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DRAFT

1. *Topic:*

AQ 101

Source of Question:

None provided.

Question:

Would you ever look at various levels/densities of development for planning assumptions?

Answer:

Regional emissions may be estimated by methods which do not explicitly or comprehensively account for the influence of land use and transportation infrastructure on vehicle miles traveled and traffic speeds and congestion. Such methods must account for VMT growth by extrapolating historical VMT or projecting future VMT by considering growth in population and historical growth trends for vehicle miles travelled per person. These methods must also consider future economic activity, transit alternatives, and transportation system policies.

Reference:

<https://www.gpo.gov/fdsys/pkg/CFR-1996-title40-vol9/html/CFR-1996-title40-vol9-sec93-130.htm>

2. *Topic:*

AQ 101

Source of Question:

None provided.

Question:

Is there a way to measure health impacts along the way?

Answer:

There are various sources of data out there. TxDOT does not make a recommendation on that topic.

3. *Topic:*

AQ 101

Source of Question:

Public

Question:

Who does Air Quality planning in Texas?

Answer:

TCEQ works with a variety of local government agencies (Municipal governments, MPOs, Council of Governments, Regional Planning Commissions) to conduct air quality planning and develop state implementation plans for each region that has been assigned nonattainment or a maintenance designation for different aspects of air quality (whether transportation-related or otherwise). The following list displays the lead air quality planning agencies for each Texas region under a maintenance or nonattainment designation:

1. Dallas Region (Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, Tarrant, and Wise Counties): North Central Texas Council of Governments (NCTCOG)
2. Houston Region (Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller Counties): Houston-Galveston Area Council
3. Beaumont-Port Arthur (Hardin, Jefferson, and Orange Counties): South East Texas Regional Planning Commission (SETRPC)
4. El Paso (El Paso County): El Paso Metropolitan Planning Organization (EPMPO)
5. Northeast Texas Region (Gregg, Smith, Rusk, Harrison, Upshur Counties): East Texas Council of Governments
6. Austin-Round Rock Region (Williamson, Travis, Hays, Caldwell, Bastrop Counties): Capital Area Council of Governments (CAPCOG)
7. San Antonio Region (Comal, Bexar, Guadalupe, Wilson Counties): Alamo Area Metropolitan Planning Organization (AAMPO)
8. Corpus Christi Region (San Patricio and Nueces County): Corpus Christi Metropolitan Planning Organization (CCMPO)
9. Victoria Region (Victoria County): City of Victoria Environmental Services

Reference:

<https://www.tceq.texas.gov/airquality/sip/sipstrategies.html/>

4. *Topic:*

AQ 101

Source of Question:

Public

Question:

How is AQ planning funded?

Answer:

AQ planning at the local level is often supported by a combination of funding sources based on the type of work activity outputs. These outputs and fund sources include:

- State Implementation Plans, Emissions Inventory, Technical Analysis:
 - Texas Commission of Environmental Quality; Air Quality Division
 - The United States Environmental Protection Agency
- Transportation Conformity:
 - Federal Highways Administration- Congestion Management and Air Quality Program
 - Federal Highways Administration- Surface Transportation Program-Metropolitan Mobility Funds,
 - Federal Transit Administration- 5303 and 5313 Funds
 - Texas Department of Transportation- State PL Matching funds
 - Local Funding Sources

*Note- The above list of fund sources is not comprehensive, and various combinations of local, state, and federal funding sources may apply to work activities based on regional needs.

Reference:

http://www.narc.org/uploads/File/Transportation/Library/NCHRP_Metro_Funding.pdf

<http://www.nctcog.org/aa/docs/2015Budget.pdf>

<http://alamoareampo.org/Plans/UPWP/docs/FY2016.pdf>

5. Topic:

AQ 101

Source of Question:

Public

Question:

Who *and* how is the local air quality planning agency?

Answer:

Because the Transportation Improvement Program (TIP) and Metropolitan Transportation Plan (MTP) must be in conformity with the State Implementation Plan (SIP), and because Bexar County has been designated in nonattainment for Ozone emissions, the Alamo Area MPO has been designated to perform air quality planning for the San Antonio region. *The lead local air quality planning agency has been designated based on an agreement reached between the local air quality agency and Texas Department of Transportation, Texas Commission on Environmental Quality, and the Alamo Area MPO. This agreement is based on U.S. Code Title 42, Chapter 85, Subchapter I, Part D, Subpart 1, § 7504; and U.S. Code Title 40, Chapter I, Subchapter C, Part 93, Subpart A, Section 93.102.*

The basis for this designation as lead local air quality planning agency is based on 23 US Code Chapter 1, Section 134 on Metropolitan Transportation Planning where it states: "In metropolitan areas that are in nonattainment for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.), the metropolitan planning organization shall coordinate the development of a transportation plan with the

process for development of the transportation control measures of the State implementation plan required by the Clean Air Act (42 U.S.C. 7401)."

Reference:

<http://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title23-section134&num=0&edition=prelim>

<https://www.tceq.texas.gov/airquality/sip/eighthour.html>

6. *Topic:*

AQ 101

Source of Question:

Public

Question:

What is the SIP, and who develops the SIP?

Answer:

A *State Implementation Plan* or SIP is an enforceable plan developed at the state level that explains how the state will comply with air quality standards according to the Federal Clean Air Act (FCAA). FCAA directs the US Environmental Protection Agency (EPA) to develop National Ambient Air Quality Standards (NAAQS) measuring six outdoor air pollutants:

- Ground-Level Ozone
- Particulate Matter
- Lead
- Nitrogen Dioxide
- Carbon Monoxide
- Sulfur Dioxide

FCAA requires states to develop SIPs with a description of emission control strategies and measures to deal with pollution for areas failing to achieve NAAQS. Elements of a SIP include: a) emission inventories; b) a monitoring network; c) an air quality analysis; d) modeling results; e) attainment demonstrations; f) enforcement mechanisms; and g) regulations adopted by the state to attain or maintain NAAQS. SIPs are submitted to EPA for approval by the governor's designee.

Reference:

<https://www.tceq.texas.gov/airquality/sip/sipintro.html>

http://moser.tamu.edu/docs/Texas.Guide.to.Accepted.Mobile.Source.Emission.Reduction.Strategies_August.2007.pdf

7. *Topic:*

CMAQ

Source of Question:

None provided.

Question:

Are there post-analysis requirements for CMAQ projects?

Answer:

Nothing is required

8. *Topic:*

CMP

Source of Question:

None provided.

Question:

In a non-attainment area, can an added capacity project move forward to construction if not included in the MPO's CMP?

Answer:

In TMAs that are designated as non-attainment or maintenance areas for ozone or carbon monoxide federal regulations require certification that any project resulting in a significant increase in SOV carrying capacity (with the exception of safety improvements and bottleneck elimination projects) be identified or addressed through the *Congestion Management Plan* or CMP. In these areas, the CMP must provide an appropriate analysis of reasonable travel demand reduction and operational management strategies. The identified need for additional SOV capacity does not obviate the need for operational and demand management improvements to address congestion. In TMAs that are designated as non-attainment or maintenance areas for ozone or carbon monoxide, federal regulations require that in cases where additional SOV capacity is warranted, the CMP must identify all reasonable strategies to manage the SOV facility safely and effectively, and identify travel demand reduction and operational management strategies appropriate for the corridor.

Reference:

https://www.fhwa.dot.gov/planning/congestion_management_process/cmp_guidebook/chap03.cfm

9. *Topic:*

CMP

Source of Question:

None provided.

Question:

As a non-attainment area, could our CMP only include roadways that are federally functionally classified as principal arterial and higher? What are the pros and cons of doing so?

Answer:

In non-attainment areas for ozone or carbon monoxide located in a TMA, when a given corridor in the region adds a significant increase in capacity for SOVs, the CMP must provide an appropriate corridor-level analysis of reasonable travel demand reduction and operational management strategies, which includes multi-modal strategies. A corridor that includes multi-modal and other travel demand reduction strategies in this case would include roadway classifications for principal arterials, as well as local roadways, intersections with arterials, and collectors. A major con with an explicit focus on roadways with a principal arterial or higher classification in the CMP is that the agency conducting the CMP would reduce the claimable benefits derived from travel demand reduction and multi-modal strategies applied to corridors that extend beyond principal arterials and higher to local roads and collectors.

Reference:

https://www.fhwa.dot.gov/planning/congestion_management_process/cmp_guidebook/cmpguidebk.pdf

10. *Topic:*

MOSERS

Source of Question:

MPO

Question:

Who is responsible for analysis using MOSERS? Who is responsible for any data collection and documentation needed for MOSERS? The MPO or the implementing agency?

Answer:

MPOs are responsible for data collection, and analysis using the MOSERS Guide, which includes equations in strategy emissions analyses. The data and analysis results are reported to the implementing agency who documents individual transportation control measures (TCM) projects and associated benefits and costs within the SIP.

Reference:

http://moser.tamu.edu/docs/Texas.Guide.to.Accepted.Mobile.Source.Emission.Reduction.Strategies_August.2007.pdf

11. *Topic:*

MOVES

Source of Question:

LGs

Question:

What project types are eligible for Air Quality emission reduction benefits?

Answer:

The following types of projects are eligible to claim emission reduction benefits:

1. Diesel Engine Retrofits & Other Advanced Truck Technologies
2. Idle Reduction
3. Congestion Reduction & Traffic Flow Improvements
4. Freight/Intermodal
5. Transportation Control Measures (TCM)
6. Transit Improvements
7. Bicycle and Pedestrian Facilities and Programs
8. Travel Demand Management
9. Public Education and Outreach Activities
10. Transportation Management Associations
11. Carpooling and Vanpooling
12. Carsharing
13. Extreme Low-Temperature Cold Start Programs
14. Training
15. Inspection/Maintenance (I&M) Programs
16. Innovative Projects
17. Alternative Fuels and Vehicles

Reference:

https://www.fhwa.dot.gov/environment/air_quality/cmaq/policy_and_guidance/2013_guidance/

12. *Topic:*

MOVES

Source of Question:

MPO

Question:

When and who should have MOVES? Does the District need to perform this task?

Answer:

Depending on the region, MPOs, and TxDOT Districts will use MOVES to perform regional conformity analyses and regional emissions analysis to develop an emissions inventory for use in the SIP. MOVES can also be used by TxDOT Districts as an option to develop hot-spot emissions inventory analyses at a project-level or to support emission benefits assessments for *Congestion Mitigation / Air Quality* (CMAQ) project applications.

Reference:

<https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockey=P100K4EB.txt>

<https://www.gpo.gov/fdsys/pkg/FR-2014-10-07/pdf/2014-23258.pdf>

https://www.fhwa.dot.gov/ENVIRONMENT/air_quality/cmaq/policy_and_guidance/2013_guidance/index.cfm

13. *Topic:*

MPO

Source of Question:

None provided.

Question:

How frequently is the travel demand model updated?

Answer:

The travel demand model (TDM) is updated in non-attainment areas every 10 years. It can be difficult to update TDM while doing conformity analysis, *but TTI checks it every 5 years to make sure it is working properly*. Travel surveys are required from TxDOT in order to fully update the model.

Reference:

<https://www.gpo.gov/fdsys/pkg/CFR-1996-title40-vol9/html/CFR-1996-title40-vol9-sec93-130.htm>

14. *Topic:*

MPO

Source of Question:

None provided.

Question:

What will be the process to put together projects for 5-year increments?

Answer:

To assist with project documentation to support the conformity determination, TTI will ask for:

- *the project completion year*
- *operational and capacity projects*
- *projects listed in MTP*
- *newer projects*

Some projects will have to include a “best estimate” of operation dates for projects. There also may need to be some adjustment of project openings to help ensure conformity.

15. *Topic:*

MPO

Source of Question:

None provided.

Question:

Is the entire timeframe of the MTP taken into account for conformity, or just the milestones?

Answer:

Both the timeframe for the entire MTP and the milestones are accounted for in the conformity determination.

Reference:

https://www.planning.dot.gov/documents/primer/intro_primer.asp

16. *Topic:*

Operations

Source of Question:

LGs

Question:

What changes to a project trigger a conformity determination?

Answer:

First, FHWA/FTA projects must be found to conform before they are adopted, accepted, approved, or funded.

Then conformity must be re-established if one of the following occurs:

1. a significant change occurs in the project's design concept and scope;
2. three years elapse since the most recent major step to advance the project; or
3. initiation of a supplemental environmental document for air quality purposes.

Major steps in the project development process include NEPA process completion; start of final design; acquisition of a significant portion of the right-of-way; and, construction (including Federal approval of plans, specifications and estimates).

Reference:

https://www.fhwa.dot.gov/environment/air_quality/conformity/policy_and_guidance/ctcrmemo.cfm

https://www.fhwa.dot.gov/environment/air_quality/conformity/con_broc.cfm

17. *Topic:*

Operations

Source of Question:

MPO

Question:

What process will be used to determine the ranking / timing of review for multiple non-attainment areas under a conformity review at the same time?

Answer:

(Pending)

18. *Topic:*

Operations

Source of Question:

MPO

Question:

How many FTEs should we be expecting to have on staff for successful air quality planning for an MPO of our size?

Answer:

Staff resources for air quality planning is to be determined by the Transportation Policy Board in consultation with MPO staff. There is no specific formula to determine required FTEs upon nonattainment designation. Guidance indicates that air quality programs typically progress along different tracks based on their resource levels, staff ability, air quality status, and MPO size.

Programs just beginning to come to terms with changes in air quality status follow a "Staff Education" track, intended to educate and inform the staff about air quality matters, and to establish a flow of communication between the MPO staff, supervisors, and partners in air quality planning. At this level, 80 staff hours are required to cover the education and coordination activities over the course of a given year.

Programs having advanced to the stage of "coordination and dissemination" find themselves in the position of acting on information from air quality modeling, and preparation of transportation conformity plans. At this level, an estimated 380 staff hours are needed to cover coordination, data collection, and planning provision activities over a given year.

Programs having advanced to the stage of "implementation" are held responsible for implementing TCMs outlined in the SIP, which requires involvement in modeling air quality and travel forecasting. At this level, an estimated 1,440 staff hours are needed to cover the data collection and mitigation/TCMs activities over a given year.

Reference:

<http://ntl.bts.gov/lib/000/800/827/00780090.pdf>

19. *Topic:*

Operations

Source of Question:

MPO

Question:

Does it make sense to contract out some of our air quality planning work?

Answer:

It depends on staff resources and expertise at the affected local and regional agency. Based on guidance, contracted staff have a reduced role when it comes to education and coordination activities, and increase as the MPO grows in size, enters non-attainment status, and begins ramping up data collection, TCM developments, and regional conformity analyses. Consultants will increase in importance where MPOs struggle to muster the range of expertise necessary to carry out TCM projects (via engineering, planning, public involvement/marketing, and CADD work).

Reference:

<http://ntl.bts.gov/lib/000/800/827/00780090.pdf>

20. *Topic:*

Operations

Source of Question:

MPO

Question:

Is there a way to specifically schedule our deliverables to the consultative partners for a faster turnaround than just 'first in, first out'?

Answer:

The "first in, first out" has been the traditional policy of Texas air quality planning agencies. Changes would need to be developed in consultation with these agencies.

21. *Topic:*

Project Tracking

Source of Question:

MPO

Question:

Would it be helpful to add a section on our MTP or TIP project page to identify exempt projects/regionally significant?

Answer:

Yes.

22. *Topic:*

Project Tracking

Source of Question:

MPO

Question:

If a project does not require NEPA how do we track project level conformity? Pre NEPA, non NEPA project (City bonded project) but regionally significant?

Answer:

A NEPA screening/scoping is conducted for all projects to determine the “class of action” which determines the type of NEPA document that is needed for the project. Approximately 90 percent (or more) of all projects are known as categorical exclusions (CEs) that would not require project level conformity. Pre-NEPA scoping, and other guides can be found at:

<http://www.txdot.gov/inside-txdot/division/environmental/compliance-toolkits/air-quality.html>

The conformity SOP is at:

<http://ftp.dot.state.tx.us/pub/txdot-info/env/toolkit/210-02-sop.pdf>

It is important to note that TXDOT has been assigned the FHWA NEPA responsibilities known as “NEPA Assignment”. TxDOT has assumed the federal role for NEPA environmental review and approval on highway and public transportation projects:

<http://www.txdot.gov/inside-txdot/division/environmental/nepa-assignment.html>

NEPA guidance is available at TxDOT NEPA Toolkits:

<http://www.txdot.gov/inside-txdot/division/environmental/compliance-toolkits.html>

There is rarely, if ever, a non-NEPA project (even a city bond funded project) because there is usually a federal nexus resulting from either partial funding source, or connection to a federal or state funded facility. So basically, all projects are screened for NEPA. Also note that the San Antonio region will be designated nonattainment for ozone, not PM or CO. Project level conformity hot-spot analysis is required only for PM and CO areas.

23. *Topic:*

Roles & Responsibilities

Source of Question:

LGs

Question:

What are the specific roles and responsibilities of the cities, counties, transit agency and TxDOT in non-attainment?

Answer:

City and County governments may help speed up attainment of NAAQS by passing regulations to reduce air pollution that are stricter than federal regulations.

A formal interagency consultation process is required in each nonattainment area to address technical and procedural issues related to air quality planning. Interagency consultation procedures include general and specific processes, such as:

- Identification of the roles and responsibilities of each agency at each stage in the SIP development and transportation planning process, including technical meetings;

- A process for circulating documents (or draft documents) and supporting materials for comment before formal adoption or publication;
- A process for the development of a list of transportation control measures (TCMs) in the applicable implementation plan;
- Evaluating and choosing models and associated methods and assumptions;
- Determining which projects should be considered regionally significant; and
- A process for resolving conflicts.
- The general and specific requirements for interagency consultation also include:
- The development of a "Conformity SIP", which is enforceable by EPA as a Federal regulation once EPA approves the Conformity SIP, the SIP and its consultation procedures.
- The incorporation of Memorandums of Understanding (MOU), Memorandums of Agreement (MOA), and State regulations into the Conformity SIP.

Reference:

https://www.fhwa.dot.gov/environment/air_quality/conformity/guide/basicguide2010.pdf

<https://icma.org/Documents/Document/Document/6377>

24. *Topic:*

Roles & Responsibilities

Source of Question:

LGs

Question:

Can policies/projects implemented before nonattainment designation count toward credits after nonattainment?

Answer:

The emissions analysis may include for emissions reduction credit any policies/projects categorized as Transportation Control Measures which have been implemented before nonattainment and can be demonstrated to provide quantifiable emission reduction benefits. These TCMs include:

- Programs for improved public transit
- Restriction of certain roads or lanes to, or construction of such roads or lanes for use by, passenger buses or high-occupancy vehicles
- Employer-based transportation management plans, including incentives
- Trip-reduction ordinances
- Traffic flow improvement programs that achieve emission reductions
- Fringe and transportation corridor parking facilities serving multiple-occupancy vehicle programs or transit service
- Programs to limit or restrict vehicle use in downtown areas or other areas of emission concentration particularly during periods of peak use

- Programs for the provision of all forms of high-occupancy, shared-ride services
- Programs to limit portions of road surfaces or certain sections of the metropolitan area to the use of non-motorized vehicles or pedestrian use, both as to time and place
- Programs for secure bicycle storage facilities and other facilities, including bicycle lanes, for the convenience and protection of bicyclists, in both public and private areas
- Programs to control extended idling of vehicles
- Reducing emissions from extreme cold-start conditions
- Employer-sponsored programs to permit flexible work schedules
- Programs and ordinances to facilitate non-automobile travel, provision and utilization of mass transit, and to generally reduce the need for single-occupancy travel, as part of transportation planning and development efforts of a locality, including programs and ordinances applicable to new shopping centers, special events, and other centers of vehicle activity
- Programs for new construction and major reconstruction of paths, tracks or areas solely for the use by pedestrian or other non-motorized means of transportation when economically feasible and in the public interest
- Programs to encourage removal of pre-1980 vehicles

Reference:

<https://www.gpo.gov/fdsys/pkg/CFR-1996-title40-vol9/html/CFR-1996-title40-vol9-sec93-130.htm>

https://www.fhwa.dot.gov/environment/air_quality/publications/air_quality_planning/aqplan08.cfm

25. *Topic:*

Roles & Responsibilities

Source of Question:

MPO

Question:

When should we develop a Motor Vehicle Emissions Budget (MVEB)? Who will do this? Is this an MPO expense?

Answer:

The MVEB is submitted by TCEQ in the SIP once an area has been designated nonattainment. TCEQ will coordinate with the MPO and TxDOT in order to determine a maintenance plan for the region. The MPO will expend time and resources coordinating and consulting with TCEQ on the development of the MVEB and the maintenance plan, as well as ensuring that the MTP, and TIP is consistent with the MVEB.

Reference:

<https://www.gpo.gov/fdsys/pkg/CFR-1997-title40-vol12/pdf/CFR-1997-title40-vol12-sec93-118.pdf>

26. *Topic:*

Roles & Responsibilities

Source of Question:

MPO

Question:

If TTI performs the regional emissions analysis, how many times will they run the analysis on our behalf?

Answer:

As many times as it may take to get the job done.

27. *Topic:*

Roles & Responsibilities

Source of Question:

MPO

Question:

Who provides guidance on general conformity? From whom could we request a presentation on general conformity?

Answer:

The consultative partners including TxDOT, TCEQ, FHWA, and EPA will provide guidance on general conformity. TxDOT can provide a presentation.

Reference:

<http://www.txdot.gov/inside-txdot/division/environmental/compliance-toolkits/air-quality.html#additional-resources>

28. *Topic:*

Roles & Responsibilities

Source of Question:

MPO

Question:

Does anyone at the District have knowledge of the MPO's travel demand model?

Answer:

TxDOT District staff have familiarity with the travel demand model. TxDOT TPP staff in Austin maintain expertise in the model.

29. *Topic:*

Roles & Responsibilities

Source of Question:

MPO

Question:

Who will perform the regional emissions analysis for San Antonio?

Answer:

TTI currently conducts the regional emissions analysis in coordination with the Alamo Area MPO and regional agencies. The regional emissions analysis shall model all regionally significant projects in the nonattainment or maintenance area, including FHWA/FTA projects and all other regionally significant projects disclosed to the MPO as required by Sec. 93.105 Requirements for a regional emissions analysis include: use of a network-based transportation demand model; use of Highway Performance Monitoring System estimates; methods to estimate nonattainment area vehicle travel on off-network roadways; and methods to estimate traffic speeds and delays sensitive to the estimated volume of travel on each roadway segment represented in the network model.

Reference:

<https://www.gpo.gov/fdsys/pkg/CFR-1996-title40-vol9/html/CFR-1996-title40-vol9-sec93-130.htm>

30. *Topic:*

Transportation Conformity

Source of Question:

None provided.

Question:

What if reducing capacity, such as road diet?

Answer:

Transportation conformity determinations apply to projects that lead to the addition of SOV capacity to nonattainment areas. Project details must be reviewed as part of the interagency consultation process

and may include a transportation conformity determination to ensure no additional offset of capacity increases occurs as a result of the road diet.

Reference:

https://www.fhwa.dot.gov/environment/air_quality/conformity/

(example of road diet with conformity conducted) http://files.mtc.ca.gov/pdf/AirQual/AQCTF_8-27-15.pdf

31. *Topic:*

Transportation Conformity

Source of Question:

None provided.

Question:

If changes are made to transit system, does everything have to be re-run for conformity?

Answer:

A new project level transportation conformity is required if the transit system changes lead to the amendment of a project in the MTP or TIP that is funded by FHWA/FTA funds. In general, new transportation conformity determinations are required when an MTP or TIP is updated with non-exempt projects. Otherwise, the period for new transportation conformity determinations would be every four years or within two years of a newly approved motor vehicle emissions budget. If the changes to the transit system include updates to exempt Mass Transit project types then no new conformity determination is required. These exempt projects include:

- Operating assistance to transit agencies.
- Purchase of support vehicles.
- Rehabilitation of transit vehicles.
- Purchase of office, shop, and operating equipment for existing facilities.
- Purchase of operating equipment for vehicles (e.g., radios, fareboxes, lifts, etc.).
- Construction or renovation of power, signal, and communications systems.
- Construction of small passenger shelters and information kiosks.
- Reconstruction or renovation of transit buildings and structures (e.g., rail or bus buildings, storage and maintenance facilities, stations, terminals, and ancillary structures).
- Rehabilitation or reconstruction of track structures, track, and trackbed in existing rights-of-way.
- Purchase of new buses and rail cars to replace existing vehicles or for minor expansions of the fleet.
- Construction of new bus or rail storage/maintenance facilities categorically excluded in 23 CFR part 771.

Reference:

https://www.fhwa.dot.gov/environment/air_quality/conformity/guide/basicguide2010.pdf

https://www.fhwa.dot.gov/environment/air_quality/conformity/policy_and_guidance/faqs/genfaqsme mo.cfm

32. *Topic:*

Transportation Conformity

Source of Question:

None provided.

Question:

How often do you have to demonstrate conformity?

Answer:

The period for new transportation conformity determinations would be every four years or within two years of a newly approved motor vehicle emissions budget. Conformity determinations could be done more frequently, if the proposed projects and timing trigger an analysis.

Reference:

https://www.fhwa.dot.gov/environment/air_quality/conformity/guide/basicguide2010.pdf

33. *Topic:*

Transportation Conformity

Source of Question:

None provided.

Question:

What if not adding capacity – just rebuilding a road to current capacity?

Answer:

Transportation conformity determinations apply to projects that lead to the addition of SOV capacity to nonattainment areas. Project details must be reviewed as part of the interagency consultation process to ensure this is the case.

Reference:

https://www.fhwa.dot.gov/environment/air_quality/conformity/

34. *Topic:*

Transportation Conformity

Source of Question:

MPO

Question:

What happens if our plan does not pass conformity? How do we use emission reduction measures and projects off-model to achieve the reduction required?

Answer:

If a conformity determination is not made according to the required frequency requirements, areas have a one-year grace period after the missed deadline before a conformity lapse applies. (This one-year grace period does not apply to newly designated nonattainment areas.) During the 12 month grace period, only transportation projects in the most recent conforming metropolitan transportation plan and TIP can be funded or approved. Once an area is in a conformity lapse, the use of Federal transportation funds is restricted to certain kinds of projects and no new non-exempt projects can be amended into the metropolitan transportation plan/ TIP. These include “exempt projects” such as safety projects and certain mass transit projects, TCMs from an approved SIP, and project phases that were authorized by the FHWA/FTA prior to the lapse. The FHWA and FTA do not reduce the amount of funding a State receives if there is a lapse; however, use of Federal funds is restricted during the lapse.

There are two options to resolving a conformity lapse if emissions estimates exceed the motor vehicle emissions budget: change the projects in the metropolitan transportation plan or TIP (either the mix or timing of projects), and/or revise the motor vehicle emissions budget. In order to revise a motor vehicle emissions budget, a SIP revision is required. Also, in order to revise a budget, the State air quality agency may need to identify additional control measures from on-road or other sources of pollution in order to increase the budget for on-road emissions.

Reference:

https://www.fhwa.dot.gov/environment/air_quality/conformity/guide/basicguide2010.pdf