the 2007 EIR.
- The Draft Conformity Analysis contains the documentation to support a finding that the Draft Amendment #11 and 2007 RTP Amendment #4 meets the air quality conformity requirements for carbon monoxide, ozone and particulate matter.

Individuals with disabilities may call SJCOG at least 24 hours prior to the hearing to request auxiliary aids or assistance necessary to participate in the public hearing. Translation services are available (with 3-working-day advance notice) to participants speaking any language with available professional translation services.

A concurrent 30-day public review and comment period will commence on May 8, 2009 and conclude June 8, 2009 at 5 p.m. The draft documents are available for review at the SJCOG office, located at 555 East Weber Avenue, Stockton, CA 95202 and on the SJCOG website at www.sjcog.org.

Public comments are welcomed at the hearing, or may be submitted in writing by 5 p.m. on June 8, 2009 to Tanisha Taylor at the address below.

After considering the comments, the documents will be considered for adoption, by resolution, by the SJCOG Board of Directors at a regularly scheduled meeting to be held on June 25, 2009. The documents will then be submitted to state and federal agencies for approval.



RESOLUTION SAN JOAQUIN COUNCIL OF GOVERNMENTS

R-09-42

RESOLUTION ADOPTING AMENDMENT #11 TO THE SJCOG 2009 FEDERAL TRANSPORTATION IMPROVEMENT PROGRAM, 2007 RTP AMENDMENT #4, AND CORRESPONDING CONFORMITY ANALYSIS

WHEREAS, the San Joaquin Council of Governments is a Regional Transportation Planning Agency and a Metropolitan Planning Organization, pursuant to State and Federal designation; and

WHEREAS, federal planning regulations require Metropolitan Planning Organizations to prepare and adopt a long range Regional Transportation Plan (RTP) for their region; and

WHEREAS, federal planning regulations require that Metropolitan Planning Organizations prepare and adopt a Federal Transportation Improvement Program (FTIP) for their region; and

WHEREAS, Amendment #11 to the 2009 Federal Transportation Improvement Program (FTIP) and 2007 RTP Amendment #4 have been prepared to comply with Federal and State requirements for local projects and through a cooperative process between the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), the State Department of Transportation (Caltrans), principal elected officials of general purpose local governments and their staffs, and public owner operators of mass transportation services acting through the SJCOG forum and general public involvement; and

WHEREAS, Amendment #11 to the FTIP program listing is consistent with: 1) the 2007 Regional Transportation Plan, Amendment #4; 2) the 2008 State Transportation Improvement Program; and 3) the Corresponding Conformity Analysis; and

WHEREAS, Amendment #11 to the 2009 FTIP and 2007 RTP Amendment #4 contain the MPO's certification of the transportation planning process assuring that all federal requirements have been fulfilled; and

WHEREAS, Amendment #11 to the 2009 FTIP and 2007 RTP Amendment #4 meets all applicable transportation planning requirements per 23 CFR Part 450.

WHEREAS, projects submitted in Amendment #11 to the 2009 FTIP and 2007 RTP Amendment #4 must be financially constrained and the financial plan affirms that funding is available; and

WHEREAS, Amendment #11 to the 2009 FTIP and 2007 RTP Amendment #4 includes a new Conformity Analysis; and

WHEREAS, Amendment #11 to the 2009 FTIP and 2007 RTP Amendment #4 do not interfere with the timely implementation of the Transportation Control Measures; and

WHEREAS, Amendment #11 to the 2009 FTIP and 2007 RTP Amendment #4 conforms to the applicable SIPs; and

WHEREAS, in accordance with EPA Companion Guidance for the Conformity Rule for multi-jurisdictional areas, SJCOG has developed their portion of the PM2.5 regional emissions analysis separately and provided the entire PM2.5 nonattainment area conformity demonstration; and

WHEREAS, the PM2.5 nonattainment area conformity demonstration is contingent upon adoption by all MPOs in the PM2.5 nonattainment area; and

WHEREAS, the SJCOG has also developed a regional emissions analysis for Carbon Monoxide (CO), Ozone, and PM-10 for San Joaquin County; and

WHEREAS, the documents have been widely circulated and reviewed by SJCOG advisory committees representing the technical and management staffs of the member agencies; representatives of other governmental agencies, including State and Federal; representatives of special interest groups; representatives of the private business sector; and residents of San Joaquin County consistent with public participation process adopted by SJCOG; and

WHEREAS, a public hearing was conducted on May 26, 2009 to hear and consider comments on Amendment #11 to the 2009 FTIP and 2007 RTP Amendment #4 and Corresponding Conformity Analysis; and the remainder of the MPOs in the PM2.5 nonattainment area have conducted public hearings as well; and

NOW, THEREFORE, BE IT RESOLVED, that SJCOG adopts Amendment #11 to the 2009 FTIP and RTP Amendment #4 and Corresponding Conformity Analysis.

BE IT FURTHER RESOLVED, that the SJCOG finds that the 2007 Regional Transportation Plan Amendment #4 and Amendment #11 to the 2009 FTIP are in conformity with the requirements of the Federal Clean Air Act Amendments and applicable State Implementation Plan for air quality.

THE FOREGOING RESOLUTION was passed and adopted by SJCOG this 25th day of June , 2009.

AYES:

NOES:

ABSENT:

Signed: _____
BRENT H. IVES
SJCOG Board Chairman

**NOTICE OF PUBLIC COMMENT PERIOD ON THE
REDETERMINATION OF CONFORMITY FOR THE 2009 FEDERAL
TRANSPORTATION IMPROVEMENT PROGRAM AMENDMENT #3 AND
THE 2007 REGIONAL TRANSPORTATION PLAN AMENDMENT #2**

NOTICE IS HEREBY GIVEN that the Merced County Association of Governments (MCAG) is conducting a 30-day public comment period on the redetermination of conformity for the federally-approved 2009 Federal Transportation Improvement Program (FTIP) Amendment #3 and 2007 Regional Transportation Plan (RTP) Amendment #2.

- The 2009 FTIP is a listing of capital improvement and operational expenditures utilizing federal and state monies for transportation projects in Merced County during the next four years.
- The San Joaquin Valley is a PM2.5 multi-jurisdictional area; there are 8 MPOs within the PM2.5 nonattainment area and no PM2.5 conformity budgets are available for use at this time. Consequently, the PM2.5 conformity determination must be based on a regional emissions analysis that covers the entire nonattainment area.
- The San Joaquin Council of Governments has revised their portion of the PM2.5 conformity analysis. Consequently, the other 7 MPOs must redetermine conformity. Since no other transportation planning changes are being made, the 7 other MPO individual conformity analyses remain unchanged. However, the new Appendix D “PM2.5 Conformity Results Summary for Each MPO in the San Joaquin Valley Nonattainment Area” is being made available for a 30-day public comment period prior to re-adoption of their conformity determination.

The 30-day public review and comment period will commence on May 8, 2009 and conclude June 8, 2009 at 5 p.m. The draft documents are available for review at the Merced County Association of Governments office, located at 369 West 18th St., Merced, CA, 95340, and on the MCAG website at www.mcagov.org.

Public comments may be submitted in writing by 5 p.m. on June 8, 2009 to Matthew Fell at the address below.

After considering the comments, the documents will be considered for adoption, by resolution, by the MCAG Board of Directors at a regularly scheduled meeting to be held on June 18, 2009. The documents will then be submitted to state and federal agencies for approval.

Contact Person: Matthew Fell, 209-723-3153 x320, matt.fell@mcagov.org

**BEFORE THE
MERCED COUNTY ASSOCIATION OF GOVERNMENTS
RESOLUTION NO. []**

In the Matter of:

**RESOLUTION ADOPTING THE
Redetermination of Conformity for the
Federally Approved 2009 Federal
Transportation Improvement Program
Amendment #3 and 2007 RTP
Amendment #2**

WHEREAS, the Merced County Association of Governments (MCAG) is a Regional Transportation Planning Agency and a Metropolitan Planning Organization, pursuant to State and Federal designation; and

WHEREAS, federal planning regulations require Metropolitan Planning Organizations to prepare and adopt a long range Regional Transportation Plan (RTP) for their region; and

WHEREAS, federal planning regulations require that Metropolitan Planning Organizations prepare and adopt a Federal Transportation Improvement Program (FTIP) for their region; and

WHEREAS, the Federally Approved 2009 FTIP Amendment #3 and 2007 RTP Amendment #2 has been prepared to comply with Federal and State requirements for local projects and through a cooperative process between the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), the State Department of Transportation (Caltrans), principal elected officials of general purpose local governments and their staffs, and public owner operators of mass transportation services acting through the Merced County Association of Governments forum and general public involvement; and

WHEREAS, the Federally Approved 2009 FTIP Amendment #3 and 2007 RTP Amendment #2 contains the MPO's certification of the transportation planning process assuring that all federal requirements have been fulfilled; and

WHEREAS, the Federally Approved 2009 FTIP Amendment X #3 and 2007 RTP Amendment #2 meets all applicable transportation planning requirements per 23 CFR Part 450.

WHEREAS, SJCOG Amendment #10 to the 2009 FTIP and 2007 RTP Amendment #4 includes a new Conformity Analysis; and

WHEREAS, Merced County Association of Governments is not making any other transportation planning changes, the federally approved individual conformity analysis remain unchanged.

WHEREAS, in accordance with EPA Companion Guidance for the Conformity Rule for multi-jurisdictional areas, SJCOG has developed their portion of the PM2.5 regional emissions analysis separately and provided the entire PM2.5 nonattainment area conformity demonstration; and

WHEREAS, the PM2.5 nonattainment area conformity demonstration is contingent upon adoption by all MPOs in the PM2.5 nonattainment area; and

WHEREAS, the new Appendix D "PM2.5 Conformity Results for Each MPO in the San Joaquin Valley Nonattainment Area" (PM2.5 Demonstration) has been widely circulated and reviewed by Merced County Association of Governments advisory committees representing the technical and management staffs of the member agencies; representatives of other governmental agencies, including State and Federal; representatives of special interest groups; representatives of the private business sector; and residents of Merced County consistent with public participation process adopted by Merced County Association of Governments; and

WHEREAS, a 30-day public review period conducted on the PM2.5 Demonstration; and the SJCOG conducted a public hearing on the revised conformity analysis, containing PM2.5 Demonstration; and

NOW, THEREFORE, BE IT RESOLVED, that Merced County Association of Governments redetermines conformity for the Federally Approved 2009 Federal Transportation Improvement Program Amendment #3 and 2007 RTP Amendment #2.

BE IT FURTHER RESOLVED, that the Merced County Association of Governments finds that the for the Federally Approved 2009 Federal Transportation Improvement Program Amendment #3 and 2007 RTP Amendment #2 are in conformity with the requirements of the Federal Clean Air Act Amendments and applicable State Implementation Plan for air quality.

THE FOREGOING RESOLUTION was passed and adopted by Merced County Association of Governments this 18th day of June, 2009.

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

Signed: _____
Chairman

I hereby certify that the foregoing is a true copy of a resolution of the Merced County Association of Governments duly adopted at a regular meeting thereof held on the 18th day of June, 2009.

Signed: _____
Executive Director

SJV MPO SUMMARY SCHEDULE

SJV MPO	PUBLIC COMMENT PERIOD	BOARD ADOPTION
Fresno	May 8 – June 8, 2009	June 25, 2009
Kern	May 8 – June 8, 2009	June 16, 2009
Kings	May 8 – June 8, 2009	June 24, 2009
Madera	May 8 – June 8, 2009	June 17, 2009
Merced	May 8 – June 8, 2009	June 18, 2009
Stanislaus	May 8 – June 8, 2009	June 10, 2009
Tulare	May 8 – June 8, 2009	June 15, 2009