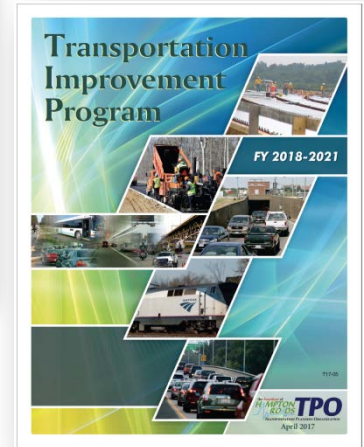


# TRANSPORTATION CONFORMITY

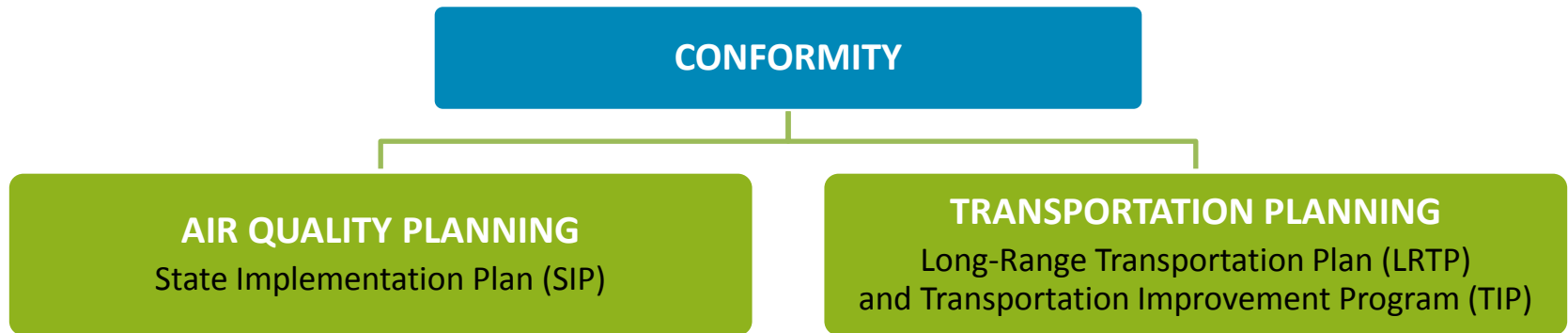


Presented to the Hampton Roads Transportation Planning Organization  
May 17, 2018

Dale M. Stith, AICP, GISP  
Principal Transportation Planner

# TRANSPORTATION CONFORMITY

- Transportation Conformity is the link between air quality improvement and transportation planning



- Establishes framework for improving air quality to protect public health and the environment
- Analyzes the LRTP/TIP to ensure the system of projects are compliant with the state's air quality plan
- Federal funding and approvals are given to highway and transit activities that will not cause new air quality violations or worsen existing air quality violations

# TRANSPORTATION CONFORMITY

## *Air Quality Designations*

<i>Attainment Area</i>	<i>Geographic area with air quality that is cleaner than the primary standard</i>
<i>Nonattainment Area</i>	<i>Geographic area with air quality that does not meet the primary standard</i>
<i>Maintenance Area</i>	<i>Geographic area that has been re-designated to attainment (from nonattainment)</i>

- Hampton Roads is in “Attainment” of all current applicable National Ambient Air Quality Standard (NAAQS)
- Hampton Roads was in “Maintenance” of the 1997 8-Hour Ozone NAAQS

# TRANSPORTATION CONFORMITY

## 1997 NAAQS revoked by the EPA effective April 6, 2015

- Result: Transportation Conformity not required for the Hampton Roads region (“Attainment” status for all applicable NAAQS)

## February 16, 2018

- *South Coast Air Quality Management District v. EPA*
- United States Court of Appeals ruled that, among other things, “*the revocation of the 1997 NAAQS does not waive the unambiguous mandate that conformity requirements apply to orphan maintenance areas.*”


## April 23, 2018

- EPA filed a Petition for Rehearing and Request for Stay of the February 16, 2018 Decision

# FHWA-FTA INTERIM GUIDANCE

## FHWA-FTA Interim Guidance on Conformity Requirements

### Memorandum

 **Department of Transportation  
Federal Highway Administration  
Federal Transit Administration**

**Subject:** Interim Guidance on Conformity Requirements for the 1997 Ozone NAAQS

**Date:** April 23, 2018

**From:** Walter C. Waidlich, Jr. *W. Waidlich*  
FHWA Executive Director – HOA-3  
Matthew J. Welbes *M. Welbes*  
FTA Executive Director – TOA-3

**In Reply Refer To:** HCC-30  
TCC-Helen Serassis

**To:** FHWA Division Administrators and FTA Regional Administrators

This guidance provides important information regarding transportation conformity requirements for certain pending planning and project development actions in programs administered by the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA). The U.S. Court of Appeals for the D.C. Circuit recently issued a decision in *South Coast Air Quality Management District v. EPA*, No. 15-1115, which struck down portions of the 2008 *Ozone NAAQS SIP Requirements Rule* concerning the ozone National Ambient Air Quality Standards (NAAQS). These portions of the 2008 *Ozone NAAQS SIP Requirements Rule* addressed implementation requirements for the 2008 ozone NAAQS as well as the anti-backsliding requirements associated with the revocation of the 1997 ozone NAAQS. The impact of the decision addresses two groups of ozone areas described in the decision:

Areas that were maintenance areas for the 1997 ozone NAAQS at the time of revocation and are designated as attainment for the 2008 Ozone NAAQS. These areas have not been required to make transportation conformity determinations for any ozone NAAQS since the 1997 ozone NAAQS were revoked in April 2015 by EPA's Rule.

Areas that were designated as nonattainment for the 1997 ozone NAAQS at the time of revocation and are designated as attainment for the 2008 Ozone NAAQS. These areas have not been required to make transportation conformity determinations for any ozone NAAQS since the 1997 ozone NAAQS were revoked in April 2015 by EPA's Rule.

Based on the information in EPA's Greenbook,<sup>1</sup> we have identified 82 such areas encompassing as many as 228 counties in 24 States that are potentially affected by the

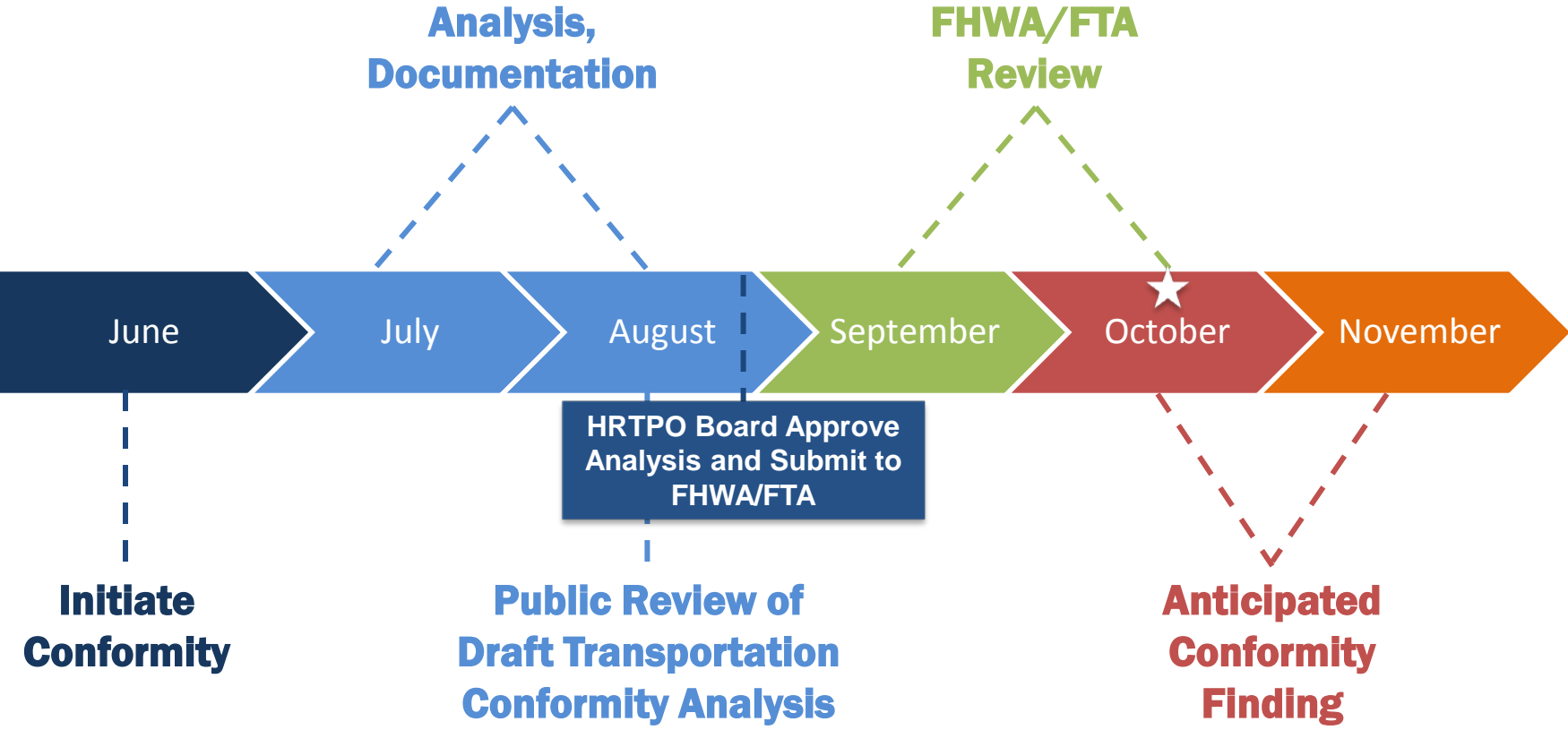
<sup>1</sup><https://www.epa.gov/green-book/green-book-8-hour-ozone-1997-area-information-naaqs-revoked>

- Until additional guidance from the EPA clarifying possible impacts is received, some actions within identified areas should be considered **“on-hold”**
- New LRTPs, TIPs, STIPs
- Updates and amendments that include projects that are **non-exempt** from transportation conformity, at least **until conformity with the 1997 8-hour ozone NAAQS is determined**

# IMPLICATIONS

- According to the *FHWA-FTA Interim Guidance*, amendments for non-exempt projects will trigger Transportation Conformity analysis
  - Impacts pending amendment requests
- HRTPO staff is preparing for Transportation Conformity
  - Approximately a 6-month process

# EXPEDITED CONFORMITY TIMELINE



# RECOMMENDED ACTIONS

## CONSENT AGENDA ITEM #21-I

- Direct HRTPO staff to initiate Transportation Conformity on the 2040 LRTP/FY 2018-2021 TIP
- Approve HRTPO Resolution 2018-04 authorizing TTAC to:
  - Approve the project list for Transportation Conformity and any related planning assumptions
  - Initiate the public review of the draft Transportation Conformity Analysis