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What is Transportation Conformity?

* This training is for informational purposes only. Please refer to the Transportation Conformity Rule and associated guidance at all times to ensure compliance with appropriate requirements.*

Welcome to the Federal Highway Administration’s training entitled “What is Transportation Conformity?” This training was designed for those new to transportation conformity, with little to no experience with the Transportation Conformity Rule. This session will cover the “what” of transportation conformity: what is transportation conformity? what transportation activities are covered by conformity? and what are the major requirements? This session does not address the “how” of conformity: how do we go about meeting the conformity regulations. The “how” of conformity is complex and must be covered under more extensive training.

Training Objectives

- Define transportation conformity
- Describe the transportation conformity requirement of the Clean Air Act of 1990
- Understand which areas have to meet conformity requirements
- Understand which transportation activities are subject to conformity
- Understand when transportation conformity requirements must be met

Let's begin. By the end of today's session, you should be able to define transportation conformity. You should be able to describe transportation conformity, for example to a colleague or supervisor. You should understand which areas must meet conformity requirements. You should understand and be able to list the specific transportation activities that are subject to conformity. Finally, you should understand when conformity requirements must be met.

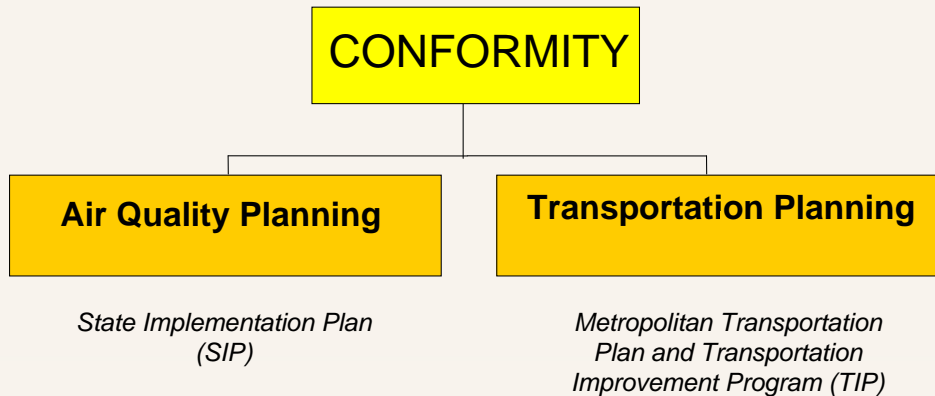
Transportation Conformity

- Required by the Clean Air Act (CAA) Section 176(c)
- Ensures that Federal (FHWA/FTA) funding and approval are given to transportation (highway/transit) activities that are consistent with air quality goals



So what is transportation conformity? Transportation conformity is a process required by the Clean Air Act which established the framework for improving air quality to protect public health and the environment. The goal of transportation conformity is to ensure that Federal Highway Administration (or “FHWA”) and Federal Transit Administration (or “FTA”) funding and approval are given to highway and transit activities that are consistent with air quality goals.

Transportation Conformity: A Link Between Transportation and Air Quality Planning



The Clean Air Act tied air quality planning and transportation planning together. Transportation conformity is the link between these two planning processes. Why might such a link be important? Well, the transportation sector is one of several sources of air pollution. The conformity process ensures that emissions from planned highway and transit activities would not affect the State's ability to achieve the clean air goal of meeting national ambient air quality standards, or NAAQS. Transportation conformity only applies for specific NAAQS, which we will discuss in a future slide. NAAQS are established by the U.S. Environmental Protection Agency (or "EPA") and designed to protect human health and the environment.

On the air quality planning side, we have the State Implementation Plan, or SIP. The SIP includes the state's plans for attaining or maintaining the relevant NAAQS, the modeling that demonstrates attainment or maintenance, and the various rules, regulations, and programs that provide the necessary emissions reductions.

On the transportation planning side, we are most interested in the metropolitan transportation plan and the metropolitan transportation improvement program, or TIP. These are the two major transportation planning documents that are associated with conformity.

Clean Air Act Requirement

- The Clean Air Act requires that transportation plans, transportation improvement programs (TIPs) and federal projects must conform to the purpose of the SIP.
- Conformity to a SIP means that such activities will not:
 - Cause or contribute to any new violations of the national ambient air quality standards (NAAQS)
 - Increase the frequency or severity of NAAQS violations
 - Delay timely attainment of the NAAQS or any required interim milestone

Now, let's look a little more specifically at the Clean Air Act requirement. Section 176(c) of the Clean Air Act requires that metropolitan transportation plans, metropolitan transportation improvement programs and federal projects conform to the purpose of the SIP. What do we mean when we say "conformity to the purpose of the SIP?" Well, conformity to the purpose of the SIP means specifically that these transportation activities (the plan, TIP, or project) will not cause new violations of the NAAQS, increase the frequency or severity of NAAQS violations, or delay timely attainment of the NAAQS or any interim milestone.

Transportation Conformity: What pollution does it address?



- Transportation conformity addresses air pollution from on-road mobile sources.
- On-road mobile sources are emissions created by cars, trucks, and transit.

Imagine you go outside on a hot, smoggy, summer day. You may look around and wonder “where does this pollution come from?”. As we’ve said, there are several sources of air pollution. Let’s take a closer look at these sources.

Stationary sources are large emitters, typically involving combustion such as industrial sources, refineries, and electric utilities. Area sources are too numerous to measure individually, but collectively contribute to the pollution problem. Examples of area sources are dry cleaners, paints, and solvents. Non-road mobile sources are vehicles, engines, and equipment that you would typically not expect to find on our roadways, such as boats, aircraft, locomotives, and construction equipment. On-road mobile sources are vehicles and engines that you would typically expect to find on our roadways, such as cars, trucks, and buses. Air quality planning will be concerned with all of these sources.

Transportation conformity, however, only addresses one piece of the overall emissions inventory. Transportation conformity only addresses emissions from on-road mobile sources.

Applicability of Transportation Conformity

- All nonattainment / maintenance areas for these pollutants and appropriate precursors:
 - Ozone (O₃)
 - Carbon monoxide (CO)
 - Nitrogen dioxide (NO₂)
 - Particulate matter less than 10 micrometers (PM₁₀)
 - Particulate matter less than 2.5 micrometers (PM_{2.5})



For more information on pollutants, visit EPA's website at <http://www.epa.gov/oar/oaqps/greenbk/o3co.html>

Now we know that transportation conformity only applies to on-road mobile sources. Geographically, transportation conformity does not apply to every area of the country. Transportation conformity only applies in nonattainment and maintenance areas for specific pollutants. A nonattainment area is an area designated by EPA as not meeting a NAAQS. A maintenance area is an area that was once designated as not meeting a NAAQS but is currently meeting and maintaining the standard. EPA, in partnership with the states, is responsible for the designation of areas as nonattainment and redesignating them once they achieve the NAAQS maintenance.

As we said, transportation conformity only applies in areas designated as nonattainment or maintenance for certain transportation-related pollutants and their precursors. These pollutants are ozone, carbon monoxide (CO), nitrogen dioxide (NO₂), particulate matter less than 10 micrometers in diameter (PM₁₀), and particulate matter less than 2.5 micrometers in diameter (PM_{2.5}). For more information on pollutants, visit EPA's website at <http://www.epa.gov/oar/oaqps/greenbk/o3co.html>.

Pollutants and Precursors

Precursor Emissions

Criteria pollutants	Precursor Emissions				
	Direct Emissions	NOx	VOC	Ammonia (NH ₃)	Sulfur Dioxide (SO ₂)
Ozone (O ₃)	—	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	—	—
PM ₁₀	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	—	—
PM _{2.5}	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
NO ₂	—	<input checked="" type="checkbox"/>	—	—	—
CO	<input checked="" type="checkbox"/>	—	—	—	—

In addition to direct emissions of the transportation-related pollutants, the conformity rule specifically requires emissions of certain precursor pollutants be addressed as well. “Precursor” pollutants are those pollutants which contribute to the formation of other, usually more harmful, pollutants. This chart shows the pollutants and their associated precursors. You can see here, for example, that ozone does not have any direct emissions, as it is not directly emitted into the air. The precursor emissions for ozone, oxides of nitrogen (or “NOx”) and volatile organic compounds (or “VOCs”) react through a chemical reaction to form ozone. So, if you were to look at a conformity determination for an ozone nonattainment area, you would not see estimates of ozone emissions, you would see estimates of its precursors, NOx and VOCs. This chart shows the applicable precursors for each of the NAAQS covered by conformity. However, in PM areas, which precursors are to be assessed under conformity will vary by area.

How do I find nonattainment and maintenance areas in my State?

- Go to EPA's GreenBook:
<http://www.epa.gov/air/oaqps/greenbk/>
- EPA Regional Contacts:
<http://www.epa.gov/otaq/stateresources/transconf/contacts.htm>
- Visit FHWA maps:
<http://www.fhwa.dot.gov/environment/conform.htm>

Now we understand that transportation conformity applies in nonattainment and maintenance areas for certain pollutants and their precursors. The next question might be “well, how do I find out where nonattainment and maintenance areas are in my state?” EPA has an excellent website where you can determine the nonattainment and maintenance status for areas for your state. This resource, called the GreenBook, is available on EPA’s website. On the site, you can search by pollutant, by designation status, or by county. Searching by county can be very helpful if you are working on a transportation project where you may know which counties it is in, but you don’t necessarily know the name of the nonattainment or maintenance area. You may also want to contact your EPA Regional office for more information on nonattainment and maintenance areas in your state.

FHWA has also posted maps on its website for the 1997 8-hour ozone standard and the 1997 PM_{2.5} standard. These maps show the nonattainment or maintenance area boundary as well as state, county, and metropolitan area planning boundaries.

Transportation Activities Subject to Conformity

- Metropolitan transportation plans
- Metropolitan transportation improvement programs (TIPs)
- Federal projects
 - projects receiving FHWA/FTA funding
 - projects receiving FHWA/FTA approval



We now know that transportation conformity only applies in nonattainment and maintenance areas for certain transportation-related pollutants and their precursors. In these areas, certain transportation activities are subject to the conformity requirements. The transportation activities that are subject to conformity are metropolitan transportation plans, metropolitan transportation improvement programs, and all nonexempt Federal projects that receive Federal Highway or Federal Transit Administration funding or approval.

You might notice that statewide transportation plans and statewide transportation improvement programs (or “STIPs”) are not on this list. Statewide transportation plans and STIPs are not subject to conformity.

What is a “Federal (FHWA/FTA) Project”?

- Any highway or transit project...
 - proposed to receive funding assistance and approval through the Federal-Aid Highway program or the Federal mass transit program, or
 - requires FHWA or FTA approval for some aspect of the project,
 - such as connection to an interstate highway or deviation from applicable design standards on the interstate system
 - Note: Some projects are exempt under the conformity rule.

When we talk about a federal project, we are talking about a project that requires either federal funding from FHWA or FTA, and/or federal approval. Even if a project is not federally-funded, there may be federal approvals such as access to an interstate system, that are needed. Some projects are exempt from conformity requirements. We will discuss types of exempt projects later in the session.

Who is Responsible for Conformity?



- U.S. DOT (FHWA/FTA)
- Metropolitan Planning Organizations (MPOs)
- State DOT
 - Isolated rural areas
- ☞ EPA - Conformity regulations and guidance, consultation role on determinations

A variety of agencies are involved in the conformity process. Let's take a look at some different agency responsibilities. Federal Highways and the Federal Transit Administration determine conformity on plans, TIPs, and projects to ensure all conformity requirements are met before funding or approving any Federal projects. MPOs must make a conformity determination on their plan and TIP before submitting them to FHWA and FTA. For projects in nonattainment and maintenance areas that do not include a metropolitan area, called "isolated rural areas", the state department of transportation usually assumes the conformity responsibility for these projects. EPA has a consultation role in the conformity process and in many areas will review the conformity determinations and provide comment letters to Federal Highways and FTA. Of course, EPA is also responsible for the conformity regulations and associated guidance documents.

When is Conformity Required?



Conformity must be determined:

- On the metropolitan Plan and TIP
 - At least every 4-years
 - 24-months after certain SIP actions
 - Within 12-months after new nonattainment designation becomes effective
- Prior to approval / acceptance of a metropolitan transportation plan, a TIP, and certain plan / TIP amendments
- Prior to approval of non-exempt federal projects (project-level conformity)
 - Federal projects involving FHWA/FTA approval or funding
 - Applies 12 months after the effective date of nonattainment designation

In keeping with Clean Air Act requirements, the conformity regulations include certain requirements for when we must make conformity determinations. It is important to be aware of these requirements for determining conformity to ensure that each area is preparing in advance. Conformity on the Metropolitan Transportation Plan and TIP must be determined at least every four years. Certain SIP actions, such as the adequacy finding of an emissions budget, require a new conformity determination of the plan and TIP within 24 months. For a newly designated nonattainment area, a conformity determination on the plan and TIP must be completed within 12 months of the effective date of the designation. Conformity must also be determined prior to approval or acceptance of a new metropolitan transportation plan, TIP, and certain Plan/TIP amendments. Conformity must be determined on non-exempt federal projects prior to their adoption, acceptance, approval or funding by FHWA or FTA. We call this project-level conformity. Project-level conformity requirements apply 12 months after the effective date of a new nonattainment designation.

Transportation Conformity Requirements

- Regional emissions analysis
 - (transportation modeling requirements for certain areas)
- Latest planning assumptions and emissions model
- Timely implementation of transportation control measures (TCMs) in an approved SIP
- Interagency consultation

Let's take a fairly brief look at the major transportation conformity requirements. The regional emissions analysis is an important component of the conformity determination. Simply put, the regional emissions analysis is an estimate of the emissions expected in the future from the transportation system envisioned by the metropolitan transportation plan or TIP. Tests are used to ensure that the emissions are consistent with emissions reductions needed to help the area reach attainment of the NAAQS, as planned by the SIP.

Additionally, each conformity determination must use the latest planning assumptions and latest emissions model. The latest planning assumptions are the most recent assumptions (such as population, employment, and vehicle fleet information) available at the time the conformity analysis begins. The latest emissions model is the EPA-approved model designated for use with conformity. Historically, for all states except California, this has been the current/most recent version of the MOBILE model series. The EMFAC model is used in California. EPA is currently working a new mobile emissions estimation model, called MOVES.

The conformity rule also requires that if there are transportation control measures (or "TCMs") in an approved SIP, the conformity determination must demonstrate that the TCM is being implemented on a schedule consistent with the schedule included in the SIP. Finally, the interagency consultation process is a critical component of the conformity process and is required in all nonattainment and maintenance areas. We will discuss interagency consultation in greater detail later in the presentation.

When Are Project-Level Conformity Determinations Required?

- Prior to the first time a Federal project is adopted, accepted, approved, or funded
 - Examples include:
 - NEPA Decision Document (CE, FONSI, ROD)
 - Final Design
 - Right-of-Way Acquisition
 - Construction Authorization
- Typically, project-level conformity is completed as part of the NEPA process (prior to issue of CE, FONSI, ROD)

Now we are going to spend a few minutes talking about conformity determinations for transportation projects, or project-level conformity. Project-level conformity requirements only apply to non-exempt, Federally-approved or -funded projects in nonattainment and maintenance areas. Project-level conformity determinations for such projects are required prior to the first time such a project is adopted, accepted, approved or funded. Typically, project-level conformity is completed as part of the NEPA process where the conformity determination is made prior to the issuance of a categorical exclusion (CE), a finding of no significance (FONSI), or a Record of Decision (ROD) by FHWA or FTA.

Project-level Conformity Requirements

- The project comes from a conforming plan and TIP
- The design concept and scope have not changed significantly since the conformity determination regarding the plan and TIP from which the project derived
- Analyses use latest planning assumptions and latest emissions model
- Includes a hotspot analysis in
 - CO nonattainment and maintenance areas
 - PM10 and PM2.5 nonattainment and maintenance areas, only for projects of air quality concern
- Compliance with control measures in PM SIP

So, what specifically are the major project-level requirements? This slide provides an overview of project-level requirements. First, the project must come from a conforming plan and TIP. Next, the design concept and scope cannot have changed significantly from that which was used during the conformity determination for the associated plan and TIP. The rule does not specifically define what a “significant change” entails. Interagency consultation should be used to determine what might be considered a “significant change”. Also, any project analyses in the conformity determination must have used the latest planning assumptions and latest emissions model. If the project is in a carbon monoxide nonattainment or maintenance area, then a hot-spot analysis is completed as part of project-level conformity. In particulate matter (PM10 or PM2.5) nonattainment or maintenance areas, a hot-spot analysis is completed only for projects of air quality concern. Finally, if there is a PM SIP and it includes control measures, then compliance with those measures must be assured.

Is Project-level Conformity Ever Redetermined?

- **Yes.** Project-level conformity must be redetermined if any of the following occur:
 - There is a significant change in design concept/scope
 - More than 3 years have passed since the most recent major step to advance the project
 - e.g.*, NEPA process completion, start of final design, acquisition of significant portion of right-of-way, and construction (including Federal approval of PS&E)
 - Initiation of supplemental environmental document for air quality purposes

So, once project level conformity is determined for a project, do we ever have to redetermine conformity? The answer is yes. Under certain circumstances, project-level conformity must be redetermined: If there is a significant change in the design concept and scope, then a new determination would be required. Again, consultation would be used to determine if such a change is “significant.” If more than 3 years have passed since the most recent step to advance the project, then a new determination would be required. Examples of major steps to advance a project include NEPA process completion, start of final design, acquisition of a significant portion of right-of-way, and construction and federal approval of plans, specification and estimates (PS and E). Finally, if a supplemental environmental impact statement for air quality purposes is initiated, then a new project-level conformity determination must be done. If questions arise, interagency consultation can be a good tool to discuss whether any of these conditions exist, thereby warranting a new conformity determination.

Project-level Conformity and Hot-Spot Analyses

- Hot-spot analyses requirements apply as part of project level conformity for FHWA/FTA projects in nonattainment and maintenance areas for:
 - CO
 - PM10 and PM2.5
 - ❖ hot-spot analyses are only required for projects of air quality concern
- Hot-spot analysis helps demonstrate that a transportation project meets Clean Air Act requirements.

EPA/DOT guidance on PM hot-spot analyses, available at
<http://www.fhwa.dot.gov/environment/conformity/pmhotspotguidmemo.htm>

If a non-exempt project is federally funded or approved and it is located in a carbon monoxide or particulate matter nonattainment or maintenance area, then hot-spot analyses requirements apply as part of project-level conformity. A hot-spot analysis is an assessment of the emissions impact of a project on local air quality concentrations. It helps to demonstrate that the project meets Clean Air Act requirements. In PM areas, hotspot analyses are only completed for projects deemed to be of local air quality concern. Please see EPA/DOT guidance on PM hot-spot analyses, available at <http://www.fhwa.dot.gov/environment/conformity/pmhotspotguidmemo.htm>.

What Projects are Exempt from Conformity?

There are three groups of exempt projects in the conformity rule:

- Projects exempt from all conformity requirements (§93.126)
 - Includes specific projects under the categories of Safety, Mass Transit, Air Quality, and Other
- Projects exempt from regional emissions analysis (§93.127)
 - (e.g., Intersection channelization, Interchange reconfiguration)
- Traffic Signal Synchronization projects (§93.128)

There are certain transportation projects that are exempt from conformity. Exempt projects are specifically defined in the conformity rule. They are grouped in three categories: the first group includes projects that are exempt from ALL conformity requirements. These projects can be found in section 93.126 of the conformity rule. The second group of exempt projects, found in section 93.127 of the rule, are those that are exempt from regional emissions analysis including intersection channelization or interchange reconfiguration. While exempt from regional emissions analysis, these projects are not exempt from conformity altogether and the local emissions impacts of these projects in CO and PM areas must still be considered in hotspot analysis, if required, prior to making project level conformity determinations. Finally, traffic signal synchronization projects are covered by section 93.128 of the rule and may proceed without first meeting all the conformity requirements. However, their emissions impacts must be considered in subsequent regional emissions analyses.

Interagency Consultation

- Required in all nonattainment and maintenance areas
- Formally established into the area's Conformity SIP and legally enforceable
- Required on the development or modification of
 - SIPs
 - Transportation plans and TIPs, and
 - Conformity determinations

As we noted earlier, interagency consultation is required in all nonattainment and maintenance areas where transportation conformity applies. The interagency consultation procedures established in a nonattainment or maintenance area are formally integrated into the SIP and are legally enforceable. The conformity rule requires consultation on the development or modifications to SIPs, transportation plans, TIPs, and associated conformity determinations. Interagency consultation requirements are specified in the conformity rule in section §93.105.

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:

- US DOT (FHWA & FTA)
- US EPA
- State DOT
- State air agency
- MPO(s)
- Local transportation, transit, and air agencies

Besides being required, interagency consultation is a key component in the conformity process. It is intended to enable a collaborative process between agencies and organizations to decide and reach agreement on key elements of the conformity process and of the transportation and air quality planning processes. It provides a forum for decision making on many conformity issues. The interagency consultation process includes the US DOT (FHWA and FTA), the US EPA, state DOT, state air agency, MPO(s), and local transportation, transit and air agencies.

Interagency Consultation

- Ensures all agencies:
 - Meet regularly
 - Share information
 - Identifies key issues early in the process
 - Enable well-coordinated schedules for TIP/Plan conformity determinations and SIP development
 - Collaboratively make key decisions such as methodologies, assumptions, conformity test selection

Interagency consultation ensures that agencies involved in the conformity process meet regularly, share information, and identify key issues early in the conformity process. Additionally, the process ensures that schedules are coordinated for TIP/Plan conformity determinations and SIP development. Finally, interagency consultation is the forum for collaborative decision making on issues such as: modeling methodologies, planning assumptions, and choice of conformity test(s).

Reminders

- Conformity requirements apply in nonattainment and maintenance areas
- Metropolitan transportation plans, TIPs, and Federal projects are subject to conformity requirements
- Conformity of the plan and TIP must be determined at least every 4 years, the same planning update cycle as for transportation plans and TIPs
- As part of project-level conformity:
 - A hot-spot analysis is completed in CO nonattainment and maintenance areas
 - In PM10 and PM2.5 nonattainment and maintenance areas, a hot-spot analysis is completed only for projects of air quality concern.

In summary, conformity requirements apply only in nonattainment and maintenance areas, as designated by EPA. Metropolitan transportation plans, TIPs, and federal projects are subject to conformity requirements. In terms of frequency, conformity determinations must be made on the metropolitan transportation plan and TIP at least every four years. As part of project-level conformity, a hot-spot analysis is completed in CO areas. In PM areas, a hot-spot analysis is completed only for projects of air quality concern.

The purpose of transportation conformity is to ensure that federal funding and approval are given to transportation activities that conform to the purpose of the State Implementation Plan.

- A) True**
- B) False**

Correct - Click anywhere to continue

Incorrect - Click anywhere to continue

Your answer:

You must answer the question before continuing

Submit

Clear

Please take a moment to complete the this knowledge check.

"Conformity to a SIP" means that transportation activities will not: (select all that apply)

- A) Cause or contribute to a new violation of the NAAQS**
- B) Interfere with NEPA requirements**
- C) Delay timely attainment of the NAAQS or any other interim milestone**
- D) Increase the frequency or severity of NAAQS violations**
- E) Impact emissions at all**

Correct - Click anywhere to continue

Incorrect - Click anywhere to continue

Your answer:

You must answer the question before continuing

Submit

Clear

Please take a moment to complete the this knowledge check.

The transportation activities that are subject to conformity are: (select all that apply)

- A) Metropolitan transportation plans**
- B) Statewide transportation plans**
- C) Metropolitan transportation improvement programs (TIPs)**
- D) Statewide transportation improvement programs (STIPs)**
- E) Non-exempt FHWA/FTA projects**

Correct - Click anywhere to continue

Incorrect - Click anywhere to continue

Your answer:

You must answer the question before continuing

Submit

Clear

Please take a moment to complete the this knowledge check.

Where can I get more information?

FHWA Conformity Website:

- <http://www.fhwa.dot.gov/environment/conform.htm>

EPA Conformity Website:

- <http://www.epa.gov/otaq/stateresources/transconf/index.htm>
- Copy of Conformity Rule:
 - <http://www.epa.gov/otaq/stateresources/transconf/regs/420b08001.pdf> (PDF, 398k)

Both FHWA and EPA have extensive amounts of information on conformity available on their websites. Examples of information on FHWA's website includes research projects on conformity implementation, joint EPA/DOT guidance, and examples of conformity practices/documents. EPA's website includes the conformity rule and amendments, guidance documents, and more. A copy of the conformity rule as of January 2008 is available as a pdf as shown on the slide.

If you have specific questions on transportation conformity or how to meet the requirements for your area, both websites also include contact information for more information and questions.

Thank you for your attention!
We hope you enjoyed this training.



Please send specific comments related to this training module to Karen Perritt at karen.perritt@dot.gov.

Thank you for your attention during this training session on What is Transportation Conformity. We hope you found the information helpful. If you have any comments or feedback related specifically to this training module, please send them to the email provided on the slide. If you have questions related to conformity, please use the contact information provided on FHWA and EPA's websites to determine the appropriate contact for your state or area.