

Title 26 DEPARTMENT OF THE ENVIRONMENT

Subtitle 11 AIR QUALITY

Chapter 37 Long Range Transportation Planning Targets

Authority: Environment Article, §§1-101, 1-404, 2-101—2-103, 2-301—2-303, 10-102, and 10-103, Annotated Code of Maryland

.01 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms defined.

(1) "Baltimore Regional long-range transportation plan" means all regionally significant transportation projects and programs that are planned in the Baltimore metropolitan area through 2035.

(2) "Consolidated transportation program (CTP) annual tour" means the annual visit by the Department of Transportation to each county and Baltimore City to present and to receive comments on the pending program before the final document is presented to the General Assembly.

(3) "Constrained long-range transportation plan" means all regionally significant transportation projects and programs that are planned in the Washington metropolitan area through 2040.

(4) "Long-range transportation planning targets" means transportation related emission goals of nitrogen oxides and greenhouse gases that are developed for the last three horizon years of the conformity determination.

(5) "Metropolitan planning organization (MPO)" is defined at COMAR 26.11.26.02B.

(6) "Progress report on long-range environmental goals" means a qualitative report that summarizes an MPO's progress in meeting the Long-range transportation planning targets established in Regulation .04 of this Chapter.

(7) "Regional planning organization" is defined at COMAR 26.11.26.02B.

(8) "Statewide transportation improvement program (STIP)" means a staged, multiyear, intermodal program of transportation projects covering the State, which is consistent with the Statewide transportation plan, and developed under 23 CFR 450.

(9) "Statewide transportation plan" means the official intermodal Statewide transportation plan that is developed through the Statewide planning process for the State, under 23 CFR 450.

(10) "What will it take analysis" means an analysis that quantifies the benefits of the potential new programs included in an MPO's progress report on long-range environmental goals.

.02 Applicability. The requirements in this chapter are applicable in areas of the State designated in 2012 by the U.S. Environmental Protection Agency as nonattainment areas for the 2008 National Ambient Air Quality Standard for ozone.

.03. Requirements.

A. Progress Reports on Long-range Environmental Goals.

(1) Each MPO subject to this requirement shall prepare and submit a progress report on long-range environmental goals to the Department whenever a conformity analysis is required under COMAR 26.11.26.

(2) The progress report requirement is independent of but associated with the conformity analysis required under COMAR 26.11.26.

(3) The progress report shall:

(a) be a 5 – 10 page qualitative report appended to the conformity analysis;

(b) be based upon the same emissions projections required to comply with 40 CFR 93 Subpart A; and

(c) show how the future projected emissions compare to the long-range transportation planning targets.

(4) To the extent that the emission projections exceed the long-range transportation planning targets, the MPO must describe the potential new programs being considered at the local, state or federal level that could close the gap between the projected future emissions and the LRPTs.

(5) The progress report does not require that the quantitative benefits from these new measures be calculated.

B. What Will It Take Analysis.

(1) Each MPO subject to this requirement may prepare and submit a "What will it take analysis" to the Department to support any progress report on long-range environmental goals required by this Chapter.

(2) MPOs may determine the frequency of any analysis conducted under this section, based upon regional priorities and the availability of funding, but an annual analysis is recommended.

.04 Qualitative Planning Activities. Qualitative planning activities include but are not limited to the following:

A. Planning Scenarios.

(1) Any analysis undertaken by the MPO for the purpose of examining how scenarios of alternate transportation projects will affect future travel patterns and emissions from transportation sources;

(2) Any analysis undertaken by the MPO for the purpose of identifying transportation or land use strategies, such as increased public transit usage and pricing strategies to determine their emission reduction potential, cost-effectiveness, and possible timeframe for implementation.

B. Reduction Measures.

(a) Any measure implemented by the MPO for the purpose of reducing emissions or concentrations of air pollutants from transportation sources by reducing vehicle use or changing traffic flow or congestion conditions;

(b) Any measure officially supported by the MPO including vehicle technology-based, fuel-based, and maintenance-based measures which control the emissions from vehicles under fixed traffic conditions.

.05 Long Range Transportation Planning Targets.

A. The long-range transportation planning targets for nitrogen oxides and greenhouse gases are established for the last three horizon years of the conformity determination.

B. The long range transportation planning targets for carbon dioxide are:

(1) for the Baltimore Region Nonattainment Area:

(a) 9.5 million metric tons per year in 2020

(b) 8.1 million metric tons per year in 2025

(c) 5.4 million metric tons per year in 2035

(2) for the Washington DC Region Nonattainment Area:

(a) 17.2 million metric tons per year in 2020

(b) 12.3 million metric tons per year in 2030

(c) 7.3 million metric tons per year in 2040

C. The long range transportation planning targets for nitrogen oxides are:

(1) for the Baltimore Region Nonattainment Area:

(a) 40.5 tons per day in 2015

(b) 17.9 tons per day in 2025

(c) 16.1 tons per day in 2035

(2) for the Washington DC Region Nonattainment Area:

(a) 45.45 tons per day in 2020

(b) 31.32 tons per day in 2030

(c) 31.32 tons per day in 2040.

.06 Consultation. The consultation procedures of this Chapter are the same consultation procedures required under COMAR 26.11.26.

.07 Public Process and Outreach.

A. The public process and outreach requirement in this Chapter is subject to the same public process and outreach procedures contained in COMAR 26.11.26.

B. This requirement includes appropriate communication with elected and other officials that are directly or indirectly involved in the MPO.

C. The most recent progress report on long-range environmental planning and, if available, the most recent "What will it take analysis" must be included in Maryland's consolidated transportation program (CTP) annual tour where initial discussions are initiated regarding what new projects should be considered for inclusion in upcoming STIP or CLRP amendments.

D. The report and analyses under §C of this regulation shall be included prominently in any reports, briefings or other materials developed to support the annual CTP tour.

E. In the case of multi-jurisdictional MPOs, the progress report shall be distributed to Maryland members.

.08 Penalties.

A. There is no penalty if the progress report on long-range environmental goals shows that future projected emissions are expected to exceed the long-range transportation planning targets.

B. Failure to submit a progress report that meets the requirements of Regulation .03 of this Chapter will be handled in a manner consistent with existing enforcement procedures for other reporting violations found in Title 2 of the Environment Article, Annotated Code of Maryland, or as may be provided in the regulations of any multi-jurisdictional MPO.