

Clark County Transportation Conformity Plan



Prepared by:

Clark County Department of Air Quality
and Environmental Management

January 2008

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**RESOLUTION
OF THE CLARK COUNTY
BOARD OF
COMMISSIONERS
ADOPTING THE CLARK COUNTY
TRANSPORTATION CONFORMITY PLAN**

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WHEREAS, parts of Clark County, Nevada exceed the National Ambient Air Quality Standards (NAAQS) for 8-Hour Ozone, Carbon Monoxide, and PM₁₀ (particulate matter with aerodynamic diameter of 10 microns or less); and

WHEREAS, parts of Clark County have been designated as nonattainment areas for not meeting the NAAQS by the United States Environmental Protection Agency under the federal Clean Air Act (CAA); and

WHEREAS, the CAA, as amended in 1990, requires states having nonattainment areas within their jurisdiction to develop procedures and criteria for determining whether the nonattainment area's transportation plan, programs, and projects conform to the State Implementation Plan (SIP) for the NAAQS; and

WHEREAS, pursuant to the CAA and under the authority of NRS 445B.500 the Clark County Board of Commissioners is designated as the air pollution control agency for the purposes of NRS 445B.100 to NRS 445.640, inclusive; and

WHEREAS, the Department of Air Quality and Environmental Management has been designated by the Clark County Board of Commissioners as the air pollution control agency for Clark County; and

WHEREAS, the Regional Transportation Commission (RTC) has been designated as the Metropolitan Planning Organization (MPO) by the Governor of Nevada. Acting in its capacity as MPO, the RTC is responsible, in cooperation with the State and with transit operators, for carrying out the metropolitan planning process, which includes conformity determination of transportation plans, programs, and projects to the SIP; and

WHEREAS, the Clark County Transportation Conformity Plan (TCP) has been developed to establish procedures, criteria, and responsibilities for performing the conformity determination of transportation plans, programs, and projects to the SIP; and

WHEREAS, the Clark County Board of County Commissioners is required to adopt and submit the TCP for Clark County nonattainment areas to the State of Nevada for incorporation into the SIP.

NOW, THEREFORE, BE IT RESOLVED by the Clark County Board of Commissioners:

That Clark County Board of Commissioners adopts the Clark County Transportation Conformity Plan.

PASSED, ADOPTED, AND APPROVED this 15th day of January, 2008.

CLARK COUNTY BOARD OF
COMMISSIONERS, NEVADA

By: 
RORY REID, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS

ATTEST:


SHIRLEY B. PARRAGUIRRE
COUNTY CLERK

EXECUTIVE SUMMARY

The purpose of the *Clark County Transportation Conformity Plan* is to implement Section 176(c) of the Clean Air Act, as amended at 42 U.S.C. 7401, and the related requirements of 23 U.S.C. 109(j), 40 CFR Part 51 Subpart T, and 40 CFR Part 93 regarding the conformity of transportation plans, programs, and projects with state implementation plans. To fall within the scope of the conformity regulation, transportation plans, programs, and projects must be developed, funded, or approved by the United States Department of Transportation and the Clark County Metropolitan Planning Organization or other recipients of funds under Title 23 of the U.S. Code or the Federal Transit Act, 49 U.S.C. 1601.

The *Clark County Transportation Conformity Plan* is based on the Clean Air Act section 176(c)(4)(E), which provides the requirements for conformity SIPs, and the transportation conformity regulations at 40 CFR Part 51.390 and Part 93.100-129. These regulations detail consultation criteria, policies, and procedures that Metropolitan Planning Organizations must follow when addressing transportation conformity issues.

The *Clark County Transportation Conformity Plan* applies to all EPA designated nonattainment and maintenance areas for transportation related criteria pollutants within Clark County, Nevada, now or in the future. The Clark County Department of Air Quality and Environmental Management will update this plan whenever the United States Congress enacts new regulations that affect transportation consultation criteria, policies, or procedures.

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Acronyms and Abbreviations

Acronyms

BCC	Clark County Board of County Commissioners
CAA	Clean Air Act of 1970, as amended
CFR	Code of Federal Regulations
CO	carbon monoxide
CWG	Conformity Working Group
DAQEM	Department of Air Quality and Environmental Management
DOT	U.S. Department of Transportation
EPA	U.S. Environmental Protection Agency
FHWA	Federal Highway Administration
FTA	Federal Transit Administration
MPO	Metropolitan Planning Organization
NDEP	Nevada Division of Environmental Protection
NDOT	Nevada Department of Transportation
NEPA	National Environmental Policy Act
RTC	Regional Transportation Commission of Southern Nevada
RTP	Regional Transportation Plan
SIP	State Implementation Plan
TCM	Transportation Control Measure
TCP	Transportation Conformity Plan
TIP	Transportation Improvement Program
U.S.C.	United States Code

Abbreviations

PM _{2.5}	particulate matter 2.5 microns or less in diameter
PM ₁₀	particulate matter less than 10 microns in diameter
O ₃	Ozone

A. Introduction

1. History of the Clark County Metropolitan Planning Organization

Pursuant to Nevada statute, the Regional Transportation Commission of Southern Nevada (RTC) is required to identify and fund needed regional-street and highway improvements in Clark County; serve as the Metropolitan Planning Organization (MPO); coordinate and facilitate the federally mandated transportation planning process for the Las Vegas urbanized area and for all of Clark County; and provide public mass transportation to Clark County.

Representatives elected from Clark County, as well as from the cities of Las Vegas, Henderson, North Las Vegas, Boulder City, and Mesquite, govern the RTC (NRS 373.040). The director of the Nevada Department of Transportation (NDOT) presides as an ex-officio member.

The state initially established the RTC in 1965 as a regional governmental entity and mandated that it utilize monies to provide for regional-street and highway improvements in Clark County (NRS 373.030). In 1981, the Nevada governor designated the RTC as the MPO for the Las Vegas urbanized area (NRS 373.055). State legislation enacted in 1983 enabled the RTC to exclusively own and operate a public mass transit system (NRS 373.117).

As the MPO, the RTC is charged with facilitating the federally mandated transportation planning process for the Las Vegas urbanized area and all of Clark County (NRS 373.055). Along with local entities and the state, the RTC identifies and coordinates all federal and state transportation projects (NRS 373.146) and directs expenditures of local gas tax funds. These projects are denoted in Clark County's Regional Transportation Plan (RTP) and Transportation Improvement Program (TIP). While developing these transportation plans, the RTC provides public citizens and members of the private sector with the opportunity to participate in the planning process.

2. Federal Regulations

Federal law requires that regional planning officials prepare both a transportation plan to benefit public mobility and an air quality plan to benefit public health. Under the federal Clean Air Act (CAA), transportation activities that receive federal funding or approval must be fully consistent with the plan developed to meet federal clean air standards, known as the state implementation plan (SIP).

CAA Section 176(c) forbids federal agencies and MPOs from approving any transportation plan, program, or project that fails to conform with the SIP. The 1990 CAA amendments expanded Section 176(c) by defining and explaining implementation plan conformity, and providing conditions for approval of transportation plans, programs, and projects. On the conformity issue, Section 176(c) specifically states:

“Conformity to the plan’s purpose of eliminating or reducing the severity and number of violations of the national ambient air quality standards and achieving expeditious attainment of such standards; and that such activities will not (i) cause or contribute

to any new violation of any standard in any area; (ii) increase the frequency or severity of any existing violation of any standard in any area; or (iii) delay timely attainment of any standard or any required interim emission reductions or other milestones in any area.”

In addition to the CAA, federal conformity rulemakings parts 51 and 93 of Title 40 of the Code of Federal Regulations (CFR), specify criteria and procedures for conformity determinations for transportation plans, programs, and projects. Since its initial promulgation, the federal transportation conformity rule has been revised several times to reflect U.S. Environmental Protection Agency (EPA) rule changes and court opinions.

In light of these federal regulations, the EPA requires that states with areas that do not meet the National Ambient Air Quality Standards, defined as nonattainment areas, submit a SIP revision containing the criteria and procedures for federal, state, and local agencies to determine the conformity of transportation plans, programs, and projects with the SIP. This stipulation applies to “all nonattainment and maintenance areas for transportation-related criteria pollutants for which the area is designated nonattainment or has a maintenance plan” (40 CFR 93.102(b)).

EPA has designated parts of Clark County as nonattainment or maintenance areas for ozone (O₃), carbon monoxide (CO), and particulate matter less than 10 microns in diameter (PM₁₀). The conformity requirement applies to federal transportation decisions made in O₃, CO, and/or PM₁₀ nonattainment or maintenance areas. As such, Clark County must submit a Transportation Conformity Plan to EPA, via the state of Nevada, to satisfy the criteria of 40 CFR Part 51, Subpart T and Part 93, Subpart A.

3. Transportation Conformity

The transportation conformity rule contains the criteria and procedures for determining SIP conformity. Conformity determinations are made by MPOs in metropolitan areas and by state departments of transportation in nonmetropolitan areas. The RTC, as the MPO for Clark County and the Las Vegas urbanized area, serves as the agency for conducting transportation plan conformity.

The transportation conformity rule applies to Long-Range Transportation Plans, TIPs, and projects funded by the Federal Highway Administration (FHWA) or the Federal Transportation Administration (FTA). As per the guidance that the RTC received, conformity determinations are required every four years, as well as when long-range or transportation improvement plans are updated. If a MPO adopts a 20-year RTP, or a short-term federal TIP, it must include a conformity analysis. In addition, sponsors of transportation projects that require federal approval are responsible for assessing project conformity. The FHWA, in consultation with the FTA and the EPA, provide approval of the conformity finding developed by the RTC for RTPs and TIPs.

a. Conformity Procedures

The RTC, as the MPO, shall adhere to the conformity criteria contained in the transportation conformity rule (40 CFR Parts 51 and 93). For RTPs and TIPs, conformity first involves an emissions test. The air quality SIP forecasts levels of

pollutant emissions that will enable steady progress toward attainment of air quality standards by CAA deadlines, backed up by control strategies that will enable these levels to be reached. Such forecasts are divided by emissions source; the motor vehicle emissions budget is the on-road mobile source portion of the forecast.

To be in conformity with the SIP, a region's transportation plan and program shall have emissions that are within each approved emissions budget. Emissions from transportation activities must conform to the purpose of the SIP to cause no new violations, no worsening of existing violations, and no delay in timely attainment. Conformity determinations are required for transportation plans extending through a 20 year period, evaluating the emissions related impacts of all projects, programs and policies defined in the RTP and TIP. Conformity rules also require timely implementation of transportation control measures (TCMs) and project-level analyses (hot-spot) for individual transportation projects.

b. Conformity Consultation

While the RTC, as the MPO, shall adhere to the conformity procedures in the transportation conformity rule, areas are required to tailor three sections of the conformity rule for their local Conformity Plan. These sections cover, procedures for interagency consultation, conflict resolution, and public consultation (40 CFR 93.105(a)). Clean Air Act section 176(c)(4)(E) requires that the conformity SIP contain:

- i. Consultation procedures (40 CFR 93.105);
- ii. Procedures to obtain written commitments to implement control measures that are not included in a MPO's plan and TIP prior to using emissions reductions associated with the control measures in conformity determinations, and requirements that such commitments must be fulfilled (40 CFR 93.122(a)(4)(ii)); and
- iii. Procedures to obtain written commitments to mitigation measures prior to a project-level conformity determination, and a requirement that project sponsors must fulfill such commitments (40 CFR 93.125(c)).

In general, the procedural aspect of the rule provides an effective mechanism to address and resolve problems as early as possible (58 FR 62188 at 62201, November 24, 1993). The procedures set forth are clear, explicit, mandatory, and binding on all parties covered by the federal regulations (40 CFR 51.390(d), CAA 110 (a)(2)(E)(i)).

B. Interagency Consultation

Local air and transportation agencies regularly consult with each other and involve state and federal agencies because joint transportation and air quality planning assists both conformity assessments and air pollution reduction efforts. This interagency consultation process involves the EPA, FHWA, FTA, state and local transportation agencies, and state and local air quality agencies. Local transportation and air quality planning processes are open to interested organizations and members of the public.

Consultation is required when the MPO affects transportation by making a conformity determination, or by the MPO or local air quality agency developing or revising a RTP, TIP, or SIP (40 CFR 93.105(a)(1)). The RTC, as the MPO, shall consult with all concerned agencies, such as the Clark County Department of Air Quality and Environmental Management (DAQEM), NDOT, Nevada Division of Environmental Protection (NDEP), EPA, U.S. Department of Transportation (DOT), FHWA, and FTA, before making conformity determinations, or before developing or revising a RTP or TIP. In addition, the RTC, as the MPO, shall ensure that the public and any interested organizations have the opportunity to participate in the planning process. Similarly, the DAQEM shall consult with these agencies and RTC before developing or revising a SIP that establishes motor vehicle emissions budgets.

The RTC, as the MPO, shall adhere to the transportation conformity procedures set forth in the TCP. These procedures shall apply in Clark County.

1. General Interagency Consultation Processes.

Pursuant to 40 CFR 93.105(b)(1), states shall provide well-defined consultation procedures in the transportation conformity plan. Governmental entities that hold any responsibilities for developing, submitting, or employing provisions of an implementation plan, including MPOs, state and local air quality planning agencies, and state and local transportation agencies, shall consult with each other, and local or regional offices of the EPA, FHWA, and FTA.

At a minimum, the interagency consultation process shall:

- a. Include procedures that require agencies consult on the development of the implementation plan, the transportation plan, the TIP, and associated conformity determinations, (93.105(b)(1));
- b. Define the roles and responsibilities of each agency at each stage in the SIP development process and the transportation planning process, including technical meetings, (93.105(b)(2)(i));
- c. Denote the organization level of regular consultation, including a discussion of who attends meetings, such as a staff member, supervisor, or manager; who runs the meetings; procedures for determining whether a meeting shall be conducted face-to-face or whether it may be conducted via conference call; and procedures for determining which issues may be handled via email, (93.105(b)(2)(ii));
- d. Develop a process for circulating, or providing ready access to, draft documents and supporting materials for comment before formal adoption or publication, (93.105(b)(2)(iii));
- e. Include the frequency of, or process for, convening consultation meetings and the responsibility for establishing meeting agendas, (93.105(b)(2)(iv));
- f. Include a process for responding to significant comments of involved agencies, (93.105(b)(2)(v)); and
- g. Include a process for the development of a list of the transportation control measures (TCMs) that are in the applicable implementation plan. (93.105(b)(vi)).

2. General Interagency Consultation as Applied to Clark County

The RTC, as the MPO, along with any other governmental entity responsible for developing, submitting, and/or employing provisions of the TCP, shall consult with all concerned agencies, such as the DAQEM, NDOT, NDEP, EPA, FHWA, and FTA, as described below. Each MPO member agency and representative is denoted in Table 1.

Table 1. Listing of Governmental Agencies and Representatives

Member Agencies and Representatives	
Agency	Representative
EPA	State contact
FHWA	State contact
FTA	State contact
NDEP	Planning manager
NDOT	Planning manager
RTC (the MPO)	Planning manager
Clark County Public Works Department	Planning manager
DAQEM	Planning manager
Clark County Department of Aviation	Planning manager
City of Las Vegas	Planning manager
City of North Las Vegas	Planning manager
City of Henderson	Planning manager
City of Boulder City	Planning manager

a. Conformity Working Group and Lead Agencies

The interagency consultation process requires agency consultation procedures that detail how an agency shall make conformity determinations, as well as how an agency shall develop transportation plans, TIPs, and the SIP (40 CFR 93.105(b)(1)). The Conformity Working Group (CWG) shall initiate the MPO interagency consultation process.

The CWG membership is comprised of the agencies identified in Table 1. A CWG meeting is arranged by the designated lead agency and activated by any one of the actions listed in B.2.a.i-xi, and as identified in Table 2. Any CWG member or other party may initiate the consultation process at any time if a triggering event is identified, if there are proposed revisions or further development of conformity procedures, or if there are other denoted reasons.

- i. The development or review of a draft RTP. The RTC is the lead agency.
- ii. The development or review of a draft TIP. The RTC is the lead agency.
- iii. The development or review of a draft RTP conformity analyses. The RTC is the lead agency.
- iv. The development or review of a draft TIP conformity analyses. The RTC is the lead agency.

- v. The development of new conformity analyses prompted by RTP or TIP revisions or amendments. The RTC is the lead agency.
- vi. The development of SIP revisions that affect transportation or emissions budgets. The DAQEM is the lead agency.
- vii. The notification of SIP findings that may lead to nonconformity and/or sanctions. The DAQEM is the lead agency.
- viii. The scheduling of quarterly CWG meetings. The RTC is the lead agency.
- ix. *Transportation Control Measure Plan* revisions for inclusion into the SIP, as prepared by the RTC for the DAQEM. The RTC is the lead agency.
- x. The proposed changes to, or elimination of, mitigation measures for regionally significant conforming projects, as allowed pursuant to 40 CFR part 93. The project proponent is the lead agency for the event, and has discretionary project and mitigation requirement approval authority.
- xi. The proposed changes to, or elimination of, mitigation measures initiated by the RTC as conditions for the RTP or TIP conformity determinations. The RTC is the lead agency.

Table 2. Listing of Lead Agency and Area of Responsibility

CWG Lead Agency and Area of Responsibility	
Lead Agency	Area of Responsibility
RTC	Development or review of a draft RTP.
RTC	Development or review of a draft TIP.
RTC	Draft RTP conformity analyses development or review.
RTC	Draft TIP conformity analyses development or review.
RTC	New conformity analyses development prompted by revisions or amendments to the RTP or TIP.
DAQEM	SIP revision development that affects transportation or emissions budgets.
DAQEM	SIP findings notification that may lead to nonconformity and/or sanctions.
RTC	Scheduling of quarterly CWG meetings.
RTC	<i>Transportation Control Measure Plan</i> revisions as prepared for inclusion into the SIP by the RTC for the DAQEM.
Project Proponent	Propose changes to, or the elimination of, mitigation measures for regionally significant conforming projects, as allowed pursuant to 40 CFR 93.
RTC	Propose changes to, or the elimination of, mitigation measures initiated by the RTC as conditions for RTP or TIP conformity determinations.

b. General Roles and Responsibilities of Each Agency in the SIP Development and Transportation Planning Processes

The general interagency procedures broadly define each agency's roles and responsibilities during the SIP development and transportation planning processes, including technical meetings (40 CFR 93.105(b)(2)(i)). The general roles and responsibilities of the RTC, DAQEM, local entities (MPO member cities and Clark

County, excluding RTC and DAQEM), NDOT, NDEP, FWHA, and FTA in the consultation process are listed below in sections B.2.b.i.-vii. and Tables 3, 4, 5, and 6. These agencies may have additional specialized responsibilities, such as lead agency or specific interagency consultation duties, which are detailed in other TCP sections.

i. RTC of Southern Nevada

(1) For SIPs, the RTC shall provide technical and policy consultation on emission budgets; prepare system-based (facilities) and non-regulatory (programmatic) TCMs, based on DAQEM criteria; provide consultation on proposed revisions that relate to transportation or emissions budgets; implement TCMs on schedule where responsible; generally monitor TCM implementation; and recommend revisions to replace ineffective TCMs.

(2) For RTPs, the RTC shall develop, implement, and revise; and incorporate TCMs developed with the DAQEM and NDOT.

(3) For TIPs, the RTC shall develop, implement, and amend; routinely obtain plans for regionally significant federal and nonfederal projects from NDOT and local agencies and consult with those agencies on possible alternatives, locations, design concepts, and scope for regional emissions analysis purposes; regularly obtain changes to plans for regionally significant federal and nonfederal projects and alternatives, and make new TIP conformity determinations; and solicit candidate projects from cities, the county, and other participating agencies for inclusion in the draft and final document.

(4) For conformity findings, the RTC shall determine and document conformity between the SIP and RTP, the TIP, and amendments that involve projects not exempt from federal transportation conformity regulations; conduct transportation modeling and regional analysis; monitor and document implementation of TCMs in the SIP, and consult with the CWG; obtain written commitments for project-level and regional mitigation/control measures identified as conditions for making conformity determinations for the RTP and TIP; include project-level mitigation in the assumptions used in the regional conformity analysis; and propose changes to, or elimination of, mitigation measures for conforming the TIP or the RTP to the CWG in accordance with 40 CFR title 93 if requirements are satisfied without the mitigation or control measures.

ii. Clark County DAQEM

(1) For SIPs, the DAQEM shall develop, implement, and revise transportation-related revisions and rulemakings, including the development of attainment and maintenance demonstrations, reasonable further progress reports, regulatory TCMs, and other actions that affect the motor vehicle emissions budget; consult with the CWG on development of transportation-related revisions, including development of new control measures and inclusion of TCMs (i.e. substitution or deletion); adopt emissions obtained in consultation with the CWG and in accordance with other conformity provisions; and develop, solicit input on, and

implement updated motor vehicle emissions factors for use in control strategy development.

(2) For RTPs, the DAQEM shall provide consultation, and submit candidate projects and programs for inclusion in the draft.

(3) For TIPs, the DAQEM shall provide consultation, and submit candidate projects and programs for inclusion in the draft.

(4) For conformity findings, the DAQEM shall provide consultation to the RTC on the proper use of motor vehicle emissions budgets and other regional emissions modeling issues; collaborate with the RTC to develop, implement, and revise TCMs; develop, solicit input on, and implement updated motor vehicle emissions factors; and provide consultation on draft RTPs and TIPs.

Table 3. Roles and Responsibilities of the RTC and the DAQEM in SIP Development and Transportation Planning Processes

General RTC and DAQEM Roles and Responsibilities: SIP Development and Transportation Planning Process		
Document Type	RTC Responsibilities	DAQEM Responsibilities
SIP	<ul style="list-style-type: none"> - Provide technical and policy consultation on emission budgets. - Prepare system-based and non-regulatory TCMs, using DAQEM criteria. - Provide consultation on proposed revisions that relate to transportation or emissions budgets. - Implement TCMs on schedule where responsible. - Monitor TCM implementation. - Recommend revisions to replace ineffective TCMs. 	<ul style="list-style-type: none"> - Develop, implement, and revise transportation-related rulemakings, including attainment and maintenance demonstrations, reasonable further progress reports, regulatory TCMs, and actions that affect the motor vehicle emissions budget. - Consult with the CWG on development of transportation-related revisions, including development of new control measures and inclusion of TCMs. - Adopt emissions obtained in consultation with the CWG and in accordance with other conformity provisions. - Develop, solicit input on, and implement updated motor vehicle emissions factors for use in control strategy development.
RTP	<ul style="list-style-type: none"> - Develop, implement, and revise. - Incorporate TCMs developed with the DAQEM and NDOT. 	<ul style="list-style-type: none"> - Provide consultation. - Submit candidate projects and programs for inclusion in the draft.
TIP	<ul style="list-style-type: none"> - Develop, implement, and amend. - Routinely obtain plans for regionally significant federal and nonfederal projects from NDOT and local agencies and consult with those agencies on possible alternatives, locations, design concepts, and scope for regional emissions analysis purposes. - Regularly obtain changes to plans for regionally significant federal and nonfederal projects and alternatives, and make new TIP conformity determinations. - Solicit candidate projects from cities, the county, and other participating agencies for inclusion in the draft and final document. 	<ul style="list-style-type: none"> - Provide consultation. - Submit candidate projects and programs for inclusion in the draft.

General RTC and DAQEM Roles and Responsibilities: SIP Development and Transportation Planning Process		
Document Type	RTC Responsibilities	DAQEM Responsibilities
Conformity Findings	<ul style="list-style-type: none"> - Determine and document conformity between the SIP and RTP, the TIP, and amendments that involve projects not exempt from federal transportation conformity regulations. - Conduct transportation modeling and regional analysis. - Monitor and document implementation of TCMs in the SIP, and consult with CWG. - Obtain written commitments for project-level and regional mitigation/ control measures identified as conditions for making conformity determinations for the RTP and TIP. - Include project-level mitigation in the assumptions used in the regional conformity analysis. - Propose changes to, or elimination of, mitigation measures for conforming the TIP or the RTP to the CWG in accordance with 40 CFR title 93 if requirements are satisfied without the mitigation or control measures. 	<ul style="list-style-type: none"> - Provide consultation to the RTC on the proper use of motor vehicle emissions budgets and other regional emissions modeling issues. - Collaborate with the RTC to develop, implement, and revise TCMs. - Develop, solicit input on, and implement updated motor vehicle emissions factors. - Provide consultation on draft RTPs and TIPs.

iii. Member Cities and Clark County Agencies, excluding DAQEM

(1) For SIPs, the member cities and all other Clark County agencies shall implement TCMs on schedule, where responsible.

(2) For RTPs, the member cities and all other Clark County agencies shall submit candidate projects and programs for inclusion in the draft; and provide consultation on the draft, the Environmental Impact Report, and amendments.

(3) For TIPs, the member cities and all other Clark County agencies shall submit candidate projects and programs for inclusion in the draft, and provide consultation on the draft and amendments.

(4) For conformity findings, the member cities and all other Clark County agencies shall perform hot-spot air quality analyses of candidate projects pursuant to 40 CFR part 93 if requirements are satisfied without mitigation or control measures; provide written commitments to implement (in the project construction or the resulting facility/service operation) any project-level mitigations identified as conditions for completion of the National Environmental Protection Act (NEPA) process with respect to localized air quality impacts; provide written commitments to implement (in the project construction or the resulting facility/service operation) any project-level mitigation identified as a condition for making a conformity determination for the RTP, the TIP, or the project; and propose changes to, or elimination of, mitigation measures for conforming, regionally significant projects to the CWG in accordance with 40 CFR part 93 if requirements are satisfied without mitigation or control measures.

Table 4. Roles and Responsibilities of Members Cities and Other Clark County Agencies in SIP Development and Transportation Planning Processes

General Member Cities and Clark County Roles and Responsibilities: SIP Development and Transportation Planning Process	
Document Type	Member Cities' and all other Clark County Agencies' Responsibilities
SIP	- Implement TCMs on schedule, where responsible.
RTP	- Submit candidate projects and programs for inclusion in the draft. - Provide consultation on the draft, the Environmental Impact Report, and amendments.
TIP	- Submit candidate projects and programs for inclusion in the draft. - Provide consultation on the draft and amendments.
Conformity Findings	- Perform hot-spot air quality analyses of candidate projects pursuant to 40 CFR part 93 if requirements are satisfied without mitigation or control measures. - Provide written commitments to implement (in the project construction or the resulting facility/service operation) any project-level mitigations identified as conditions for completion of the NEPA process with respect to localized air quality impacts. - Provide written commitments to implement (in the project construction or the resulting facility/service operation) any project-level mitigation identified as a condition for making a conformity determination for the RTP, the TIP, or the project. - Propose changes to, or elimination of, mitigation measures for conforming, regionally significant projects to the CWG in accordance with 40 CFR part 93 if requirements are satisfied without mitigation or control measures.

iv. Nevada Department of Transportation

(1) For SIPs, the NDOT shall provide consultation on emission budget development and overall transportation-related revisions; provide consultation on TCM development; implement TCMs for which it has responsibility; and provide consultation to NDEP on proposed revisions to motor vehicle emissions factors.

(2) For RTPs, the NDOT shall submit candidate projects and programs for inclusion in the draft; provide consultation on the draft and amendments; and review the final document and provide recommendations for the state transportation plan.

(3) For TIPs, the NDOT shall submit candidate projects and programs for inclusion in the draft TIP and the RTP amendments; review and comment on the draft TIP and amendments; incorporate the TIP into the federal state transportation improvement plan and submit it to the FHWA division office and the FTA regional office.

(4) For conformity findings, the NDOT shall provide consultation to the RTC on drafts; ascertain the project-level conformity of regionally significant state transportation projects; and provide consultation to the FHWA division office on RTC conformity determinations.

v. Nevada Division of Environmental Protection

(1) For SIPs, the NDEP shall review draft and final submittals for compliance with applicable requirements; transmit submittals to the EPA; and provide consultation on emissions and airshed modeling.

(2) For RTPs, the NDEP shall provide consultation.

(3) For TIPs, the NDEP shall provide consultation.

(4) For conformity findings, the NDEP shall provide consultation on drafts; and provide consultation to federal agencies, including FHWA and FTA, on final determinations.

Table 5. Roles and Responsibilities of NDOT and NDEP in SIP Development and Transportation Planning Processes

General State Roles and Responsibilities: SIP Development and Transportation Planning Process		
Document Type	NDOT Responsibilities	NDEP Responsibilities
SIP	<ul style="list-style-type: none"> - Provide consultation on emission budget development and overall transportation-related revisions. - Provide consultation on TCM development. - Implement TCMs for which it has responsibility. - Provide consultation to NDEP on proposed revisions to motor vehicle emissions factors. 	<ul style="list-style-type: none"> - Review draft and final submittals for compliance with applicable requirements. - Transmit submittals to the EPA. - Provide consultation on emissions and airshed modeling.
RTP	<ul style="list-style-type: none"> - Submit candidate projects and programs for inclusion in the draft. - Provide consultation on the draft and amendments. - Review the final document and provide recommendations for the state transportation plan. 	<ul style="list-style-type: none"> - Provide consultation.
TIP	<ul style="list-style-type: none"> - Submit candidate projects and programs for inclusion in the draft TIP and the RTP amendments. - Review and comment on the draft TIP and amendments. - Incorporate the TIP into the federal state transportation improvement plan and submit it to the FHWA division office and the FTA regional office. 	<ul style="list-style-type: none"> - Provide consultation.
Conformity Findings	<ul style="list-style-type: none"> - Provide consultation to the RTC on drafts. - Ascertain the project-level conformity of regionally significant state transportation projects. - Provide consultation to the FHWA division office on RTC conformity determinations. 	<ul style="list-style-type: none"> - Provide consultation on drafts. - Provide consultation to federal agencies, including FHWA and FTA, on final determinations.

vi. EPA

(1) For SIPs, the EPA shall review and make findings on revisions in a timely manner; notify affected agencies of final actions, including findings of non-submittal, completeness, incompleteness, adequacy, inadequacy, approval, and disapproval; provide CAA guidance to other agencies; and provide agencies and the public with a 30-day comment period before making SIP findings.

(2) For RTPs, the EPA shall provide consultation.

(3) For TIPs, the EPA shall provide consultation.

(4) For conformity findings, the EPA shall provide consultation to the RTC on draft conformity determinations; consultation to the DOT on final RTP and TIP conformity determinations; and the most recent EPA-approved motor vehicle emissions factors for use in emission analysis.

vii. FHWA/FTA

(1) For SIPs, the FHWA/FTA shall review and comment on revisions within 30 days of EPA notification; and provide guidance to the RTC on the conformity implications of submittals.

(2) For RTPs, the FHWA/FTA shall provide consultation on drafts, determine conformity, and notify the CWG and other affected agencies.

(3) For TIPs, the FHWA/FTA shall provide consultation on drafts, determine conformity, and notify the CWG and other affected agencies.

(4) For conformity findings, the FHWA/FTA shall provide consultation to the RTC on draft findings; determine conformity of the RTP, the TIP, and amendments; consult with EPA and NDEP during the 30-day comment period before making conformity determinations; and provide guidance on the Intermodal Surface Transportation Efficiency Act.

Table 6. Roles and Responsibilities of EPA and FHWA/FTA in SIP Development and Transportation Planning Processes

General Federal Roles and Responsibilities: SIP Development and Transportation Planning Process		
Document Type	EPA Responsibilities	FHWA/FTA Responsibilities
SIP	<ul style="list-style-type: none"> - Review, make findings on revisions in a timely manner, and notify agencies of final actions. - Provide CAA guidance to other agencies. - Provide agencies and the public with a 30-day comment period before making SIP findings. 	<ul style="list-style-type: none"> - Review and comment on revisions within 30 days of EPA notification. - Provide guidance to the RTC on the conformity implications of submittals.
RTP	<ul style="list-style-type: none"> - Provide consultation. 	<ul style="list-style-type: none"> - Provide consultation on drafts, determine conformity, and notify the CWG and other affected agencies.
TIP	<ul style="list-style-type: none"> - Provide consultation. 	<ul style="list-style-type: none"> - Provide consultation on drafts, determine conformity, and notify the CWG and other affected agencies.
Conformity Findings	<ul style="list-style-type: none"> - Provide consultation to the RTC on draft conformity determinations. - Provide consultation to the DOT on final RTP and TIP conformity determinations. - Provide the most recent EPA-approved motor vehicle emissions factors for use in emission analysis. 	<ul style="list-style-type: none"> - Provide consultation on draft findings to the RTC. - Determine conformity of the RTP, the TIP, and amendments. - Consult with EPA and NDEP during the 30-day comment period before making conformity determinations. - Provide guidance on the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU).

c. CWG Interagency Consultation Procedures

The interagency procedures shall denote the regular consultation organizational level, including who attends meetings, such as a staff member, supervisor, or manager; who administers the meetings; procedures detailing when a meeting is conducted face-to-face or via conference call; and procedures detailing which issues

may be handled via email (93.105(b)(2)(ii)). The regular consultation organizational level and interagency communication procedures are listed for the CWG meeting administrator in sections B.2.c.i.-v. and Table 7, while additional consultation and communication procedures for document development and adoption are listed for the CWG lead agency in sections B.2.c.vi.-xiv. and Table 8.

i. Meeting Attendees.

The CWG membership is comprised of local Clark County governmental entities, as well as state and federal agencies. Section B.2. Table 1 specifically lists the governmental agencies and representatives that comprise the CWG.

ii. Meeting Administrator.

The interagency procedures shall denote the frequency of, or process for, convening consultation meetings (93.105(b)(2)(iv)).

The RTC, as the MPO, shall administer quarterly CWG meetings. The quarterly meeting shall address any regulatory, policy, or technical developments that could affect conformity criteria or procedures. Topics at the quarterly meeting may include: revisions, additions, and deletions to the adopted conformity criteria and procedures for Clark County; and status reports on topics relevant to conformity, which includes, among other things, sanction clocks, transportation-related SIPs, and the latest conformity findings.

The lead CWG agency, whether it is the RTC, DAQEM, or the Project Proponent, shall administer specifically convened or out-of-cycle meetings. A CWG agency member may request an out-of-cycle meeting to consider relevant topics or urgent matters. Such a request shall be made to or by the lead CWG agency, accompanied by a justification for the meeting. The CWG lead agency shall administer the meeting and follow the procedures set forth in the TCP, unless two or more members agree that the topic does not fit within this framework. In that case, the CWG shall adopt a reasonably equivalent framework.

iii. Communication Requirements of the Meeting Administrator.

The meeting administrator shall:

- (1) arrange meeting times and locations, and give proper notice to the CWG members and interested parties;
- (2) provide all meeting materials, including agendas (93.105(b)(2)(iv)), initial documents, and proposed alternatives to the CWG members at least two weeks before a meeting;
- (3) record meeting minutes;
- (4) distribute agendas and minutes to other members of the CWG and any interested parties;

- (5) provide sufficient information at either the initial meeting or a subsequent meeting to enable members to review and comment knowledgeably;
- (6) provide any other public information needed to form a common basis of understanding;
- (7) supply all relevant documents and information to member agencies promptly;
- (8) maintain a complete and accurate record of all agreements, planning and programming processes, and consultation activities, and make the record available for public inspection upon request;
- (9) notify the public that they may obtain a draft, or a final document and supporting materials; and
- (10) distribute final documents, such as transportation-related SIP submittals, TIPs, RTPs, conformity determinations, to the CWG members at the same time they are submitted to appropriate federal agencies.

iv. Communication Methods at Meetings.

CWG meetings shall be conducted face-to-face. When necessary, CWG members may participate in meetings via conference call. Any member seeking to participate via conference call shall provide the meeting administrator with at least two business days notice, for technological procurement and set up.

v. Communication Methods between Meetings.

When communicating between meetings, email is an appropriate form of communiqué for, among other things, disseminating information, requesting information, asking/answering questions, and receiving/sending comments. The meeting administrator may set forth more specific email procedures, if warranted.

vi. The Lead Agency and General Consultation Requirements.

Regular consultation shall be effectuated by the lead CWG agency. The lead agency shall:

- (1) provide an opportunity for early review and comment on draft documents, and convene CWG meetings early in the process of finalizing documents;
- (2) facilitate advisory committee reviews of draft materials, as appropriate;
- (3) provide local agencies and the public with opportunities for input through regional advisory committees and workshops;
- (4) consider CWG member views before taking any actions and provide a prompt, substantive response before making final decisions; and
- (5) provide, upon request by any member of the CWG, responses to that member in writing (see B.2.xiii).

Table 7. CWG Meeting Attendees, Administrators, and Communication Methods

General CWG Administrative Meeting Requirements	
Communicators and Communication Methods	Regular Consultation Organization Level and Interagency Communication Procedures
Meeting Attendees	<ul style="list-style-type: none"> - CWG representatives, or their designees, attend CWG meetings. - Section B.2. Table 1 specifically lists the governmental agencies and representatives that comprise the CWG.
Meeting Administrator	<ul style="list-style-type: none"> - The RTC, as the MPO, shall administer quarterly meetings. - The quarterly meetings shall address any regulatory, policy, or technical developments that could affect conformity criteria or procedures. Topics at quarterly meetings may include: revisions, additions, and deletions to the adopted conformity criteria and procedures for Clark County; and status reports on topics relevant to conformity, which includes, among other things, sanction clocks, transportation-related SIPs, and the latest conformity findings. - The lead CWG agency, whether it is the RTC, DAQEM, or the Project Proponent, shall administer specifically convened or out-of-cycle meetings. - A CWG agency member may request an out-of-cycle meeting to consider relevant topics or urgent matters. Such a request shall be made to or by the lead CWG agency, accompanied by a justification for the meeting. The CWG lead agency shall administer the meeting and follow the procedures set forth in the TCP, unless two or more members agree that the topic does not fit within this framework. In that case, the CWG shall adopt a reasonably equivalent framework.
General Communication Requirements of the Meeting Administrator	<ul style="list-style-type: none"> - Arrange meeting times and locations, and give proper notice to CWG members and interested parties. - Provide all meeting materials, including agendas, initial documents, and proposed alternatives to CWG members at least two weeks before a meeting. - Record meeting minutes. - Distribute agendas and minutes to other members of the CWG and any interested parties. - Provide sufficient information at either the initial meeting or a subsequent meeting to enable members to review and comment knowledgeably. - Provide any other public information needed to form a common basis of understanding. - Supply all relevant documents and information to member agencies promptly. - Maintain a complete and accurate record of all agreements, planning and programming processes, and consultation activities, and make the record available for public inspection upon request. - Notify the public that they may obtain a draft, or a final document and supporting materials. - Distribute final documents, such as transportation-related SIP submittals, TIPs, RTPs, conformity determinations, to CWG members at the same time they are submitted to appropriate federal agencies.
Communication Methods at Meetings	<ul style="list-style-type: none"> - All CWG meetings shall be conducted face-to-face. - When necessary, CWG members may participate in meetings via conference call. - Any member seeking to participate via conference call shall provide the meeting administrator with at least two days business notice, for technological procurement and set up.
Communication Methods between Meetings	<ul style="list-style-type: none"> - When communicating between meetings, email is an appropriate form of communiqué for, among other things, disseminating information, requesting information, asking/answering questions, and receiving/sending comments. - The meeting administrator may set forth more specific email procedures, if warranted.

vii. The Lead Agency and Conformity Analysis.

The initial meeting of the CWG, convened by the lead agency, “starts the clock” for the conformity analysis. The initial meeting shall:

- (1) seek tentative approval from the CWG for planning assumptions and modeling approaches;
- (2) be held before the RTC completes any analyses; and
- (3) be held at least 60 days before the draft document is either issued or accepted for distribution by the policy board.

viii. The Lead Agency and TCMs.

The RTC is the lead agency for revisions to the *Transportation Control Measure Plan*. In particular, the RTC shall recommend revisions to replace ineffective TCMs. The RTC shall revise the TCM list whenever the SIP is updated. 93.105(b)(vi).

The DAQEM shall develop a list of the TCMs that are in the applicable SIP. The DAQEM shall consult with the CWG on the development and inclusion of TCMs. The RTC shall distribute the initial and revised list of TCMs to the CWG for their review and comment whenever the list is revised. The RTC shall prepare this document for inclusion in SIP revisions, which are written by DAQEM.

The RTC shall also implement TCMs on schedule where responsible. The RTC shall monitor TCM implementation.

ix. The Lead Agency and Information Dissemination.

The lead CWG agency shall provide in written form the relevant requirements and criteria, the analytical approach, and any proposed alternatives. The lead agency may provide this information at the initial meeting or at a subsequent meeting.

The lead agency is specifically tasked with providing CWG members primary documents, such as those that contain requirements, criteria, and employed analytical approaches. The procurement of proposed alternative materials is secondary and CWG members shall assist the lead agency in assessing what proposed alternative materials should be reviewed.

(1) Proposed alternatives for the TIP, the RTP, and conformity determinations may consist of: emissions data analyses, model documentation and assumptions used to perform a conformity determination, and project categories utilized in the analysis, including TCMs.

(2) Proposed alternatives for transportation-related or emissions budget-related SIP revisions may consist of the following materials, as determined appropriate by the CWG: emissions data analyses; model documentation and assumptions used to prepare emissions budgets, control strategies, and maintenance demonstrations; the analytical process that determined which control strategies,

including TCMs, to include in the SIP; and the process that determines the emissions reductions associated with each strategy.

x. The Lead Agency and Draft Analyses.

The lead CWG agency shall provide draft analyses through the circulation of draft RTPs, TIPs, conformity determinations, and transportation-related SIP submittals. All CWG agencies shall have at least 30 days to review and comment, and the lead agency shall consider all comments before issuing a draft document.

xi. The Lead Agency and Meeting Topic Dissemination.

The lead CWG agency will discuss meeting topics with the RTC and DAQEM advisory committees and the public, as appropriate.

xii. The Lead Agency and Federal/State Involvement.

The lead CWG agency shall seek comments from affected federal and state agencies by encouraging participation in document development and soliciting supporting material submissions. State and federal agencies input shall be sought during the interagency consultation process, and their concurrence on significant issues shall be obtained before any analyses are completed. State and federal agencies shall be sent meeting minutes, agendas, and supporting documentation.

xiii. The Lead Agency and Draft Documents.

The lead CWG agency shall circulate, or provide ready access to, draft documents and supporting materials, for RTPs, TIPs, conformity determinations, and transportation-related SIP submittals, for comment before formal adoption or publication (93.105(b)(2)(iii)).

(1) The CWG agencies shall have at least 30 days to review draft documents and supporting materials, and submit comments in writing to the lead agency. The lead agency shall provide written responses to a CWG agency's comments within 30 days of receipt of a CWG agency's comments. (93.105(b)(2)(v)).

(2) The draft document and supporting information provided for review and comment shall be considered complete unless two or more member agencies agree that additional information should be provided. In this event, the lead agency shall make a good faith effort to provide the requested information. If any member agency believes the information received is still insufficient, it shall send a letter to the lead agency stating the objection. The lead CWG agency shall forward the letter to all member agencies, after which it shall be entered into the permanent record and included in the final document.

xiv. The Lead Agency and Document Approval.

The lead agency shall submit documents adopted by the appropriate CWG agency policy board to state and/or federal officials for final approval.

Table 8. CWG Lead Agency Responsibilities in the Document Development and Adoption Processes

CWG Lead Agency Document Development and Adoption	
Responsibilities	Lead Agency Requirements
General Consultation	<ul style="list-style-type: none"> - Provide an opportunity for early review and comment on draft documents, and convene CWG meetings early in the process of finalizing documents. - Facilitate advisory committee reviews of draft materials. - Provide local agencies and the public with opportunities for input through regional advisory committees and workshops. - Consider CWG member views before taking any actions and provide a prompt, substantive response before making final decisions. - Provide, upon request by any member of the CWG, a written response.
Conformity Analysis	<ul style="list-style-type: none"> - Seek tentative approval at the initial meeting from the CWG for planning assumptions and modeling approaches. - Hold initial meeting before the RTC completes any analyses. - Hold initial meeting at least 60 days before the draft document is either issued or accepted for distribution by the policy board.
TCM Analysis	<ul style="list-style-type: none"> - Recommend revisions to replace ineffective TCMs and revise the TCM list whenever the SIP is updated. 93.105(b)(vi). - Distribute the initial and revised list of TCMs to the CWG for their review and comment. - Prepare this document for inclusion in SIP revisions, which are written by DAQEM. - Implement TCMs on schedule where responsible or otherwise monitor TCM implementation.
Information Dissemination	<ul style="list-style-type: none"> - Provide in written form, either at the first meeting or a subsequent meeting, the relevant requirements and criteria, the analytical approach, and any proposed alternatives. - Proposed alternatives for the TIP, the RTP, and conformity determinations may consist of: emissions data analyses, model documentation and assumptions used to perform a conformity determination, and project categories utilized in the analysis, including TCMs. - Proposed alternatives for transportation-related or emissions budget-related SIP revisions may consist of the following materials, as determined appropriate by the CWG: emissions data analyses; model documentation and assumptions used to prepare emissions budgets, control strategies, and maintenance demonstrations; the analytical process that determined which control strategies, including TCMs, to include in the SIP; and the process that determines the emissions reductions associated with each strategy.
Draft Analyses	<ul style="list-style-type: none"> - Provide draft analyses through the circulation of draft RTPs, TIPs, conformity determinations, and transportation-related SIP submittals. - Give CWG agencies at least 30 days to review and comment. - Consider all comments before issuing a draft document.
Meeting Topic Dissemination	<ul style="list-style-type: none"> - Discuss meeting topics with the RTC and DAQEM advisory committees and the public, as appropriate.
Soliciting Federal/State Involvement	<ul style="list-style-type: none"> - Seek comments from affected federal and state agencies by encouraging participation in document development and soliciting supporting material submissions. - Seek input from state and federal agencies during the interagency consultation process, and garner those agencies' concurrence on significant issues prior to the completion of any analyses. - Send meeting minutes, agendas, and supporting documentation.
Draft Documents	<ul style="list-style-type: none"> - Circulate, or provide ready access to, draft documents and supporting materials, for RTPs, TIPs, conformity determination, and transportation-related SIP submittals, for comment before formal adoption or publication. - Provide CWG agencies with at least 30 days to review draft documents and supporting materials, and submit comments in writing to the lead agency. - Provide written responses to a CWG agency's comments within 30 days of receipt of a CWG agency's comments.
Document Approval	<ul style="list-style-type: none"> - Submittal of adopted document to state and federal officials for final approval.

3. Specific Interagency Consultation Processes.

Section B.2., in its entirety, sets forth well-defined procedures for, among other things, what the RTC, as the MPO, shall do; what the lead CWG agency shall or may do; and what other CWG agencies shall or may do. In addition to these requirements, certain CWG agencies shall also follow interagency consultation procedures in specific instances, as denoted in sections B.3.a.-g and Table 9.

a. Specific Consultation: Lead CWG Agency, RTC, DAQEM, NDOT, NDEP, EPA, FHWA, FTA, DOT.

The interagency consultation process, defined in sections B.2. and B.4., shall be employed by the lead CWG agency, and utilized by the RTC, DAQEM, NDOT, NDEP, EPA, FHWA, FTA, and DOT, when:

- i. Evaluating and choosing which data, model(s), associated methods, and assumptions are to be utilized in hot spot analyses, preparing motor vehicle emissions budgets for SIPs, and regional transportation emissions analyses, which includes forecasting vehicle miles traveled, as required by 40 CFR 93.105(c)(1)(i). The RTC shall, among other things, propose the data, models, methods and assumptions to the CWG for their review and comment. The RTC shall specifically follow the interagency consultation procedures set forth in B.2.c. i.-xiv. The other CWG agencies have 30 days to review and provide comments on draft analyses, as denoted in B.2.c.x., and 30 days to review and provide comments on draft documents and supporting materials, as denoted in B.2.c.xiii;
- ii. Determining which minor arterials and other transportation projects should be considered “regionally significant” (as defined by the RTC) in analyzing regional emissions that are in addition to those functionally classified as principal arterial or higher, or as fixed guideway systems, or extensions that offer an alternative to regional highway travel, as required by 40 CFR 93.105(c)(1)(ii). The RTC is the lead agency. The RTC shall, among other things, conduct transportation modeling and regional analysis. The RTC shall specifically follow the interagency consultation procedures set forth in B.2.c. i.-xiv. The other CWG agencies have 30 days to review and provide comments on draft analyses, as denoted in B.2.c.x., and 30 days to review and provide comments on draft documents and supporting materials, as denoted in B.2.c.xiii;
- iii. Determining which projects should be considered to have a significant change in design concept and scope from the RTP or TIP, as required by 40 CFR 93.105(c)(1)(ii). The RTC is the lead agency. The RTC shall, among other things, develop, implement, and revise RTPs and TIPs. For TIPs, the RTC shall routinely obtain plans for regionally significant federal and nonfederal projects from NDOT and CWG agencies. The NDOT and other CWG agencies shall submit candidate projects and programs for inclusion in the draft TIP and RTP amendments. The RTC shall specifically follow the interagency consultation procedures set forth in B.2.c. i.-xiv. The other CWG agencies have 30 days to review and provide comments on draft analyses, as denoted in B.2.c.x., and 30 days to review and provide comments on draft documents and supporting materials, as denoted in B.2.c.xiii;

- iv. Evaluating whether projects otherwise exempted from meeting the requirements of the transportation conformity regulations (40 CFR 93.126 and 93.127) should be treated as non-exempt where potential adverse emissions impacts may exist for any reason, as required by 40 CFR 93.105(c)(1)(iii). The RTC is the lead agency. The NDOT shall ascertain the project-level conformity of regionally significant state transportation projects and shall consult with the RTC. The RTC shall specifically follow the interagency consultation procedures set forth in B.2.c. i.-xiv. The other CWG agencies have 30 days to review and provide comments on draft analyses, as denoted in B.2.c.x., and 30 days to review and provide comments on draft documents and supporting materials, as denoted in B.2.c.xiii;
- v. Determining whether past obstacles to implementing TCMs that are behind SIP schedules have been identified and are being overcome, as required by 40 CFR 93.105(c)(1)(iv) and 93.113(c)(1). The RTC is the lead agency. The RTC shall, among other things, implement TCMs on schedule where responsible, generally monitor TCM implementation, and recommend revisions to replace ineffective TCMs. The RTC shall specifically follow the interagency consultation procedures set forth in B.2.c. i.-xiv. The other CWG agencies have 30 days to review and provide comments on draft analyses, as denoted in B.2.c.x., and 30 days to review and provide comments on draft documents and supporting materials, as denoted in B.2.c.xiii;
- vi. Determining whether State and local agencies are giving maximum priority to approval and funding for TCMs in approved SIPs, as required by 40 CFR 93.105(c)(1)(iv). The RTC is the lead agency. The RTC shall, among other things, monitor TCM implementation and determine whether the state and local agencies are implementing TCMs. The RTC shall contact and meet with the state or local agency if it has failed to implement a TCM. The RTC shall report its findings to the CWG. The RTC shall specifically follow the interagency consultation procedures set forth in B.2.c. i.-xiv. The other CWG agencies have 30 days to review and provide comments on draft analyses, as denoted in B.2.c.x., and 30 days to review and provide comments on draft documents and supporting materials, as denoted in B.2.c.xiii;
- vii. Determining whether delays in approved SIP TCM implementation necessitate revisions to the SIP to remove or substitute such TCMs or other emission reduction measures, as required by 40 CFR 93.105(c)(1)(iv)). The RTC is the lead agency. The RTC shall, among other things, implement TCMs on schedule where responsible, generally monitor TCM implementation, and recommend revisions to replace ineffective TCMs. The RTC shall specifically follow the interagency consultation procedures set forth in B.2.c. i.-xiv. The other CWG agencies have 30 days to review and provide comments on draft analyses, as denoted in B.2.c.x., and 30 days to review and provide comments on draft documents and supporting materials, as denoted in B.2.c.xiii;
- viii. Notifying other agencies of RTP and TIP revisions or amendments which only add or delete exempt projects (as listed in 40 CFR 93.126 and 93.127), as required by 40 CFR 93.105(c)(1)(v). The RTC is the lead agency. The RTC shall specifically follow the interagency consultation procedures set forth in

B.2.c. i.-xiv. The other CWG agencies have 30 days to review and provide comments on draft analyses, as denoted in B.2.c.x., and 30 days to review and provide comments on draft documents and supporting materials, as denoted in B.2.c.xiii;

- ix. Determining localized CO, PM₁₀, and PM_{2.5} concentrations, also known as hot spot analysis, as required by 40 CFR 93.123, and specifically identifying projects at sites in PM10 nonattainment areas that have vehicle and roadway emission and dispersion characteristics similar to those at sites with violations verified by monitoring and thus require quantitative PM10 hot spot analysis, as required by 40 CFR 93.123(b)(1). The RTC is the lead agency. CWG member cities and Clark County agencies shall perform hot-spot air quality analyses of candidate projects pursuant to 40 CFR part 93 if requirements are satisfied without mitigation or control measures. The RTC shall specifically follow the interagency consultation procedures set forth in B.2.c. i.-xiv. The other CWG agencies have 30 days to review and provide comments on draft analyses, as denoted in B.2.c.x., and 30 days to review and provide comments on draft documents and supporting materials, as denoted in B.2.c.xiii; and
- x. Choosing conformity tests and methodologies for isolated rural nonattainment and maintenance areas (per 93.109(l)(2)(iii)), as required by 40 CFR 93.105(c)(1)(vi). The RTC is the lead agency. The NDOT shall work with the RTC to plan, analyze, and determine the conformity of all projects outside the metropolitan planning area and within the nonattainment or maintenance area. The RTC shall specifically follow the interagency consultation procedures set forth in B.2.c. i.-xiv. The other CWG agencies have 30 days to review and provide comments on draft analyses, as denoted in B.2.c.x., and 30 days to review and provide comments on draft documents and supporting materials, as denoted in B.2.c.xiii.

b. Specific Consultation: The Lead CWG Agency, RTC, DAQEM, NDOT, NDEP.

The interagency consultation process, defined in sections B.2. and B.4., shall be employed by the lead CWG agency, and utilized by the RTC, DAQEM, NDOT, and NDEP, when:

- i. Evaluating events that trigger new conformity determinations, in addition to those listed in 40 CFR 93.104, as required by 40 CFR 93.105(c)(2)(i). The RTC is the lead agency. The RTC is responsible for, among other things, determining and documenting conformity between the SIP and RTP, the TIP, and amendments that involve projects not exempt from federal transportation conformity regulations. The RTC shall specifically follow the interagency consultation procedures set forth in B.2.c. i.-xiv. The other CWG agencies have 30 days to review and provide comments on draft analyses, as denoted in B.2.c.x., and 30 days to review and provide comments on draft documents and supporting materials, as denoted in B.2.c.xiii; and
- ii. Consulting on emissions analysis for transportation activities that cross borders of MPOs, nonattainment areas, or air basins, as required by 40 CFR

93.105(c)(2)(ii). The RTC is responsible for leading consulting discussions as they relate to emissions analysis that crosses borders of MPOs, nonattainment areas, or air basins. The RTC shall specifically follow the interagency consultation procedures set forth in B.2.c. i.-xiv. The other CWG agencies have 30 days to review and provide comments on draft analyses, as denoted in B.2.c.x., and 30 days to review and provide comments on draft documents and supporting materials, as denoted in B.2.c.xiii.

c. Specific Consultation: The RTC (as the MPO), the Lead Agency, NDOT.

The interagency consultation processes, defined in sections B.2. and B.4., shall be employed by the RTC, as MPO, or by the lead CWG agency, and NDOT when the metropolitan planning area does not include the entire nonattainment or maintenance area.

The RTC has jurisdiction over all of Clark County, Nevada. As the MPO, the RTC is charged with facilitating the federally mandated transportation planning process for the Las Vegas Urbanized Area (NRS 373.055). The RTC, along with local entities and the state, identify and coordinate all federal and state transportation projects (NRS 373.146). Those projects are denoted in the RTP and TIP. The procedures set forth in sections B.2. and B.4. shall be utilized to allow the RTC, as the MPO, or the lead CWG agency, and NDOT to plan, analyze, and determine the conformity of all projects outside the metropolitan planning area and within the nonattainment or maintenance area, as required by 93.105(c)(3).

d. Specific Consultation: Lead CWG Agency; RTC; NDOT; Other CWG Members.

The interagency consultation process, defined in sections B.2. and B.4., shall be employed by the lead CWG agency, and utilized by the RTC, NDOT, and other CWG members when ensuring that plans for construction of regionally significant projects (as defined in 40 CFR 93.101), which are not FHWA/FTA projects (including projects where alternative locations, design concept and scope, or the no-build option are considered), are regularly disclosed to the RTC, as the MPO. This shall include projects by fund recipients designated under U.S.C. Title 23 or 49, as required by 40 CFR 93.105(c)(4).

e. Specific Consultation: Lead CWG Agency; RTC; Other CWG Members.

The interagency consultation process, defined in sections B.2. and B.4., shall be employed by the lead CWG agency, and utilized by the RTC and other CWG members, when receiving monies pursuant to U.S.C. Title 23 or 49, for assuming the location, design concept, and scope of projects that have been disclosed to the RTC, as the MPO, but whose sponsors have not developed the projects in enough detail to perform a regional emissions analysis (in accordance with 40 CFR 93.122), as required by 40 CFR 93.105(c)(5).

The following projects are still subject to this requirement: alternative locations, design concept and scope, and the no-building option. CWG members must notify the RTC, as the MPO, of any changes to construction plans immediately.

f. Specific Consultation: The RTC (as MPO).

The RTC, as the MPO, shall follow the interagency consultation procedures, defined in sections B.2 and B.4., and consult with all CWG agencies in regard to the design, schedule, and funding of research and data collection efforts and regional transportation model development, as required by 40 CFR 93.105(c)(6).

g. Specific Consultation: Lead CWG Agency.

The lead CWG agency shall provide final documents, including applicable implementation plans, implementation plan revisions, and supporting information, to each CWG agency, within two weeks of approval or adoption. This provision applies to all CWG members, as required by 40 CFR 93.105(c)(7).

Table 9. CWG Agencies and Conduct Requiring Interagency Consultation

Specific Interagency Consultation	
Affected CWG Member(s)	Conduct Requiring Interagency Consultation
Lead CWG Agency RTC DAQEM NDOT NDEP EPA FTA FHWA DOT	- The lead CWG agency, and the RTC, DAQEM, NDOT, NDEP, EPA, FHWA, FTA, and DOT, shall consult when: <ul style="list-style-type: none"> • Evaluating and choosing which data, model(s), associated methods, and assumptions are to be utilized in hot spot analyses, preparing motor vehicle emissions budgets for SIPs, and regional transportation emissions analyses, which includes forecasting vehicle miles traveled; • Determining which minor arterials and other transportation projects should be considered regionally significant in analyzing regional emissions that are in addition to those functionally classified as principal arterial or higher, or as fixed guideway systems, or extensions that offer an alternative to regional highway travel; • Determining which projects should be considered to have a significant change in design concept and scope from the RTP or TIP; • Evaluating whether projects otherwise exempted from meeting the requirements of the transportation conformity regulations should be treated as non-exempt where potential adverse emissions impacts may exist for any reason; • Determining whether past obstacles to implementing TCMs that are behind SIP schedules have been identified and are being overcome; • Determining whether State and local agencies are giving maximum priority to approval and funding for TCMs in approved SIPs; • Determining whether delays in approved SIP TCM implementation necessitate revisions to the SIP to remove or substitute such TCMs or other emission reduction measures; • Notifying other agencies of RTP and TIP revisions or amendments which only add or delete exempt projects; • Determining localized CO, PM₁₀, and PM_{2.5} concentrations, also known as hot spot analysis, and specifically identifying projects at sites in PM₁₀ nonattainment areas that have vehicle and roadway emission and dispersion characteristics similar to those at sites with violations verified by monitoring and thus require quantitative PM₁₀ hot spot analysis; and • Choosing conformity tests and methodologies for isolated rural nonattainment and maintenance areas.
Lead CWG Agency RTC DAQEM NDOT NDEP	- The lead CWG agency, and the RTC, DAQEM, NDOT, and NDEP, shall consult when: <ul style="list-style-type: none"> • Evaluating events that trigger new conformity determinations, in addition to those listed in 40 CFR 93.104, and • Consulting on emissions analysis for transportation activities that cross borders of MPOs, nonattainment areas, or air basins.

Specific Interagency Consultation	
Affected CWG Member(s)	Conduct Requiring Interagency Consultation
RTC, as the MPO Lead CWG Agency NDOT	- The RTC, as the MPO, or the lead CWG agency, and NDOT shall consult when planning, analyzing, and determining the conformity of all projects outside the metropolitan planning area and within the nonattainment or maintenance area.
Lead CWG Agency RTC NDOT Other CWG members	- The lead CWG agency, as well as the RTC, NDOT, and other CWG members, shall ensure that plans for construction of regionally significant projects, which are not FHWA/FTA projects, are regularly disclosed to the RTC, as the MPO. This shall include projects by fund recipients designated under U.S.C. Title 23 or 49.
Lead CWG Agency RTC Other CWG members	- The lead CWG agency, as well as the RTC and other CWG members, shall consult when monies have been received pursuant to U.S.C. Title 23 or 49, for the location, design concept, and scope of projects that have been disclosed to the RTC, as the MPO, but whose sponsors have not developed the projects in enough detail to perform a regional emissions analysis. - The following projects are still subject to this requirement: alternative locations, design concept and scope, and the no-building option. CWG members must notify the RTC, as the MPO, of any changes to construction plans immediately.
RTC, as the MPO	- The RTC, as the MPO, shall consult with all CWG agencies in regard to the design, schedule, and funding of research and data collection efforts and regional transportation model development.
Lead CWG Agency	- The lead CWG agency shall provide final documents, including applicable implementation plans, implementation plan revisions, and supporting information, to each CWG agency, within two weeks of approval or adoption.

4. Resolving Conflicts.

a. Resolving Local Conflicts.

Issues may arise between local governmental MPO agencies or between local agencies and the MPO during the conformity determination process. This provision, along with Table 10, details the resolution process.

Initially, member agencies shall hold informal discussions to resolve issues quickly and effectively. If a resolution is not recognized, then the issues shall be presented to the RTC Executive Advisory Committee, the Metropolitan Planning Subcommittee, and potentially the Operations Subcommittee, or to the Clark County Air Quality Technical Advisory Committee.

The RTC Executive Advisory Committee, the Metropolitan Planning Subcommittee, and potentially the Operations Subcommittee shall hear issues that concern a transportation plan, a TIP conformity determination or revision, a transportation demand management control measure, or a transportation system management strategy. The committees shall discuss the issues and recommend resolutions to the RTC. The RTC shall then decide the issues at its next monthly meeting. The RTC shall have 60 calendar days from the date of referral to decide the issues.

The Clark County Air Quality Technical Advisory Committee shall hear issues that concern a SIP or a SIP revision. This committee shall discuss the issues and make recommendations to the Board of County Commissioners (BCC). The BCC shall have 60 calendar days from the date of referral to decide the issues.

b. Resolving Conflicts with State Agencies.

Issues may arise between state agencies or between state agencies and the MPO. This provision and Table 10 details the resolution process.

Agencies shall make every effort to resolve differences, which includes holding personal meetings between agency heads or their policy-level representatives. If the agency heads do not resolve the issues, then the conflict shall be referred to the Governor pursuant to 40 CFR 93.105(d).

If a non-resolvable dispute arises and the NDOT or the RTC notifies the NDEP head of the resolution of his or her comments, NDEP has 14 calendar days to appeal a proposed determination of conformity, or other policy decision under the transportation conformity regulation, to the Governor. The 14-day period shall commence when the RTC or the NDOT confirms that the NDEP director has received all comment resolutions, and notifies the NDEP director as well as the CWG as a whole that the 14-day clock has begun. If the NDEP appeals to the Nevada Governor, the final conformity determination shall have the Governor’s concurrence. The NDEP shall provide notice of any appeal to the RTC and the NDOT. If the NDEP does not appeal to the Nevada Governor in 14 calendar days, the RTC or the NDOT may proceed with the final conformity determination (40 CFR 93.105(d)).

The Nevada Governor may delegate the role of hearing these appeals and deciding whether to concur in the conformity determination to another state official or agency. The Governor shall not delegate this role to the head or staff of the NDEP; any local air quality agency; the NDOT; a state transportation commission or board; any agency that has responsibility for one of these functions; or the RTC (40 CFR 93.105(d)).

Table 10. Denotation of Conflict Resolution Steps for Local and State Agencies

Resolving Conflicts		
Resolution Steps	Local Agencies or Local Agencies and the MPO	State Agencies or State Agencies and the MPO
Step 1: Initial Resolution	Member Agencies shall hold informal discussions.	Agency heads or their policy-level representatives shall hold personal meetings.
Step 2: Appellate Procedures	If no resolution, then the issue shall be presented to RTC Executive Advisory Committee, the Metropolitan Planning Subcommittee, and potentially the Operations Subcommittee, or to the Clark County Air Quality Technical Advisory Committee. The Air Quality Committee shall hear SIP or SIP revision issues, while the RTC Committees shall hear all other issues.	If no resolution and the NDOT or the RTC notifies the NDEP head of the resolution of his/her comments, then the NDEP has 14 days to appeal a proposed conformity determination, or other policy under the transportation conformity regulation, to the Nevada Governor.
Step 3: Final Resolution	The RTC Executive Advisory Committee, the Metropolitan Planning Subcommittee, and potentially the Operations Subcommittee shall make recommendations to the RTC. The Clark County Air Quality Technical Advisory Committee shall make recommendations to the BCC. The BCC and the RTC shall have 60 days from date of referral to decide the issues.	The conformity determination shall have the Governor’s concurrence. The Governor may delegate the role of hearing the appeals to another state official or agency. The Governor shall not delegate this role to the NDEP, any local air quality agency, the NDOT, a state transportation commission or board, any agency that has any of these functions, or the RTC.

5. Public Consultation Procedures.

a. General Consultation Procedures.

Pursuant to 40 CFR 93.105(e), affected agencies making conformity determinations on transportation plans, programs, and projects shall establish a proactive public involvement process. To satisfy this general requirement, the MPO must reference its public involvement procedures.

The RTC, as the MPO, shall maintain a proactive process that provides for public review and comment. The RTC shall maintain a comprehensive committee structure that provides a forum for local agencies and the public to participate in the regional transportation planning process and associated air quality conformity determinations. The DAQEM advisory committees shall provide for broad-based community involvement in state and federal air quality compliance activities. In addition to committee involvement, local agency and public participation shall be encouraged through policy board meetings of member agencies, public hearings, and public information programs.

b. Specific Consultation Procedures: Periodic Review.

There are specific requirements and criteria for MPO public involvement set forth at 23 CFR 450.316(a) which compels the MPO to periodically review its public involvement process to assure that full and open access is provided during MPO decision-making processes. (23 CFR 450.316(b)(1)(ix)). Public involvement provisions are reviewed in the context of certification or planning reviews (as conducted by the FHWA and FTA under 23 CFR 450.334(b)). The DOT may withhold funding if the transportation planning process, which includes the public involvement process, as adopted by an MPO, “does not substantially meet the requirements” of 23 CFR 450 Subpart C.

The RTC, as the MPO, shall review its public involvement process periodically, or sooner if circumstances warrant, to assure that full and open access is provided to the MPO decision-making process. In particular, the RTC shall evaluate whether the public involvement process is effective in assuring full and open access to all (23 CFR 450.316(b)(1)(ix)). In so doing, the RTC shall develop and formally adopt a Public Participation Plan to promote public involvement in transportation planning. This Plan shall be updated as needed.

c. Specific Consultation Procedures: Records Access and Copying.

The MPO shall set consultation procedures that, at a minimum, provide for reasonable public access to technical and policy information considered by the MPO on a conformity determination for all transportation plans and TIPs. In addition, the MPO shall provide access to technical and policy information at the beginning of the public comment period and prior to taking formal action (40 CFR 93.105 and 23 CFR 450.316(a)). Finally, a MPO shall ensure that any charge imposed for public inspection or copying is reasonable and consistent with the fee schedule set forth in 49 CFR 7.43 (49 CFR 93.105(e)).

The RTC, as the MPO, shall provide public access at the beginning of the public comment period and before taking formal action. The RTC shall also provide for reasonable public access to technical and policy information considered by the agency on a conformity determination for all transportation plans and TIPs. The RTC shall also ensure that public inspection or copying fees and/or charges are reasonable and consistent with the fee schedule set forth in 49 CFR 7.43.

d. Specific Consultation Procedures: Public Comment.

When the MPO establishes a public involvement process, it shall set consultation procedures that, at a minimum, provide that agencies shall specifically address in writing all public comments stating that known plans for a regionally significant non-FHWA/FTA projects have not been properly reflected in the emissions analysis and have not provided the opportunity for public involvement in project conformity determinations as required by law (40 CFR 93.105(e)).

The RTC, as the MPO, shall “specifically address in writing all public comments stating that known plans for a regionally significant project which is not receiving FHWA or FTA funding or approval have not been properly reflected in the emissions analysis supporting a proposed conformity finding for a transportation plan or a TIP” (40 CFR 93.105(e)). The RTC shall also provide an opportunity for public involvement in conformity determinations to the extent required by other laws, such as the NEPA. These opportunities shall include access to information, emissions data, analyses, model documentation, and assumptions.

Table 11. Public Consultation Procedure Requirements for CWG Agencies

Public Consultation Procedures	
Consultation Procedures	Requirements of CWG Agencies
General	<ul style="list-style-type: none"> - The RTC, as the MPO, shall maintain a proactive process that provides for public review and comment. - The RTC, as the MPO, shall maintain a comprehensive committee structure that provides a forum for local agencies and the public to participate in the regional transportation planning process and associated air quality conformity determinations. - The DAQEM advisory committees shall provide for broad-based community involvement in state and federal air quality compliance activities. - Local agency and public participation shall be encouraged through policy board meetings of member agencies, public hearings, and public information programs.
Specific: Periodic Review	<ul style="list-style-type: none"> - The RTC, as the MPO, shall review its public involvement process once every two years, or sooner if circumstances warrant, to assure that full and open access is provided to the MPO decision-making process. - The RTC shall evaluate whether the public involvement process is effective in assuring full and open access to all. - The RTC shall develop and formally adopt a Public Participation Plan to promote public involvement in transportation planning and shall updated the Plan as needed.
Specific: Records Access and Copying	<ul style="list-style-type: none"> - The RTC, as the MPO, shall provide public access at the beginning of the public comment period, and before taking formal action. - The RTC shall also provide for reasonable public access to technical and policy information considered by the agency on a conformity determination for all transportation plans and TIPs. - The RTC shall also ensure that public inspection or copying fees and/or charges are reasonable and consistent with the fee schedule set forth in 49 CFR 7.43.

Public Consultation Procedures	
Consultation Procedures	Requirements of CWG Agencies
Specific: Public Comment	<ul style="list-style-type: none"> - The RTC, as the MPO, shall "specifically address in writing all public comments stating that known plans for a regionally significant project which is not receiving FHWA or FTA funding or approval have not been properly reflected in the emissions analysis supporting a proposed conformity finding for a transportation plan or a TIP." - The RTC shall also provide an opportunity for public involvement in conformity determinations to the extent required by other laws, such as the NEPA. These opportunities shall include access to information, emissions data, analyses, model documentation, and assumptions.

C. Conformity Procedures

Under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, conformity SIPs shall include conformity procedures that address 40 CFR 93.122(a)(4)(ii) and 93.125(c) (all remaining conformity procedures apply automatically).

1. Enforceable Written Commitments Required for Emissions Reduction Credits

Emissions reduction credit from control measures that are not included in the transportation plan and TIP, and that do not require a regulatory action in order to be implemented, may not be included in the emissions analysis unless the conformity determination includes written commitments to the implementation from the appropriate entities (40 CFR 93.122(a)(4)(ii)).

Prior to making a conformity determination on the RTP or TIP, the RTC, as lead agency, shall not include emissions reductions credits from any control measures that are not included in the RTP or TIP and that do not require a regulatory action in the regional emissions analysis used in the conformity analysis unless the MPO or FHWA/FTA obtains written commitments, as defined in 40 CFR 93.101, from the appropriate entities to implement those control measures. The written commitments to implement those control measures shall be fulfilled by the appropriate entities (40 CFR 93.122(a)(4)(ii)).

2. Enforceability of Design Concept and Scope; Project-Level Mitigation and Control Measures

Written commitments shall be obtained for project-level mitigation or control measures before the MPO makes a conformity determination. Prior to making a project-level conformity determination for a transportation project, FHWA/FTA shall obtain written commitments (as defined in 40 CFR 93.101) from the project sponsor and/or operator to implement any project-level mitigation or control measures in the construction or operation of the project identified as conditions for NEPA approval. (40 CFR 93.125(c)).

The written commitments to implement those project-level mitigation or control measures shall be fulfilled by the appropriate entities. Prior to making a conformity determination on the RTP or TIP, the RTC shall ensure any project-level mitigation or control measures are included in the project design concept and scope and are appropriately identified in the regional emissions analysis used in the conformity determination (40 CFR 93.125(c)). Prior to making a project-level conformity determination, the lead CWG agency shall obtain written commitments before such mitigation or control measures are used in a project-level hot-spot conformity analysis. (40 CFR 93.125(c)).

APPENDIX A

Documentation of Public Review Process



Maggie Wimmer
10/26/2007 10:35 AM

To:
cc:
Subject:

**NOTICE OF
PROPOSED ACTION**

NOTICE IS HEREBY GIVEN that the Clark County Department of Air Quality and Environment Management (DAQEM) is proposing a revision to transportation conformity section of the State Implementation Plan (SIP).

The United States Environmental Protection Agency requires that states with areas that do not meet the National Ambient Air Quality Standards, defined as nonattainment areas, submit a revision to the SIP which contains criteria for federal, state, and local agencies to determine conformity of transportation plans, programs and projects to the SIP. This plan applies in all nonattainment and maintenance areas for transportation-related criteria pollutants for which the area is designated nonattainment or has a maintenance plan.

Portions of Clark County have been classified as nonattainment for Ozone, Carbon Monoxide, and Particulate Matter with aerodynamic diameter of 10 microns or less. As such, Clark County is required to establish a transportation conformity plan to satisfy the criteria of 40 CFR Part 51, Subpart T and Part 93, Subpart A.

The proposed Clark County Transportation Conformity Plan (TCP) incorporates the required provisions of 40 CFR Part 93, Subpart A. The TCP provides local procedures for interagency consultation (federal, state, and local), resolution of conflicts, and public consultation as described in 40 CFR Section 93.105.

This notice announces the 30-day public comment period, commencing Monday, October 29, 2007, and ending on Tuesday, November 27, 2007. The TCP is available for public inspection at the DAQEM, 500 S. Grand Central Pkwy, Las Vegas, Nevada 89106, telephone 702-455-5942. The TCP is also available on the DAQEM web site at

<http://www.accessclarkcounty.com/daqem/index.html>

(to access the document click on air quality and then click on plans and studies). The TCP will be mailed to interested persons upon request. Any fees associated with this request will be billed at a cost consistent with the Clark County Public Records Policy and NRS 239.

Any questions or comments must be submitted in writing to the DAQEM at the address given above and placed to the attention of Richard Ansson. All comments must be received by Tuesday, November 27, 2007 at 5:00 pm, the close of this 30-day notice. The written comments will be retained and considered prior to the submission of the proposed TCP to the Board of County Commissioners.

Dated this 28th day of
October, 2007.

Lewis Wallenmeyer
Director
Department of Air Quality and Environmental
Management
PUB: Oct. 28, Nov. 4, 11, 2007 LV Review-Journal

AFFP DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

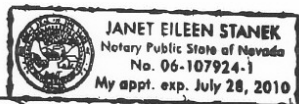
STATE OF NEVADA)
COUNTY OF CLARK) SS:

Stacey M. Lewis, being 1st duly sworn, deposes and says: That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for,

CC AIR QUAL MANGMNT 3868527CC 2951359

was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 3 edition(s) of said newspaper issued from 10/28/2007 to 11/11/2007, on the following days:

- 10/28/2007
- 11/04/2007
- 11/11/2007



Signed: Stacey M. Lewis

SUBSCRIBED AND SWORN BEFORE ME THIS, THE

12th day of November 2007.

Janet Eileen Stanek
Notary Public

NOTICE OF PROPOSED ACTION

NOTICE IS HEREBY GIVEN that the Clark County Department of Air Quality and Environmental Management (DAQEM) is proposing a revision to transportation conformity section of the State Implementation Plan (SIP).

The United States Environmental Protection Agency requires that states with areas that do not meet the National Ambient Air Quality Standards, defined as nonattainment areas, submit a revision to the SIP which contains criteria for federal, state, and local agencies to determine conformity of transportation plans, programs and projects to the SIP. This plan applies in all nonattainment and maintenance areas for transportation-related criteria pollutants for which the area is designated nonattainment or has a maintenance plan.

Portions of Clark County have been classified as nonattainment for Ozone, Carbon Monoxide, and Particulate Matter with aerodynamic diameter of 10 microns or less. As such, Clark County is required to establish a transportation conformity plan to satisfy the criteria of 40 CFR Part 51, Subpart 7 and Part 93, Subpart A.

The proposed Clark County Transportation Conformity Plan (TCP) incorporates the required provisions of 40 CFR Part 93, Subpart A. The TCP provides local procedures for interagency consultation (federal, state, and local), resolution of conflicts, and public consultation as described in 40 CFR Section 93.105.

This notice announces the 30-day public comment period, commencing Monday, October 29, 2007, and ending on Tuesday, November 27, 2007. The TCP is available for public inspection at the DAQEM, 500 S. Grand Central Pkwy, Las Vegas, Nevada 89106, telephone 702-455-5942. The TCP is also available on the DAQEM web site at <http://www.accessclarkcounty.com/daqem/index.html> (to access the document click on air quality and then click on plans and studies). The TCP will be mailed to interested persons upon request. Any fees associated with this request will be billed at a cost consistent with the Clark County Public Records Policy and NRS 239.

Any questions or comments must be submitted in writing to the DAQEM at the address given above and placed to the attention of Richard Ansson. All comments must be received by Tuesday, November 27, 2007 at 5:00 pm. The close of this 30-day notice. The written comments will be retained and considered prior to the submission of the proposed TCP to the Board of County Commissioners.

Dated this 28th day of October, 2007.

Lewis Wallenmeyer
Director
Department of Air Quality and Environmental Management
PUB: Oct 28, Nov 4, 11, 2007
LV Review-Journal

**CLARK COUNTY BOARD OF COMMISSIONERS
AGENDA ITEM**

Issue:	Set a Public Hearing for the Clark County Transportation Conformity Plan	Back-up:
Petitioner:	Lewis Wallenmeyer, Director, Air Quality & Environmental Management	Clerk Ref. #
Recommendation:		
That the Board of County Commissioners receive the Proposed Clark County Transportation Conformity Plan and set a public hearing on January 15, 2008 at 10:00 a.m.		

FISCAL IMPACT:

None by this action.

BACKGROUND:


The U.S. EPA requires that states with areas that do not meet the National Ambient Air Quality Standards (NAAQS), defined as nonattainment areas, submit a revision to the State Implementation Plan (SIP) which contains criteria and procedures for federal, state and local agencies to determine conformity of transportation plans, programs, and projects to the SIP (i.e. Transportation Conformity Plan (TCP)). This plan applies in all nonattainment and maintenance areas for transportation-related criteria pollutants for which the area is designated nonattainment or has a maintenance plan. Portions of Clark County have been classified as nonattainment for ozone, CO, and PM₁₀.

The State of Nevada has designated the Clark County Board of Commissioners as the air pollution control agency for Clark County (NRS 445B.500). As such, the submittal of a TCP by Clark County is required to satisfy the criteria of 40 CFR Part 51, Subpart T and Part 93, Subpart A.

The proposed TCP incorporates the required provisions of 40 CFR Part 93, Subpart A. The TCP provides required local procedures for interagency consultation as described in 40 CFR Section 93.105.

The required minimum 30-day federal public comment period was noticed on October 28th, November 4th, and November 11th. The 30-day comment period started on Monday, October 29th, 2007 and ended on Tuesday, November 27th, 2007. Staff recommends a public hearing be set on January 15th, 2008. The purpose of the public hearing is to solicit public comments, after which the TCP will be formally submitted to the U.S. Environmental Protection Agency through the Nevada Department of Environmental Protection.

Respectfully submitted,


LEWIS WALLENMEYER
Director, Air Quality and
Environmental Management

Cleared for Agenda

1/2/08 DA

Agenda
Item # 28

AGENDA

JOINT MEETING OF THE
CLARK COUNTY BOARD OF COMMISSIONERS
CLARK COUNTY WATER RECLAMATION DISTRICT BOARD OF TRUSTEES
UNIVERSITY MEDICAL CENTER OF SOUTHERN NEVADA BOARD OF TRUSTEES
CLARK COUNTY LIQUOR AND GAMING LICENSING BOARD
AND THE
COYOTE SPRINGS WATER RESOURCES GENERAL IMPROVEMENT DISTRICT
BOARD OF TRUSTEES

9:15 A.M. JANUARY 2, 2008

CLARK COUNTY COMMISSION CHAMBERS, GOVERNMENT CENTER
500 SOUTH GRAND CENTRAL PARKWAY, LAS VEGAS, NEVADA

This meeting has been properly noticed and posted in the following locations:		Agenda Also Available At:	
CC Government Center 500 S. Grand Central Pkwy. Las Vegas, NV (Principal Office)	Regional Justice Center 200 Lewis Ave, 1 st Fl. Las Vegas, NV	City of Las Vegas 400 E. Stewart Ave. Las Vegas, NV	City of North Las Vegas 2200 Civic Center Dr. No. Las Vegas, NV
Third Street Building 309 S. Third St. Las Vegas, NV	Paradise Park Pool & Center 4775 McLeod Dr. Las Vegas, NV	City of Henderson 200 Water St. Henderson, NV	City of Boulder City 400 California Ave. Boulder City, NV
Winchester Park & Center 3130 S. McLeod Dr Las Vegas, NV	Desert Breeze Park & Community Ctr 8275 Spring Mtn. Rd Las Vegas, NV	City of Mesquite 10 E. Mesquite Blvd. Mesquite, NV	Clark County Reg. Govt. Center 101 Civic Way Laughlin, NV

Tune in to the County's news magazine "Chronicles" Wednesday, January 2, 2008, at 6:30 p.m.
The main agenda is available on Clark County's Internet Web Site, <http://www.accessclarkcounty.com>.
This meeting will be broadcast live on Clark County Television, Channel 4 (CCTV 4) and over the Internet, <http://www.accessclarkcounty.com>. It will be replayed over CCTV 4 on Wednesday, January 2, 2008, at 8:00 p.m.
For more programming information, call the Public Communications Office at 455-6888.

SEC. 1 OPENING CEREMONIES

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

Item No.

Approval of Agenda with the Inclusion of Any Emergency Items and Deletion of Any Items.

1

NOTE: All items listed on this agenda are for action by the Board/Trustees unless otherwise noted. Action may consist of any of the following: approve, deny, condition, hold, or table.

Consent Agenda - All matters in this sub-category are considered by the Board of County Commissioners and the Board of Trustees to be routine and may be acted upon in one motion. Most agenda items are phrased for a positive action. However, the Board/Trustees may take other actions such as hold, table, amend, etc.

COMMENTS BY THE GENERAL PUBLIC

According to Nevada's Open Meeting Law, it is the Board's/Trustees' discretion to take Public Comment during times other than during a Public Hearing or during the Public Comment Session. In all other instances, a citizen may speak on any matter before the Board/Trustee for consideration, after receiving recognition and consent of the Chairman of the Board. Public Comment will be limited to three minutes. If any member of the Board/Trustees wishes to extend the length of a presentation, this will be done by the Chairman, or the Board/Trustees by majority vote.

If you wish to speak on a matter not listed as a public hearing or on a matter not posted on the agenda, you may do so during the Public Comment Session. Please step up to the speaker's podium, clearly state your name and address -- please spell your name for the record -- and limit your comments to no more than three minutes. No vote may be taken on any matter not listed on the posted agenda.

Consent Agenda items are routine and can be taken in one motion unless a Commissioner/Trustee requests that an item be taken separately. For all items left on the Consent Agenda, the action taken will be staff's recommendation as indicated on the item.

Items taken separately from the Consent Agenda by Commissioners/Trustees at the meeting will be heard following the Commissioners'/County Manager's Recognition Section.

SEC. 2. CONSENT AGENDA: Items No. 2 through No. 108

Purchasing & Contracts

- | | | |
|----|---|---|
| a. | Approve the award of Bid Number 600831, Dr. William U. Pearson Park, to the low responsive and responsible bidder, contingent upon submission of the required bonds and insurance. Staff recommends rejection of the bid received from C G & B Enterprises, Inc.; and award to Richardson Construction, Inc. (Real Property Management) | 2 |
| b. | Approve the award of Bid Number 600841, Annual Requirements Contract for Security Guard and Patrol Services for Various Court Locations, to the low responsive and responsible bidder, contingent upon submission of the required bonds and insurance. Staff recommends award to Wackenhut of Nevada, Inc. (District Court) | 3 |
| c. | Approve the award of Bid Number 600873, Moapa Valley Senior Center, to the low responsive and responsible bidder, contingent upon submission of the required bonds and insurance. Staff recommends award to Hardy Construction, Inc. (Real Property Management) | 4 |
| d. | Approve the award of Bid Number 600913, Current Production Model 44 Passenger Prisoner Transport Bus, to the sole bidder. Staff recommends award to Auto Safety House. (Finance) | 5 |
| e. | Approve Change Order No. 1 to the contract with Wells Cargo, Inc., for Bid Number 600133, Dean Martin Drive from Warm Springs Road to Oquendo Road; or take other action as appropriate. (Public Works) | 6 |

- f. Approve Change Order Nos. 1 through 3 to the contract with B & H Construction, Inc., for Bid Number 600566, Sandy Valley Senior Center; or take other action as appropriate. (Real Property Management) 7
- g. Approve the contract with Quarles & Brady LLP, to provide Legal Services to the Clark County Department of Air Quality and Environmental Management; and authorize the Chief Financial Officer or his designee to sign the contract; or take other action as appropriate. (Air Quality and Environmental Management) 8
- h. Approve the contract with Geoscience Consultants, to provide consulting services related to Volcanic Hazard Assessment for the Yucca Mountain Nuclear Waste Repository Program; and authorize the Chief Financial Officer or his designee to sign the contract; or take other action as appropriate. (Comprehensive Planning) 9
- i. Approve the contract with Switch Communications Group LLC, to provide Co-location Space and Redundant Internet Service Connection; and authorize the Chief Financial Officer or his designee to sign the Service Order; or take other action as appropriate. (Finance) 10
- j. Approve the interlocal agreement with U. S. National Park Service, for Lake Mead Geographical Information Systems and Data Management Support; and authorize the Chairman to sign the agreement. (Air Quality and Environmental Management) 11
- k. Approve Amendment One to the Order with Oracle USA, Incorporated, to provide Professional Services for Service Oriented Architecture software; and authorize the Chief Financial Officer or his designee to sign the amendment; or take other action as appropriate. (Finance) 12
- l. Approve Amendment No. 3 to the contract with JNA Consulting Group, LLC., to provide Financial Advisory Services; and authorize the Chief Financial Officer or his designee to sign the amendment; or take other action as appropriate. (Finance) 13
- m. Approve Amendment No. 3 to the contract with Hobbs, Ong & Associates, Inc., and Public Financial Management, a joint venture, to provide Financial Advisory Services; and authorize the Chief Financial Officer or his designee to sign the amendment; or take other action as appropriate. (Finance) 14
- n. Approve Amendment No. 3 to the contract with Nevada State Bank Public Finance, a division of Zions First National Bank, to provide Secondary Market Disclosure Service; and authorize the Chief Financial Officer or his designee to sign the amendment; or take other action as appropriate. (Finance) 15
- o. Approve the Qualification List for various public works construction projects, for the period from January 2, 2008 through December 31, 2008, with the option to renew the list for one, one-year period; or take other action as appropriate. (Finance) 16

Town Services Minutes (*Minutes to be Noted*)
(Available in the County Clerk's Office, Commission Division)

- a. Note for the record the following Town Advisory Board (TAB) and Citizens Advisory Council (CAC) Minutes: 17

Indian Springs Town Advisory Board – November 15, 2007
 Moapa Town Advisory Board – November 15, 2007

Bunkerville Town Advisory Board – November 29, 2007
Sunrise Manor Town Advisory Board – November 29, 2007
Lone Mountain Citizens Advisory Council – December 11, 2007
Lower Kyle Canyon Citizens Advisory Council – December 11, 2007
Paradise Town Advisory Board – December 11, 2007
Moapa Valley Fire District Advisory Board – December 11, 2007
Enterprise Town Advisory Board – December 12, 2007
Moapa Valley Town Advisory Board – December 12, 2007
Winchester Town Advisory Board – December 12, 2007
Whitney Town Advisory Board – December 13, 2007

Business License

- a. Refer the Work Identification Card appeal filed by Rachel Hansen and Curiaeos Billis with the Clark County Business License Department to a Hearing Officer in response to the denial, suspension or revocation of a Work Identification Card by the Las Vegas Metropolitan Police Department. **18**

Social Service

- a. Approve and authorize the Chairman to sign an interlocal agreement between Clark County and the Southern Nevada Health District for tuberculosis test services for Social Service employees, effective through January 31, 2009. **19**
- b. Approve and authorize the Director of Social Service to sign the Contract for Birth Certificate and Identification Project between the Clark County and Lutheran Social Services of Nevada for eligible Clark County clients to receive assistance in obtaining valid identification documents, effective January 2 through December 31, 2008. **20**
- c. Approve and authorize the Chairman to sign Amendment Number 1 to the interlocal agreement between Clark County and Mohave County Department Of Public Health (DPH) to provide funding in the amount of \$212,417 to DPH for ambulatory outpatient medical care, AIDS pharmaceutical assistance, medical transportation, health insurance premium and cost sharing assistance, medical case management, case management (non-medical), food bank/home delivered meals, and medical nutrition therapy services to eligible individuals in the Las Vegas, Nevada, Transitional Grant Area. **21**

Air Quality & Environmental Management

- a. Appoint Phil Rosenquist as the designated member and Lewis Wallenmeyer as the alternate member of the Las Vegas Valley Watershed Advisory Committee. **22**
- b. Approve the Financial Assistance Agreement for the Glendale-Moapa Disposal Area Open Space Trail Study in the amount of \$200,000; and authorize the Director of the Department of Air Quality and Environmental Management or his designee to sign the Financial Assistance Agreement. **23**
- c. Approve the Financial Assistance Agreement for the Goodsprings Yellow Pine Rail Trail Study in the amount of \$250,000; and authorize the Director of the Department of Air Quality and Environmental Management or his designee to sign the Financial Assistance Agreement. **24**

- d. Approve the Financial Assistance Agreement for the Laughlin Regional Park and Regional Trail System Planning Study in the amount of \$500,000; and authorize the Director of the Department of Air Quality and Environmental Management or his designee to sign the Financial Assistance Agreement. 25
- e. Approve the Financial Assistance Agreement for the Moapa Valley Trails Study in the amount of \$385,000; and authorize the Director of the Department of Air Quality and Environmental Management or his designee to sign the Financial Assistance Agreement. 26
- f. Approve the Financial Assistance Agreement for the Searchlight Trails Study in the amount of \$250,000; and authorize the Director of the Department of Air Quality and Environmental Management or his designee to sign the Financial Assistance Agreement. 27
- g. Receive the Proposed Clark County Transportation Conformity Plan and set a public hearing on Tuesday, January 15, 2008 at 10:00 a.m. 28

Aviation

- a. Approve and authorize the advertising of the intent to enter into an aviation support services operating permit between Clark County and Panasonic Avionics Corporation (Bryce Cline, Director, Business Operations, Maintenance and Repair Services) for aircraft passenger entertainment systems maintenance for air carriers and tenants at McCarran International Airport. 29
- b. Approve and authorize the advertising of the intent to enter into a passenger/tour escort operating permit between Clark County and Hello Nevada, Inc. dba Hello Las Vegas! (Melissa Zorko, General Manger) to provide passenger and tour escort service at McCarran International Airport. 30
- c. Approve and authorize the Director of Aviation to sign the ground handler operating permit between Clark County and Servisair, LLC (Dino G. Noto, Vice President) for airline ground handling services for air carriers and tenants at McCarran International Airport. 31
- d. Approve and authorize the Director of Aviation to sign the general aviation operating permit between Clark County and Northwest Soaring, Inc. dba Las Vegas Glider Rides (John Michael Henderson, Owner) for the purpose of operating a commercial soaring and glider rides business at Jean Airport. 32
- e. Approve and authorize the Director of Aviation to sign the aviation support services operating permit between Clark County and Global Aviation Services, LLC. (Richard L. Smith, President) for GSE Maintenance Services for air carriers and tenants at McCarran International Airport. 33
- f. Approve and authorize the advertising of the intent to enter into an agreement between Clark County and RELAY-Ayala's at McCarran, LLC (Brian Ayala, Vice President) for the operation of a news and gift concession at McCarran International Airport. 34
- g. Approve and authorize the Director of Aviation to negotiate a contract between Clark County and Terry Ritter Art (Terry Ritter, Owner) to acquire a work of art to be created for installation in Terminal 3, Project 2152, at McCarran International Airport. 35
- h. Approve and authorize the Director of Aviation to negotiate a contract between Clark County and Rob Fisher Sculpture, LLC (True T. Fisher, President) to acquire a work of art to be created for installation in Terminal 3, Project 2152, at McCarran International Airport. 36

- i. Approve and authorize the Director of Aviation to negotiate a contract between Clark County and Helmick and Schechter, Inc. (Ralph Helmick, President) to acquire a work of art to be created for installation in Terminal 3, Project 2152, at McCarran International Airport. 37
- j. Approve and authorize the Director of Aviation to negotiate a contract between Clark County and Design Effects, Inc. dba Domsy Glass (Barbara Domsy, President) to acquire a work of art to be created for installation in Terminal 3, Project 2152, at McCarran International Airport. 38
- k. Approve and authorize the Director of Aviation to negotiate a contract between Clark County and Carpenter Studio (Ed Carpenter, Owner) to acquire a work of art to be created for installation in Terminal 3, Project 2152, at McCarran International Airport. 39
- l. Approve and authorize the County Manager, or her designee, to sign an easement in favor of the Las Vegas Valley Water District for utility purposes on County (Airport) owned property known as APN 177-20-202-001, located south of Agate Street, north of Vicki Avenue, east of Procyon Street, and west of Polaris Avenue. 40
- m. Approve and authorize the Director of Aviation to sign a Design Initiation Agreement and Authorization to Proceed with Nevada Power Company for Project 2288-1, East Lot Aircraft Parking Expansion (Package 1) at McCarran International Airport. 41
- n. Approve and authorize the Director of Aviation to sign a professional services contract (C-2325) between Clark County and Loftus Engineering West, LLC (Dennis V. Poskon, Managing Member) for design services associated with the Terminal 2 HVAC Improvements at McCarran International Airport. 42
- o. Approve and authorize the Director of Aviation to sign a contract (2298) between Clark County and FMC Technologies Inc., Jetway (E. Dale Sumpter, General Manager) for the Northwest D Wing Passenger Loading Bridges at McCarran International Airport. 43
- p. Approve the completion of Contract 2301 between Clark County and C&W Enterprises, Inc. (Tony Moreno, President) for the demolition of the Gilespie Street Parking Lot Site, the National Airlines Building located at 6020 Spencer Street and the Clark County Public Works Building, for McCarran International Airport. 44
- q. Approve and authorize the Director of Aviation to sign the First Amendment to the lease agreement between Clark County and International Aviation Terminals Partnership, a Nevada general partnership (Stephen T. Lueck, Senior Vice President AMB Property, L.P.) to revise the leased premises included under the lease agreement at McCarran International Airport. 45
- r. Approve and authorize the Director of Aviation to sign Contract Change Request No. 8 to Contract 2288-1 between Clark County and Frehner Construction Company, Inc. (James Austin, Vice President) for the East Lot Aircraft Parking Expansion (Package 1) at McCarran International Airport. 46
- s. Approve and authorize the Director of Aviation to sign Amendment No. 1 to the professional services contract (C-2304) between Clark County and HDR Engineering, Inc. (Lolene J. Terry, Vice President) for design services associated with the Traffic Signal/Miscellaneous Roadway Improvements at McCarran International Airport. 47

**NOTICE OF
PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the CLARK COUNTY BOARD OF COUNTY COMMISSIONERS in the Clark County Chambers, 500 South Grand Central Parkway, Las Vegas, Nevada, on TUESDAY, JANUARY 15TH, 2008 AT 10:00 AM.

The purpose of this hearing is to consider a revision to transportation conformity section of the State Implementation Plan (SIP). The United States Environmental Protection Agency requires that states with areas that do not meet the National Ambient Air Quality Standards, defined as nonattainment areas, submit a revision to the SIP which contains criteria for federal, state, and local agencies to determine conformity of transportation plans, programs, and projects to the SIP. This plan applies in all nonattainment and maintenance areas for transportation-related criteria pollutants for which the area is designated nonattainment or has a maintenance plan.

Portions of Clark County have been classified as nonattainment for Ozone, Carbon Monoxide, and Particulate Matter with aerodynamic diameter of 10 microns or less. As such, Clark County is required to establish a transportation conformity plan to satisfy the criteria of 40 CFR Part 93, Subpart F and Part 93, Subpart A.

The proposed Clark County Transportation Conformity Plan (TCP) incorporates the required provisions of 40 CFR Part 93, Subpart A. The TCP provides local procedures for interagency consultation (federal, state, and local), resolution of conflicts, and public consultation as described in 40 CFR Section 93.105.

The TCP is available for public inspection at the DAQEM, 500 S. Grand Central Pkwy, Las Vegas, Nevada 89106, telephone 702-455-5942. The TCP is also available on the DAQEM web site at <http://www.access.clarkcounty.com/daqem/index.html> (to access the document click on air quality and then click on plans and studies). The TCP will be mailed to interested persons upon request. Any fees associated with this request will be billed at a cost consistent with the Clark County Public Records Policy and NRS 239.
Lewis Wallenmeyer
Director
Department of Air Quality and Environmental Management
PUB: January 13, 2008
LV Review-Journal

Ad shown is not actual print size

**CLARK COUNTY BOARD OF COMMISSIONERS
AGENDA ITEM**

Issue: Public Hearing: Clark County Transportation Conformity Plan	Back-up:
Petitioner: Lewis Wallenmeyer, Director, Air Quality & Environmental Management	Clerk Ref. #

Recommendation:

That the Board of County Commissioners conduct a public hearing; approve, adopt, an authorize the Chairman to sign a resolution adopting the Clark County Transportation Conformity Plan (TCP); and authorize the submittal of the final TCP including an relevant comments from the public hearing to the State of Nevada Division of Environmental Protection Agency as a State Implementation Plan revision.

FISCAL IMPACT:

None by this action.

BACKGROUND:


The U.S. Environmental Protection Agency (EPA) requires that states with areas that do not meet the National Ambient Air Quality Standards (NAAQS), defined as nonattainment areas, submit a revision to the State Implementation Plan (SIP) which contains criteria and procedures for federal, state and local agencies to determine conformity of transportation plans, programs, and projects to the SIP (i.e. Transportation Conformity Plan (TCP)). The TCP applies in all nonattainment and maintenance areas for transportation-related criteria pollutants for which the area is designated nonattainment or has a maintenance plan. Portions of Clark County have been classified as nonattainment for ozone, CO, and PM₁₀.

The State of Nevada has designated the Clark County Board of Commissioners as the air pollution control agency for Clark County (NRS 445B.500). As such, Clark County is required to submit the TCP to satisfy the criteria of 40 CFR Part 51, Subpart T and Part 93, Subpart A. The TCP provides required local procedures for interagency consultation as described in 40 CFR Section 93.105 and incorporates the required provisions of 40 CFR Part 93, Subpart A.

The final TCP will consist of addressing comments from the public, making any changes to the TCP based on comments, as appropriate. All comments, whether or not responses to those comments result in changes to the TCP, will be forwarded with the final TCP to the Nevada Division of Environmental Protection for submittal to EPA.

The required minimum 30-day federal public comment period was noticed on October 28th, November 4th, and November 11th. The 30-day comment period started on Monday, October 29th, 2007 and ended on Tuesday, November 27th, 2007. After the Board set the date of the public hearing on January 2, 2008, the notice for this public hearing was published on January 13th, 2008.

Respectfully submitted,


VIRGINA VALENTINE
County Manager

Cleared for Agenda

1/15/08 DV

Agenda

21

AGENDA

JOINT MEETING OF THE
CLARK COUNTY BOARD OF COMMISSIONERS
CLARK COUNTY WATER RECLAMATION DISTRICT BOARD OF TRUSTEES
UNIVERSITY MEDICAL CENTER OF SOUTHERN NEVADA BOARD OF TRUSTEES
AND CLARK COUNTY LIQUOR AND GAMING LICENSING BOARD
9:15 A.M. JANUARY 15, 2008
CLARK COUNTY COMMISSION CHAMBERS, GOVERNMENT CENTER
500 SOUTH GRAND CENTRAL PARKWAY, LAS VEGAS, NEVADA

RECEIVED
JAN 15 2008

This meeting has been properly noticed and posted in the following locations:		Agenda Also Available At:	
CC Government Center 500 S. Grand Central Pkwy. Las Vegas, NV (Principal Office)	Regional Justice Center 200 Lewis Ave, 1 st Fl. Las Vegas, NV	City of Las Vegas 400 E. Stewart Ave. Las Vegas, NV	City of North Las Vegas 2200 Civic Center Dr. No. Las Vegas, NV
Third Street Building 309 S. Third St. Las Vegas, NV	Paradise Park Pool & Center 4775 McLeod Dr. Las Vegas, NV	City of Henderson 200 Water St. Henderson, NV	City of Boulder City 400 California Ave. Boulder City, NV
Winchester Park & Center 3130 S. McLeod Dr Las Vegas, NV	Desert Breeze Park & Community Ctr 8275 Spring Mtn. Rd Las Vegas, NV	City of Mesquite 10 E. Mesquite Blvd. Mesquite, NV	Clark County Reg. Govt. Center 101 Civic Way Laughlin, NV

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SEC. 1 OPENING CEREMONIES

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

	<u>Item No.</u>
Approval of Minutes of the Regular Meetings on November 20, 2007, and December 4, 2007. (Available in the County Clerk's Office, Commission Division)	1
Approval of Agenda with the Inclusion of Any Emergency Items and Deletion of Any Items.	2

NOTE: All items listed on this agenda are for action by the Board/Trustees unless otherwise noted. Action may consist of any of the following: approve, deny, condition, hold, or table.

Consent Agenda - All matters in this sub-category are considered by the Board of County Commissioners and the Board of Trustees to be routine and may be acted upon in one motion. Most agenda items are phrased for a positive action. However, the Board/Trustees may take other actions such as hold, table, amend, etc.

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Consent Agenda items are routine and can be taken in one motion unless a Commissioner/Trustee requests that an item be taken separately. For all items left on the Consent Agenda, the action taken will be staff's recommendation as indicated on the item.

Items taken separately from the Consent Agenda by Commissioners/Trustees at the meeting will be heard following the Commissioners'/County Manager's Recognition Section.

SEC. 2. CONSENT AGENDA: Items No. 3 through No. 57

Purchasing & Contracts

- a. Approve the award of Bid Number 600817, Annual Requirements Contract for Sign Shop and Pavement Marking Supplies, to the low responsive and responsible bidders. Staff recommends rejection of the bid received from Advance Traffic Markings for Lot II; and award of Lot I and Lot II to 3M Company, and Lot III to Zumar Industries, Inc. (Finance) **3**

- b. Approve the award of Bid Number 600902, Annual Requirements Contract for Full-Coverage Services for Chiller Maintenance, to the low responsive and responsible bidder, contingent upon submission of the required bonds and insurance. Staff recommends rejection of both bids received from DP Air Corporation, rejection of the bid received from Consolidated Mechanical Contractors, Inc.; and award to Carrier Corporation. (Real Property Management) **4**

- c. Approve Amendment Two with MTG Management Consultants, L.L.C., to provide additional services related to the Needs Assessment, Business Process Re-engineering, Requirements and RFP Development Effort, to replace the Regional Justice Information System (SCOPE) and Wanted Vehicle System (WVS) for the Clark County Justice and Public Safety Community of Interest (COI); and authorize the Chief Financial Officer or his designee to sign the amendment; or take other action as appropriate. (Finance) **5**

- d. Approve the fourth and last renewal of Bid Number 5330-03, Annual Requirements Contract for a Comprehensive Service-Orientated Water Treatment Program, awarded to CHEMTEX, International Chemtex Corporation; and authorize the Chief Financial Officer or his designee to issue a renewal notice; or take other action as appropriate. (Real Property Management) **6**

- e. Extend the use of the Architecture Services Providers List and the Landscape Architecture Services Providers List, to provide architecture and landscape architecture services for projects from February 1, 2008 through April 30, 2008, or until new lists are approved; and authorize the Chief Financial Officer or his designee to negotiate the individual contracts required for each project; or take other action as appropriate. (Real Property Management) **7**
- Town Services Minutes** (*Minutes to be Noted*)
(*Available in the County Clerk's Office, Commission Division*)
- a. Note for the record the following Town Advisory Board (TAB) and Citizens Advisory Council (CAC) Minutes: **8**
- Mountain Springs Citizens Advisory Council – December 12, 2007
Paradise Town Advisory Board – December 27, 2007
Whitney Town Advisory Board – December 27, 2007
- Business License**
- a. Refer the Work Identification Card appeals filed by Benee Rooks, Lynn Erbin Ingram, Jr., Angelina Bella and Thomra Kit Oxendine with the Clark County Business License Department to a Hearing Officer in response to the denial, suspension or revocation of a Work Identification Card by the Las Vegas Metropolitan Police Department. **9**
- Social Service**
- a. Approve and authorize the Chairman to sign Amendment Number 4 to the agreement to extend the agreement between Clark County and UMC, which provides policies and procedures for referring, accepting, and processing the accounts of indigent care, emergency uncollectible, outpatient psychiatric, and sexual assault patients through March 31, 2008. (*Board of County Commissioners also sitting as the UMC Board of Hospital Trustees*) **10**
- Aviation**
- a. Approve and authorize the advertising of the intent to enter into a general aviation operating permit between Clark County and South Western Sealcoating, Inc. (John Church, Vice President) for the purpose of staging a company-owned aircraft and a brine solution tank to conduct aerial spraying missions at Jean Airport. **11**
- b. Approve and authorize the Director of Aviation to sign the aviation support services operating permit between Clark County and Panasonic Avionics Corporation (Bryce Cline, Director, Business Operations, Maintenance and Repair Services) for aircraft passenger entertainment systems maintenance for air carriers and tenants at McCarran International Airport. **12**
- c. Approve and authorize the Director of Aviation to sign the passenger/tour escort operating permit between Clark County and Hello Nevada, Inc. dba Hello Las Vegas! (Melissa Zorko, General Manger) to provide passenger and tour escort service at McCarran International Airport. **13**
- d. Approve and authorize the Director of Aviation to sign the agreement between Clark County and RELAY-Ayala's at McCarran, LLC (Brian Ayala, Vice President) for the operation of a news and gift concession at McCarran International Airport. **14**

- e. Approve and authorize the Director of Aviation to sign the second amendment to the agreement between Clark County and Wells Fargo Bank, NA (Arthur Barbour, Vice President) to operate automated teller machines at McCarran International Airport. 15
- f. Approve and authorize the Director of Aviation to sign a professional services contract (C-2322) between Clark County and HNTB Corporation (Michael A. Kraman, Vice President) for design services associated with the Southern Nevada Regional Heliport at the Sloan Interchange on Interstate 15. 16
- g. Approve the award of Project 2171, Fire Station #19 Relocation; and authorize the Director of Aviation to sign the contract, contingent upon the contractor providing both a labor and material bond and a performance bond as required by the contract documents. Staff recommends award to Oakview Construction, Inc. (Michael Gaweley, Chief Executive Officer), the best bidder per NRS 338.147. 17
- h. Approve and authorize the Director of Aviation to sign a Design Initiation Agreement and Authorization to Proceed with Nevada Power Company for Project 2282-4B, Employee Service Building at McCarran International Airport. 18
- i. Approve and authorize the County Manager or her designee to sign an easement in favor of Nevada Power Company for utility purposes on County (Airport) owned property on APN 139-18-303-004 located near the southwest corner of Decatur Boulevard and Smoke Ranch Road. 19
- j. Approve, adopt, and authorize the Chairman to sign a Resolution of Intent to Lease Real Property at Public Auction for a portion of Clark County-owned (Airport) Assessor's Parcel Number 139-17-401-003, consisting of approximately 98,714 square feet of vacant land, located on North Las Vegas Airport, for not less than the minimum appraised value of \$88,848.00; and authorize the Chairman to set the public auction to be held at 10:00 a.m., during the meeting of the Board of County Commissioners on Tuesday, February 19, 2008. 20

Public Works

- a. Approve, adopt, and authorize the Chairman to sign a provisional order resolution accepting the preliminary plans, assessment plat, and cost estimate; and set a public hearing for Tuesday, February 19, 2008, at 10:00 a.m., for Special Improvement District No. 144C – on Durango Drive between the Southern Clark County 215 Bruce Woodbury Beltway and Hacienda Avenue (Unit 1), and on Sunset Road between the Southern Clark County 215 Bruce Woodbury Beltway and Cimarron Road (Unit 2). 21

Real Property Management

- a. Approve and authorize the Director of Real Property Management or his designee to sign the Property Contribution Agreement for four (4) parcels of land which are adjacent to a leasehold development in the Cooperative Management Area; and approve and authorize the Director or his designee to sign the First Amendment to lease agreement between Clark County and Blue Diamond Crossing, LLC (James E. Betz, Manager; Fred Ahlstrom, Jacob Bingham, Madison Graves, John Stewart, Jason Ahlstrom, and Justin Ahlstrom, Members) and any necessary documents to facilitate the transaction, regarding the terms and conditions to add the land into the leasehold property after the transaction. The parcels are known as Assessor's Parcel Numbers: 177-18-501-008, 177-18-501-009, 177-18-601-013, and 177-18-601-015 and are generally located along the northern border of Blue Diamond Road between Arville Street and Valley View Boulevard. 22

- b. Approve and authorize the Director of Real Property Management or his designee to sign a Transmission Use Agreement with Nevada Power Company to allow for installation of improvements by EJM Arroyo South I Property, LLC, on Clark County-owned land known as Assessor's Parcel Number 176-03-801-017 and located north of Warm Springs Road, east of Tenaya Way, west of Rainbow Boulevard, and south of Badura Avenue. 23

Budget & Finance

- a. In accordance with NRS 244.210 and 354.220 through 354.250, approve, adopt, and authorize the Chairman to sign a resolution to authorize refunds as shown on Exhibit "A." (*See Attached*) 24
- b. Approve and authorize the Chairman to sign an interlocal agreement to provide FY 2007/2008 County grant funds in the amount of \$5,000 to the Clark County School District to pay for the Estes McDoniel Marine and Science Lab. 25
- c. Approve and authorize the Chairman to sign an interlocal agreement to provide FY 2007/2008 County grant funds in the amount of \$25,000 to the City of Las Vegas to pay operating costs for the West Las Vegas Arts Center Performing and Visual Arts Summer Camp. 26
- d. Approve, adopt, and authorize the Chairman to sign a resolution to provide FY 2007/2008 County grant funds in the amount of \$10,000 to the Interfaith Council of Southern Nevada to pay operating costs for the Camp Anytown 2007 Program. 27
- e. Approve and authorize the Chairman to sign an amendment to the November 20, 2007 agreement to loan home investment partnerships ("HOME") and/or low income housing trust fund ("LIHTF") program funds to Vintage at Laughlin, LLC and any other documents necessary to complete the development that are consistent with the terms and limitations of the amended loan agreement. 28
- f. Approve and authorize the Chairman to sign an amendment to the November 20, 2007 agreement to loan home investment partnerships ("HOME") and/or low income housing trust fund ("LIHTF") program funds to Vista Creek Apartments, LLC and any other documents necessary to complete the development that are consistent with the terms and limitations of the amended loan agreement. 29

Clark County Water Reclamation District

(Board of County Commissioners sitting as the CCWRD Board of Trustees)

- a. Approve and authorize the General Manager to negotiate an agreement with PBS&J to provide engineering services for the Environmental Assessment/Effluent Discharge Permitting for the Enterprise Water Reclamation Center, CCWRD Project No. 583 (RFP No. 689). 30
- b. Award the bid for construction of the Flamingo Road Interceptors Odor Control Facilities to PR Burke Corporation as the lowest responsive and responsible bidder, contingent upon submission of required bonds and insurance; and authorize the General Manager to sign the contract documents; or take other action as appropriate, CCWRD Project No. 618-PO4. 31
- c. Approve and authorize the General Manager to negotiate an agreement with Kennedy/Jenks Consultants, to provide engineering services for the West Twain Interceptor Rehabilitation Project, CCWRD Project No. 632. 32

- d. Approve and authorize the General Manager to negotiate an agreement with Black & Veatch to provide engineering services for the Sloan Interceptor Rehabilitation Project, CCWRD Project No. 633. 33
- e. Approve and authorize the General Manager to negotiate an agreement with HDR Engineering, Inc. to provide engineering services for the East Flamingo Interceptor Rehabilitation Project, CCWRD Project No. 634. 34
- f. Approve and authorize the General Manager to negotiate an agreement with Carollo Engineers to provide engineering services for the Crosstown Interceptor Rehabilitation Project No. 4, CCWRD Project No. 635. 35
- g. Award the proposal for design and construction of the Primary Effluent Pump Station Phase 3 to the team of The Whiting-Turner Contracting Company/Lockwood, Andrews & Newnam, Inc., as the highest ranked proposer based upon the selection criteria established pursuant to NRS 338.1727 and set out in the Request for Final Proposals, contingent upon submission of required bonds and insurance; and authorize the General Manager to sign the contract documents; or take other action as appropriate, CCWRD Project No. 617. 36
- h. Approve and authorize the General Manager to issue a purchase order to Ozonia North America for the procurement of an Ozone generator system skid-mounted package plant, CCWRD Bid No. 708-07. 37
- i. Approve and authorize the General Manager to issue a purchase order to Zenon Environmental Corporation for the procurement of a Z-Box-M12 membrane system skid-mounted package plant, CCWRD Bid No. 709-07. 38

University Medical Center of Southern Nevada
(Board of County Commissioners sitting as the UMC Hospital Board of Trustees)

- a. Approve appropriations for radiopharmaceutical products to GE Healthcare. 39
- b. Approve Purchase Order with ZOLL Medical Corporation for the acquisition of four (4) defibrillators for the Med Surg/Critical Care Department. 40
- c. Approve the Master Lease Agreement between University Medical Center (UMC) and Stryker Capital for the purchase of general and orthopaedic surgery equipment for the Surgery Department; and authorize the Interim Chief Executive Officer to sign the agreement. 41
- d. Approve a consignment agreement for coagulation factor products between University Medical Center and United Blood Services/BioCARE (UBS); and authorize the Interim Chief Executive Officer to sign the agreement. 42
- e. Approve a Hospital Participation Agreement between University Medical Center of Southern Nevada (UMC) and Boyd Gaming Corporation; and authorize the Interim Chief Executive Officer to sign the agreement. 43
- f. Award Request for Proposal (RFP) No. 2007-08, Dialysis Services, to Greater Las Vegas Dialysis, LLC (GLVD) to render dialysis services; and authorize the Interim Chief Executive Officer to sign the agreement. 44

- g. Approve selection of and the Agreement for Direct Patient Care by Provider for Infection Control Services between University Medical Center of Southern Nevada (UMC) and Eugene L. Speck, M.D. dba Infectious Disease Consultants; and authorize the Interim Chief Executive Officer to sign the agreement. 45

General Administration

- a. Approve and authorize the Chairman to sign the correction of the 2004-2005 through 2007-2008 Secured and the 2001-2002, 2002-2003 & 2007-2008 Unsecured Assessment Rolls AR-0115-08-2 and order the corrections to be made. *(See Attached)* 46
- b. Note for the record that the Official Reports and Documents are on file in the County Clerk's Office, Commission Division. 47
- c. Accept the Clark County Law Library Annual Report. 48
- d. Approve and authorize the Chairman to sign an interlocal agreement between Clark County and the Las Vegas Metropolitan Police Department for their participation in the Department of Homeland Security Federal Fiscal Year 2007, Citizen Corps Program. 49
- e. Approve and authorize the Chairman to sign an interlocal agreement between Clark County and the Las Vegas Metropolitan Police Department for their participation in the Department of Homeland Security Federal Fiscal Year 2007, Urban Area Security Initiative. 50
- f. Approve and authorize the Chairman to sign an interlocal agreement between Clark County and the Las Vegas Metropolitan Police Department for their participation in the Department of Homeland Security Federal Fiscal Year 2007, Law Enforcement Terrorism Prevention Program. 51
- g. Approve and authorize the Chairman to sign an interlocal agreement between Clark County and the Las Vegas Metropolitan Police Department for their participation in the Department of Homeland Security Federal Fiscal Year 2007, State Homeland Security Grant Program. 52
- h. On behalf of the Clark County Local Emergency Planning Committee (LEPC), accept the State Homeland Security Grant Program (SHSP) supplemental grant award from the State of Nevada, Division of Emergency Management in the amount of \$452,006 for a 28-month period from the date of the grant award received; authorize the LEPC Chair to sign the award documents; and authorize the Chairman to sign the assurances. 53
- i. Ratify and authorize the Chairman to sign an agreement between Clark County and attorney Thomas D. Beatty, Esq., to provide legal services for defense of litigation against Clark County. 54
- j. Approve, adopt, and authorize the Chairman to sign a resolution joining in the request of the District Attorney's Office for assistance from the Attorney General's Office in the prosecution of State of Nevada v. K.P., a juvenile. 55
- k. Approve and authorize the Director of Aviation to sign an amendment to the agreement between Clark County and Kenneth C. Gibbs, Esq., regarding services as the neutral arbitrator in the arbitration of claims concerning the Clark County Detention Center and the Regional Justice Center projects. 56

- l. Approve the master professional services agreements to provide indigent representation by authorized contract attorneys as required, for as long as the competitive bidding exception applies, or until such time as authorization is revoked, or funding is not appropriated; and authorize the County Manager or her designee to sign the contracts. 57

END OF CONSENT AGENDA

SEC. 3. COMMISSIONERS/COUNTY MANAGER'S RECOGNITION

- a. Recognize the Kappa Alpha Psi Fraternity, Inc., in celebration of their 97 years of service in the community and across the country. 58

SEC. 4. ITEMS TAKEN SEPARATELY FROM CONSENT AGENDA

SEC. 5. PUBLIC HEARINGS – 10 A.M.

- a. Pursuant to NRS 244.281, conduct a public hearing on the matter of the fair market rental value of a portion of APN 139-17-401-003 located at the North Las Vegas Airport; and accept said fair market rental value, as determined by appraisal. 59
- b. Conduct a public hearing, pursuant to NRS 533.363, to take comments and provide any recommendations to the State Engineer on a proposal by the Virgin Valley Water District to change the point of diversion and place of use for Permit 17833. 60
- c. Conduct a public hearing; approve, adopt, and authorize the Chairman to sign a resolution adopting the Clark County Transportation Conformity Plan (TCP); and authorize the submittal of the final TCP including any relevant comments from the public hearing to the State of Nevada Division of Environmental Protection Agency as a State Implementation Plan revision. 61

END OF PUBLIC HEARINGS

SEC. 6. INTRODUCTION OF ORDINANCES

These items are for introduction only. A date and time will be set for a public hearing. No public comment will be heard at this time.

- a. Introduce an ordinance to amend Clark County Code Chapter 5.01, Section 5.01.010 (“right-of-way” and “street”), to revise the definitions of certain terms; providing for other matters properly related thereto; and set a public hearing. 62

Board of County Commissioners

CLARK COUNTY, NEVADA

RORY REID
Chairman
CHIP MAXFIELD
Vice-Chairman
SUSAN BRAGER
TOM COLLINS
CHRIS GIUNCHIGLIANI
LAWRENCE WEEKLY
BRUCE L. WOODBURY

Absent: None

AIR QUALITY &
ENVIRONMENTAL
MANAGEMENT-STATE OF
NEVADA DIVISION OF
ENVIRONMENTAL
PROTECTION AGENCY-
CLARK COUNTY
TRANSPORTATION
CONFORMITY PLAN-
STATE
IMPLEMENTATION PLAN
REVISION-RESOLUTION
(ITEM NO. 61)

SUBJECT MATTER/RECOMMENDATION: This being the time set for public hearing on the matter of the recommendation that the Board conduct a public hearing; approve, adopt, and authorize the Chairman to sign a resolution adopting the Clark County Transportation Conformity Plan (TCP); and authorize the submittal of the final TCP including any relevant comments from the public hearing to the State of Nevada Division of Environmental Protection Agency as a State Implementation Plan revision (see attached):

PRE-FINAL ACTION: Chairman Reid opened the public hearing and asked if there were any persons present in the audience wishing to be heard on the item.

SPEAKER(S): None

There being no persons present in the audience wishing to be heard on the matter, Chairman Reid closed the public hearing.

FINAL ACTION: Following brief direction for representatives on the Regional Transportation Commission to examine the overall traffic congestion issue, it was moved by Commissioner Giunchigliani and carried by unanimous vote that the recommendation be approved.