

Transportation Conformity for New Nonattainment Areas

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Objectives

- What is transportation conformity?
- Where and when does transportation conformity apply?
- How are transportation conformity determinations performed?

Clean Air Act and Transportation Conformity Rule

- Required by CAA Section 176(c)
- Requires evaluation of emissions from transportation plans, transportation improvement programs (TIPs), and projects before they are funded or approved
- Ensures that Federal (FHWA/FTA) funding and approval are given to transportation (transit/highway) activities that are consistent with air quality goals

Transportation Conformity

- The CAA requires federal actions to conform to the purpose of the SIP
- Purpose of the SIP:
 - Eliminates/reduces violations of the NAAQS
 - Expedient attainment of the NAAQS
- According to CAA section 176(c) transportation activities must not:
 - produce new air quality violations
 - worsen existing violations
 - delay timely attainment of NAAQS, or any interim reductions or milestones

Transportation Conformity: A Link Between Air Quality and Transportation Planning

**Transportation
Conformity**

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graph TD; A[Transportation Conformity] --> B[Air Quality Planning]; A --> C[Transportation Planning]; B --- D[State Implementation Plan (SIP)]; C --- E[Metropolitan Transportation plan and Transportation Improvement Program (TIP)];
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Air Quality Planning

State Implementation Plan (SIP)

Transportation Planning

*Metropolitan Transportation
plan and Transportation
Improvement Program (TIP)*

Where Does Transportation Conformity Apply?

- Applies to federal transportation actions - highways (FHWA) and transit (FTA) - on-road mobile sources
- Designated nonattainment areas
- Maintenance areas (nonattainment areas redesignated to attainment)
- For ozone, PM₁₀, PM_{2.5}, CO and NO₂

What Is Subject to Transportation Conformity?

- Transportation plans
- Transportation improvement programs (TIPs)
- Regionally significant non-federal projects
 - Included in regional emissions analysis
 - No project-level conformity determination is required
- Non-exempt “federal” projects, i.e., those that:
 - Receive FHWA or FTA funding or
 - Require FHWA or FTA approval

When Does Transportation Conformity Apply?

- The CAA and conformity rule provide a one-year grace period before conformity applies for new areas
- Within one year of the effective date of the initial nonattainment designation, a conforming transportation plan and TIP must be in place in order to approve new federally funded/approved (FHWA/FTA) projects
- After the one-year grace period, a new conformity determination is required:
 - Before new transportation plans and TIPs (or amendments) are adopted, and at least every four years
 - Within two years of an adequate or approved motor vehicle emissions budget (“SIP budget”)
 - Before a new non-exempt project receives FHWA or FTA funding or approval for the first time

Who Is Involved?

- U.S. DOT (FHWA/FTA)
 - Determines conformity on transportation plans, TIPs and projects
- Metropolitan Planning Organizations (MPOs)
 - Makes conformity determination for transportation plans, TIPs and projects
- State DOT/transit agencies
 - Project level conformity
- State and local air agencies
 - Develop SIP budget
 - Consultation on conformity determinations
- EPA
 - Conformity regulations and guidance, consultation role

Transportation Plan/TIP Conformity Determination

- Perform regional emissions analysis and compare to adequate or approved SIP budgets or interim test(s)
- Latest Planning Assumptions and emissions model
- Ensure timely implementation of any transportation control measures (TCMs) in an approved SIP
- Conduct interagency consultation and public participation, and
- Meet other requirements (e.g., DOT's fiscal constraint requirements).

Regional Emissions Analysis: Which Test Applies?

- No adequate or approved SIP budgets:
 - Interim emissions test(s) (93.119)
- Adequate or approved SIP budgets:
 - Budget test (93.118)
- Budget test: emissions from planned transportation system \leq SIP budget
 - SIP Budget: Provides “ceiling” on emissions for a given pollutant or precursor for all on-road mobile sources

When is Conformity Required for Projects?

- Project-level conformity determinations only done for “FHWA/FTA projects,” i.e.,
 - Highway and transit projects that require FHWA/FTA funding or approval
- Before project is funded or approved
 - Typically part of NEPA process

Project-level Conformity Determination Requirements

- Comes from a conforming transportation plan and TIP
- Design concept and scope have not changed significantly
- Redetermination required for non-exempt projects (40 CFR 93.104(d)) if:
 - project has not advanced in three years
 - project's design concept and scope have changed significantly, or
 - supplementary environmental document has been initiated for air quality purposes
- Uses latest planning assumptions and latest emissions model
- Includes a hot-spot analysis in:
 - CO nonattainment and maintenance areas
 - PM_{2.5} and PM₁₀ nonattainment and maintenance areas, as required (for projects of local air quality concern) (40 CFR 93.123(b)(1))
- Other requirements as applicable

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
- Includes: DOT (FHWA and FTA), EPA, state DOT, state air agency, MPO(s), local transportation, transit and air agencies
- Goals of Interagency Consultation
 - Ensures all agencies meet regularly and share information
 - Identifies key issues early in the process
 - Enables well-coordinated schedules for TIP/plan conformity determinations and SIP development
 - Allows collaborative decisions on methodologies, assumptions, conformity test selection

For Further information and Training

- EPA's website:

www.epa.gov/otaq/stateresources/transconf/index.htm

- DOT (FHWA) website:

www.fhwa.dot.gov/environment/conform.htm

- Finding Nonattainment/Maintenance areas:

- EPA's Greenbook:

www.epa.gov/oar/oaqps/greenbk/