# **Transportation Air Quality Conformity Findings Checklist**

## PROJECT INFORMATION

**Project Name:**

**DIST-CO-RTE-PM:**

**EA:**       **Federal Aid Number:**

**Document Type:** [ ]  23 USC 326 CE [ ]  23 USC 327 CE [ ]  EA [ ]  EIS

## CHECKLIST

**Step 1.** Is the project located in a nonattainment or maintenance area for ozone, nitrogen dioxide, carbon monoxide (CO), PM2.5, or PM10 per [EPA’s Green Book](https://www.epa.gov/green-book)listing of non-attainment areas?

[ ]  If no, go to Step 18. **Transportation conformity does not apply to the project.**

[ ]  If yes, go to Step 2.

**Step 2.** Is the project exempt from conformity per [40 CFR 93.126](https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.ecfr.gov%2Fcgi-bin%2Ftext-idx%3FSID%3Dc8b334e9c96f1fd8516f1acf8559cb56%26mc%3Dtrue%26node%3Dpt40.22.93%26rgn%3Ddiv5%23se40.22.93_1126&data=02%7C01%7Cjennifer.clark%40dot.ca.gov%7Ce883b00aa74a40fda87d08d6b8780bba%7C621b0a64174043cc8d884540d3487556%7C0%7C0%7C636899224011790656&sdata=8ZC1SNgo0t5sNnCzq71sN0uM%2BeTtUx6cbil4wpFLadg%3D&reserved=0) or [40 CFR 93.128](https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.ecfr.gov%2Fcgi-bin%2Ftext-idx%3FSID%3Dc8b334e9c96f1fd8516f1acf8559cb56%26mc%3Dtrue%26node%3Dpt40.22.93%26rgn%3Ddiv5%23se40.22.93_1128&data=02%7C01%7Cjennifer.clark%40dot.ca.gov%7Ce883b00aa74a40fda87d08d6b8780bba%7C621b0a64174043cc8d884540d3487556%7C0%7C0%7C636899224011800665&sdata=gGbiOW5fO5Ub8qQTwwEcKvrPal8q9wFUXbql6SLWI%2Bw%3D&reserved=0)?

[ ]  If yes, go to Step 18. **The project is exempt from all project-level conformity requirements (40 CFR 93.126 or 128)** (check one box below and identify the project type, if applicable).

[ ]  40 CFR 93.126[[1]](#footnote-1)
**Project type from Table 2:**

[ ]  40 CFR 93.128

[ ]  If no, **go** to Step 3.

**Step 3.** Is the project exempt from regional conformity per [40 CFR 93.127](https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.ecfr.gov%2Fcgi-bin%2Ftext-idx%3FSID%3Dc8b334e9c96f1fd8516f1acf8559cb56%26mc%3Dtrue%26node%3Dpt40.22.93%26rgn%3Ddiv5%23se40.22.93_1127&data=02%7C01%7Cjennifer.clark%40dot.ca.gov%7Ce883b00aa74a40fda87d08d6b8780bba%7C621b0a64174043cc8d884540d3487556%7C0%7C0%7C636899224011800665&sdata=70Cf526VQxE1p8RyFWop8VWDuLpK8q1E9IuYeJi4oG0%3D&reserved=0)?

[ ]  If yes, go to Step 8. **The project is exempt from regional conformity requirements (40 CFR 93.127)** (identify the project type).
**Project type:**

[ ]  If no, go to Step 4.

**Step 4.**  Is the project located in a region with a currently conforming RTP and TIP?

[ ]  If yes, t**he project is included in a currently conforming RTP and TIP per 40 CFR 93.115. The project’s design and scope have not changed significantly from what was assumed in RTP conformity analysis (40 CFR 93.115[b])** Go to Step 8.

[ ]  If no and the project is located in an isolated rural area, go to Step 5.

[ ]  If no and the project is not located in an isolated rural area, STOP and do not proceed until a conforming RTP and TIP are adopted.

**Step 5.** For isolated rural areas, is the project regionally significant per 40 CFR 93.101, based on review by Interagency Consultation?

[ ]  If yes, go to Step 6.

[ ]  If no, go to Step 8. **The project, located in an isolated rural area, is not regionally significant and does not require a regional emissions analysis (40 CFR 93.101 and 93.109[e]).**

**Step 6.** Is the project included in another regional conformity analysis that meets the isolated rural area analysis requirements per 40 CFR 93.109, including Interagency Consultation and public involvement?

[ ]  If yes, go to Step 8. **The project, located in an isolated rural area, has met its regional analysis requirements through inclusion in a previously-approved regional conformity analysis that meets current requirements (40 CFR 93.109[e]).**

[ ]  If no, go to Step 7.

**Step 7.** The project, located in an isolated rural area, requires a separate regional emissions analysis.

[ ]  **Regional emissions analysis for regionally significant project, located in an isolated rural area, is complete. Regional conformity analysis was conducted that includes the project and reasonably foreseeable regionally significant projects for at least 20 years. Interagency Consultation and public participation were conducted. Based on the analysis, the interim or emission budget conformity tests applicable to the area are met (40 CFR 93.109[e] and 95.105).**[[2]](#footnote-2) Go to Step 8.

**Step 8.** Is the project located in a CO nonattainment or maintenance area? (South Coast Air Basin only)

[ ]  If no, go to Step 9. **CO conformity analysis is not required.**

[ ]  If yes, **hot-spot analysis requirements for CO per the** [CO Protocol](https://dot.ca.gov/programs/environmental-analysis/air-quality/project-level-air-quality-analysis) (or per EPA’s modeling guidance, CAL3QHCR can be used with EMFAC emission factors[[3]](#footnote-3)) **have been met. Project will not cause or contribute to a new localized CO violation (40 CFR 93.116 and 93.123)**[[4]](#footnote-4). Go to Step 9.

**Step 9.** Is the project located in a PM10 and/or a PM2.5 nonattainment or maintenance area?

[ ]  If no, go to Step 13. **PM2.5/PM10 conformity analysis is not required.**

[ ]  If yes, go to Step 10.

**Step 10.** Is the project considered to be a Project of Air Quality Concern (POAQC), as described in EPA’s [Transportation Conformity Guidance](https://www.epa.gov/state-and-local-transportation/project-level-conformity-and-hot-spot-analyses#pmguidance) for PM 10 and PM 2.5?

[ ]  If no, **the project is not a project of concern for PM10 and/or PM2.5 hot-spot analysis based on 40 CFR 93.116 and 93.123 and EPA’s Hot-Spot Analysis Guidance. Interagency Consultation concurred with this determination on**      .Go to Step 12.

[ ]  If yes, go to Step 11.

**Step 11.** The project is a POAQC.

[ ]  **The project is a project of concern for PM10 and/or PM2.5 hot-spot analysis based on 40 CFR 93.116 and 93.123, and EPA’s Hot-Spot Guidance. Interagency Consultation concurred with this determination on**      . **Detailed PM hot-spot analysis, consistent with 40 CFR 93.116 and 93.123 and EPA’s Hot-Spot Guidance, shows that the project would not cause or contribute to, or worsen, any new localized violation of PM10 and/or PM2.5 standards.** Go to Step 12.

**Step 12.** Does the approved PM SIP include any PM10 and/or PM2.5 control measures that apply to the project, and has a written commitment been made as part of the air quality analysis to implement the identified SIP control measures? [Control measures can be found in the applicable Federal Register notice at: <https://www.epa.gov/state-and-local-transportation/conformity-adequacy-review-region-9#ca>.]

[ ]  If yes, **a written commitment is made to implement the identified** **SIP control measures for PM10 and/or PM2.5 through construction or operation of this project (40 CFR 93.117).** Go to Step 14.

[ ]  If no, go to Step 13.

**Step 13a.** Have project-level mitigation or control measures for CO, PM10, and/or PM2.5, included as part of the project’s design concept and scope, been identified as a condition of the RTP or TIP conformity determination? AND/OR

**Step 13b.** Are project-level mitigation or control measures for CO, PM10, and/or PM2.5 included in the project’s NEPA document? AND

**Step 13c** (applies only if Step 13a and/or 13b are answered “yes”)**.** Has a written commitment been made as part of the air quality analysis to implement the identified measures?

[ ]  If yes to 13a and/or 13b and 13c, **a written commitment is made to implement the identified mitigation or control measures for CO, PM10, and/or PM2.5 through construction or operation of this project. These mitigation or control measures are identified in the project’s NEPA document and/or as conditions of the RTP or TIP conformity determination (40 CFR 93.125(a)).** Go to Step 14.

[ ]  If no, go to Step 14.

**Step 14.** Does the project qualify for a Categorical Exclusion pursuant to 23 USC 326?

[ ]  If yes, go to step 15.

[ ]  If no, the project requires preparation of a Categorical Exclusion, EA, or EIS pursuant to 23 USC 327. Go to Step 16.

**Step 15. Is any analysis required by steps 1-13 of this form?[[5]](#footnote-5)**

[ ]  If yes, then Caltrans prepares the appropriate analysis and documentation for the project file and makes the conformity determination through its signature on the CE form. No FHWA involvement is required. See the AQCA Annotated Outline. Go to Step 18.

[ ]  If no, then Caltrans makes the conformity determination through its signature on the CE form. No FHWA involvement is required. Go to Step 18.

**Step 16.** Is the project located in a non-attainment/maintenance area for **ozone only** and considered not regionally significant/non-exempt?

[ ]  If yes, go to Step 18.[[6]](#footnote-6)

[ ]  If no, then **an AQCA is needed**. See the AQCA Annotated Outline. Caltrans submits a conformity determination request to FHWA for FHWA’s conformity determination. Go to Step 17.

**Step 17.** Send FHWA Request for Conformity Determination package and [FHWA Submittal Package Checklist](https://dot.ca.gov/programs/environmental-analysis/standard-environmental-reference-ser/forms-templates#conformity) to DOTP- Air Quality (rodney.tavitas@dot.ca.gov) and DEA-Air Quality (daisy.laurino@dot.ca.gov) for completeness review. Please direct technical questions to DOTP-Air Quality office. Headquarters staff will coordinate with FHWA on behalf of the district.

**Date of FHWA air quality conformity determination:**

**Step 18. STOP as all air quality conformity requirements have been met.**

## SIGNATURE

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| --- | --- | --- | --- | --- |
| Print name |  |       |  |       |
| Enter title |  | Signature |  | Date |

1. Please refer to [Clarifications on Exempt Project Determinations](https://dot.ca.gov/programs/environmental-analysis/standard-environmental-reference-ser/other-guidance#exprojdeter) to verify exempt project type from
Table 2. Road diets, auxiliary lanes less than one-mile, and ramp metering may be exempt under “projects that correct, improve, or eliminate a hazardous location or feature.” [↑](#footnote-ref-1)
2. The analysis must support this conclusion before going to the next step. [↑](#footnote-ref-2)
3. Use of the CO Protocol is strongly recommended due to its use of screening methods to minimize the need for modeling. When modeling is needed, the Protocol simplifies the modeling approach. Use of CAL3QHCR must follow U.S. EPA’s latest CO hot spot guidance, using EMFAC instead of MOVES; see: http://www.epa.gov/otaq/stateresources/transconf/projectlevel-hotspot.htm#co-hotspot. [↑](#footnote-ref-3)
4. As of October 1, 2007, there are no CO nonattainment areas in California. Therefore, the requirements to not worsen existing violations and to reduce/eliminate existing violations do not apply. [↑](#footnote-ref-4)
5. Please note that not all projects that qualify for a categorical exclusion will be exempt from air quality conformity requirements. Many types of projects that may qualify for a CE (such as the addition of auxiliary lanes less than one-mile, weaving lanes less than one-mile, turning lanes less than one-mile, climbing lanes less than one-mile, parking, road diets, ramp metering, and even many bridge projects) MAY require some level of project level conformity analysis and may even require interagency consultation. Additionally, please note that for ALL projects the project file must include evidence that one of the three following situations apply:  1) Conformity does not apply to the project area; or 2) The project is exempt from all conformity analysis requirements; or 3) The project is subject to project-level conformity analysis (and possibly regional conformity analysis) and meets the criteria for a conformity determination.  The project file must include all supporting documentation and this checklist. [↑](#footnote-ref-5)
6. Project-level conformity analysis shows that the project will conform to the State Implementation Plan. Because the project area is Attainment/Unclassified for carbon monoxide (CO) and particulate matter (PM10 and PM2.5), no hot spot analysis is required for the project-level conformity determination by 40 CFR 93.116 and 93.123. The project comes from a conforming Regional Transportation Plan (RTP) and Transportation Improvement Program (TIP). Include documentation of interagency consultation review in the final CE/EA/EIS, if applicable. [↑](#footnote-ref-6)