



CAPE COD
COMMISSION

2020 REGIONAL TRANSPORTATION PLAN

Technical Appendix N:
Greenhouse Gas Analysis/Air
Quality Conformity
Determination

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GREENHOUSE GAS (GHG) ANALYSIS BACKGROUND

State policy context

The Global Warming Solutions Act (GWSA), which was signed into law in August 2008, makes Massachusetts a leader in setting aggressive and enforceable GHG reduction targets, and implementing policies and initiatives to achieve these targets. In keeping with the law, on December 29, 2010 the Massachusetts Executive Office of Energy and Environmental Affairs (EOEEA), in consultation with other state agencies and the public, released the Massachusetts Clean Energy and Climate Plan for 2020. In December 2014, DEP issued new regulations that require MPOs to quantify impacts from project investments, track progress towards reductions, and consider impacts in the prioritization of project investments. The targets for overall statewide GHG emissions are:

- By 2020: 25 percent reduction below statewide 1990 GHG emission levels
- By 2050: 80 percent reduction below statewide 1990 GHG emission levels

The role of MPOs

The Commonwealth's MPOs are integrally involved in supporting the GHG reductions mandated under the GWSA. The MPOs are most directly involved in helping to achieve the GHG emissions reductions through the promotion of healthy transportation modes through prioritizing and programming an appropriate balance of roadway, transit, bicycle and pedestrian investments – and assisting smart growth development patterns through the creation of a balanced multi-modal transportation system. This is realized through the transportation goals and policies espoused in the 2020 Regional Transportation Plans (RTPs); the major projects planned in those RTPs; and the mix of new transportation projects that are programmed and implemented through the TIPs. GHG tracking and evaluation processes enable the MPOs to identify anticipated GHG impacts of planned and programmed projects, and also to use GHG impacts as a criterion in prioritizing transportation projects.

Project-level GHG tracking and evaluation in TIPs

It is also important to monitor and evaluate the GHG impacts of the transportation projects that are programmed in the MPOs' TIPs. The TIPs include both the larger, regionally-significant projects from the RTPs, which are reported in the Statewide GHG report, as well as smaller projects that are

not included in the RTP but that may nevertheless have impacts on GHG emissions. The primary objective of this tracking is to enable the MPOs to evaluate expected GHG impacts of different projects and to use this information as a criterion for prioritizing and programming projects.

Calculation of GHG Impacts for TIP Projects

MassDOT has adopted spreadsheets used by MPOs to determine CMAQ eligibility and that also include CO2 impacts. The data and analysis required for these calculations is available from functional design reports that are submitted for projects that would produce a measurable GHG impact.

Projects with quantified impacts

RTP PROJECTS

Major capacity expansion projects are expected to have a significant impact on GHG emissions. These projects are included in each MPO's RTPs and analyzed using either the statewide model or the Boston MPO's regional model, which reflect GHG impacts. As a result, no independent TIP calculations are required.

QUANTIFIED DECREASE IN EMISSIONS

For those projects that are expected to produce a measurable decrease in emissions, the approach for calculating these impacts is described below. These projects are categorized in the following manner:

- **Quantified Decrease in Emissions from Traffic Operational Improvement** - An intersection reconstruction or signalization project that is projected to reduce delay and congestion.
- **Quantified Decrease in Emissions from Pedestrian and Bicycle Infrastructure** - A shared-use path that enables increased walking and biking and decreases vehicle-miles traveled (VMT).
- **Quantified Decrease in Emissions from New/Additional Transit Service** - A bus or shuttle service that enables increased transit ridership and decreased VMT
- **Quantified Decrease in Emissions from a Park and Ride Lot** - A park-and-ride lot that enables increased transit ridership/ increased ridesharing and decreased VMT
- **Quantified Decrease in Emissions from Bus Replacement** - a bus replacement that directly reduces GHG emissions generated by service.
- **Quantified Decrease in Emissions from Complete Streets Improvements** - Improvements to roadway networks that include the addition of bicycle and pedestrian accommodations where none were present before.
- **Quantified Decrease in Emissions from Alternative Fuel Vehicle Procurements** - A vehicle procurement where alternative fuel/advanced technology vehicles replace traditional gas or diesel vehicles.

- **Quantified Decrease in Emissions from Anti-idling Strategies** – Implementation of policies such as limiting idling allowed, incorporating anti-idling technology into fleets and using LED lights on trucks for the purpose of illuminating worksites.
- **Quantified Decrease in Emissions from Bike Share Projects** – A new bike share project or capacity added to an existing project.
- **Quantified Decrease in Emissions from Induced Travel Projects** – A project that changes roadway capacity
- **Quantified Decrease in Emissions from Speed Reduction Programs** – Programs that reduce speed to no less than 55 miles per hour.
- **Quantified Decrease in Emissions from Transit Signal Priority Projects** – A project that applies this technology to a signal intersection or along a corridor that impacts bus service.
- **Quantified Decrease in Emissions from Truck Stop Electrification Projects** – A new truck stop electrification project or capacity added to an existing project.
- **Quantified Decrease in Emissions from Other Improvement**

QUANTIFIED INCREASE IN EMISSIONS

Projects expected to produce a measurable increase in emissions.

Projects with no assumed impacts

NO ASSUMED IMPACT/NEGLIGIBLE IMPACT ON EMISSIONS

Projects that do not change the capacity or use of a facility (e.g. roadway median barrier or retaining wall replacement, or a bridge rehabilitation/replacement that restores the bridge to its previous condition) are assumed to have no/negligible GHG impact.

QUALITATIVE DECREASE IN EMISSIONS

Projects expected to produce a minor decrease in emissions that cannot be calculated with any precision. Examples of such projects include roadway repaving, signage improvement, ITS improvement, or transit marketing/customer experience improvement.

QUALITATIVE INCREASE IN EMISSIONS

Projects expected to produce a minor increase in emissions that cannot be calculated with any precision.

GREENHOUSE GAS (GHG) RTP PROJECT ANALYSIS

An analysis of regional target projects was also analyzed in relation to greenhouse gas (GHG) emissions. As presented in Table A-1, it is anticipated that most of the projects will result in nominal decreases in emissions for sidewalk and/or bicycle infrastructure or other improvements. It is anticipated that other projects will result in a quantifiable decrease in emissions that will need to be verified by statewide modeling efforts.

TABLE A-1. Highway Regional Target Projects – Anticipated GHG Impacts

PROJECT	ANTICIPATED GHG IMPACT
Mashpee: Route 151	Assumed Nominal Decrease in Emissions from Sidewalk and Bicycle Infrastructure
Route 28 Multimodal Improvements: Various Locations	Assumed Nominal Decrease in Emissions from Sidewalk and Bicycle Infrastructure
Rail Trail Extensions (Mid- and Upper-Cape)	Assumed Nominal Decrease in Emissions from Bicycle Infrastructure
Scenic Highway Median Barrier	Assumed Nominal Decrease in Emissions from Roadway Infrastructure
Rail Trail Extensions (Outer Cape)	Assumed Nominal Decrease in Emissions from Bicycle Infrastructure
Hyannis Access Phase II (Yarmouth Road Corridor)	Assumed Nominal Decrease in Emissions from Sidewalk and Bicycle Infrastructure
Route 6 Outer Cape Safety & Multimodal Improvements	Assumed Nominal Decrease in Emissions from Sidewalk and Bicycle Infrastructure
Cape Cod Canal Area Transportation Improvements	Modeling currently underway by MassDOT: GHG reduction anticipated
Interchange Improvements – Priority Locations	Assumed Nominal Decrease in Emissions from Roadway Infrastructure
Bike Path Connectors to Town Centers	Assumed Nominal Decrease in Emissions from Bicycle Infrastructure

AIR QUALITY CONFORMITY DETERMINATION

Cape Cod Metropolitan Planning Organization

FFY 2020-2024 Transportation Improvement Program

and

2020-2040 Regional Transportation Plan

This section documents the latest air quality conformity determination for the 1997 ozone National Ambient Air Quality Standards (NAAQS) in the MPO Region. It covers the applicable conformity requirements according to the latest regulations, regional designation status, legal considerations, and federal guidance. Further details and background information are provided below:

INTRODUCTION

The 1990 Clean Air Act Amendments (CAAA) require metropolitan planning organizations within nonattainment and maintenance areas to perform air quality conformity determinations prior to the approval of Long-Range Transportation Plans (L RTPs) and Transportation Improvement Programs (TIPs), and at such other times as required by regulation. Clean Air Act (CAA) section 176(c) (42 U.S.C. 7506(c)) requires that federally funded or approved highway and transit activities are consistent with (“conform to”) the purpose of the State Implementation Plan (SIP). Conformity to the purpose of the SIP means that means Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) funding and approvals are given to highway and transit activities that will not cause or contribute to new air quality violations, worsen existing violations, or delay timely attainment of the relevant NAAQS or any interim milestones (42 U.S.C. 7506(c)(1)). EPA’s transportation conformity rules establish the criteria and procedures for determining whether metropolitan transportation plans, transportation improvement programs (TIPs), and federally supported highway and transit projects conform to the SIP (40 CFR Parts 51.390 and 93).

A nonattainment area is one that the U.S. Environmental Protection Agency (EPA) has designated as not meeting certain air quality standards. A maintenance area is a nonattainment area that now meets the standards and has been re-designated as maintaining the standard. A conformity determination is a demonstration that plans, programs, and projects are consistent with the State Implementation Plan (SIP) for attaining the air quality standards. The CAAA requirement to perform a conformity determination ensures that federal approval and funding go to transportation activities that are consistent with air quality goals.

LEGISLATIVE AND REGULATORY BACKGROUND

The entire Commonwealth of Massachusetts was previously classified as nonattainment for ozone, and was divided into two nonattainment areas. The Eastern Massachusetts ozone nonattainment

area included Barnstable, Bristol, Dukes, Essex, Middlesex, Nantucket, Norfolk, Plymouth, Suffolk, and Worcester counties. Berkshire, Franklin, Hampden, and Hampshire counties comprised the Western Massachusetts ozone nonattainment area. With these classifications, the 1990 Clean Air Act Amendments (CAAA) required the Commonwealth to reduce its emissions of volatile organic compounds (VOCs) and nitrogen oxides (NOx), the two major precursors to ozone formation to achieve attainment of the ozone standard.

The 1970 Clean Air Act defined a one-hour national ambient air quality standard (NAAQS) for ground-level ozone. The 1990 CAAA further classified degrees of nonattainment of the one-hour standard based on the severity of the monitored levels of the pollutant. The entire commonwealth of Massachusetts was classified as being in serious nonattainment for the one-hour ozone standard, with a required attainment date of 1999. The attainment date was later extended, first to 2003 and a second time to 2007.

In 1997, the EPA proposed a new, eight-hour ozone standard that replaced the one-hour standard, effective June 15, 2005. Scientific information had shown that ozone could affect human health at lower levels, and over longer exposure times than one hour. The new standard was challenged in court, and after a lengthy legal battle, the courts upheld it. It was finalized in June 2004. The eight-hour standard is 0.08 parts per million, averaged over eight hours and not to be exceeded more than once per year. Nonattainment areas were again further classified based on the severity of the eight-hour values. Massachusetts as a whole was classified as being in moderate nonattainment for the eight-hour standard, and was separated into two nonattainment areas—Eastern Massachusetts and Western Massachusetts.

In March 2008, EPA published revisions to the eight-hour ozone NAAQS establishing a level of 0.075 ppm, (March 27, 2008; 73 FR 16483). In 2009, EPA announced it would reconsider this standard because it fell outside of the range recommended by the Clean Air Scientific Advisory Committee. However, EPA did not take final action on the reconsideration so the standard would remain at 0.075 ppm.

After reviewing data from Massachusetts monitoring stations, EPA sent a letter on December 16, 2011 proposing that only Dukes County would be designated as nonattainment for the new proposed 0.075 ozone standard. Massachusetts concurred with these findings.

On May 21, 2012, (77 FR 30088), the final rule was published in the Federal Register, defining the 2008 NAAQS at 0.075 ppm, the standard that was promulgated in March 2008. A second rule published on May 21, 2012 (77 FR 30160), revoked the 1997 ozone NAAQS to occur one year after the July 20, 2012 effective date of the 2008 NAAQS.

Also on May 21, 2012, the air quality designations areas for the 2008 NAAQS were published in the Federal Register. In this Federal Register, the only area in Massachusetts that was designated as nonattainment is Dukes County. All other Massachusetts counties were designated as attainment/unclassified for the 2008 standard. On March 6, 2015, (80 FR 12264, effective April 6, 2015) EPA published the Final Rulemaking, "Implementation of the 2008 National Ambient Air Quality Standards (NAAQS) for Ozone: State Implementation Plan Requirements; Final Rule." This rulemaking confirmed the removal of transportation conformity to the 1997 Ozone NAAQS.

However, on February 16, 2018, the United States Court of Appeals for the District of Columbia Circuit in *South Coast Air Quality Mgmt. District v. EPA* ("South Coast II," 882 F.3d 1138) held that transportation conformity determinations must be made in areas that were either nonattainment or maintenance for the 1997 ozone NAAQS and attainment for the 2008 ozone NAAQS when the 1997 ozone NAAQS was revoked. These conformity determinations are required in these areas after February 16, 2019. On November 29, 2018, EPA issued *Transportation Conformity Guidance for the South Coast II Court Decision* (EPA-420-B-18-050, November 2018) that addresses how transportation conformity determinations can be made in areas. According to the guidance, both Eastern and Western Massachusetts, along with several other areas across the country, are now defined as "orphan nonattainment areas" – areas that were designated as nonattainment for the 1997 ozone NAAQS at the time of its revocation (80 FR 12264, March 6, 2015) and were designated attainment for the 2008 ozone NAAQS in EPA's original designations rule for this NAAQS (77 FR 30160, May 21, 2012).

CURRENT CONFORMITY DETERMINATION

After 2/16/19, as a result of the court ruling and the subsequent federal guidance, transportation conformity for the 1997 NAAQS – intended as an "anti-backsliding" measure – now applies to both of Massachusetts' orphan areas. Therefore, this conformity determination is being made for the 1997 ozone NAAQS on the Cape Cod FFY 2020-2024 Transportation Improvement Program and 2020-2040 Regional Transportation Plan.

The transportation conformity regulation at 40 CFR 93.109 sets forth the criteria and procedures for determining conformity. The conformity criteria for TIPs and RTPs include: latest planning assumptions (93.110), latest emissions model (93.111), consultation (93.112), transportation control measures (93.113(b) and (c), and emissions budget and/or interim emissions (93.118 and/or 93.119).

For the 1997 ozone NAAQS areas, transportation conformity for TIPs and RTPs for the 1997 ozone NAAQS can be demonstrated without a regional emissions analysis, per 40 CFR 93.109(c). This provision states that the regional emissions analysis requirement applies one year after the effective date of EPA's nonattainment designation for a NAAQS and until the effective date of

revocation of such NAAQS for an area. The 1997 ozone NAAQS revocation was effective on April 6, 2015, and the *South Coast II* court upheld the revocation. As no regional emission analysis is required for this conformity determination, there is no requirement to use the latest emissions model, or budget or interim emissions tests.

Therefore, transportation conformity for the 1997 ozone NAAQS for the Cape Cod FFY 2020-2024 Transportation Improvement Program and 2020-2040 Regional Transportation Plan can be demonstrated by showing that remaining requirements in Table 1 in 40 CFR 93.109 have been met. These requirements, which are laid out in Section 2.4 of EPA's guidance and addressed below, include:

- Latest planning assumptions (93.110)
- Consultation (93.112)
- Transportation Control Measures (93.113)
- Fiscal Constraint (93.108)

LATEST PLANNING ASSUMPTIONS

The use of latest planning assumptions in 40 CFR 93.110 of the conformity rule generally apply to regional emissions analysis. In the 1997 ozone NAAQS areas, the use of latest planning assumptions requirement applies to assumptions about transportation control measures (TCMs) in an approved SIP (See following section on Timely Implementation of TCMs).

CONSULTATION

The consultation requirements in 40 CFR 93.112 were addressed both for interagency consultation and public consultation. Interagency consultation was conducted with FHWA, FTA, US EPA Region 1, MassDEP, and the other Massachusetts MPOs, with the most recent conformity consultation meeting held on March 6, 2019 (this most recent meeting focused on understanding the latest conformity-related court rulings and resulting federal guidance). This ongoing consultation is conducted in accordance with the following:

- Massachusetts' Air Pollution Control Regulations 310 CMR 60.03 "Conformity to the State Implementation Plan of Transportation Plans, Programs, and Projects Developed, Funded or Approved Under Title 23 USC or the Federal Transit Act"
- The Commonwealth of Massachusetts Memorandum of Understanding by and between Massachusetts Department of Environmental Protection, Massachusetts Executive Office of Transportation and Construction, Massachusetts Metropolitan Planning Organizations concerning the conduct of transportation-air quality planning in the development and implementation of the state implementation plan" (note: this MOU is currently being updated)

Public consultation was conducted consistent with planning rule requirements in 23 CFR 450. Title 23 CFR Section 450.324 and 310 CMR 60.03(6)(h) requires that the development of the TIP, RTP, and related certification documents provide an adequate opportunity for public review and comment. Section 450.316(b) also establishes the outline for MPO public participation programs. The public participation process followed procedures outline in the Cape Cod MPO's Public Participation Plan as updated in 2017. The Public Participation Plan ensures that the public will have access to the TIP, RTP, and all supporting documentation, provides for public notification of the availability of the TIP and RTP and the public's right to review the document and comment thereon, and provides a 21-day public review and comment period prior to the adoption of the TIP and RTP and related certification documents.

The public comment period for this conformity determination commenced on April 22, 2019. During the 21-day public comment period, any comments received were incorporated into this Plan. This allowed ample opportunity for public comment and MPO review of the draft document. The public comment period will close on May 13, 2019 and subsequently, the Cape Cod MPO is expected to endorse this air quality conformity determination before May 20, 2019. These procedures comply with the associated federal requirements.

TIMELY IMPLEMENTATION OF TRANSPORTATION CONTROL MEASURES

Transportation Control Measures (TCMs) have been required in the SIP in revisions submitted to EPA in 1979 and 1982. All SIP TCMs have been accomplished through construction or through implementation of ongoing programs. All of the projects have been included in the Region's Transportation Plan (present or past) as recommended projects or projects requiring further study.

DEP submitted to EPA its strategy of programs to show Reasonable Further Progress of a 15% reduction of VOCs in 1996 and the further 9% reduction of NO_x toward attainment of the National Ambient Air Quality Standards (NAAQS) for ozone in 1999. Within that strategy there are no specific TCM projects. The strategy does call for traffic flow improvements to reduce congestion and, therefore, improve air quality. Other transportation-related projects that have been included in the SIP control strategy are listed below:

- Enhanced Inspection and Maintenance Program
- California Low Emission Vehicle Program
- Reformulated Gasoline for On- and Off-Road Vehicles
- Stage II Vapor Recovery at Gasoline Refueling Stations
- Tier I Federal Vehicle Standards

FISCAL CONSTRAINT

Transportation conformity requirements in 40 CFR 93.108 state that TIPs and transportation plans and must be fiscally constrained consistent with DOT's metropolitan planning regulations at 23 CFR part 450. The Cape Cod 2020-2024 Transportation Improvement Program and 2020-2040 Regional Transportation Plan are fiscally constrained, as demonstrated in Chapter 5 of the TIP and Chapter 5 of the RTP.

In summary and based upon the entire process described above, the Cape Cod MPO has prepared this conformity determination for the 1997 Ozone NAAQS in accordance with EPA's and Massachusetts' latest conformity regulations and guidance. This conformity determination process demonstrates that the FFY 2020-2024 Transportation Improvement Program and the 2020-2040 Regional Transportation Plan meet the Clean Air Act and Transportation Conformity Rule requirements for the 1997 Ozone NAAQS, and have been prepared following all the guidelines and requirements of these rules during this time period.

Therefore, the implementation of the Cape Cod MPO's FFY 2020-2024 Transportation Improvement Program and the 2020-2040 Regional Transportation Plan are consistent with the air quality goals of, and in conformity with, the Massachusetts State Implementation Plan.

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