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
  - Expeditious 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
  - 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, PM$_{10}$, PM$_{2.5}$, CO and NO$_2$
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 ≤ 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 PM$_{10}$ 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/