

What is Transportation Conformity?

Today's Objectives

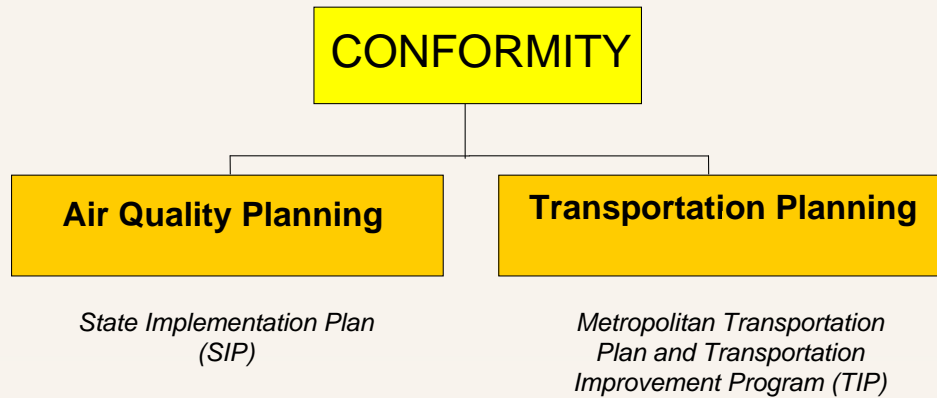
- Define transportation conformity
- Describe the transportation conformity requirement of the Clean Air Act of 1990
- Understand which areas have to meet conformity requirements
- Understand which transportation activities are subject to conformity
- Understand when transportation conformity requirements must be met

Transportation Conformity

- Required by the Clean Air Act (CAA)
- Ensures that Federal funding and approval are given to transportation activities that are consistent with air quality goals



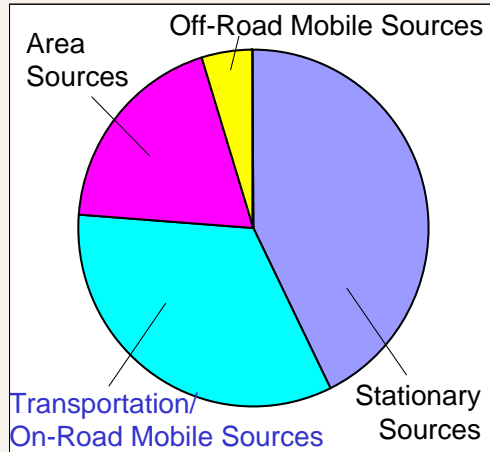
Transportation Conformity: A Link Between Transportation and Air Quality Planning



Clean Air Act Requirement

- The Clean Air Act requires that transportation plans, transportation improvement programs (TIPs) and projects must conform to the purpose of the SIP.
- Conformity to a SIP means that such activities will not:
 - Cause or contribute to any new violations of the national ambient air quality standards (NAAQS)
 - Increase the frequency or severity of NAAQS violations
 - Delay timely attainment of the NAAQS

Transportation Conformity: What pollution does it address?



- Transportation conformity addresses air pollution from on-road mobile sources.

- On-road mobile sources are emissions created by cars, trucks, and transit.

Transportation Conformity...covers just one piece of the pie...

Applicability of Transportation Conformity

- All nonattainment / maintenance areas for these pollutants and appropriate precursors:
 - Ozone (O₃)
 - Carbon monoxide (CO)
 - Nitrogen dioxide (NO₂)
 - Particulate matter less than 10 micrometers (PM₁₀)
 - Particulate matter less than 2.5 micrometers (PM_{2.5})



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For more information on pollutants, visit
<http://www.epa.gov/oar/oaqps/greenbk/o3co.html>.

Pollutants and Precursors

Precursor Emissions

Criteria pollutants	Precursor Emissions				
	Direct Emissions	NOx	VOC	Ammonia (NH ₃)	Sulfur Dioxide (SO ₂)
Ozone (O ₃)	—	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	—	—
PM ₁₀	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	—	—
PM _{2.5}	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
NO ₂	—	<input checked="" type="checkbox"/>	—	—	—
CO	<input checked="" type="checkbox"/>	—	—	—	—

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“Precursor” pollutants are those pollutants which contribute to the formation of other, usually more harmful, pollutants.

How do I find nonattainment and maintenance areas in my State?

- Go to EPA's greenbook:

<http://www.epa.gov/air/oaqps/greenbk/>

- Visit FHWA maps:

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

Transportation Actions Subject to Conformity

- Metropolitan transportation plans
- Metropolitan transportation improvement programs (TIPs)
- Federal projects
 - projects receiving FHWA/FTA funding
 - projects receiving FHWA/FTA approval

Who is Responsible for Conformity?

- U.S. DOT (FHWA/FTA)
- Metropolitan Planning Organizations
- State DOT
 - Projects outside MPO boundaries

☞ EPA - consultation role



When is Conformity Required?

Conformity must be determined:

- At least every 4-years in nonattainment and maintenance areas
- Prior to approval / acceptance of a metropolitan transportation plan, a TIP, and plan / TIP amendments
- Prior to approval of federal projects
 - Federal projects involving FHWA/FTA approval or funding
- 24-months after certain SIP actions
- 12-months after new nonattainment designation becomes effective

Transportation Conformity Requirements

- Regional emissions analysis
 - (transportation modeling requirements for certain areas)
- Latest planning assumptions and emissions model
- Timely implementation of Transportation Control Measures (TCMs)
- Interagency consultation

When Are Project-Level Conformity Determinations Required?

- Prior to the first time a Federal project is adopted, accepted, approved, or funded
 - Examples include:
 - NEPA Decision Document (CE, FONSI, ROD)
 - Final Design
 - Right-of-Way Acquisition
 - Construction Authorization
- Typically, project-level conformity is completed as part of the NEPA process (prior to issue of CE, FONSI, ROD)

Project Level Conformity Requirements

- The project comes from a conforming plan and TIP
- The design concept and scope have not changed significantly since the conformity finding regarding the plan and TIP from which the project derived
- Analyses use latest planning assumptions and latest emissions model
- Includes a hotspot analysis in CO and PM nonattainment and maintenance areas, if required
- Compliance with control measures in PM SIP

Is Project-level Conformity Ever Redetermined?

- Yes. Project-level conformity must be redetermined if any of the following occur:
 - There is a significant change in design concept/scope
 - More than 3 years have passed since the most recent major step to advance the project
 - e.g., NEPA process completion, start of final design, acquisition of significant portion of right-of-way, and construction (including Federal approval of PS&E)
 - Initiation of supplemental environmental document for air quality purposes

Project Level Conformity and Hot-Spot Analyses

- Hot-spot analyses requirements apply as part of project level conformity for FHWA/FTA projects in nonattainment and maintenance areas for:
 - CO
 - PM10 and PM2.5 (only project of air quality concern complete a hotspot analysis)
- Demonstrates that a transportation project meets Clean Air Act conformity requirements:
 - Does not create a new air quality violation or
 - Worsen an existing violation

What Projects are Exempt from Conformity?

There are three groups of exempt projects in the conformity rule:

- Projects exempt from all conformity requirements (§93.126)
 - (e.g., safety, mass transit (with limitations), air quality projects)
- Projects exempt from regional emissions analysis (§93.127)
 - (e.g., Intersection channelization, Interchange reconfiguration)
- Traffic Signalization projects (§93.128)

Interagency Consultation

- Required in all nonattainment and maintenance areas
- Formally integrated into a SIP and legally enforceable by a state court
- Required on the development or modification of
 - SIPs
 - Transportation plans and TIPs, and
 - Conformity determinations

Interagency Consultation

- A collaborative process between organizations on key elements of transportation and air quality planning
- Provides a forum for effective state and local planning and decision making



Interagency Consultation

- Ensures all agencies:
 - Meet regularly
 - Share information
 - Identifies key issues early in the process
 - Collaboratively make key decisions such as:
 - » Methodologies, assumptions
 - » Well-coordinated schedules for TIP/Plan conformity determinations and SIP development

Reminders

- Conformity requirements apply in nonattainment and maintenance areas
- Metropolitan transportation plans, TIPs, and Federal projects are subject to conformity requirements
- Conformity of the plan and TIP must be determined at least every 4 years, the same update cycle as for transportation plans and TIPs
- Hotspot analysis requirements apply to federal projects in CO, PM10 and PM2.5 areas (projects of air quality concern)

Where can I get more information?

FHWA Conformity Website:

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

EPA Conformity Website:

- <http://www.epa.gov/otaq/stateresources/transconf/index.htm>
- Copy of Conformity Rule:
 - <http://www.epa.gov/otaq/stateresources/transconf/regs/420b08001.pdf> (398k)