

**Federal Highway  
Administration**

**North Carolina  
Division**



**Transportation Conformity Process**  
April 2005

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## REGULATIONS

Clean Air Act Section 176 (42 USC 7506)  
Title 40 Code of Federal Regulations 51  
Title 40 Code of Federal Regulations 93  
Title 23 Code of Federal Regulations 450  
Title 23 United States Code Part 134 - Metropolitan Planning  
Title 23 United States Code Part 135 - Statewide Planning  
Title 49 United States Code Part 53 - Mass Transportation

## ACRONYMS

CDR	Conformity Determination Report
FHWA	Federal Highway Administration
FTA	Federal Transit Administration
IC	Interagency Consultation
LRTP	Long Range Transportation Plan
MPO	Metropolitan Planning Organization
MVEB	Motor Vehicle Emissions Budget
NCDENR	North Carolina Department of Environment and Natural Resources
NCDOT	North Carolina Department of Transportation
RPO	Rural Planning Organization
SIP	State Implementation Plan
STIP	Statewide Transportation Improvement Program
TAC	Transportation Advisory Council
TDM	Travel Demand Model
TIP	Transportation Improvement Program
USDOT	United State Department of Transportation
USEPA	United States Environmental Protection Agency

## **FREQUENCY OF CONFORMITY**

Conformity determinations for LRTPs, TIPs and FHWA/FTA projects must be made according to 40 CFR 93.104. FHWA/FTA must make a conformity determination at least every three years or when LRTPs or TIPs are updated.

Additionally, conformity findings are triggered within 18 months of:

- the effective date of EPA's finding that motor vehicle emissions budgets from an initially submitted control strategy implementation plan or maintenance plan are adequate;
- the effective date of EPA's approval of a SIP that creates or revises a budget that has not yet been used in a conformity determination; and
- the effective date of EPA's promulgation of a Federal Implementation Plan (FIP) which creates or revises a budget.

## **AGENCY ROLES AND RESPONSIBILITIES**

### ***Metropolitan Planning Organization (MPO)***

- Updates the LRTP
- Participates in interagency consultation (IC) meetings
- Composes conformity determination report (CDR)
- Manages public review and comment period
- Transportation Advisory Council (TAC) makes the conformity determination and adopts the LRTP/TIP
- Provides a final copy of CDR/LRTP packages to review agencies

### ***Rural Planning Organization (RPO)***

- Participates in IC meetings
- Reviews and comments on analysis and documentation
- Assists with public review and comment period
- Assists with responses to agency/public comment

### ***North Carolina Department of Transportation (NCDOT)***

- Runs travel demand model (TDM)
- Maintains and manages conformity process schedule
- Monitors MPO conformity process schedule
- Participates in IC Meetings
- Assists with drafting CDR
- Assists MPO with commitment follow-up

### ***North Carolina Department of Environment and Natural Resources (NCDENR)***

- Develops motor vehicle emissions budgets (MVEB)

- Creates and develops state implementation plan (SIP)
- Develops emissions factors using MOBILE model
- Reviews CDR and comments (21 Days by State law)
- Reviews final CDR and submits a “clean” letter

***Local Air Quality Agency***

- Reviews conformity documentation
- Provides technical guidance and advice

***Federal Highway Administration (FHWA)***

- Coordinates federal review process of the conformity determination
- Schedules/coordinates/facilitates IC meetings
- Monitors MPO conformity process schedule
- Assists MPO/NC DOT with commitment follow-up
- Provides technical guidance and advice on conformity
- Reviews conformity documentation
- Signs United States Department of Transportation (USDOT) conformity determination letter

***Federal Transit Administration (FTA)***

- Participates in IC meetings
- Reviews conformity documentation
- Signs the USDOT conformity determination letter

***Environmental Protection Agency (EPA)***

- Promulgates conformity regulations
- Approves the SIP
- Participates in IC meetings
- Provides technical advice and guidance on conformity
- Reviews conformity determination
- Reviews final CDR and submits a “clean” letter

## TRANSPORTATION CONFORMITY PROCESS

On average, the transportation conformity process takes nine to twelve months from the initial kick-off meeting to the final conformity determination. This schedule reflects a 12-month process, which assumes each step occurs sequentially as oppose to some steps occurring concurrently.

### ***[Day 1] Kick-Off Interagency Consultation Meeting***

Ideally, this meeting would begin in the second year of the LRTP/TIP update process.

The initial IC meeting should include, but not limited to: MPO, RPO, local air agency, NCDOT, NCDENR, FHWA, FTA, and EPA.

Pre-Analysis Consensus Plan Items (see Appendix B):

- LRTP horizon years
- Conformity analysis years
- MVEB
- MOBILE model
- TDM
- Schedule (milestone dates)
  - A key date is when conformity analysis begins for the LRTP/TIP because the MPO is required to use the latest planning assumptions up to the date conformity analysis begins unless there is a significant delay in the analysis (40 CFR 93.110)
- Conformity test (if applicable)
- Validation (baseline) year

Agency concurrence and all decisions from the meeting should be accurately documented for inclusion in the CDR. A follow up meeting may be needed if concurrence is not reached on all items or not all agencies are able to attend the meeting.

### ***[Day 5 – Day 35] Project List Review***

The MPO submits the LRTP/TIP project list to all agency partners for review and comment. The agencies provide comments on regional significance, exempt status and financial constraint. The MPO submits a response to all comments. This should be documented and included in the CDR. Ideally the TAC should adopt the project list to ensure their concurrence. This entire process is about 30 days.

### ***[Day 40 – Day 110] Transportation Modeling***

The MPO/NCDOT runs the TDM in order to extract speed and VMT data for LRTP horizon years. This information is used to develop the emission factors.

***[Day 115 – Day 135] Emissions Factors Development***

Once NCDOT/MPO completes the transportation modeling process, all VMT and speeds are submitted to NCDENR. NCDENR uses this information to develop emission factors using the MOBILE model.

***[Day 135 – Day 150] Emissions Estimation***

NCDENR submits the emissions factors to the MPO/NCDOT. The MPO/NCDOT use the emissions factors to estimate vehicle emissions. These estimated vehicle emissions are compared to the MVEB in the SIP or interim emission test if there are no MVEB available for that area. If the estimated emissions are less than the MVEB, then the MPO/NCDOT can proceed with the draft CDR. If the estimated emissions are greater than the MVEB, then the MPO may have to revise the project list and then go back through the TDM and emissions factors development process.

***[Day 150 – Day 180] Draft Conformity Report***

The MPO with the assistance of NCDOT prepares the draft CDR. They can start drafting sections of the report earlier in the process.

***[Day 180 – Day 210] NCDENR Review***

North Carolina State Law mandates that NCDENR has 21 days to review and comment on the draft CDR. During this time a draft is also sent to all Federal agency partners for review and comment. This is a critical juncture in the process to address and resolve major conformity issues. MPO/NCDOT provide responses to all NCDENR and Federal partner comments.

***[Day 210] IC Meeting***

MPO, NCDOT and FHWA should meet to review and respond to unresolved agency comments.

***[Day 215 – Day 225] NCDENR Review and Comment Letter***

If all NCDENR comments have been addressed, they will submit a “clean” review letter to be included in the final CDR.

***[Day 225 – Day 240] Final CDR***

The MPO/NCDOT creates the final CDR that is inclusive of comments from all agency partners. During this step, the MPO/NCDOT should be preparing newspaper ads to announce the public review and comment period.

***[Day 240 – Day 270] Public Review and Comment Period***

The public and other interested entities have 30 days to review and comment on the final CDR. The MPO should make the CDR available in accordance with their public involvement plan. The agency partners should also receive the final CDR.

***[Day 270 – 310] Respond to Public Comments***

The MPO/NCDOT should address all public comments. These responses should be documented and included in the final CDR.

***[Day 310 – Day 315] MPO TAC Makes CD***

The MPO TAC makes a conformity determination and adopts the LRTP/TIP. These resolutions need to be documented and included in the final CDR.

***[Day 320 – 350] Federal Review Process***

The MPO submits the final CDR and LRTP to EPA, FHWA and FTA for the 30 federal review period. EPA submits a review and comment letter to FHWA and FTA. FHWA and FTA submit a joint letter for the USDOT conformity determination.

The date on the USDOT conformity determination letter starts the three-year clock for the next plan and TIP conformity determination.



## APPENDIX

### *Planning Assumptions*

Planning assumptions to be reviewed	Frequency of review	Who is responsible for developing
Socioeconomic data for forecast year and each analysis year	Each conformity round	MPO
<u>Emission factor inputs:</u> DMV Vehicle Registration Data VMT Mix Data	Biennially At least every 5 yrs	MPO/NCDOT
Analysis Years	Each conformity round	MPO
Emission Budget	As SIP revised/updated	NCDENR
Free-flow Vehicle Speeds	At least every 5 yrs	NCDOT
Temperatures	As SIP revised/updated	NCDENR
Control Strategies	Each conformity round	NCDENR
Off-line Calculations	Each conformity round	NCDOT
Model Calibration	At least every 10 years or as needed	NCDOT
VMT	As LRP is updated	MPO/NCDOT

***Kick-off Meeting Minutes Template***

[Name of Nonattainment Area] Nonattainment Area  
*[Insert counties in nonattainment area]*

**KICK-OFF TRANSPORTATION CONFORMITY  
INTERAGENCY CONSULTATION MEETING**

[Date]

[Location]

[Insert Start and End Time]

**Meeting Summary**

[date meeting summary finalized] version

**Welcome and Introductions**

[List name and affiliation of all attendees]

**Meeting Purpose and Outcome**

Meeting Purpose: To begin the interagency consultation process to ensure that a conformity determination is made prior to the conformity lapse date.

Meeting Objective: To discuss the transportation plans and conformity process for the [insert nonattainment area name] Nonattainment Area.

Meeting Outcomes:

1. Share information concerning requirements, conformity data, schedules, and process
2. Confirm partnership responsibilities to maintain schedule and agree to analysis parameters
3. Identify and resolve, or establish a process to resolve, issues related to the regional long range planning and/or regional conformity process that must be dealt with to achieve the partnership goal

**Overview of Conformity Process**

[Type summary here]

**EPA Progress Report**

[Type summary here]

**MPO Progress Report**

[Type summary here]

**RPO Progress Report (if applicable)**

[Type summary here]

**Conformity Process Schedule**

[Type summary here]

**Pre-Analysis Consensus Plan**

[Type summary here]

No.	Topic	Agreed?	Issue	Follow-up Person(s)
1.	Land Use and Demographics			
2.	LRTP Model Validation (Base) Year			
3.	LRTP Horizon Year			
4.	LRTP Travel Demand Model Intermediate Project Years			
5.	MTIP Years			
6.	Air Quality Conformity Analysis Years (Ozone)			
7.	Air Quality Conformity Analysis (CO)			
8.	Non-attainment/Maintenance Counties			
9.	Travel Demand Modeling Tools			
10.	Modal Split/Mode Choice			
11.	VMT Adjustments			
12.	Motor Vehicle Emissions Budgets/Conformity Test			
13.	Control Strategies			
14.	Mobile Source Emissions Reduction Strategies			
15.	MOBILE Model			
16.	CMAQ Projects			
17.	Regionally Significant Projects (Federal and Non-Federal)			

18.	Backup List of Exempt Projects (Federally Funded)			
19.	Conformity Schedule			
20.	Conformity Determinations			

**Questions and Concerns from Consultation Partners**

[Type summary here]

***Action Item Template***

**[Name of Nonattainment Area] Nonattainment Area**  
*[Insert counties in nonattainment area]*

**ACTION ITEMS**  
**AS OF: [Date]**

**ACTION ITEM #1 (short description of action item)**

Description: [write out a detailed description of the action item]

Responsible: [Insert who is responsible for the completion or follow-up of this action item]

Due Date:

Result:

**ACTION ITEM #2 (short description of action item)**

Description: [write out a detailed description of the action item]

Responsible: [Insert who is responsible for the completion or follow-up of this action item]

Due Date:

Result:

**ACTION ITEM #3 (short description of action item)**

Description: [write out a detailed description of the action item]

Responsible: [Insert who is responsible for the completion or follow-up of this action item]

Due Date:

Result:

**ACTION ITEM #4 (short description of action item)**

Description: [write out a detailed description of the action item]

Responsible: [Insert who is responsible for the completion or follow-up of this action item]

Due Date:

Result:

**ACTION ITEM #5 (short description of action item)**

Description: [write out a detailed description of the action item]

Responsible: [Insert who is responsible for the completion or follow-up of this action item]

Due Date:

Result:

**ACTION ITEM #6 (short description of action item)**

Description: [write out a detailed description of the action item]

Responsible: [Insert who is responsible for the completion or follow-up of this action item]

Due Date:

Result:

**ACTION ITEM #7 (short description of action item)**

Description: [write out a detailed description of the action item]

Responsible: [Insert who is responsible for the completion or follow-up of this action item]

Due Date:

Result: