
ENVIRONMENTAL Fact Sheet



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Transportation Conformity: *How transportation affects air quality*

What is Transportation Conformity?

Transportation conformity connects transportation and the environment. Required by the Clean Air Act, it is the process that ensures federally-supported transportation projects and transportation plans do not adversely affect New Hampshire's attainment or continued attainment of National Ambient Air Quality Standards (NAAQS). Through the conformity process, transportation activities will not be approved if they have an adverse effect on the state's air quality.

Transportation conformity has a specific set of NAAQS pollutants it addresses:

Ozone (O ₃)	Particulates (large) (PM10)	Nitrogen Dioxide (NO ₂)
Carbon monoxide (CO)	Particulates (small) (PM2.5)	

Motor vehicles don't directly create or emit ozone. However, motor vehicles emit Volatile Organic Compounds (VOCs) and Nitrous Oxides (NO_x) that lead to the formation of ozone so those pollutants are also subject to the conformity process and they are part of the State Implementation Plan (SIP) that describes actions and strategies the state will take, to reduce NAAQS pollutants.

There is another type of conformity called **General Conformity** that applies to all other federal projects or federally funded projects not covered by transportation conformity such as airports and railroads. Information on general conformity may be found at <http://www.epa.gov/air/genconform/background.html>.

What is the Transportation Conformity Process?

New Hampshire clarifies federal conformity regulations 40 CFR 93 in NH rules Env-A 1500 Conformity (<http://des.nh.gov/organization/commissioner/legal/rules/index.htm#air>) that describe the conformity process, responsible parties and their roles.

Basically, a conformity determination consists of:

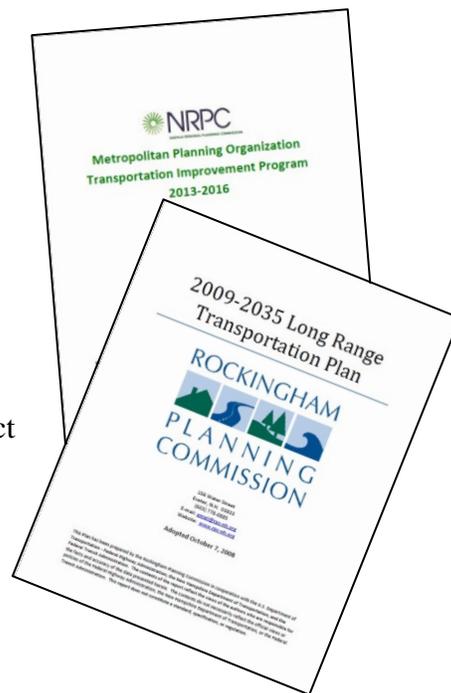
1. Providing a Regional Emissions Analysis (AQA) that
 - Uses the latest planning assumptions
 - Uses the latest emissions model
 - Shows the plan or project doesn't exceed the SIP-approved Motor Vehicle Emissions Budget (Budget Test)
2. Conducting an Interagency Consultation (IAC) discussion
3. Providing public participation (public notice and hearing)
4. Demonstrating compliance with DOT criteria such as fiscal constraint

Who and what is subject to Transportation Conformity?

Conformity is only required in non-attainment areas or former non-attainment areas called maintenance areas. Presently, New Hampshire is in attainment with all NAAQS and only portions of Hillsborough, Strafford and Rockingham counties are maintenance areas having recently achieved attainment for the ozone NAAQS.

U.S. EPA adopted 40 CFR 93 establishing the criteria and procedures that must be followed for the conformity process. As per 40 CFR 93.102 conformity determinations are required for:

1. The adoption, acceptance, approval or support of transportation plans and amendments;
2. The adoption, acceptance, approval or support of Transportation Improvement Plans (TIPs) and TIP amendments; or
3. The approval, funding or implementation of (FHWA)/(FTA) funded transportation and transit projects.



This means regional transportation plans are subject to conformity. Subject regional plans are:

- Long Range Transportation Plans (LRTP)
- Metropolitan Transportation Plans (MTP)
- Transportation Improvement Plans (TIP)

These plans are developed by quasi-governmental regional planning commissions...

When is the Transportation Conformity Process Required?

40 CFR 93.102 describes transportation conformity applicability. This section is divided into “plan” and “project” requirements and under these sections, conformity is required as follows.

<p>Long Range Transportation Plans (LRTPs), Metropolitan Transportation Plans (MTPs) and Transportation Improvement Plans (TIPs)</p>	<p>Transportation and transit projects receiving federal funds or approved by FHWA/FTA.</p>
<ul style="list-style-type: none"> • When a new plan is developed; • Every 4 years; or, • For all plan amendments • When a new SIP emissions budget is approved <p>Plans must be adopted and amended on specific years called “horizon years.” These are attainment years and the last year of a plan and they can be no more than 10 years apart. Because plans must be coordinated statewide, local planning agencies agree to update plans for the same years.</p>	<ul style="list-style-type: none"> • When a new project is adopted, approved or funded; or, • When an existing project is significantly changed: <ol style="list-style-type: none"> 1. 3 years have elapsed since any work; 2. The project’s scope or concept changes; or, 3. A supplemental environmental document is created.

Some projects are exempt from conformity requirements. These are safety or infrastructure maintenance projects such as railroad crossing improvements, guardrail installation, repaving existing roadways and bridge repairs. Exempt projects are listed under 40 CFR 93.126.

On May 21, 2012, U.S. EPA revoked the 1997 8-hour ozone NAAQS for transportation. This means New Hampshire transportation and transit plans and projects are no longer subject to the conformity process under the ozone standards. **However, Manchester and Nashua plans and projects are still subject to the conformity process under the carbon monoxide standard where transportation conformity is still in effect.** Further, it is expected EPA will issue newer, more stringent ozone NAAQS and depending on what level they set, some or much of New Hampshire could be in non-attainment status again.

It is also important to note that under federal Clean Air Act anti-backsliding provisions, regional planning agencies are still responsible for implementing projects such as transit improvements and park and ride lot construction that were approved as part of the SIP.

For more information on transportation conformity, contact the NHDES Air Resources Division at (603) 271-1370 or visit the NHDES [Conformity](http://des.nh.gov/organization/divisions/air/tsb/tps/msp/conformity.htm) web page (<http://des.nh.gov/organization/divisions/air/tsb/tps/msp/conformity.htm>).