

Conformity Analysis Documentation

FHWA/EPA Checklist for Isolated Rural Nonattainment Areas

March 7, 2005

40 CFR	Criteria	Page	Comments
§93.102	Document the applicable pollutants and precursors for which EPA designates the area as nonattainment or maintenance. Describe the nonattainment or maintenance area and its boundaries.		
§93.104 (d)	Document whether a new conformity determination is required per this section: this is a new project; a significant change in design concept and scope; three years since the most recent step to advance the project; a supplemental EA/EIS was initiated for air quality purposes.		
§93.109 (a, b)	Document that the regional emissions analysis complies with any applicable conformity requirements of air quality implementation plans or court orders.		
§93.109 (l)	Provide a table that shows, for each pollutant and precursor, whether the interim emissions tests and/or the budget test apply for conformity. Indicate which emissions budgets have been deemed adequate and/or approved by EPA, and which budgets are currently applicable for what analysis years. Indicate what test is being used for analysis years after the attainment year (budget, interim, dispersion modeling) and if hot spot analyses are included.		
§93.110 (a,b)	Document the use of latest planning assumptions (source and year) at the "time the conformity analysis begins," including current and future population, employment, travel and congestion. Document the use of the most recent available vehicle registration data. Document the date upon which the conformity analysis was begun.		
USDOT/EPA guidance	Document the use of planning assumptions less than five years old. If unable, include written justification for the use of older data. (1/18/02)		
§93.110 (c,d,e,f)	Document any changes in transit operating policies and assumed ridership levels since the previous conformity determination. Document the use of the latest transit fares and road and bridge tolls. Document the use of the latest information on the effectiveness of TCMs and other SIP measures that have been implemented. Document the key assumptions and show that they were agreed to through Interagency and public consultation.		
§93.111	Document the use of the latest emissions model approved by EPA.		
§93.112	Document fulfillment of the interagency and public consultation requirements outlined in a specific implementation plan according to §51.390 or, if a SIP revision has not been completed, according to §93.105 and 23 CFR 450. Include documentation of consultation on conformity tests and methodologies as well as responses to written comments.		
§93.113 (a,d)	Document timely implementation of all TCMs in approved SIPs. Document that the project does not interfere with the implementation of TCMs.		
§93.116(a) ¹	Document that the project does not cause or contribute to any new localized PM or CO violations.		
§93.116(b) ²	Document how the project contributes to eliminating or reducing the severity and number of localized CO violations.		
§93.117 ³	Document that the project complies with any PM10 or PM2.5 control measures in the applicable attainment plan.		
§93.118 (a, c, e)	<u>For areas with SIP budgets:</u> Document that emissions from the transportation network, including projects in the isolated rural nonattainment area that are in the Statewide TIP and regionally significant non-Federal projects, are consistent with any adequate or approved motor vehicle emissions budget(s) for all pollutants and precursors in applicable SIP(s).		
§93.118 (b)	Document for which years consistency with motor vehicle emissions budgets must be shown.		
§93.118 (d)	Document the use of the appropriate analysis years in the regional emissions analysis for areas with SIP budgets, and the analysis results for these years. Document any interpolation performed to meet tests for years in which specific analysis is not required.		

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§93.119 ⁴	For areas without applicable SIP budgets: Document that emissions from the transportation network for each applicable pollutant and precursor, including projects in the isolated rural nonattainment area that are in the Statewide TIP and regionally significant non-Federal projects, are consistent with the requirements of the “Action/Baseline”, “Action/1990” and/or “Action/2002” interim emissions tests as applicable.		
§93.119 (g)	Document the use of the appropriate analysis years in the regional emissions analysis for areas without applicable SIP budgets.		
§93.119 (h,i)	Document how the baseline and action scenarios are defined for each analysis year.		
§93.122 (a)(1)	Document that all regionally significant Federal and non-Federal projects in the nonattainment/maintenance area are explicitly modeled in the regional emissions analysis. For each project, identify by which analysis year it will be open to traffic. Document that VMT for non-regionally significant Federal projects is accounted for in the regional emissions analysis.		
§93.122 (a)(2, 3)	Document that only emission reduction credits from TCMs on schedule have been included, or that partial credit has been taken for partially implemented TCMs. Document that the regional emissions analysis only includes emissions credit for projects, programs, or activities that require regulatory action if: the regulatory action has been adopted; the project, program, activity or a written commitment is included in the SIP; EPA has approved an opt-in to the program, EPA has promulgated the program, or the Clean Air Act requires the program (indicate applicable date). Discuss the implementation status of these programs and the associated emissions credit for each analysis year.		
§93.122 (a)(4,5,6)	For nonregulatory measures that are not included in the STIP, include written commitments from appropriate agencies. Document that assumptions for measures outside the transportation system (e.g. fuels measures) are the same for baseline and action scenarios. Document that factors such as ambient temperature are consistent with those used in the SIP unless modified through interagency consultation.		
§93.122 (d)	Document the continued use of modeling techniques or the use of appropriate alternative techniques to estimate vehicle miles traveled.		
§93.122 (e, f)	Document, in areas where a SIP identifies construction-related PM10 or PM 2.5 as contributing, the inclusion of PM10 and/or PM 2.5 construction emissions in the conformity analysis.		
§93.123	Document how the required procedures were met for CO quantitative and qualitative and PM10 qualitative hot spot analyses.		
§93.126, §93.127, §93.128	Document all projects in the isolated rural nonattainment area that are in the Statewide TIP and exempt from conformity requirements or exempt from the regional emissions analysis. Indicate the reason for the exemption (Table 2, Table 3, signal synchronization) and that the interagency consultation process found these projects to have no potentially adverse emissions impacts.		

¹ Applies for hot spot analyses in rural CO and PM10 nonattainment and maintenance areas only.

² Applies for hot spot analyses in rural CO nonattainment areas only.

³ Applies for project-level conformity determinations in rural PM10 and PM2.5 nonattainment areas only.

⁴ Note that some isolated rural areas are required to complete both interim emissions tests.

Disclaimers

This checklist is intended solely as an informational guideline to be used in reviewing Transportation Plans and Transportation Improvement Programs for adequacy of their conformity documentation. It is in no way intended to replace or supercede the Transportation Conformity regulations of 40 CFR Parts 51 and 93, the Statewide and Metropolitan Planning Regulations of 23 CFR Part 450 or any other EPA, FHWA or FTA guidance pertaining to transportation conformity or statewide and metropolitan planning. This checklist is not intended for use in documenting transportation conformity for individual transportation projects in nonattainment or maintenance areas. 40 CFR Parts 51 and 93 contain additional criteria for project-level conformity determinations.