



APPENDIX A

Resolutions

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RESOLUTION

by the Board of the Delaware Valley Regional Planning Commission

**Adoption of the Conformity Finding of the DVRPC *Connections 2050* Long-Range Plan (*Plan*),
Draft FY2024 New Jersey and FY 2023 Pennsylvania Transportation Improvement Programs
(*TIPs*)**

WHEREAS, the Governors and Legislatures of the Commonwealth of Pennsylvania and the State of New Jersey developed an interstate compact in 1965 establishing the Delaware Valley Regional Planning Commission (DVRPC) and charged it with the responsibility of preparing comprehensive plans for the physical development of the region; and,

WHEREAS, DVRPC acts as the duly designated Metropolitan Planning Organization (MPO) for the nine-county Philadelphia-Camden-Trenton metropolitan area as required by section 134 of the United States Code (U.S.C.) Title 23 and section 1607 of U.S.C. Title 49; and,

WHEREAS, the Statewide and Metropolitan Planning Regulations (23 CFR Part 450 and 49 CFR Part 613) require that regional transportation plans and Transportation Improvement Programs be developed and updated by MPO's, approved by the Governor, reviewed by the Federal Transit Administration and the Federal Highway Administration; and,

WHEREAS, MPO transportation plans and programs are required to conform to the purposes of State Implementation Plans (SIPs) and the Clean Air Act as amended (CAAA) under the Final Conformity Rule ("Final Rule") promulgated by the United States Environmental Protection Agency (US EPA) in November 1993 and amended in March 2012; and,

WHEREAS, the nine-county DVRPC planning area has been designated by the US EPA as a nonattainment area for ozone for the 1997, 2008, and 2015 eight-hour ozone standard, Delaware County has been designated a maintenance area for the 2012 annual fine particulate matter (PM_{2.5}) standard, and the nine-county planning area is part of two maintenance areas for the annual and 24-hour PM_{2.5} standards; as required by CAAA under the respective ozone and PM_{2.5} National Ambient Air Quality Standards (NAAQS); and,

WHEREAS, on July 25, 2007, the Area has been re-designated under the 1997 8-hour ozone standard as an attainment (maintenance) area by EPA with motor vehicle emissions budgets (MVEBs) established in the State Implementation Plans (SIPs) and,

WHEREAS, on April 6, 2015, EPA revoked the 1997 8-hour ozone NAAQS for all purposes and established anti-backsliding requirements for areas that remain designated nonattainment for the revoked NAAQS; and,

WHEREAS, the U.S. Court of Appeals for the D.C. Circuit issued a decision in *South Coast Air Quality Management District v. EPA* on February 16, 2018 addressing air quality requirements for former 1997 ozone areas, and this area was maintenance for the 1997 ozone standard at the time the 1997 ozone revocation in 2015. An air quality analysis and conformity determination of the TIP for the 1997 ozone standard has also been prepared. This conformity determination demonstrates that the requirements of 40 CFR Part 93 are met; and,

WHEREAS, the former CO Maintenance Areas in the region have successfully maintained the CO NAAQS for twenty years, and as of December 2017, DVRPC is no longer required to demonstrate conformity for CO; and,

WHEREAS, there exist SIP motor vehicle emissions budgets (MVEBs) governing ozone precursors, direct PM_{2.5}, and PM_{2.5} precursors for transportation conformity purposes in the nine-county DVRPC planning area; and,

WHEREAS, applicable SIP budget tests are performed for ozone and PM_{2.5} in the areas where there are existing SIP MVEBs; and,

WHEREAS, DVRPC has completed the conformity analysis of the Plan and TIP according to the procedures detailed in the Final Rule under the CAAA in a manner meeting the requirements of all appropriate federal and state regulations pertaining to statewide and metropolitan planning and air quality; and,

WHEREAS, the analysis demonstrates that emissions of ozone precursors are less than the established MVEB test for the 1997, 2008, and 2015 ozone standard, and below the established MVEB test for PM_{2.5} and PM_{2.5} precursor NO_x in the relevant PM_{2.5} maintenance areas, and,

WHEREAS, DVRPC has provided a reasonable opportunity for citizens, transit users, and all interested parties to participate and have their views considered in the development and adoption of this conformity determination;

NOW, THEREFORE, BE IT RESOLVED, that the Delaware Valley Regional Planning Commission determines that the DVRPC *Connections 2050* Long-Range Plan, the Draft FY2024 TIP for New Jersey, and the FY2023 TIP for Pennsylvania conform to the relevant State Implementation Plans, all applicable National Ambient Air Quality Standards requirements under the Clean Air Act as amended, and that the finding is consistent with the Final Conformity Rule.

Adopted this 28th day of September by the
Board of the Delaware Valley Regional Planning Commission.

I do hereby certify that the foregoing is a true copy of Resolution No. B-FY24-001.

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Renee Wise, Recording Secretary

RESOLUTION

By the Board of the Delaware Valley Regional Planning Commission

ADOPTION OF AMENDMENT 2 TO THE CONNECTIONS 2050 PLAN FOR GREATER PHILADELPHIA, UPDATING THE LONG-RANGE PLAN FOR THE DVRPC REGION

WHEREAS, the Governors and Legislatures of the Commonwealth of Pennsylvania and the State of New Jersey developed an interstate compact in 1965 establishing the Delaware Valley Regional Planning Commission (DVRPC) and charged it with the responsibility of preparing comprehensive plans for the physical development of the region; and,

WHEREAS, the DVRPC acts as the duly designated Metropolitan Planning Organization (MPO) for the nine-county Philadelphia, Camden, and Trenton metropolitan area as required by Title 23 Section 134 and Title 49 Section 1607 of the U.S. Code; and,

WHEREAS, such MPOs are required at a minimum to update long-range, regional transportation plans every four years, keeping with the planning requirements set forth in Title 23 Part 450 Subpart C of the Code of Federal Regulations; and,

WHEREAS, the *Connections 2050* Plan for Greater Philadelphia, the Long-Range Plan for the Greater Philadelphia region, was adopted by the DVRPC Board in September of 2021; and,

WHEREAS, in between four-year update cycles, the Plan is occasionally amended to account for significant changes to the cost, scope, or funding status of Major Regional Projects—as outlined in Appendix of the *Connections 2050 Process and Analysis Manual*—to ensure the Plan remains aligned with the regional Transportation Improvement Program (TIP) and state programs for Pennsylvania and New Jersey.

WHEREAS, Amendment 2 to the *Connections 2050* Plan identifies 16 Major Regional Projects that saw changes in their scope, timing and/or cost via TIP action, and therefore required a Plan Amendment, public review and comment, re-determination of fiscal constraint, and transportation conformity; and,

WHEREAS, copies of the draft Amendment to the *Connections 2050* Plan were released for public comment from July 17 through August 18 of 2023 with one in-person public meeting held on July 31 and one virtual public meeting held on August 10; and,

WHEREAS, DVRPC is able to maintain fiscal constraint of projects in the Funded Plan with respect to reasonably anticipated revenue, an agreed-upon four percent cap on regional investments to roadway system expansion, and a reasonable expectation of funding for Externally Funded projects; and,

WHEREAS, a demonstration of conformity has been conducted indicating that emissions of transportation-related pollutants will not exceed the applicable attainment budgets and interim regional emissions analysis, and DVRPC certifies that the *Connections 2050* Plan will conform to the purposes of the State Implementation Plans of Pennsylvania and New Jersey, and the Clean Air Act as amended under the Final Conformity Rule promulgated by the United States Environmental Protection Agency; and,

WHEREAS, DVRPC has certified that the transportation planning process has been conducted in a manner meeting the requirements of all appropriate federal regulations;

NOW, THEREFORE, BE IT RESOLVED, that Amendment 2 to the *Connections 2050 Plan for Greater Philadelphia*, the Long-Range Plan for the Greater Philadelphia region, is adopted.

Adopted this 28th day of September 2023

By the Board of the Delaware Valley Regional Planning Commission.

I do hereby certify that the foregoing is a true copy of Resolution No. B-FY24-002.

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Renee Wise, Recording Secretary

B-FY24-002

RESOLUTION

by the Board of the Delaware Valley Regional Planning Commission

**Adoption of the DVRPC FY2024 Transportation Improvement Program (TIP)
for New Jersey (FY24-FY27)**

WHEREAS, the Delaware Valley Regional Planning Commission (DVRPC) is the Metropolitan Planning Organization (MPO) responsible for developing and updating the Transportation Improvement Program (TIP) for the nine-county Philadelphia, Camden, and Trenton metropolitan areas as required by Section 134 of U.S.C. Title 23 and Section 5303 of U.S.C. Title 49; and,

WHEREAS, the Statewide and Metropolitan Planning Regulations (23 CFR Part 450 and 49 CFR Part 613) require that regional transportation plans and programs be developed by MPO's, approved by the Governor, reviewed by the Federal Transit Administration (FTA) and the Federal Highway Administration (FHWA); and,

WHEREAS, DVRPC has certified that the transportation planning process has been conducted in a manner meeting the requirements of all appropriate federal regulations; and,

WHEREAS, the nine-county DVRPC planning area has been designated by the US EPA as a nonattainment area for ozone for the 1997, 2008, and 2015 eight-hour ozone standard, the nine-county planning area is part of two maintenance areas for the 2012 annual and 2006 24-hour fine particulate matter (PM_{2.5}) standards, and Delaware County has been designated a maintenance area for the 2012 annual PM_{2.5} standard, as required by CAAA under the respective ozone, CO, and PM_{2.5} National Ambient Air Quality Standards (NAAQS); and,

WHEREAS, MPO transportation plans and programs are required to conform to the purposes of the State Implementation Plan and the Clean Air Act under the Final Conformity Rule promulgated by EPA on November 24, 1993 and amended by guidance issued in March 2012; and,

WHEREAS, the Final Conformity Rule requires that the MPO determine that the transportation plans and programs conform with the 1990 Clean Air Act Amendments (CAAA) requirements by meeting criteria described in the Final Rule, and,

WHEREAS, DVRPC has completed conformity analysis of the TIP and the Long-Range Plan according to the procedures detailed in the Final Rule under the CAAA in a manner meeting the requirements of all appropriate federal and state regulations pertaining to statewide and metropolitan planning and air quality; and,

WHEREAS, the analysis demonstrates that emissions of ozone precursors, direct PM2.5 and PM2.5 precursors are less in 2025, 2035, 2045, and 2050 and direct PM2.5 and PM2.5 precursors in Delaware County are less in 2030 than the applicable established budgets for the respective analysis year; and that the region is no longer required to demonstrate conformity for CO, and,

WHEREAS, all other requirements of the Final Rule and all appropriate federal and state regulations have been met; and,

WHEREAS, the projects included in this TIP have been drawn from a long-range plan developed in accordance with this certified planning process and the TIP and long-range plan have been found to conform to all applicable state and federal laws and rules pertaining to air quality, and,

WHEREAS, the DVRPC has provided a reasonable opportunity for citizens, transit users, private transportation providers and all interested parties to participate and have their views considered in the development and adoption of this TIP; and,

WHEREAS, this TIP is consistent with and furthers the implementation of the DVRPC's Connections 2050 Long-Range Plan, as well as local, county, regional and state plans and policies; and,

WHEREAS, the projects in this TIP have been fiscally constrained by the member agencies to a funding level which is reasonable for the Greater Philadelphia region to expect to receive; and,

WHEREAS, the projects included in this TIP were selected using a cooperative approach based on reaching consensus of the regional priority for all transportation improvements;

NOW, THEREFORE, BE IT RESOLVED, that the Delaware Valley Regional Planning Commission adopts the FY2024 Transportation Improvement Program (TIP) for New Jersey (FY24-FY27) as the region's official selection of transportation projects for federal funding.

BE IT FURTHER RESOLVED, that the Delaware Valley Regional Planning Commission determines that the FY2024 Transportation Improvement Program for New Jersey (FY24-FY27) conforms to the State Implementation Plan of New Jersey and is consistent with the Final Conformity Rule.

Adopted this 28th day of September 2023 by the
Board of the Delaware Valley Regional Planning Commission.

I do hereby certify that the foregoing is a true copy of Resolution No. B-FY24-003.

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RESOLUTION No. B-FY23-004

by the Board of the Delaware Valley Regional Planning Commission (DVRPC)

DVRPC SELF CERTIFICATION OF THE METROPOLITAN TRANSPORTATION PLANNING and PROGRAMMING PROCESS

WHEREAS, the US DOT Metropolitan Transportation Planning and Programming Regulations (23 CFR Part 450 Subpart C and 49 CFR Part 613 Subpart A) which implement the planning provisions of 23 USC Section 134 and 49 U.S.C. Section 5303, requires the Metropolitan Planning Organization (MPO) to certify, concurrent with the submittal of the Transportation Improvement Program (TIP), that its transportation planning and programming process is in conformance with all applicable federal laws and regulations; and

WHEREAS, the Federal Planning and Programming Regulations (23 U.S.C. 134 (c)(3)) which require the MPO to carry out a continuing, cooperative, and comprehensive performance-based multimodal transportation planning and programming process have been met; and

WHEREAS, in nonattainment and maintenance areas, Sections 174 and 176(c) and (d) of the Clean Air Act as amended (42 U.S.C. 7504 and 7506 (c) and (d)) and 40 CFR Part 93, which require an air quality implementation plan that will bring the Metropolitan Area into conformance with requirements of the Clean Air Act; and require that the MPO not approve any project, program, or plan which does not conform to the aforementioned implementation plan, have been met; and

WHEREAS, individuals, affected public agencies, representatives of transportation agency employees, representatives of public transportation employees, public ports, freight shippers, providers of freight transportation services, private providers of transportation (including intercity bus operators and employer-based commuting programs), representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, and other interested parties were provided with reasonable opportunities to be involved in the metropolitan transportation planning process; and

WHEREAS, the TIP has been financially constrained as required by 23 CFR 450.326(j) of the Planning Regulations and FTA policy on the documentation of financial capacity published in FTA Circular 7008.1A, and it includes a financial plan that demonstrates how the TIP can be implemented, indicates resources from both public and private sources that are reasonably expected to be available, and DVRPC is supportive of innovative financing techniques; and

WHEREAS, the Congestion Management Process (CMP) requirements of 23 CFR 450.322 for non-attainment Transportation Management Areas have been met; and

WHEREAS, 23 U.S.C. 150, 23 CFR Part 450 and 49 CFR part 613 requires an MPO to establish and use a performance-based approach to transportation decision making, DVRPC continues to work with its partners to integrate performance measures and targets into the development of the Long-Range Plan, the TIP, the CMP, and other appropriate regional planning documents in accordance with federal and state statutes and guidance; and

WHEREAS, 49 U.S.C. 5310 and FTA C 9070.1G require the collaborative development of a Coordinated Public Transit-Human Services Transportation Plan (CHSTP) which follows the update cycle of the metropolitan long-range plan, and DVRPC's state, county, and transit agency partners rely on DVRPC as the steward of the Coordinated Plan for our region, and the Coordinated Plan of record for our Pennsylvania counties, DVRPC convenes our partners to maintain an updated plan (currently titled Equity Through Access) on the required cycle; and

WHEREAS, the Fixing America's Surface Transportation (FAST) Act (PL 114-94), of December 4, 2015 added two new planning factors to the scope of the metropolitan planning process that MPOs shall consider: Section 450.306 (b)(9) – improve resiliency and reliability of the transportation system and reduce or mitigate stormwater impacts of surface transportation; and Section 450.306 (b)(10) – enhance travel and tourism, DVRPC continues to work with its partners to incorporate these newest factors into the planning process while continuing to incorporate all ten Planning Factors into the planning process; and

WHEREAS, the provision of 49 CFR Part 20 regarding restrictions on lobbying – that no Federal appropriated funds have been paid or will be paid, by or on behalf of the commission – have been met; and

WHEREAS, the requirements of Title VI of the Civil Rights Act of 1964 as amended (42 U.S.C. § 2000d-1), Non-discrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964 (49 CFR Part 21), U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964 (28 C.F.R. section 50.3), and the Title VI assurances executed by each state under 23 U.S.C. Section 324 and under 29 U.S.C. 794 have been met and the requirements of Executive Order # 12898 (Federal Order to Address Environmental Justice in Minority Populations and Low-Income Populations) are being addressed; and

WHEREAS, all activities are carried out in accordance with 49 U.S.C. 5332, prohibiting discrimination on the basis of race, color, creed, national origin, sex, or age in employment or business opportunity; and

WHEREAS, all activities are carried out in accordance with the provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and 49 CFR parts 27, 37, and 38, the Older Americans Act, as amended (42 U.S.C. 6101), prohibiting discrimination on the basis of age; Section 324 of Title 23 U.S.C. regarding the prohibition of discrimination based on gender; and Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and 49 CFR Part 27 regarding discrimination against individuals with disabilities; and

WHEREAS, all activities are carried out in accordance with Section 1101(b) of the FAST Act (Pub. L.114-357) and 49 CFR Part 26 regarding the involvement of disadvantaged business enterprises in DOT funded projects; and

WHEREAS, all activities are carried out in accordance with 23 CFR Part 230 and 49 CFR Part 21 regarding the implementation of an equal employment opportunity program on Federal and Federal-aid highways construction contracts; and

WHEREAS, the Commission has developed and implemented a system to provide services to those with Limited English Proficiency (LEP) so persons can have meaningful access to the Commission's services as required by Executive Order #13166 (Improving Access to Services for Persons with Limited English Proficiency) are being addressed; and

WHEREAS, on October 12-13, 2022, FTA and FHWA conducted the four-year Federal Certification Review of DVRPC's metropolitan transportation planning process for the Philadelphia urbanized area, and certified DVRPC's process on February 15, 2023; and

WHEREAS, provisions of 23 CFR Part 450.310 (d) (1) (ii) and 49 CFR Part 613.100, require MPOs policy boards to include officials of public agencies that provide public transportation, DVRPC elects to continue to use the exception provision specified in 23 CFR Part 450.310 (d) (4) by reaffirming Board Resolution B-FY-15-004, while continuing to include SEPTA, NJ Transit and DRPA/PATCO as participating, non-voting members of the Board and as voting members of DVRPC's Regional Technical Committee and, continuing to provide an explicit opportunity for transit agency comment during Board meetings for every agenda Action Item; and

WHEREAS, DVRPC certifies that it qualifies for the exception referred to above by meeting the specification which states: the MPO operates pursuant to a state law that was in effect on or before December 18, 1991; and

WHEREAS, DVRPC recognizes the federal standards that are in place, but strives to exceed those standards, whenever possible, to ensure the health of the region's residents and the sustainability of the Delaware Valley.

NOW, THEREFORE, BE IT RESOLVED, that in accordance with 23 CFR 450.336, the Delaware Valley Regional Planning Commission, the Metropolitan Planning Organization for the nine-county Philadelphia, Camden, and Trenton metropolitan areas, certifies that the metropolitan transportation planning and programming process is being carried out in conformance with all applicable federal requirements and certifies that the local process to enhance the participation of the general public, including the transportation disadvantaged or underserved, has been followed in developing all plans and programs.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the respective Departments of Transportation of Pennsylvania and New Jersey for inclusion with the State certification that the planning process complies with FHWA/FTA joint regulations on Metropolitan Transportation Planning and Programming.

I certify that this is a true and correct copy of Resolution No. B-FY23-004

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