

APPENDIX A – 1

Adoption of the 2023 TIP MTC Resolution No. 4545



Date: September 28, 2022
W.I.: 1512
Referred by: PAC

ABSTRACT

Resolution No. 4545

This resolution adopts the 2023 Transportation Improvement Program (TIP) for the San Francisco Bay Area.

Further discussion of the 2023 TIP adoption is contained in the Programming & Allocations Committee summary sheet dated September 14, 2022.

Date: September 28, 2022
W.I.: 1512
Referred by: PAC

Re: Adoption of the 2023 Transportation Improvement Program (TIP)

METROPOLITAN TRANSPORTATION COMMISSION
RESOLUTION NO. 4545

WHEREAS, the Metropolitan Transportation Commission (MTC) is the regional transportation planning agency for the San Francisco Bay Area pursuant to California Government Code Section 66500 et seq.; and

WHEREAS, MTC is the federally designated Metropolitan Planning Organization (MPO), pursuant to Section 134(d) of Title 23 of the United States Code (USC) for the nine-county San Francisco Bay Area region (the region); and

WHEREAS, Title 23 Code of Federal Regulations Part 450 (23 CFR §450) requires the region to carry out a continuing, cooperative and comprehensive transportation planning process as a condition to the receipt of federal assistance to develop and update at least every four years, a Transportation Improvement Program (TIP) consisting of a comprehensive listing of transportation projects that receive federal funds or that are subject to a federally required action, or that are regionally significant; and

WHEREAS, Section 65074 of the California Government Code requires all state MPOs to update their TIPs concurrently every even year; and

WHEREAS, the TIP must be consistent with the Regional Transportation Plan (RTP) adopted pursuant to Government Code Section 66508, the State Implementation Plan (SIP) as required by the federal Clean Air Act (42 U.S.C. Section 7401 et seq.); and the San Francisco Bay Area Transportation Air Quality Conformity Protocol (MTC Resolution 3757, Revised), which establish the Air Quality Conformity Procedures for MTC's TIP and RTP; and

WHEREAS, federal regulations (23 CFR §450.326(k)) require that the TIP be financially constrained, by year, to reasonable estimates of available federal and state transportation funds; and

WHEREAS, federal regulations (23 CFR §450.326) require that the TIP be designed such that once implemented, it makes progress toward achieving the performance targets established under §450.306(d) and that the TIP shall include, to the maximum extent practicable, a description of the anticipated effect of the TIP toward achieving the performance targets identified in the metropolitan transportation plan, linking investment priorities to those performance targets; and

WHEREAS, federal regulations (23 CFR §450.316) require that the MPO develop and use a documented public participation plan that defines a process for providing citizens, affected public agencies and interested parties with reasonable opportunities to be involved in the metropolitan transportation planning process; and

WHEREAS, federal regulations (23 CFR §450.332(a)) allow MTC to move projects between years in the first four years of the TIP without a TIP amendment, if Expedited Project Selection Procedures (EPSP) are adopted to ensure such shifts are consistent with the required year by year financial constraints; and

WHEREAS, MTC, the State, and public transportation operators within the region have developed and implemented EPSP for the federal TIP as required by Federal Regulations (23 CFR 450.332(a)) and Section 134 of Title 23 United States Code (USC §134), as outlined in Attachment A to this Resolution, and MTC Resolution 3606, Revised; and

WHEREAS, MTC has found in MTC Resolution No. 4544 that the 2023 TIP, as set forth in this resolution, conforms to the applicable provisions of the SIP for the San Francisco Bay Area; and

WHEREAS, the San Francisco Bay Area air basin was designated by U.S. Environmental Protection Agency as nonattainment for the fine particulate matter (PM_{2.5}) standard in December 2009, and MTC must demonstrate conformance to this standard through an interim emissions test until a PM_{2.5} SIP is approved by the federal Environmental Protection Agency (U.S. EPA); now, therefore be it

RESOLVED, that MTC adopts the 2023 TIP, attached hereto as Attachment A and incorporated herein as though set forth at length; and be it further

RESOLVED, that MTC has developed the 2023 TIP in cooperation with the Bay Area County Transportation Agencies, transit operators, the Bay Area Air Quality Management District (BAAQMD), the California Department of Transportation (Caltrans), and other partner agencies and interested stakeholders, and in consultation with the Federal Highway Administration (FHWA), Federal Transit Administration (FTA), and U.S. EPA; and, be it further

RESOLVED, that the 2023 TIP was developed in accordance with the region's Public Participation Plan and consultation process (MTC Resolution No. 4174, Revised) as required by Federal Regulations (23 CFR §450.316); and, be it further

RESOLVED, that the projects and programs included in the 2023 TIP, attached hereto as Attachment A to this resolution, and incorporated herein as though set forth at length, are consistent with the RTP; and, be it further

RESOLVED, that the 2023 TIP is financially constrained, by year, to reasonable estimates of available federal, state, and local transportation funds; and, be it further

RESOLVED, that the 2023 TIP makes progress toward achieving the performance targets established under §450.306(d); and, be it further

RESOLVED, that MTC approves the EPSP developed by MTC, the State, and public transportation operators within the region for the federal TIP as required by federal regulations (23 CFR 450.332(a)) and Section 134 of Title 23 United States Code (USC §134), as outlined in Attachment A to this Resolution, and MTC Resolution 3606, Revised; and, be it further

RESOLVED, that MTC will support, where appropriate, efforts by project sponsors to obtain letters of no prejudice or full funding agreements from FTA for projects contained in the transit element of the TIP; and, be it further

RESOLVED, that the public participation process conducted for the 2023 TIP satisfies the public involvement requirements of the FTA annual Program of Projects; and, be it further

RESOLVED, that the adoption of the TIP shall not constitute MTC's review or approval of those projects included in the TIP pursuant to Government Code Sections 66518 and 66520, or provisions in federal regulations (49 CFR Part 17) regarding Intergovernmental Review of Federal Programs; and, be it further

RESOLVED, that MTC's review of projects contained in the TIP was accomplished in accordance with procedures and guidelines set forth in the San Francisco Bay Area Transportation Air Quality Conformity Protocol (MTC Resolution 3757, Revised); and, be it further

RESOLVED, that MTC finds that the 2023 TIP conforms to the applicable provisions of the State Implementation Plan (SIP) and the applicable transportation conformity budgets in the SIP approved for the national 8-hour ozone standard and to the emissions test for the national fine particulate matter standard (MTC Resolution No. 4544); and, be it further

RESOLVED, that the projects and programs included in the 2023 TIP do not interfere with the timely implementation of the traffic control measures (TCMs) contained in the SIP; and, be it further

RESOLVED, that MTC finds all regionally significant capacity-increasing projects included in the 2023 TIP are consistent with Plan Bay Area 2050 (the Regional Transportation Plan including the Sustainable Communities Strategy for the San Francisco Bay Area) and, be it further

RESOLVED, that revisions to the 2023 TIP as set forth in Attachment B to this resolution and incorporated herein as though set forth at length, shall be made in accordance with rules and procedures established in the public participation plan and in MTC Resolution No. 4545, and that MTC's review of projects revised in the TIP shall be accomplished in accordance with procedures and guidelines set forth in the San Francisco Bay Area Transportation Air Quality Conformity Protocol (MTC Resolution 3757, Revised) and as otherwise adopted by MTC; and, be it further

RESOLVED, that staff have the authority to make technical corrections, and the Executive Director and Deputy Executive Directors have signature authority to approve administrative modifications for the TIP and Federal Statewide Transportation Improvement Program (FSTIP) under delegated authority by Caltrans, and to forward all required TIP amendments once approved by MTC to the appropriate state and federal agencies for review and approval; and, be it further

RESOLVED, that a copy of this resolution shall be made available upon request to FHWA, the FTA, U.S. EPA, Caltrans, the Association of Bay Area Governments (ABAG), and to such other agencies and local officials as may be appropriate.

METROPOLITAN TRANSPORTATION COMMISSION

A handwritten signature in black ink, consisting of a large, stylized 'A' followed by a long horizontal line extending to the right.

Alfredo Pedroza, Chair

The above resolution was entered into by the Metropolitan Transportation Commission at a regular meeting of the Commission held in San Francisco, California, on September 28, 2022.

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Attachment A
Resolution No. 4545
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2023 Transportation Improvement Program

The 2023 Transportation Improvement Program (TIP) for the San Francisco Bay Area, adopted September 28, 2022, is comprised of the following, incorporated herein as though set forth at length:

- A Guide to the 2023 TIP for the San Francisco Bay Area
- TIP Overview
- Expedited Project Selection Process
- TIP Revision Procedures
- Financial Capacity Assessments
- County Summaries
- Project Listings
- Appendices
- 2023 TIP Investment Analysis
- 2023 TIP Federal Performance Report

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Attachment B
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Revisions to the 2023 Transportation Improvement Program

Revisions to the 2023 Transportation Improvement Program (TIP) will be included as they are approved.