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RESOLUTION No. 07-485-2
**RESOLUTION OF THE SOUTHERN CALIFORNIA ASSOCIATION OF
GOVERNMENTS APPROVING AN ADMINISTRATIVE AMENDMENT
TO THE 2004 REGIONAL TRANSPORTATION PLAN (2004 RTP) AND
AN ADDENDUM TO THE 2004 RTP PROGRAM ENVIRONMENTAL
IMPACT REPORT**

WHEREAS, the Southern California Association of Governments (SCAG) is a Joint Powers Agency established pursuant to Section 6502 et seq. of the California Government Code;

WHEREAS, SCAG is the designated Metropolitan Planning Organization (MPO) pursuant to 23 U.S.C. §134(d) for the counties of Los Angeles, Riverside, San Bernardino, Ventura, Orange, and Imperial, and as such is responsible for preparing the Regional Transportation Plan (RTP) and Regional Transportation Improvement Program (RTIP) pursuant to 23 U.S.C. §134 et seq., 49 U.S.C. §5303 et seq., and 23 C.F.R. §450.312;

WHEREAS, SCAG is the designated Regional Transportation Planning Agency (RTPA) under state law, and as such is responsible for preparing, adopting and updating the RTP pursuant to Government Code Sections 65080 et seq.;

WHEREAS, the projects included in the RTP must be based on the continuing, cooperative, and comprehensive transportation planning process mandated by 23 U.S.C. §134(c)(3) and 23 C.F.R. §450.312;

WHEREAS, pursuant to 23 C.F.R. §450.316(b)(1)(iv), SCAG must provide adequate public notice of public involvement activities and time for public review and comment at key decision points, including approval of plans and transportation improvement programs (the applicable comment period shall be at least 30 days for the plan, transportation improvement program and major amendments);

WHEREAS, Section 130252(a) of the California Public Utilities Code prohibits county transportation commissions from approving any plan proposed for the design, construction, and implementation of public mass transit systems or projects, including federal-aid and state highway projects, which do not conform to the adopted Regional Transportation Plan;

WHEREAS, on April 1, 2004, SCAG approved and adopted the 2004 RTP;

WHEREAS, on June 7, 2004, the federal agencies found that the 2004 RTP conforms to the applicable State Implementation Plan (SIP) in accordance with the provisions of 40 CFR Parts 51 and 93;

WHEREAS, on August 10, 2005, the Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) was signed into law, Pub. L. No. 109-59, Title VI, Section 6001(a), 119 Stat. 1839. SAFETEA-LU includes new and revised metropolitan transportation planning provisions and requires that the RTP and RTIP updates reflect these provisions beginning July 1, 2007;

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WHEREAS, on December 8, 2005, the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) issued a Clarifying Guidance on Implementation of SAFETEA-LU Planning Provisions, and this guidance stated that MPOs in nonattainment and maintenance areas may take advantage of the four-year SAFETEA-LU update cycles for transportation plans immediately, and that on and after July 1, 2007, all state and MPO actions on RTPs and RTIPs (including amendments, revisions, or updates) must completely reflect all SAFETEA-LU planning provisions prior to FHWA/FTA action;

WHEREAS, on July 6, 2006, the Regional Council determined that it desired to take advantage of the four-year update cycle permitted under SAFETEA-LU, but recognized that taking advantage of the four-year update cycle, which would result in adoption of the next RTP update in April 2008, could jeopardize the region's ability to do RTP and RTIP amendments after July 1, 2007, and correspondingly, the region's ability to implement its transportation improvements. To address this risk, the Regional Council directed staff to update the 2004 RTP to bring it into compliance with SAFETEA-LU before July 1, 2007;

WHEREAS, SCAG staff has conducted an analysis of the 2004 RTP relative to the new and revised metropolitan transportation planning provisions in SAFETEA-LU and identified the key issues or "gaps" in the 2004 RTP which need to be addressed in order to comply with SAFETEA-LU. As part of this undertaking, SCAG staff utilized a matrix developed by FTA in April 2006, which provided illustrative action steps to assist MPOs in making their planning products "SAFETEA-LU compliant";

WHEREAS, staff has addressed these gaps by way of preparing an Administrative Amendment to the 2004 RTP (hereinafter referred to as the "Administrative Amendment");

WHEREAS, amendments to the RTP must be consistent with the December 1999 RTP Guidelines and 2003 Supplement to the RTP Guidelines prepared by the California Transportation Commission;

WHEREAS, amendments to the RTP must be consistent with all other applicable provisions of federal and state law including:

- (1) SAFETEA-LU (23 U.S.C. §134 et seq.);
- (2) The metropolitan planning regulations at 23 C.F.R. Part 450, Subpart C;
- (3) Government Code §65080 et seq.;
- (4) §§174 and 176(c) and (d) of the Federal Clean Air Act [42 U.S.C. §§7504 and 7506(c) and (d)];
- (5) Title VI of the 1964 Civil Rights Act and the Title VI assurance executed by the State pursuant to 23 U.S.C. §324;
- (6) The Department of Transportation's Final Environmental Justice Strategy (60 Fed. Reg. 33896 (June 29, 1995)) enacted pursuant to Executive Order 12898,

which seeks to avoid disproportionately high and adverse impacts on minority and low-income populations with respect to human health and the environment; and

(7) Title II of the 1990 Americans with Disabilities Act (42 U.S.C. §§12101 et seq.) and accompanying regulations at 49 C.F.R. §27, 37, and 38;

WHEREAS, pursuant to Section 176(c) of the Federal Clean Air Act (42 U.S.C. §7506(c)), no project may receive Federal funding unless it comes from an RTP that has been found to conform to the applicable SIP;

WHEREAS, given that the Administrative Amendment does not add, modify, or delete any projects in the 2004 RTP, the 2004 RTP remains financially constrained for all fiscal years, and all South Coast Air Basin TCM projects in the federally approved conforming 2004 RTP and 2006 RTIP are given funding priority and are on schedule for timely implementation;

WHEREAS, in accordance with the interagency consultation requirements, 40 C.F.R. 93.105, SCAG consulted with the respective transportation and air quality planning agencies, which involved discussion of a draft of the Administrative Amendment with the the Transportation Conformity Working Group (a forum for implementing the interagency consultation requirements) on November 28, 2006. In addition, the required public review and comment process was undertaken. Specifically, the draft of the Administrative Amendment was reviewed by the Transportation and Communications Committee on December 14, 2006, who in turn authorized the release of the draft of the Administrative Amendment for a 30-day public review and comment;

WHEREAS, comments were received from FHWA and Caltrans District 7 during the public review and comment period. Staff has fully considered these comments into the final version of the Administrative Amendment;

WHEREAS, SCAG is required to comply with the California Environmental Quality Act ("CEQA") [Cal. Pub. Res. Code § 21000 et seq.] in amending the Regional Transportation Plan;

WHEREAS, in April 2004, SCAG adopted and certified the Final Regional Transportation Plan Program Environmental Impact Report ("Final PEIR");

WHEREAS, when an EIR has been certified and the project is modified or otherwise changed after certification, then additional CEQA review may be necessary;

WHEREAS, an addendum may be prepared by the Lead Agency that prepared the original EIR if some changes or additions are necessary, but none of the conditions have occurred requiring preparation of a Subsequent EIR (CEQA Guidelines Section 15164(a), Cal. Administrative Code, Title 14);

WHEREAS, for the reasons set forth in the Addendum to the Final PEIR, SCAG determined that an addendum to the Final PEIR is the appropriate CEQA document because the proposed Administrative Amendment to the 2004 RTP does not

meet the conditions of CEQA Guidelines Section 15162(a) for preparation of a Subsequent EIR;

WHEREAS, SCAG prepared the Addendum to the Final PEIR in order to evaluate the environmental impacts of the Administrative Amendment to the 2004 RTP; and

WHEREAS, SCAG staff has determined that adoption of the proposed Administrative Amendment to the 2004 RTP would not result in either new environmental significant effects or a substantial increase in the severity of previously identified significant effects.

NOW, THEREFORE BE IT RESOLVED, by the Regional Council of the Southern California Association of Governments as follows:

1. The Regional Council approves and adopts the Administrative Amendment to the 2004 RTP for the purpose of complying with the requirements of SAFETEA-LU. In adopting this Administrative Amendment, the Regional Council finds as follows:

- a. The Administrative Amendment to the 2004 RTP complies with all applicable federal and state requirements, including the SAFETEA-LU planning provisions. Specifically, the Administrative Amendment addresses the following issues or “gaps” so as to comply with SAFETEA-LU: safety, security, environmental mitigation, consultation and cooperation, and transportation facilities.
- b. The Administrative Amendment to the 2004 RTP does not add, modify, or delete any projects in the 2004 RTP, and therefore the 2004 RTP as amended remains financially constrained and continues to conform to the applicable SIP in accordance with the Clean Air Act and Environmental Protection Agency conformity regulations;

2. The Regional Council hereby approves the Addendum to the Final PEIR for the 2004 RTP and finds as follows:

- a. Proposed changes to the 2004 RTP as expressed in the Administrative Amendment are not substantial changes which would require major revisions to the Final PEIR. The Addendum to the Final PEIR for the 2004 RTP fulfills SCAG’s requirements for CEQA compliance, and no further CEQA document is required.

3. In approving the Administrative Amendment to the 2004 RTP and the Addendum to the PEIR for the 2004 RTP, the Regional Council approves the staff findings and incorporates all of the foregoing recitals.

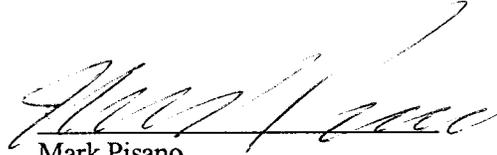
4. SCAG’s Executive Director or his designee is authorized to transmit the Administrative Amendment to the 2004 RTP and its conformity findings to the Federal Transit Administration and the Federal Highway Administration to make the final conformity determination in accordance with the Federal Clean Air Act and EPA Transportation Conformity Rule at 40 C.F.R. Parts 51 and 93.

APPROVED AND ADOPTED by the Regional Council of the Southern California Association of Governments at a regular meeting this 1st day of March 2007.



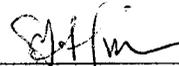
Yvonne B. Burke
President
Supervisor, County of Los Angeles

Attested by:



Mark Pisano
Executive Director

Approved as to Form:



Joanna Africa
Interim Director of Legal Services