

SB 375 - Federal Requirements Related to Land use Assumptions

In response to questions about where in federal law it requires that the land use assumptions be reasonable, the key citation in the conformity memo from FHWA as currently drafted is on p. 11, which references Section 176 of the Clean Air Act. This all has to do with the air quality conformity process. The URL below provides a summary of what this section says.

The memo states:

Using the "latest" assumptions means that the conformity determination is based on the most current information that is available to State and local planners (e.g., the MPO or other agency can obtain the information from another agency, the information is appropriate for the current conformity determination, the information is readily transferable for use in transportation and/or emissions modeling, etc.).

Latest planning assumptions must be derived from the population, employment, travel, and congestion estimates that have been most recently developed by the MPO (or other agency authorized to make such estimates), and approved by the MPO (40 CFR 93.110(b)). Once adopted, these estimates must be used for determining the latest planning assumptions. In areas using network-based travel models, scenarios of land development and use must be consistent with the future transportation system for which emissions are being estimated. The distribution of employment and residences for the transportation system must be reasonable (40 CFR 93.122(b)(1)(iii)).

<http://www.fhwa.dot.gov/environment/cnflngg.htm>