

Conformity Re-Determinations and Triggers

As a reminder, the basic, required timeline for conformity determinations is presented below.

Frequency of conformity determinations for transportation plans (MTPs)

1. Each new transportation plan must be demonstrated to conform before the transportation plan is approved by the MPO or accepted by DOT.
2. All transportation plan amendments must be found to conform before the transportation plan amendments are approved by the MPO or accepted by DOT, unless the amendment merely adds or deletes exempt projects.

The conformity determination must be based on the transportation plan and the amendment taken as a whole.

3. The MPO and DOT must determine the conformity of the transportation plan (including a new regional emissions analysis) no less frequently than every four years.

If more than four years elapse after DOT's conformity determination without the MPO and DOT determining conformity of the transportation plan, a 12-month grace period will be implemented. At the end of this 12-month grace period, the existing conformity determination will lapse.

Frequency of conformity determinations for transportation improvement programs (TIPs)

1. A new TIP must be demonstrated to conform before the TIP is approved by the MPO or accepted by DOT.
2. A TIP amendment requires a new conformity determination for the entire TIP before the amendment is approved by the MPO or accepted by DOT, unless the amendment merely adds or deletes exempt projects.
3. The MPO and DOT must determine the conformity of the TIP (including a new regional emissions analysis) no less frequently than every four years.

If more than four years elapse after DOT's conformity determination without the MPO and DOT determining conformity of the TIP, a 12-month grace period will be implemented. At the end of this 12-month grace period, the existing conformity determination will lapse.

The regional transportation planning process, along with federal actions may require re-determination of conformity by the TPB. These criterion are presented below.

Projects

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

Conformity must be re-determined for any FHWA/FTA project if one of the following occurs:

- A significant change in the project's design concept and scope
- Three years elapse since the most recent major step to advance the project
- Initiation of a supplemental environmental document for air quality purposes.

A **significant change** in design concept and scope is defined as a revision of a project in the MTP or TIP that would significantly **affect model speeds, vehicle miles traveled, or network connections**.

In addition to new facilities, examples include:

- changes in the number of through lanes or length of project (more than one mile),
- access control,
- addition of major intermodal terminal facilities (such as new international bridges, park-and-ride lots, and transfer terminals),
- addition/deletion of interchanges, or
- changing between free and toll facilities

(Texas Administrative Code, 30. G. §114.260.iv)

Major steps include:

- NEPA process completion
- Start of final design
- Acquisition of a significant portion of the right-of-way
- Construction (including Federal approval of plans, specifications and estimates)

Triggers for transportation plan and TIP conformity determinations

Conformity of existing transportation plans and TIPs must be re-determined within two years of the following:

- The effective date of EPA's finding that motor vehicle emissions budgets (MVEB) from an initially submitted control strategy implementation plan (SIP) or maintenance plan are adequate and can be used for transportation conformity purposes.
- The effective date of EPA approval of a control strategy implementation plan (SIP) revision or maintenance plan which establishes or revises a motor vehicle emissions

budget (MVEB), if that budget has not yet been used in a conformity determination prior to approval.

- The effective date of EPA promulgation of an implementation plan (SIP) which establishes or revises a motor vehicle emissions budget (MVEB).

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