

CHAPTER 4: MOBILITY 2045: THE METROPOLITAN TRANSPORTATION PLAN FOR NORTH CENTRAL TEXAS – 2022 UPDATE AND THE 2023-2026 TRANSPORTATION IMPROVEMENT PROGRAM

4.1 Overview

The North Central Texas Council of Governments (NCTCOG) serves a 16-county metropolitan region, centered around the two urban centers of Dallas and Fort Worth. This region includes the 2008 8-hour ozone 10-county nonattainment area, which covers Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, Tarrant, and Wise counties, and the 2015 8-hour ozone 9-county nonattainment area of Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Tarrant, and Wise counties. Exhibit 1.2-1 illustrates the NCTCOG metropolitan region, both 2008 and 2015 8-hour ozone nonattainment areas, and the Metropolitan Planning Area boundary.

In 1974, the Governor of Texas designated NCTCOG as the Metropolitan Planning Organization (MPO) for transportation planning in the Dallas-Fort Worth metropolitan area in accordance with Section 112 of the Federal Highway Act of 1973. The policy body for the MPO, NCTCOG's Regional Transportation Council, is comprised primarily of local elected officials overseeing the regional transportation planning process and continues to be the forum for cooperative decisions on transportation planning. The current Metropolitan Planning Area covers Collin, Dallas, Denton, Ellis, Hood, Hunt, Johnson, Kaufman, Parker, Rockwall, Tarrant, and Wise counties.

4.2 Submittal Frequency

Conformity determinations and conformity re-determinations for transportation plans, Transportation Improvement Programs (TIPs), and Federal Highway Administration and Federal Transit Administration projects must be produced according to Title 40 Code of Federal Regulations, Part 93.104 (40 CFR 93.104). The MPO and US Department of Transportation (USDOT) must determine the conformity of the Metropolitan Transportation Plan (MTP) and TIP no less than every four years.

Each new MTP, or revision to an MTP, must be found to conform before the MTP is approved by the MPO or accepted by USDOT. The exception to this is if revisions merely add or delete exempt projects listed in 40 CFR 93.126, 93.127, or 93.128. The conformity determination must be based on the MTP and the revision, taken as a whole.

A new TIP must be demonstrated to conform before the TIP is approved by the MPO or accepted by USDOT. A TIP amendment requires a new conformity determination for the entire TIP before the amendment is approved by the MPO or accepted by USDOT. The exception to this is if an amendment merely adds or deletes exempt projects listed in 40 CFR 93.126, 93.127, or 93.128.

According to United States Code, Title 42, §7506 I(2)(E), "The appropriate metropolitan planning organization shall re-determine conformity of existing transportation plans and program not later than two years after the date on which the Administrator: (i) finds a motor vehicle emissions budget to be adequate in accordance with section 93.118(e) (4) of title 40, Code of Federal Regulations (as in effect on October 1, 2004); (ii) approves an implementation plan that establishes a motor vehicle emissions budget if that budget has not yet been determined to be adequate in accordance with clause (i); or (iii) promulgates an implementation plan that establishes or revises a motor vehicle emission budget."

4.3 Regionally Significant Control Program

Each implementation plan submitted by a state under Section 110 of the Clean Air Act Amendments of 1990 shall include enforceable emission limitations and other control measures, means, or techniques, as well as schedules and timetables for compliance to meet the applicable requirements of the Act. No MPO designated under section 134 of Title 23, United States Code, shall give its approval to any project,

program, or plan that does not conform to an implementation plan. On November 8, 2016, the Environmental Protection Agency published a notice of adequacy for the Motor Vehicle Emissions Budgets contained in the Dallas-Fort Worth Attainment Demonstration 8-Hour Ozone State Implementation Plan revisions submitted on August 3, 2015.¹⁸ These budgets were effective on November 23, 2016.

4.4 Regionally Significant Travel Projects/Programs

Regionally significant projects are defined in 40 CFR 93.101 of the conformity rule to mean a “transportation project (other than an exempt project) that is on a facility which serves regional transportation needs (such as access to and from the area outside of the region, major activity centers in the region, major planned developments such as new retail malls, sports complexes, etc., or transportation terminals, as well as most terminals themselves), and would normally be included in the modeling of a metropolitan area’s transportation network, including, at a minimum, all principal arterial highways and all fixed guide-way transit facilities that offer an alternative to regional highway travel.”

Each travel project is reviewed independently to consider regional significance. A proposed project determined to be regionally significant must be included in the MTP and evaluated in the regional emissions analysis. During previous conformities, MPO staff worked with the interagency consultation partners and a definition for regionally significant projects was approved. This definition is located in Appendix 12.22.

4.5 Non-Federal Projects/Programs

Non-federal projects, funded by sources such as local governments and local transportation authorities, are typically smaller in scale. Example projects include signal improvements, intersection improvements, and local roadway widening. Transportation Conformity is not required for non-federal projects or programs; however, regionally significant non-federal projects must be included in the MTP and TIP, and should go through conformity analysis. These projects are evaluated in the regional emissions analysis.

4.6 Exempt Projects/Programs

40 CFR 93.126 of the final conformity rule identifies a number of project types exempt from the requirement of a conformity determination. When a conforming MTP or TIP is revised with the addition or deletion of an exempt project, a new conformity determination is not required. Some of the exempt projects listed under 40 CFR 93.126 include: continuation of ridesharing and vanpooling promotion activities at current levels, bicycle and pedestrian facilities, railroad/highway crossing, fencing, shoulder improvements, purchasing replacement transit vehicles, and road landscaping. 40 CFR 93.127 of the final conformity rule identifies a number of project types exempt from a regional emissions analysis, but require project-level conformity, including: intersection channelization projects, intersection signalization projects at individual intersections, interchange reconfiguration projects, changes in vertical and horizontal alignment, truck size and weight inspection stations, and bus terminals and transfer points. Additionally, 40 CFR 93.128 of the final conformity rule exempts traffic signal synchronization projects; however, regionally significant traffic signal synchronization projects must be included in subsequent regional emissions analyses. 40 CFR 93.126, 40 CFR 93.127, and 40 CFR 93.128 are located in Appendix 12.3.

4.7 Constraints

One of the key requirements of the MTP and TIP is that they are financially constrained. This requirement ensures projects and programs identified in the MTP and TIP have funds available to allow them to be implemented. Per 40 CFR 93.114 of the conformity regulations, at the time of project

¹⁸ [81 FR 78591](#)

approval, there must be a current conforming MTP and current conforming TIP. Only one conforming transportation plan and TIP may exist in any area at any one time. Conformity determinations of a previous MTP or TIP expire once the current MTP or TIP is found to conform by USDOT.

4.7.1 Long-Range Financial Constraint (MTP)

The plan's financial element must identify all sources of funds reasonably expected to be available and any innovative financial strategies that may be necessary to implement the MTP. The financial element of the MTP is documented in *Mobility 2040: The Metropolitan Transportation Plan for North Central Texas – 2022 Update*, which is included as Appendix 12.4 of this conformity document.

4.7.2 Short-Range Financial Constraint (TIP)

One of the key requirements for a conforming TIP is that the document is financially constrained, meaning the amount of funds programmed are equal to the total funds available. This requirement ensures transportation projects and programs in the TIP have funds available for implementation. In addition, it emphasizes the need for various local and state entities to work together to ensure particular projects have all the necessary preliminary work completed by the program year. The TIP contains transportation activities financially constrained in the first four years of the MTP. The 2023-2026 TIP document is included as Appendix 12.5 of this conformity document.

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