

FY2020-2023 TIP

# AMENDED 9-11-2019

For Air Quality Guidance

**DOVER/KENT COUNTY  
METROPOLITAN PLANNING ORGANIZATION**

**TRANSPORTATION IMPROVEMENT PROGRAM  
FISCAL YEARS 2020-2023**

**Adopted: May 1, 2019**

Prepared by the  
**Dover/Kent County Metropolitan Planning Organization Council**

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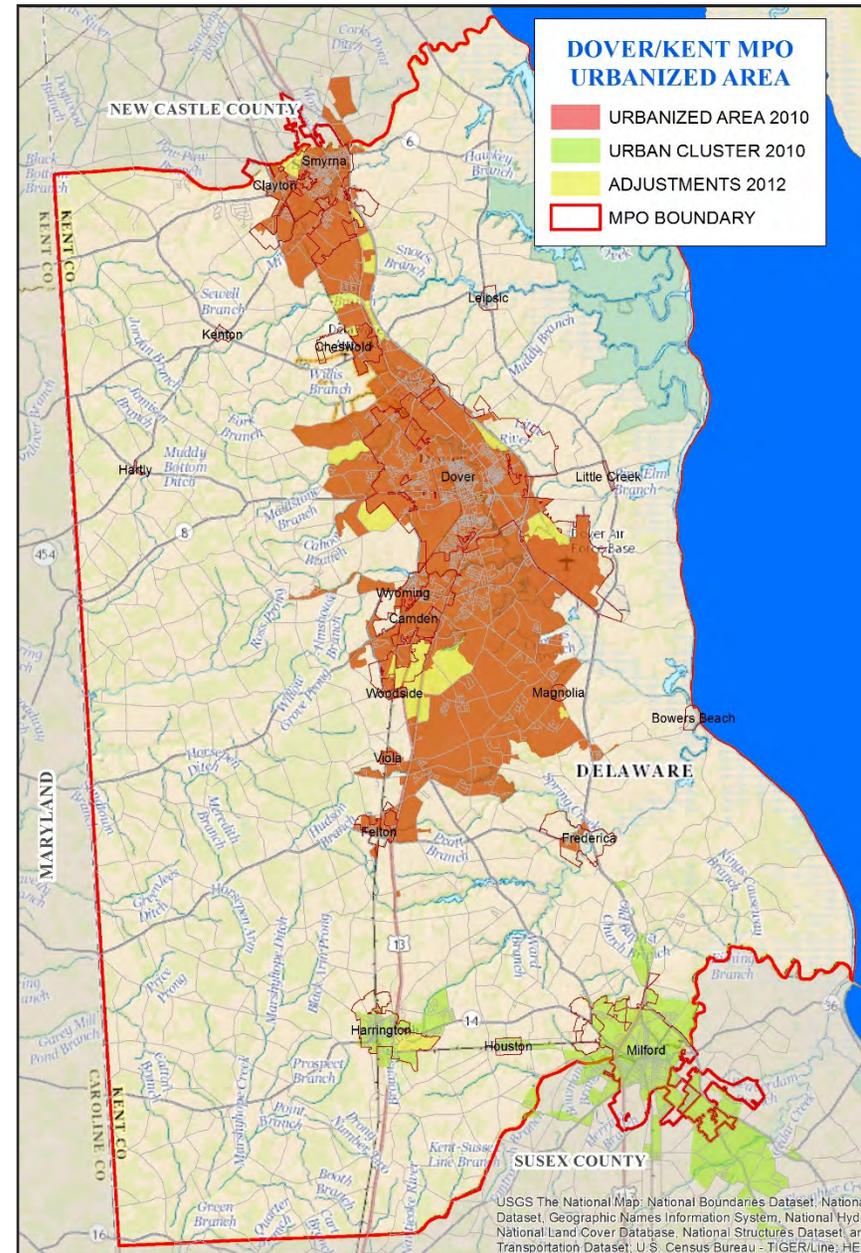
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## Background

The Dover/Kent County Metropolitan Planning Organization (Dover/Kent County MPO) is the transportation planning organization for the Dover, Delaware urbanized area. The Dover/Kent County MPO was established in 1992 under the mandates of the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991, which continued the requirement that a metropolitan planning process be established in urbanized areas with a population greater than 50,000. The Dover urbanized area exceeded that threshold by the 1990 U.S. Census of Population, with a figure of 50,757. The MPO subsequently officially expanded the area of responsibility to Kent County and its municipalities including the portions of Milford and Smyrna in the neighboring counties. In 2010, the urbanized area population was determined to be 110,769 persons, a 75% increase from the 2000 population of 65,044. The population of Kent County grew from 126,697 in 2000 to 162,310 persons in the 2010 decennial census, a 28% increase. The 2017 Kent county population census, the last estimated, was estimated to be 176,824 persons, representing a 8.9% increase since 2010. The Delaware Population Consortium projection for 2050, the longest projected, is 215,279 persons.

Transportation funding was reauthorized as Moving Ahead for Progress in the 21<sup>st</sup> century (MAP-21) in FFY2012 and FFY2013 and enjoyed continuing resolutions through 12/4/2015. That is when the newest multi-year authorization, Fixing America's Surface Transportation (FAST) Act, was signed. A provision in MAP-21 was to create a monitoring system for the efficacy of the federal funding, collectively called Performance Measures. These are now required of the MPO and all DOT's. These are discussed toward the end of this narrative on page 12.

The Transportation Improvement Program (TIP) is one of the products that the federal legislation has continually required a



metropolitan planning organization to prepare at least every four years. The purpose of the TIP is to disclose transportation projects for which federal funding will be sought over a four year period. The TIP should reflect the region's priorities, represent a consensus among state and local officials, show a direct relationship to the regional transportation plan, be financially constrained, and conform with federal air quality regulations as they relate to transportation. Finally, the TIP must be subjected to thorough public review during development and prior to adoption. The Dover/Kent County MPO produces TIPs more frequently to reflect the nature of Delaware's budgeting and legislative process.

The FY 2020-2023 TIP differs little from the preceding (FY 2019-2022) TIP. The preceding TIP was the first to summarize the budgets and locations of "state of good repair" activities. The previous amended TIP was prepared from the FY 2019-2024 Capital Transportation Program (CTP) and influenced by the MPO's 2040 Metropolitan Transportation Plan (MTP) adopted January 4, 2017. This document was prepared with the benefit of a draft FY 2020-2025 CTP. The CTP again combined the bridge projects and reported them as a category of improvements, The smaller safety projects were categorized as well. This document, specifically Appendix A, presents these categories as a summary allocation and lists the component projects. The safety projects were indicated in the TIP as Highway Safety Improvement Projects (HSIP) or Hazard Elimination Program (HEP). The larger, more involved and costly of these projects will still be reported individually but the smaller projects will be part of a summary budget with a project listing in the future.

In 2015, the MPO began an update process to identify appropriate projects to recommend for funding in future CTP's. The MPO established a Working Group to develop criteria and a scoring rubric to identify the most important projects to prioritize. The working group chose to accept the software and technical assistance provided by DelDOT with Decisions Lens<sup>®</sup>. The Working Group developed the inputs into the prioritization model and have identified which criteria is most important to weight the project scores. The rubric they developed went through a few minimal changes and was used to prioritize projects in the 2017 Metropolitan Transportation Plan (MTP). The model has been used since to prioritize study requests from MPO partners and constituents.

Public input was solicited from residents of the county, as well as from the Public Advisory Committee (PAC) meetings held primarily at the Town of Camden Town Hall meeting room and a periodic bus tour. The MPO will repeat the bus tours as new significant projects are added to the CTP/TIP. Beginning in 2014, the MPO prepared a virtual tour of the highway projects that are funded during the TIP period. This virtual tour has offered a mechanism for constituents to view a summary of the projects included in the TIP in years the bus tour isn't necessary. The virtual tours, along with an introduction and conclusion, have been included on the MPO's website at <http://doverkentmpo.delaware.gov/projects/video-trail/>. Staff determined there aren't sufficient new projects to repeat the bus tour in 2020 but will update the virtual tour with the new projects added.

The funds anticipated to be used for the Kent County projects (not the greater MPO area) in the TIP during FY 2018 - FY 2021 are shown below.

	<u>Total Amount</u>	<u>Federal Share</u>
FY 2020	\$26,239,137	\$ 9,928,596
FY 2021	\$30,171,627	\$18,900,541
FY 2022	\$24,712,300	\$17,737,700
FY 2023	\$39,894,700	\$30 ,495,720

In addition to this funding for new projects, DelDOT maintains and operates the transportation system under statewide categories such as bridge inspection, pavement rehabilitation, roadway signage, intersection improvements, bicycle and pedestrian improvements and statewide transit services and equipment. The actual amount of funds to be spent from these statewide categories in the MPO’s region cannot always be determined since projects are selected based on statewide needs. A small percentage of costs for Statewide Projects within the MPO’s region are federally funded. This MPO TIP will be submitted to DelDOT as the region’s input for the FY 2020-FY 2023 Statewide Transportation Improvement Program (STIP).

## **Regional Goals**

Kent County has a diverse economy and population. The City of Dover is a strong metropolitan hub situated in the center of the county in a growth corridor that extends from Smyrna to the north and Milford and Harrington to the south. Inside the functional growth corridor and actual Kent County Growth Zone are the largest employers, including Dover Air Force Base, the State of Delaware, Kraft General Foods USA, BayHealth Medical Center, the Eagle Group, General Metalcraft Inc., Proctor and Gamble, Inc., and ILC Dover, Inc. The regional warehouse of Wal-Mart, located in Smyrna, has also been playing a greater role in the economic integrity of the area, as will the proposed apron for private jets, large and small, at the Dover Air Force Base and the nearby commercial/industrial area that is part of the Kent County 2018 comprehensive plan. Outside of the growth corridor, the County's economy is predominantly agricultural, including a well-established but dwindling Amish community. The presence of three four-year colleges, one two-year college and their satellite locations enhances the region's ability to attract and maintain a diverse community.

On January 4, 2017, the MPO adopted its new 2040 Metropolitan Transportation Plan (MTP), the MPO’s long-range transportation plan (LRTP). The MTP, which has greater than a 20-year planning horizon, assesses the region's short-term improvement needs, projects future needs, projects the funds available, and identified goals and objectives to meet those needs. The MTP was financially reasonable and resulted in a positive impact on the region's air quality. The regional planning process was coordinated with DelDOT's statewide planning process, the Office of State Planning Coordination’s State Strategies for Policies and Spending, Kent County's Comprehensive Plan, and the Comprehensive Plans of all municipalities and other plans in the region.

The MTP provides a framework to guide all future transportation planning and programming activities. The following goals are identified for Kent County:

- **Move People Safely and Efficiently**
- **Strengthen Communities**
- **Promote Economic Development**

A hierarchy of fundamental strategies supports these goals and further guides transportation planning and programming decisions:

- **Maintain existing infrastructure**
- **Shorten project delivery**
- **Improve accessibility for all users**
- **Maximize transit ridership**
- **Minimize average delay times**
- **Enhance human health**
- **Preserve Natural Resources/Enhance community resources**
- **Maintain effective transportation networks**
- **Ensure economic development is considered in project prioritization**
- **Evaluate the transportation needs of designated and proposed economic growth areas**

Projects in the FY2020-2023 TIP were drawn from the 2040 MTP. The MTP will be updated in January 2021 and the MPO will be putting it together beginning in 2020.

## **The Prioritization Process**

In the most recent long range plan, the MPO, led by the Technical Advisory Committee, maintained the status quo for the project prioritization completed for the Metropolitan Transportation Plan. Delaware is in a unique position, as the state maintains over 90% of the roads on the state. There has been a renewed attempt to create a planning process where the TIP is produced by the MPO or projects are at least recommended to the DOT that become a portion of the CTP. This attempt follows that of the Department of Transportation's critical analysis that changed their project ranking process and results and changed the Projects List significantly for FY 2015 and continued into this FY2020-FY2023 TIP. The MPO and the Department are finding their way through the dual challenges of funding the most important projects while attempting to meet a budget. This TIP implements a new approach by the Department to developing the CTP while the MPO attempts to build a process built upon the same prioritizing software using a new set of criteria defined with our partners. They are System Operating Effectiveness, Safety, Environmental Impact/Stewardship, Revenue Generation/Economic Development/Jobs and Commerce, Supports Freight Movement, Multi-Modal Feasibility/Access, Impact on the Public/Social Disruption and Economic Justice, Community Priorities, and The State Strategies for Policies and Spending.

The previous method of scoring project prioritization was based on the 10 factors described in Table 1 with a less mathematical system of 'weighting' project scores. An original attempt to realign the scoring of projects for prioritization was made by adding two additional factors; support for the community's comprehensive plan and support for the regional growth management plans. The attempt became an interim one as it was determined that the MPO should consider implementing a wholesale change in how projects are viewed. In fact, the prospective changed from one of nominated project analysis and scoring to one of problem analysis and scoring. Rather than asking communities to nominate presumed solutions, the MPO asked them to nominate problems that they experience in the transportation system of their community. The problems will be prioritized using the approach developed by the Working Group. The project prioritization of all MTP projects using the process was sufficient to maintain for the length of the MTP. There was no attempt made to reclassify projects for consideration in the TIP. The prioritized list developed for the Long Range Plan continues to be the list presented to DelDOT for the new CTP.

The same model and software are being used to prioritize planning study requests from the MPO partners when they are submitted.

**Table 1. Factors, Definitions and Weights for TIP Project Scoring**

<b>Previous Factors</b>	<b>Weight</b>	<b>Current Factors: Weights based upon the votes of the whole working group.</b>	<b>Relative Weight</b>
Safety	0.20	Safety	11.9%
Support for Comprehensive/ Community Plans	0.20	System Operating Effectiveness	9.2%
Environmental Justice	0.10	Environmental Impact/Stewardship	10.0%
Transit	0.05	Revenue Generation/Economic Development/Jobs and Commerce	10.0%
Pedestrian/Bicycle Travel	0.05	Supports Freight Movement	6.1%
Environmental Impacts	0.03	Multi-Modal Feasibility/Access	14.6%
Economic Impacts	0.05	Impact on the Public/Social Disruption and Economic Justice	10.5%
System Continuity	0.10	Community Priorities	11.9%
Sustainability	0.02	The State Strategies for Policies and Spending	15.7%
Consistency with the Long-Range Transportation Plan	0.20		
<b>Total</b>	<b>1.00</b>		<b>100%</b>

## Public Participation

Public review is an integral aspect of the TIP process. Public participation was solicited through PAC, TAC and Council meetings and with a virtual tour online. As a year-round alternative, the MPO is producing an interactive map that shows all projects from the TIP as well as various other plans and programs the MPO is producing or tracking.

The MPO will offer the opportunity for public comment when released to the PAC and TAC during their public meetings in April, to be finished before the next Council meeting of May 1, 2019. News releases and advisories publicizing all related meetings with an opportunity to comment are posted on the MPO's website and sent to members of each MPO committee, print and electronic media outlets, each of the libraries in Kent County, state legislators representing Kent County and contiguous areas, Kent County Levy Court, mayors of Kent County municipalities, and Dover City Council. Copies of the draft TIP will be made available to anyone who asks. The draft document is to be posted on the MPO's website. If amendments are required when the CTP is finalized by the State Legislature on June 30, a separate public comment period will be offered.

To comply with the requirements of Title VI, with reference to the FY 2020-2023 TIP. when a proposed project is located in an Environmental Justice (EJ) neighborhood, special measures are taken to reach out to those who would be affected.

## Air Quality Conformity

### Overview

~~Kent County is part of the Philadelphia-Wilmington-Trenton non-attainment area, though it was not cited as a non-attainment county. As the federally designated Metropolitan Planning Organization for Kent County, Delaware, the MPO is responsible for assessing air quality impacts of this TIP. The Southeast Air Quality Management Area vs EPA lawsuit resulted in our MPO area not being in conformity for ozone.~~ Kent County is cited as a non-attainment area for the 1997 8-hour ozone standard. It was revoked because they were attaining the 2008 standard; however, is now impacted as a result of the Southcoast Air Management District vs EPA court decision. (comment 1) Kent County is considered in nonattainment for the ~~1997 8-hour ozone~~ standard, as part of the Philadelphia-Wilmington-Atlantic City nonattainment area. It is in attainment for the stricter 2008 and 2015 standards. Though the 1997 standard was revoked by EPA (relieving Kent County of performing transportation conformity for years) a recent court decision partially reinstated the 1997 standard. The result is that all TIPs and RTPs in Kent County, moving forward, must once again show conformity to the 1997 standard. The FY 2020-2023 TIP complied with the requirements of the 1990 CAA and subsequent amendments. A challenge to the ozone standards released by the EPA was partially upheld, however, and the Dover/Kent County MPO is now required to comply with the 1997 ozone standard as well.(comment 2 'add')

The MPO will be responsible for a conformity analysis for this and future TIP's. The MPO obtained a conformity analysis as the TIP was being developed and comment periods were run concurrently. The analysis showed that we are and will be within the air quality budgets established by Delaware's Division of Natural Resources and

Environmental Control (DNREC). Therefore the activities and projects of the TIP will not create additional negative air quality impacts. The FY 2020-2023 TIP complies with the requirements of the 1990 Clean Air Act and subsequent amendments (CAA).

### **The FY 2020-2023 TIP**

The projects in the FY 2020-2023 TIP are represented in the 2040 MTP. The projects in the TIP are only a small portion of those in the MTP. There have been changes to the project list and scope of the projects. Any regionally significant projects were included in the 2019 Conformity Analysis. The modeling process completed for the FY2020-2023 TIP was an accurate analysis of air quality impacts. The results of the modeling process undertaken at this time can be found with the FY2020-2023 TIP on the MPO website at <http://doverkentmpo.delaware.gov/programs/>.

### **Determination**

The Dover/Kent County MPO FY2020-2023 Transportation Improvement Program conforms to the State Implementation Plan (SIP).

## **Program Categories and Project List**

This FY 2020-2023 TIP mirrors DelDOT's FY 2020-2025 Draft CTP developed before the State budget is to be adopted at the end of June, 2019. The projects and funded amounts included in this FY 2020-2023 TIP reflect the amounts proposed to be allocated in the FY 2020-2025 CTP for years FY2020 through 2023. The Fiscal Constraint documentation was prepared using the Kent County and statewide budgets provided by the State Department of Transportation. Projects are divided according to the portion of the transportation system in which each is allocated – Road System: Expressways, Arterials, Collectors, Locals, Bridges and Transit Facilities and Transit Vehicles.

Table 2 on the following pages, lists Statewide projects and programs for which funding is being requested for fiscal years 2020, 2021, 2022, and 2023. These are predominantly funding programs that include projects in all three Delaware counties. More information about process and previous CTP's is located at [http://deldot.gov/information/pubs\\_forms/CTP/index.shtml](http://deldot.gov/information/pubs_forms/CTP/index.shtml).

Appendix A lists the projects in the MPO's planning area for which funding is being requested for fiscal years 2020, 2021, 2022, and 2023. The majority of the projects in this TIP are Road System projects. The appendix provides a project description, location map and, if available, pictures of each project. Funding, both authorizations and expense are listed in thousands of dollars for each project in each year of the TIP.

Appendix C is the TIP Financial Plan and evidence of Fiscal Constraint.

Appendix D lists projects which have been submitted to the TIP through the MTP, but have not been funded. Once a project is submitted to the TIP, it is kept on the prioritized list until it is funded or the MPO decides to remove it. In the past, the MPO included an Annual

Listing of Obligated Projects as Appendix E. The document is required to be made available 90 days after the end of the fiscal year, September 30. If the schedule for the TIP development changes and the periods align, the MPO will consider renewing this appendix.

Appendix E is the list of projects and their phase funded in the CTP for Kent County (E-A) and for Statewide projects (E-B).

Appendix F is the most recent list of Traffic Analysis Zones (TAZ) population and households projected by the Dover/Kent County MPO, based on County projections data from the Delaware Population Consortium. The Consortium is supported by the University of Delaware Center for Applied Demography and Survey Research (CADSR).

Appendix G is a new Appendix that, for now, is a resource for the performance measurement targets the MPO will use to assess and direct the program. Future versions of this appendix will compare the progress made by the MPO in meeting these targets.

Appendix H is the 2019 Conformity Analysis attached by reference and offered for public scrutiny at the same time as the FY2020-2023 TIP.

**Table 2: FY 2019-2022 Identified Statewide Projects (x \$000)**

<b>PROJECT (x000)</b>	<b>FY 2019 TOTAL</b>	<b>FY 2020 TOTAL</b>	<b>FY 2021 TOTAL</b>	<b>FY 2022 TOTAL</b>	<b>2019-2022 TOTAL</b>
<b>ROAD SYSTEMS</b>					
<b>BRIDGES</b>	<b>87,192.9</b>	<b>59,414.2</b>	<b>64,285.6</b>	<b>64,410.0</b>	<b>275,302.7</b>
Bridge Management	6,337.5	7,846.5	7,446.8	6,881.8	28,512.6
Bridge Inspection	4,726.5	4,371.8	4,328.8	4,618.2	27,503.6
Bridge Painting	6,341.9	3,000.0	3,000.0	3,500.0	15,841.9
Bridges	69,787.0	44,195.9	49,500.0	49,410.0	212,892.9
<b>DAMS</b>	<b>5,314.6</b>	<b>2,730.0</b>	<b>2,800.0</b>	<b>2,700.0</b>	<b>13,544.6</b>
<b>TRANSPORTATION ALTERNATIVES PROGRAM SUMMARY</b>					
Transportation Alternatives Program (FHWA)	6,238.6	4,964.0	4,964.0	4,964.0	21,130.6
Transportation Alternatives Program (FTA)	200.0	200.0	200.0	200.0	800.0
<b>BICYCLE, PEDESTRIAN AND OTHER IMPROVEMENTS</b>					
	<b>7,150.0</b>	<b>11,100.0</b>	<b>4,000.0</b>	<b>4,000.0</b>	<b>26,250.0</b>
<b>ENGINEERING &amp; CONTINGENCY</b>					
	<b>30,805.0</b>	<b>30,890.0</b>	<b>30,745.0</b>	<b>30,745.0</b>	<b>123,185.0</b>
<b>ENVIRONMENTAL IMPROVEMENTS</b>					
	<b>563.0</b>	<b>563.0</b>	<b>563.0</b>	<b>563.0</b>	<b>2,252.0</b>
<b>INTERSECTION IMPROVEMENTS</b>					
	<b>7,850.0</b>	<b>7,800.0</b>	<b>7,850.0</b>	<b>7,600.0</b>	<b>30,770.0</b>
<b>RECREATIONAL TRAILS</b>					
	<b>1,132.1</b>	<b>1,132.1</b>	<b>1,132.1</b>	<b>1,132.1</b>	<b>4,528.4</b>
<b>MATERIALS &amp; MINOR CONTRACTS</b>					
	<b>11,000.0</b>	<b>8,000.0</b>	<b>8,000.0</b>	<b>8,000.0</b>	<b>35,000.0</b>
<b>CORRIDOR CAPACITY PRESERVATION</b>					
	<b>1,000.0</b>	<b>1,000.0</b>	<b>1,000.0</b>	<b>1,000.0</b>	<b>4,000.0</b>

<b>PROJECT (x000)</b>	<b>FY 2019 TOTAL</b>	<b>FY 2020 TOTAL</b>	<b>FY 2021 TOTAL</b>	<b>FY 2022 TOTAL</b>	<b>2019-2022 TOTAL</b>
PAVING & REHABILITATION	73,800.0	75,000.0	80,000.0	80,000.0	310,000.0
SLOPE STABILIZATION PROGRAM	5,000.0	2,500.0	3,250.0	2,500.0	13,250.0
SAFE ROUTES TO SCHOOL	0.0	0.0	0.0	0.0	0.0
SCENIC BYWAYS	278.0	0.0	0.0	0.0	278.0
SIGNAGE & PAVEMENT MARKINGS	6,512.5	6,714.5	6,714.5	6,714.5	26,656.0
RAIL CROSSING SAFETY	1,581.1	1,660.9	1,361.1	1,361.1	5,693.3
RIDE ABILITY	100.0	100.0	100.0	100.0	400.0
SAFETY	13,146.4	11,447.7	10,186.6	10,186.6	44,967.3
HAZARD ELIMINATION PROGRAM	1,944.4	2,444.4	2,444.4	2,444.4	9,277.6
HIGH RISK RURAL ROADS PROGRAM	1,000.0	0.0	0.0	0.0	1,000.0
SECTION 154 PENALTY TRANSFER PROGRAM	5,868.7	2,408.9	2,408.9	2,408.9	
SAFETY PROGRAM 80/20	2,500.0	2,500.0	2,500.0	2,500.0	10,000.0
SAFETY PROGRAM 90/10	1,833.3	637.5	2,833.3	2,833.3	
TRAFFIC CALMING	200.0	150.0	200.0	200.0	750.0
STATEWIDE INDUSTRIAL STREETS	0.0	0.0	0.0	0.0	0.0
PEDESTRIAN ADA ACCESSIBILITY	3,000.0	3,040.0	3,000.0	3,000.0	12,040.0
<b>SUPPORT</b>					
AERONAUTICS PLANNING	210.0	210.0	210.0	210.0	840.0
AERONAUTICS PROGRAM DEV	280.0	280.0	280.0	280.0	1,120.0

<b>PROJECT (x000)</b>	<b>FY 2019 TOTAL</b>	<b>FY 2020 TOTAL</b>	<b>FY 2021 TOTAL</b>	<b>FY 2022 TOTAL</b>	<b>2019-2022 TOTAL</b>
<b>EDUCATION AND TRAINING</b>	200.0	200.0	200.0	200.0	800.0
<b>HEAVY EQUIPMENT PROGRAM</b>	12,500.0	11,500.0	10,000.0	10,000.0	44,000.0
<b>PLANNING</b>	10,900.2	10,900.2	10,900.2	10,900.2	43,600.8
Federal Land Access Program	30.0	30.0	30.0	30.0	120.0
Local Transportation Assistance Program (TAP)	300.0	300.0	300.0	300.0	1,200.0
MPO/FHWA/FTA	2,964.2	2,964.2	2,964.2	2,964.2	11,856.8
Planning PD	2,000.0	2,000.0	2,000.0	2,000.0	8,000.0
Rural TAP	87.7	87.7	87.7	87.7	350.8
Statewide Planning & Research/FHWA	4,208.6	4,208.6	4,208.6	4,208.6	16,834.4
Statewide Planning & Research/FTA	143.4	143.4	143.4	143.4	573.6
Truck Weight Enforcement	645.0	645.0	645.0	645.0	2,580.0
University Research	250.0	250.0	250.0	250.0	1,000.0
<b>TECHNOLOGY</b>	<b>18,113.4</b>	<b>14,713.4</b>	<b>14,013.4</b>	<b>14,213.4</b>	<b>61,053.6</b>
DBE	44.6	44.6	44.6	44.6	178.4
Milage-Based User Fee Phase 2	0.0	0.0	0.0	0.0	0.0
IT Initiatives	13,000.0	13,500.0	13,800.0	14,000.0	54,300.0
DMV System Upgrade	4,900.0	1,000.0	0.0	0.0	5,900.0
OJT/ Support Services	100.0	100.0	100.0	100.0	400.0
Summer Transportation Institute	68.8	68.8	68.8	68.8	275.2
<b>TRANSPORTATION FACILITIES</b>	<b>26,316.3</b>	<b>14,250.0</b>	<b>9,250.0</b>	<b>8,250.0</b>	<b>58,066.3</b>
DMV Toll Equipment Upgrade	9,716.1	0.0	0.0	0.0	9,716.1

<b>PROJECT (x000)</b>	<b>FY 2019 TOTAL</b>	<b>FY 2020 TOTAL</b>	<b>FY 2021 TOTAL</b>	<b>FY 2022 TOTAL</b>	<b>2019-2022 TOTAL</b>
Transportation Facilities - Administration	2,600.0	2,250.0	2,250.0	2,250.0	9,350.0
Transportation Facilities - Operations	14,000.0	12,000.0	7,000.0	6,000.0	39,000.0
<b>TRANSPORTATION MANAGEMENT IMPROVEMENTS</b>	<b>11,885.0</b>	<b>8,505.0</b>	<b>8,505.0</b>	<b>8,505.0</b>	<b>37,400.0</b>
MUTCD Compliance	5,410.0	2,000.0	2,000.0	2,000.0	11,410.0
Traffic Signal Revolving Fund	125.0	125.0	125.0	125.0	500.0
Rideshare Trip Mitigation	450.0	480.0	480.0	480.0	1,440.0
Transportation Management Improvement	5,900.0	5,900.0	5,900.0	5,900.0	23,600.0
<b>TRANSIT</b>					
<b>TRANSIT FACILITIES</b>	<b>2,309.1</b>	<b>1,990.0</b>	<b>1,990.0</b>	<b>1,990.0</b>	<b>8,279.1</b>
<b>RAIL</b>	<b>300.0</b>	<b>300.0</b>	<b>300.0</b>	<b>300.0</b>	<b>1,200.0</b>
<b>TRANSIT VEHICLES</b>	<b>5,048.3</b>	<b>3,329.7</b>	<b>3,200.8</b>	<b>3,323.0</b>	<b>14,901.8</b>
<b>GRANTS AND ALLOCATIONS</b>					
<b>MUNICIPAL STREET AID</b>	<b>6,000.0</b>	<b>6,000.0</b>	<b>6,000.0</b>	<b>6,000.0</b>	<b>24,000.0</b>
<b>CTF SUBDIVISION PAVING PILOT</b>	<b>2,237.2</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>2,237.2</b>
<b>COMMUNITY TRANSPORTATION</b>	<b>17,680.0</b>	<b>17,680.0</b>	<b>17,680.0</b>	<b>17,680.0</b>	<b>70,720.0</b>
<b>TOTALS</b>	<b>382,374.2</b>	<b>309,046.2</b>	<b>312,599.8</b>	<b>310,956.5</b>	<b>1,314,976.7</b>

**APPENDIX H**  
**Air Quality Conformity Support Documents**

## Air Quality Conformity for Kent County, Delaware

### Introduction:

Until 2/16/2018, the Dover/Kent County MPO area had been in transportation conformity. The 2016 TIP included the following:

~~“Kent County is part of the Philadelphia-Wilmington-Trenton non-attainment area, though it was not cited as a non-attainment county. As the federally-designated Metropolitan Planning Organization for Kent County, Delaware is in attainment, the Dover/Kent County MPO, is not required through federal regulations to show that the FY 2016-2019 TIP complied with the requirements of the 1990 Clean Air Act and subsequent amendments (CAA).”~~

~~The determination was based upon guidance offered by FHWA that the MPO region met the 2008 Air Quality standards for ozone. In a challenge to the standard by the ongoing law suit know as South Coast Air Quality Management District v EPA, the EPA changed the guidance. After the appeal was heard on 9/14/2017, a decision released on 2/16/2018 required the MPO to meet the original 1997 ozone standard as well as the 2008 standard. The only standards that Kent County can't meet are the Ozone (1-hour standard) which is noted as being "...revoked effective June 15, 2005 for all areas of Delaware," and the 1997 8-hour Ozone (Primary and Secondary). The MPO was again in non-compliance for ozone and subject to air quality policies of a TIP. Interim guidance was distributed in a memorandum on 4/23/2018 titled "Interim Guidance on Conformity Requirements for 1997 Ozone NAAQS" based on the 2/6/2018 US Court of Appeals decision. In this guidance from FHWA/FTA, "...two groups of ozone areas are described in the decision." The Dover/Kent County MPO falls under the second circumstance described as "Areas that were designated as nonattainment for the 1997 ozone NAAQS at the time of revocation and are designated as attainment for the 2008 Ozone NAAQS. These areas have not been required to make transportation conformity determinations for any ozone NAAQS since the 1997 ozone NAAQS were revoked in April 2015 by EPA's Rule." The impact of the change was described in the "Interim Guidance on Conformity Requirements for the 1997 Ozone NAAQS (National Ambient Air Quality Standards)" dated April 23, 2018. The guidance on page 2 of the memo included the following: "Within the 82 identified areas, NEPA approvals for FHWA/FTA projects (40 CFR 93.101) may not proceed unless the existing Metropolitan Plan and TIP include the project." Both the MTP and the 2019-2022 TIP included the identified projects.~~

**Kent county is cited as a non-attainment area for the 1997 standard. It was revoked because they were attaining the 2008 standard; however, is now impacted as a result of the court decision.**

### Background on 8-Hour Ozone

Ozone is an odorless, colorless, gas and is created by a reaction between oxides of nitrogen (NOx) and volatile organic compounds (VOC) in the presence of sunlight. While ozone in the stratosphere forms a protective layer, shielding the earth from the sun's harmful rays, ground level ozone is a key contributor to smog. Motor vehicle exhaust, industrial emissions, gasoline vapors, chemical solvents, and natural sources all contribute to NOx and VOC emissions. Since ozone is formed in the presence of heat and sunlight, it is considered a summertime pollutant.

The health effects of ozone vary. Ozone can irritate lung airways and cause inflammation similar to sunburn. Other symptoms include wheezing, coughing, pain when taking a deep breath and breathing difficulties during exercise or outdoor activities. People with respiratory problems,

children and the elderly are most vulnerable, but even healthy people that are active outdoors can be affected when ozone levels are high. Even at very low levels, ground-level ozone triggers a variety of health problems including aggravated asthma, reduced lung capacity, and increased susceptibility to respiratory illnesses such as pneumonia and bronchitis. In addition to adverse health effects, ground-level ozone also interferes with the ability of plants to produce and store food, which makes them more susceptible to disease, insects, other pollutants, and harsh weather. Furthermore, ozone damages the leaves of trees and other plants, ruining the appearance of cities, national parks, and recreation areas. ~~In 1997, the USEPA issued the 8-hour ozone National Ambient Air Quality Standards (NAAQS) at a concentration of 0.080 ppm to better protect public health. Areas that have failed to meet the standards outlined above have been designated as non-attainment areas and, as a result, are subject to the requirements of transportation conformity.~~ On July 18, 1997, EPA published the 1997 8-hour ozone NAAQS via the Federal Register (62 FR 38856) with an effective date of September 16, 1997. An area was in nonattainment of the 1997 8-hour ozone NAAQS if the 3-year average of the individual fourth highest air quality monitor readings, averaged over 8 hours throughout the day, exceeded the NAAQS of 0.08 parts per million (ppm). On May 21, 2013, the EPA published a rule revoking the 1997 8-hour ozone NAAQS, for the purposes of transportation conformity, effective one year after the effective date of the 2008 8-hour ozone NAAQS area designations (77 FR 30160). On May 21, 2012, EPA issued a final rule via the Federal Register (77 FR 30088) establishing initial air quality designations for the 2008 primary and secondary NAAQS for ozone.

The 2008 standard is set at an 8-hour average concentration of 0.075 ppm and retains the same general form and averaging time as the 0.080 ppm NAAQS set in 1997. The effective date of the 2008 ozone standard designations was July 20, 2012. On October 26, 2015, EPA issued 2015 primary and secondary NAAQS for ozone via Federal Register 80 FR 65292. The 2015 standards revised the levels of primary and secondary standards to 0.070 ppm, and retained their indicator (O<sub>3</sub>), forms (fourth-highest daily maximum, average across three consecutive years), and averaging time (eight hours). Under the CAA, the EPA Administrator is required to make all attainment designations within two years after a final rule revising the NAAQS is published. However, the deadline for EPA to issue designations for the 2015 NAAQS for ozone passed on October 1, 2017. Once designations are final, transportation conformity would be required within 12 months for any areas designated nonattainment under the standard.

Transportation conformity requires non-attainment and maintenance areas to demonstrate that all future transportation projects will not hinder the area from reaching and attaining its air quality improvement goals. In particular, projects may not:

- Cause or contribute to new air quality violations
- Worsen existing violations
- Delay timely attainment of the relevant NAAQS

~~USEPA originally designated areas as non-attainment for the 8-hour ozone standard on April 15, 2004. Following modifications, the designations became final on June 15, 2005. USEPA designated the PA-NJ-MD-DE area as moderate non-attainment for the 8-hour ozone standard. The NAAQS of 2008 created new ozone standards and eliminated the requirement to comply with the 1997 ozone standard.~~ Kent County is considered in nonattainment for the 1997 8-hour ozone standard, as part of the Philadelphia-Wilmington-Atlantic City nonattainment area. It is in attainment for the stricter 2008 and 2015 standards. Though the 1997 standard was revoked by EPA (relieving Kent County of performing transportation conformity for years) a recent court decision partially reinstated the 1997 standard. The result is that all TIPs and RTPs in Kent County, moving forward, must once again show conformity to the 1997 standard. The FY 2020-2023 TIP complied with the requirements of the 1990 CAA and subsequent amendments. A challenge to the

ozone standards released by the EPA was partially upheld, however, and the Dover/Kent County MPO is now required to comply with the 1997 ozone standard as well.

### **Status of the 2040 Metropolitan Transportation Plan (MTP) and FY2019-2022 Transportation Improvement Program (TIP):**

As the Metropolitan Planning Organization (MPO) for Kent County, Delaware, Dover/Kent County MPO is charged with authoring a long-range transportation plan with at least a 20-year planning horizon. The Metropolitan Transportation Plan (MTP) presents recommendations for enhanced transportation efficiency and functionality, including the construction of new facilities, improved connectivity to multiple travel modes, and the enhancement of existing highway, transit, and bicycle/pedestrian facilities. Transportation projects that address challenges faced by the region are identified in this plan and placed on the four-year TIP that corresponds to that project's development timetable. The FY 2019–2022 TIP and the 2040 MTP Update of 2017 were created by the Dover/Kent County MPO staff and member agencies. The 2040 MTP was adopted by the Dover/Kent County MPO Council on January 4, 2017 and the FY 2019-2022 TIP was originally adopted on April 19, 2018.

### **Interagency Consultation Process**

As required by the federal transportation conformity rule (40 CFR 93.105) the transportation conformity process includes a significant level of cooperative interaction among federal state and local agencies. Interagency consultation requires coordination with local county representatives, the MPO and representatives from state, city and federal agencies which include but are not limited to:

- City of Dover
- Dover/Kent County MPO
- WILMAPCO
- Delaware Transit Corporation
- Delaware Department of Transportation
- Delaware Department of Natural Resources and Environmental Control
- FHWA
- USEPA
- FTA
- County Planning Departments

The WILMAPCO Air Quality Subcommittee has acted as the technical advisors to questions of exemption and regional significance of projects in our MTP/TIP. The Subcommittee includes representatives from EPA, FHWA, DNREC, DeIDOT, WILMAPCO and the Dover/Kent County MPO.

The 2015-2018 TIP stated:

“Two new projects were added including the Camden Bypass and the US13 Widening project. The Camden Bypass is a multi-component project that was separated into 5 components for scoring purposes. After review by the de-facto statewide conformity working group, it was determined that no non-exempt, regionally significant projects have been added.” (2015-2018 TIP Doc V2 DRAFT 1-27-2015, page 10)

FHWA requested an assessment of the air quality impacts of the 2019-2022 TIP. The MPO identified projects that might have been considered once again to be non-exempt and regionally significant. The same projects were reviewed by the WILMAPCO Air Quality Subcommittee on May 22, 2018. These two projects and the Scarborough C&D Roads were considered non-exempt and regionally significant.

~~The latest guidance offered by FHWA is that because these projects were included in the MTP and TIP before the date of the memo, 4/23/2018, NEPA approvals, and thus the projects, may proceed. The original FY 2019-2022 TIP was approved at a joint meeting of the TAC, PAC, and Council on 4/19/2018. The FY2020-2023 TIP requires a Conformity Analysis. The Conformity Analysis has been completed and is included with this Appendix by reference.~~ Kent County is considered in nonattainment for the 1997 8-hour ozone standard, as part of the Philadelphia-Wilmington-Atlantic City nonattainment area. It is in attainment for the stricter 2008 and 2015 standards. Though the 1997 standard was revoked by EPA (relieving Kent County of performing transportation conformity for years) a recent court decision partially reinstated the 1997 standard. The result is that all TIPs and RTPs in Kent County, moving forward, must once again show conformity to the 1997 standard.

**APPENDIX H**  
**Part B: Support Documents**

**2019 Conformity Analysis**  
not attached