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of Transportation

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November 18, 2020

Mr. Stephen Brich
Commissioner
Virginia Department of Transportation
1401 East Broad Street
Richmond, Virginia 23219

**Re: Joint FHWA/FTA Conformity Finding for the 1997 8-hour ozone standard;
Fredericksburg, Virginia**

Dear Mr. Brich:

The Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) are responsible for ensuring that transportation plans, programs and projects meet the requirements of the Clean Air Act (CAA). With passage of the 1990 CAA Amendments, transportation plans, programs and projects that are developed, funded or proposed under 23 USC or the Federal Transit Act in areas designated nonattainment with the National Ambient Air Quality Standard (NAAQS) for ozone must demonstrate conformity with the standard in accordance with Section 176(c) of the CAA as amended. Previously, Fredericksburg was designated a nonattainment area under the 1997 8-hour ozone standard and later a maintenance area before being designated an attainment area under the 2008 8-hour ozone standard. The area is currently in attainment for all standards including the 2015 ozone standard. In February 2018, the D.C. Circuit Court issued a decision in *South Coast Air Quality Management District v. EPA* which impacted areas like Fredericksburg that had been designated nonattainment and/or maintenance under the 1997 ozone standard but designated attainment under the 2008 ozone standard. One of those impacts is that new, updated, or amended Transportation Improvement Programs (TIP) and Long Range Transportation Plans (LRTP) must demonstrate conformity in keeping with the anti-backsliding requirements associated with the revocation of the 1997 ozone standard.

On September 21, 2020, FHWA transmitted a copy of the final Regional Conformity Report prepared for the Fredericksburg Area Metropolitan Planning Organization's (FAMPO) FY 2021-2024 TIP and the 2045 LRTP demonstrating conformity to the 1997 8-hour ozone standard. The conformity report was prepared in accordance with EPA's November 24, 1993, Final Rule on Criteria and Procedures for Determining Conformity, subsequent rulemakings related to ozone, and guidance issued by EPA in November 2018 for areas affected by the February 2018 South Coast court decision. EPA has completed their review and by email dated November 2, 2020 they concurred that the FAMPO FY 2021-2024 TIP and 2045 LRTP Conformity Determination submittal for the 1997 8-hour ozone conformity analyses for Transportation Plans, Programs, and Projects meets the requirements of its South Coast guidance; specifically, it addresses 1) the latest

planning assumptions; 2) consultation; 3) timely implementation of transportation control measures; and 4) fiscal constraint.

Based on the foregoing, FHWA and FTA find that the Conformity Determination submittal for the FY 2021-2024 TIP and 2045 LRTP for the Fredericksburg 1997 8-hour Ozone Area demonstrates conformity as prescribed by EPA's Transportation Conformity Rule and subsequent amendments and guidance. This letter represents that joint conformity finding. This conformity finding remains valid for a period of four years assuming that no regionally significant projects are amended to or removed from the TIP and assuming that no metropolitan transportation planning deadlines come due before then.

If you have any questions or need additional information, please contact Ivan Rucker, FHWA-Virginia Division, at (804) 775-3350 or Ryan Long, FTA Region III, at (215) 656-7051.

Sincerely,

Anthony Tarone
Deputy Regional Administrator
Federal Transit Administration

Thomas Nelson
Division Administrator
Federal Highway Administration

cc: Ms. Linda Millsaps, FAMPO/GWRC (via e-mail)
Ms. Marsha Fiol, VDOT (via email)
Mr. James Ponticello, VDOT (via email)
Mr. Ivan Rucker, FHWA (via email)
Ms. Kathleen Zubrzycki, FTA (via e-mail)
Mr. Gregory Becoat, EPA (via email)
Ms. Cristina Fernandez, EPA (via e-mail)