



U.S. Department  
of Transportation  
**Federal Highway  
Administration**

**North Carolina Division**

June 23, 2009

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

In Reply Refer To:  
HDA-NC

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

Dear Secretary Conti:

Enclosed is the Triangle area transportation conformity determination letter signed by the United States Department of Transportation (USDOT) for the

- Capital Area Metropolitan Planning Organization (CAMPO), the Durham Chapel Hill Carrboro (DCHC) MPO and the Burlington Graham (BG) MPO 2035 Long Range Transportation Plans (LRTPs)
- FY 2009-2015 Transportation Improvement Program (TIP) for CAMPO, DCHC MPO and the BG MPO
- Projects from the FY 2009-2015 State TIP for the county donut areas of Chatham, Franklin, Granville, Johnston, Orange and Person.

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, in areas where no State Implementation Plan is approved or found adequate by EPA) in accordance with 40 CFR Part 93.

The USDOT conformity determination letter is dated June 15, 2009. The June 15, 2009, date finalizes the adoption of the 2035 LRTPs for CAMPO and the DCHC MPO and is also the date for the conformity determination.

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

Enclosure



[Recipient Name]

June 23, 2009

Page 2

cc: Keith Overcash, Director, Division of Air Quality, NCDENR  
Susan Coward, Deputy Secretary, Intergovernmental Affairs and Budget Coordination,  
NCDOT  
Richard Schutt, Chief, Air Planning Branch, EPA Region IV  
Calvin Leggett, P.E., Manager, Program Development Branch, NCDOT



U.S. Department  
of Transportation  
**Federal Highway  
Administration**

**North Carolina Division**

June 15, 2009

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

In Reply Refer To:  
HDA-NC

Mr. Eugene A. Conti, Jr., Secretary  
North Carolina Department of Transportation  
Post Office Box 25201  
Raleigh, North Carolina 27611-5201

Dear Secretary Conti:

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

- Capital Area Metropolitan Planning Organization (CAMPO), the Durham Chapel Hill Carrboro (DCHC) MPO and the Burlington Graham (BG) MPO 2035 Long Range Transportation Plans (LRTPs)
- FY 2009-2015 Transportation Improvement Programs (TIPs) for CAMPO, DCHC MPO and the BG MPO
- Projects from the FY 2009-2015 State TIP for the county donut areas of Chatham, Franklin, Granville, Johnston, Orange and Person.

The CAMPO, the DCHC MPO and the BG MPO made conformity determinations on their adopted 2035 LRTPs, the FY 2009-2015 TIPs (the TIPs are direct subsets of the 2035 LRTPs) and the North Carolina Department of Transportation (NCDOT) made conformity determinations on projects from the FY 2009-2015 State TIPs on the following dates:

- CAMPO on May 20, 2009
- DCHC MPO on May 13, 2009
- BG MPO on April 21, 2009
- The NCDOT (for the county donut areas of Chatham) on April 15, 2009
- The NCDOT (for the county donut areas of Franklin) on April 15, 2009
- The NCDOT (for the county donut areas of Granville) on April 15, 2009
- The NCDOT (for the county donut areas of Johnston) on April 15, 2009
- The NCDOT (for the county donut areas of Orange) on April 15, 2009
- The NCDOT (for the county donut areas of Person) on April 22, 2009


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




Based on our review and comments provided by the US EPA, we find that the following areas conform to the purpose of the State Implementation Plan (or interim emissions tests, in areas where no State Implementation Plan is approved or found adequate by EPA) in accordance with 40 CFR Part 93:

- CAMPO 2035 LRTP
- DCHC MPO 2035 LRTP
- BG MPO 2035 LRTP
- The FY 2009-2015 TIPs for CAMPO, DCHC MPO and the BG MPO
- Projects from the FY 2009-2015 State TIP for the county donut areas of Chatham, Franklin, Granville, Johnston, Orange and Person

Sincerely,

  
\_\_\_\_\_  
Yvette G. Taylor  
Regional Administrator  
Federal Transit Administration

Sincerely,

  
\_\_\_\_\_  
John F. Sullivan III, P.E.  
North Carolina Division Administrator  
Federal Highway Administration



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

June 12, 2009

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 2035 Long Range Transportation Plan (LRTP) and the Fiscal year (FY) 2009-2015 Transportation Improvement Programs (TIPs) for the Capital area, Durham Chapel Hill and Carrboro area, the Burlington Graham area, and the county donut areas of Chatham, Franklin, Granville, Johnston, Orange, and Person 8-hour ozone and the Durham County, Wake County and Dutchville Township in Granville County carbon monoxide (CO) maintenance areas. These conformity determinations are for the 8-hour ozone and CO standards. We have completed our review, and recommend a finding of conformity for both the 8-hour ozone and CO standards for the 2035 LRTP and the FY 2009-2015 TIPs for the Capital area, Durham Chapel Hill and Carrboro area, the Burlington Graham area, and the county donut areas of Chatham, Franklin, Granville, Johnston, Orange, and Person 8-hour ozone and the Durham County, Wake County and Dutchville Township in Granville County CO maintenance areas.


The U.S. Environmental Protection Agency (EPA) notes that the D.C. Circuit issued a decision on July 11, 2008 vacating the Clean Air Interstate Rule (CAIR). North Carolina v. EPA, 531 F.3d 896 (D.C. Cir. 2008). On September 24, 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 opinion, remanding the case to EPA for further rulemaking consistent with this opinion. Therefore, the CAIR rule remains in place, but EPA must promulgate another rule consistent with the court's July 11 opinion. Transportation conformity determinations should continue to use motor vehicle emissions budgets in approved State Implementation Plan (SIP). See Environmental Defense v. EPA, 167 F.3d 641, 651 (finding that the Clean Air Act requires conformity determinations to be based on an approved SIP, where such a SIP exists).

On November 15, 1990, August 15, 1997, and subsequently on July 1, 2004, U.S. Environmental Protection Agency (EPA) 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 CO and 8-hour ozone standards. EPA has reviewed the conformity determinations related to the CO and 8-hour ozone standards for the FY 2009-2015 TIPs for the Capital area, Durham Chapel Hill and Carrboro area, the Burlington Graham area and the county donut areas of Chatham, Franklin, Granville, Johnston, Orange, and Person 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 PM<sub>2.5</sub> National Ambient Air Quality Standards, Response to March 1999, Court Decision and Additional Rule Changes," (69 FR 40004), have been met.

Thank you again for the opportunity to review the conformity determinations for the 2035 LRTP and the FY 2009-2015 TIPs for the Capital area, Durham Chapel Hill and Carrboro area, the Burlington Graham area and the county donut areas of Chatham, Franklin, Granville, Johnston, Orange, and Person 8-hour ozone and the Durham County, Wake County and Dutchville Township in Granville County CO maintenance areas. If you have any questions regarding this letter, please contact Amanetta Wood of the EPA Region 4 staff at (404) 562-9025.

Sincerely,



R. Scott Davis  
Chief  
Air Quality Modeling  
and Transportation Section

cc: Eddie Dancausse, FHWA NC  
Loretta Barren, FHWA NC  
Heather Hildebrandt, NC DAQ  
Alex McNeil, FTA Region 4