

**BEFORE THE
COUNCIL OF FRESNO COUNTY GOVERNMENTS
RESOLUTION NO. 2009-28**

In the Matter of:)

2009 FTIP AMENDMENT #3,)
2007 RTP AMENDMENT #2,)
AIR QUALITY CONFORMITY)
ANALYSIS)
_____)

**RESOLUTION ADOPTING THE
REDETERMINATION OF CONFORMITY
FOR THE FEDERALLY APPROVED
2009 FEDERAL TRANSPORTATION
IMPROVEMENT PROGRAM
AMENDMENT #3 AND 2007 RTP
AMENDMENT #2**

WHEREAS, the Council of Fresno County 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, 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 Council of Fresno County 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 #3 and 2007 RTP Amendment #2 meets all applicable transportation planning requirements per 23 CFR Part 450.

WHEREAS, Kern COG Amendment #8 to the 2009 FTIP and 2007 RTP Amendment #2 includes a new Conformity Analysis; and

WHEREAS, the Council of Fresno County 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, Kern COG 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 the Council of Fresno County 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 Fresno County consistent with public participation process adopted by the Council of Fresno County Governments; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Council of Fresno County 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 Council of Fresno County Governments finds that 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 the Council of Fresno County Governments this 24th day of September, 2009.

AYES: Clovis, Coalinga, Firebaugh, Fowler, Fresno, Kernan, Kingsburg, Mendota, Orange Cove, Parlier, Reedley, San Joaquin, Sanger, Selma and Fresno County

NOES: None

ABSTAIN:

ABSENT: Huron

ATTEST:

Signed: _____

Trinidad M. Rodriguez, Chairman

I hereby certify that the foregoing is a true copy of a resolution of the Council of Fresno County Governments duly adopted at a regular meeting thereof held on the 24th day of September, 2009.

Signed: _____

Tony Borep, Executive Director