

Transportation Conformity

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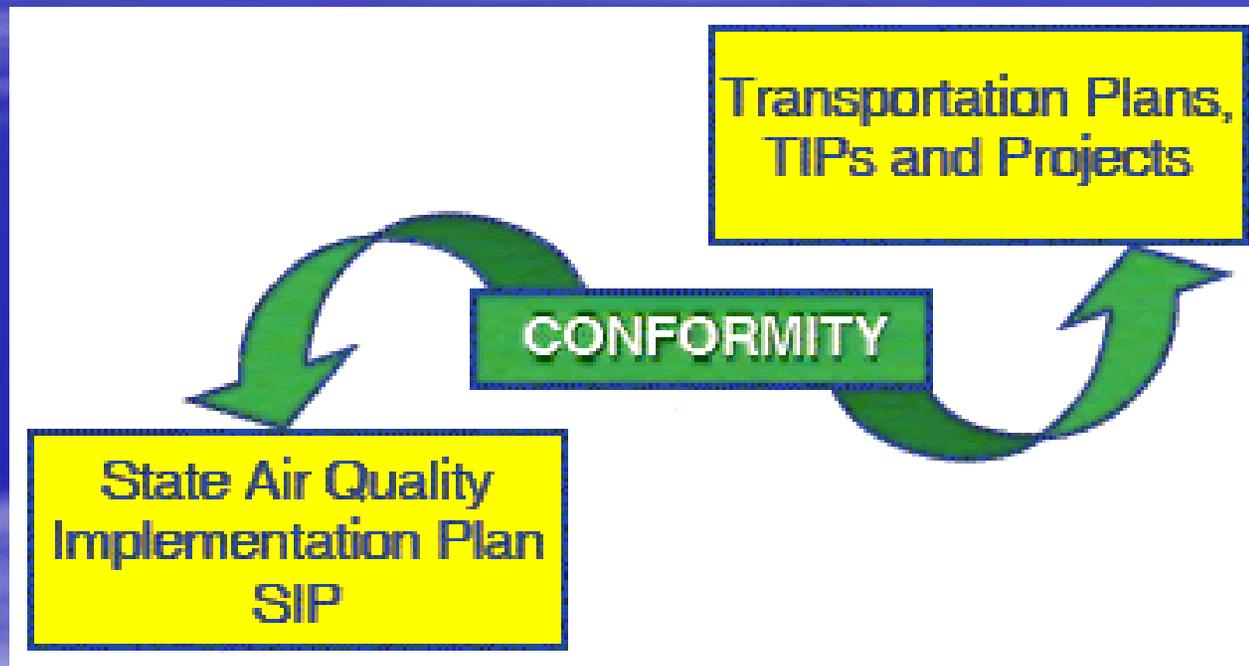
FHWA-SC

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What is Transportation Conformity?

- It is a way to ensure that Federal funding and approval goes to those transportation activities that are consistent with air quality goals.
- Applies to transportation plans, transportation improvement programs (TIPs), and projects funded or approved by the Federal Highway Administration (FHWA) or the Federal Transit Administration (FTA) in "non-attainment areas" or "maintenance areas,"

Conformity Links Air Quality and Transportation Planning



What is a Conformity Determination?

- It demonstrates that the total emissions projected for a plan or program are within the emissions limits ("budgets") established by the air quality plan or State Implementation Plan (SIP), and that transportation control measures (TCMs) are implemented in a timely fashion.

Responsibility for Making a Conformity Determination

- The Metropolitan Planning Organization (MPO) must formally make a conformity determination on its transportation plans and TIPs prior to submitting them to FHWA/FTA for an independent review and conformity determination.
- Must be done in accordance with the required interagency consultation process

Interagency Coordination

- Interagency consultation must occur during key phases of the conformity process including the following: development of the SIP, transportation plan/TIP; determining when SIP, plan or TIP revisions are needed; and in determining project level conformity.
- The process has been found to be most effective when considered as a continuous process involving all key stakeholders in a conformity determination.

Roles and Responsibilities

MPO

- Conduct analysis on regional plan/TIP and projects
- Incorporate latest emissions factors, planning assumptions, and emissions models
- Circulate draft plan/TIP for interagency and public comment
- Ensure public participation procedures are followed
- Ensure timely implementation of TCMs
- Respond to significant comments on TIP/plan conformity documents
- In CO and PM 2.5 non-attainment areas, conduct "hot-spot" analysis as part of the NEPA process
- Consult with agencies throughout the conformity determination process
- Consult on the development of the SIP and motor vehicle emissions budgets



Roles and Responsibilities

State DOT

- Consult with agencies throughout the conformity determination process
- Traffic Modeling
- Conduct regional conformity analysis on projects not in metropolitan areas, based on interagency consultation
- In CO and PM 2.5 non-attainment areas, conduct "hot-spot" analysis as part of the NEPA process
- Provide for public participation/respond to significant comments
- Ensure timely implementation of TCMs
- Review and approve staff regional and hot-spot analysis
- Consult on the development of the SIP and motor vehicle emissions budgets



Roles and Responsibilities

State Air Quality Agency

- Prepare SIP for each relevant pollutant
- Ensure interagency involvement during SIP development (including the state DOT and MPO(s))
- Hold public hearings prior to SIP adoption
- Ensure SIPs are complete and control measures are enforceable under the 1990 CAA, prior to board approval action
- Ensure latest emissions factors and planning assumptions are used for SIP development
- Regional Air Quality Modeling
- Review and approve staff recommendation, forward to EPA for Federal approval
- Participate in the interagency consultation process for plan/TIP development and conformity determination



Roles and Responsibilities

FHWA/FTA

- Make joint conformity determinations on MPO plans/TIPs amendments and projects
- Participate in the interagency consultation process for plan/TIP development and conformity determinations
- Ensure timely implementation of TCMs
- Ensure adequate public participation as part of the metropolitan planning process
- Ensure that all other conformity and transportation planning requirements are met
- Develop technical guidance on traffic demand and forecasting, and Federal aid program guidance
- Consult on the development of the SIP and motor vehicle emissions budgets



Roles and Responsibilities

USEPA

- Consult on the development of the SIP and motor vehicle emissions budgets
- Review submitted budgets for adequacy and implement adequacy process
- Provide technical guidance on TCMs and SIP development
- Review and comment on draft and submitted control strategy and maintenance SIPs
- Review, comment, and approve SIPs
- Participate in the interagency consultation process for plan/TIP development and conformity determinations
- Review and comment on proposed conformity determinations
- Designates approved emissions models for use in SIP development and conformity determinations
- Designate "guideline" dispersion models for hotspot analysis



Public Participation

- *Good public participation processes are proactive, easily accessible to the public and keep the public informed on an ongoing basis.*
- *Make transportation plans, TIPs and conformity determinations available for public review.*
- *Respond to public comment and provide adequate notice of relevant meetings.*
- *Project sponsors must also allow for public involvement during project development.*
- *The public participation requirements for transportation planning must be met; there are no additional public participation requirements for conformity.*

Latest Planning Assumptions and Emissions Model

- *Latest planning assumptions, traffic modeling, and EPA-approved emissions models must be used each time a regional emissions analysis is conducted.*
- *This requirement ensures that the latest planning, travel, vehicle age and fleet mix, demographic, and economic assumptions are reflected in conformity determinations.*

Regional Emissions Analysis

- *Regional emissions analysis is the key analytical component of a conformity determination. It demonstrates that transportation investments are consistent with air quality goals and will not make the air quality worse.*

Motor Vehicle Emissions Budget

- The State air quality agency identifies how pollution from all sources will be reduced sufficiently to meet the federal air quality standards. As part of this process, the motor vehicle emissions budget is developed.
- Transportation agencies, including state DOTs and MPOs, should consult with the air quality agency on the development of the SIP and motor vehicle emissions budget.
- Required emission reductions are calculated and control measures are adopted to achieve needed reductions. This reduced level of emissions is used to set a limit for motor vehicle emissions, which are called "budgets".

Timely Implementation of TCMs

- *When an EPA-approved SIP includes Transportation Control Measures (TCMs), each time a conformity determination is made the MPO must demonstrate that these measures are being implemented on schedule as called for in the SIP.*

Transportation Control Measures

- programs for improved public transit;
- restriction of certain roads or lanes to, or construction of such roads or lanes for use by, passenger buses or high-occupancy vehicles (HOV);
- employer-based transportation management plans, including incentives;
- trip-reduction ordinances;
- traffic flow improvement programs that achieve emissions reductions;
- fringe and transportation corridor parking facilities serving multiple-occupancy vehicle programs or transit service;
- programs to limit or restrict vehicle use in downtown areas or other areas of emission concentration particularly during periods of peak use;
- programs for the provision of all forms of high-occupancy, shared-ride services;
- programs to limit portions of road surfaces or certain sections of the metropolitan area to the use of non-motorized vehicles or pedestrian use, both as to time and place;
- programs for secure bicycle storage facilities and other facilities, including bicycle lanes, for the convenience and protection of bicyclists, in both public and private areas;
- programs to control extended idling of vehicles;
- reducing emissions from extreme cold-start conditions;
- employer-sponsored programs to permit flexible work schedules;
- programs and ordinances to facilitate nonautomobile travel, provision and utilization of mass transit, and to generally reduce the need for need for single-occupant vehicle travel, as part of transportation planning and development efforts of a locality, including programs and ordinances applicable to new shopping centers, special events, and other centers of vehicle activity;
- programs for new construction and major reconstruction of paths, tracks, or areas solely for use by pedestrian or other nonmotorized means of transportation when economically feasible and in the public interest. For purposes of this clause, the Administrator shall also consult with the Secretary of the Interior;
- programs to encourage removal of pre-1980 vehicles.

Project Level Conformity and Hot-spot Analysis

- Hot-spot analysis required in PM 2.5 non-attainment areas
- Project-level conformity determinations to demonstrate that the project is reflected in a conforming transportation plan and TIP.
- In carbon monoxide and particulate matter nonattainment and maintenance areas, localized analysis is required for Federallyfunded or approved projects. This analysis is called "hot-spot" analysis.

Conformity Lapse

- If a conformity determination is not made according to the required frequency, a conformity lapse occurs.
- In the case of a conformity lapse, the use of Federal transportation funds is restricted to certain kinds of projects. These include "exempt projects" such as safety projects and certain mass transportation projects, TCMs from an approved SIP, and project phases that were authorized by the FHWA/FTA prior to the lapse.
- The FHWA and FTA do not reduce the amount of funding a State receives if there is a lapse; however, as noted above, use of Federal funds is restricted during the lapse.

How does this apply to SC?

SC Nonattainment Areas

- Ozone

- Greenville-Spartanburg-Anderson – EAC
- Charlotte-Gastonia-Rock Hill – Moderate
- Columbia – EAC
- Standard - .08 ppm – 3-year average of the fourth-highest daily maximum 8-hour average ozone concentration

- PM 2.5

- Greenville-Spartanburg-Anderson – unclassified
- EPA revised standard in September 2006
- 24-hour standard changed from 65 ug/m³ to 35 ug/m³, retained current annual standard at 15 ug/m³
- EPA expects designations to take effect in April 2009 based upon the most recent 3 years of available data

Early Action Compact (EAC)

- Local areas have the flexibility to develop their own approach to meeting the 8-hour ozone standard, provided the communities control emissions from local sources earlier than the Clean Air Act would otherwise require.
- Requires areas to meet several milestones to be eligible for a series of 3 deferrals of the effective date of the 8-hour ozone designation.
- Must demonstrate attainment with the 8-hour ozone standard by December 31, 2007.

What if an EAC Area does not
demonstrate attainment by
December 2007?

What Will Happen?

- The area will have to comply with all the Clean Air Act Amendment requirements including Transportation Conformity
- The area will have one year to make a Transportation Conformity Determination from the date the deferment is removed

The Good News

- MOA is in place for Interagency Consultation
- Smart Highway analysis has been completed for the EAC areas
- RFATS has made two conformity determinations since designation

What needs to be done

- Conformity determination made within 1-year of designation
- Conformity determination on the transportation plan and TIP at least once every four years
- Conformity determination is also required for plan and TIP amendments, unless the amendment only involves exempt projects
- Include Regionally Significant projects regardless of funding

What is a Regionally Significant Project?

- *A transportation project (other than an exempt project) that is on a facility which serves regional transportation needs (such as access to and from the area outside of the region, major activity centers in the region, major planned developments such as new retail malls, sports complexes, etc. or transportation terminals as well as most terminals themselves) and would normally be included in the modeling of a metropolitan area's transportation network, including at a minimum all principal arterial highways and all fixed guideway transit facilities that offer an alternative to regional highway travel.*

Changing the Project Schedule

- Ensure that such changes do not affect assumptions such as operational dates of projects, milestone years, etc. that would in turn affect modeling assumptions and the validity of the regional analysis for the transportation plan
- If a project is moved from later years in the plan to the TIP, a TIP amendment and a new conformity determination is required.
- If the a TIP amendment involves non-exempt projects or changes in project design concept or scope, a new conformity determination is required.
- If a regionally significant project is proposed to be implemented that is not included in the currently conforming transportation plan or TIP, a new conformity determination is required.

Change in Design, Concept or Scope

- If the NEPA process result in a substantially different design concept and scope than assumed in the transportation plan or TIP, then:
 - the project is subject to a project level re-analysis and the regional emissions analysis requirement on the plan/TIP must also be met prior to NEPA process completion.
 - conformity must be re-determined for both the plan/TIP based on the new project scope prior to NEPA process completion and project approval.

For more information

Visit:

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

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