



**Interagency Consultation Group  
Conformity Consultation Guidance**  
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## **I. Purpose**

These Procedures are intended to provide Metropolitan Planning Organizations (MPOs) and other interagency consultation group parties a guide to the Transportation Conformity process as required by Section 176 of the Clean Air Act.

These Procedures are meant to be a living document that can be changed as the ICG identifies improvements that should be made to the transportation air quality conformity process.

This document will be maintained by the Indiana Department of Environmental Management (IDEM), but is the product of the Interagency Consultation Group (ICG) which includes, but is not limited to, the Federal Highway Administration (FHWA), United States Environmental Protection Agency (EPA), Federal Transit Administration (FTA), IDEM, Indiana Department of Transportation (INDOT) and the Indiana MPOs.

Transportation Conformity is the general term used to describe the 1990 provisions of the Clean Air Act (CAA) which requires transportation planning documents produced by MPOs to conform to the air quality goals established by a State Implementation Plan (SIP). “Conformity” to the purpose of the SIP ensures that transportation plans and programs will not cause new air quality violations, worsen existing violations, or delay timely attainment of the National Ambient Air Quality Standards (NAAQS). Ongoing coordination and communication between Federal, State and local transportation and air quality agencies is vital to ensuring an efficient technically sound transportation conformity process.

## **II. Legislation and Regulations**

23 USC 134 – Metropolitan Planning

23 USC 135 – Statewide Planning

23 CFR 450 – Planning and Assistance Standards

40 CFR 51 – Requirements for Preparation, Adoption and Submission of Implementation Plans

40 CFR 93 – Determining Conformity of Federal Actions to State or Federal Implementation Plans

42 USC 7506 – Limitations on Certain Federal Assistance

49 USC 53 – Mass Transportation

### **III. Definitions**

AQCA - Air Quality Conformity Analysis  
EPA - United States Environmental Protection Agency  
FHWA - Federal Highway Administration  
FTA - Federal Transit Administration  
HPMS - Highway Performance Monitoring System  
ICG - Interagency Consultation Group  
IDEM - Indiana Department of Environment Management  
INDOT- Indiana Department of Transportation  
INSTIP - Indiana Statewide Transportation Improvement Program  
MPO - Metropolitan Planning Organization  
MVEB - Motor Vehicle Emissions Budget  
NEPA - National Environmental Policy Act  
POAQC - Project of Air Quality Concern  
SIP - State Implementation Plan  
TCMs - Transportation Control Measures  
TDM - Travel Demand Model  
TIP - Transportation Improvement Program  
TP - Transportation Plan  
TSM – Transportation System Management  
USDOT - United States Department of Transportation  
VMT - Vehicle Miles Traveled

### **IV. Conformity Task Timeline**

The following charts describe the general tasks and timelines required in making an air quality conformity demonstration for a full Transportation Plan update/extensive amendment and for a minor TP/TIP amendment. These charts are meant to be illustrative in nature and provide an estimate of the time needed for each step in the process. The actual time to complete each of these tasks will vary from MPO to MPO and will be presented to the ICG during the initial consultation meeting. The MPOs should utilize this template and develop a draft timetable for each MPO TP update or amendment. The ICG should discuss the draft timetable at the Initial ICG Meeting to assure there is consensus regarding the procedural steps and the estimated timeframes/deadlines.

**Chart 1.1 – Conformity Procedure Timetable for a full update or extensive amendment**

	Days - 0	30	60	90	120	150	180	210	240	270	300
1	Initial ICG Meeting	x									
2	Distribute Final Project List to ICG after 14-Day Consultation Period										
3	Travel Demand Modeling										
4	Emissions Analysis										
5	Develop <b>Draft</b> Air Quality Conformity Analysis and Distribute <b>Draft</b> to ICG										
6	Public Comment Period										
7	Provide Summary/Disposition of Comments										
8	MPO Policy Board Resolution Approval										
9	MPO requests FHWA Formal Conformity Consultation / Distribute to ICG										
10	FHWA Letter to ICG/Formal Conformity Consultation										
11	Formal Comment letters from ICG										
12	USDOT Conformity Determination Letter										

**Chart 1.2 - Conformity Procedure Timetable for a minor amendment**

	Days - 0	30	60	90	120	150	180
1	Initial ICG Meeting	x					
2	Distribute Final Project List to ICG after 14-Day Consultation Period						
3	Travel Demand Modeling						
4	Emissions Analysis						
5	Develop <b>Draft</b> Air Quality Conformity Analysis and Distribute <b>Draft</b> to ICG						
6	Public Comment Period						
7	Provide Summary/Disposition of Comments						
8	MPO Policy Board Resolution Approval						
9	MPO requests FHWA Formal Conformity Consultation / Distribute to ICG						
10	FHWA Letter to ICG / Formal Conformity Consultation						
11	Formal Comment letters from ICG						
12	USDOT Conformity Determination Letter						

## **A. Task Timetable Description**

### **1. Initial Interagency Consultation Group (ICG) Meeting**

The Initial ICG Meeting (typically a conference call) should include, but not be limited to, the following agencies: the MPO, the local air agency (where appropriate), local transit agency (where appropriate), INDOT, IDEM, FHWA, FTA, and EPA. The MPO should schedule conference calls for a time that is acceptable to the ICG representatives. The ICG agencies should establish the practice of having at least 1 staff member who can serve as an alternate contact if the primary contact is unavailable. The purpose of the Initial ICG Meeting is to establish consensus regarding the update/amendment schedule, latest planning assumptions, and analysis methodology. If there are no changes in latest planning assumptions and analysis methodology, the ICG may reaffirm the existing practices.

The MPO should provide the following items to the ICG a minimum of 7 calendar days prior to the conference call:

- TP update/amendment timetable
  - Determining when the conformity analysis begins for the TP/TIP is a key milestone date that needs to be established. The MPO is required to use the latest planning assumptions and list of projects that are available when the conformity analysis begins unless there is a significant delay in the analysis (40 CFR 93.110).
  - Clarify if a comprehensive amendment will serve as a plan update, and thereby establish a new Plan expiration date (4-year clock). This involves reaffirming and updating as needed, goals, objectives, and latest available estimates/assumptions for population, land use, travel, employment, congestion, and economic activity. If these have not changed, the policy committee should reaffirm the validity of the existing goals, objectives, and assumptions.
- Draft list of INDOT and MPO projects, an indication whether they are exempt or non-exempt, and a list of any regionally significant locally funded projects
- TP horizon year
- Conformity test methodology and analysis years
- MVEB (in applicable SIPs)
- TCMs
- TDM and approved emissions model inputs and assumptions as listed in Appendix 1 and any other applicable Latest Planning Assumptions

For transportation activities which cross the borders of MPOs or nonattainment areas, or where a nonattainment area involves a donut area and/or multiple MPOs, the conformity test methodology should clearly delineate agency responsibilities for modeling, assembly of the AQCA document, public involvement, and how the respective conformity finding(s) will be issued.

The lead MPO is responsible for preparing Meeting Minutes to document agency concurrence regarding the above items and all decisions made during the Meeting. The MPO should forward the Meeting Minutes and the Project List to the ICG approximately 14-days after the conference call. The MPO can follow-up with ICG representatives as needed during the 14-day consultation period to clarify outstanding issues. A follow-up meeting may be needed if concurrence of all agencies is not reached.

TP/TIP amendments that only involve exempt projects can be handled in an expedited fashion. The MPO should forward the project list to the ICG and request comments within 1-week if there are any questions regarding the exempt status of any of the projects. No response will be construed as agency concurrence in the MPO finding that the projects are exempt. The MPO AQCA documentation and/or resolution adopting the exempt amendment should specifically state that the list of exempt projects was circulated to the ICG and there is ICG concurrence that the associated projects are exempt.

Likewise, there is no need to convene an ICG Meeting if a TP/TIP amendment or update does not require a new regional emissions analysis. The MPO should forward the project list to the ICG, identify which projects are exempt, non-exempt, and/or not regionally significant, confirm that each TIP project is consistent with the design concept and scope of the project that was modeled in the most recent conformity demonstration, affirm that the open-to-traffic date of each TIP project is consistent with the associated analysis scenario in the most recent regional emissions analysis, confirm that the previous emissions analysis is consistent with the requirements of 40 CFR 93.118 (including that conformity to all currently applicable budgets is demonstrated) and/or 40 CFR 93.119, and establish a deadline for ICG comments (minimum 2-week comment period) on the MPO conformity demonstration. No response will be construed as agency concurrence in the MPO findings. A follow-up meeting may be needed if concurrence of all agencies is not reached. The MPO AQCA document and/or conformity finding/resolution should specifically reference ICG consultation and concurrence in the MPO TIP amendment/update conformity demonstration. The MPO will still need to forward the TIP amendment/update to FHWA and request that FHWA initiate the formal 30-day conformity consultation process. FHWA will initiate formal consultation and, if appropriate, issue the formal conformity finding on behalf of USDOT.

## **2. Distribute Final Project List to ICG after 14-day Consultation Period**

Each MPO Transportation Plan (TP) must be fiscally responsible and each Transportation Improvement Plan (TIP) must be fiscally constrained. The Indiana Statewide Transportation Improvement Plan (INSTIP) should be consistent with the TIPs in order to comply with the regulations in 23 CFR 450.216(b). It is critical that INDOT and the MPO(s) reach consensus regarding the list of INDOT-sponsored projects to be included in the MPO TP, project design concept and scope, and the projected year that each project is expected

to be open to traffic. INDOT jurisdiction projects are fiscally constrained in the context of the INDOT Statewide Transportation Plan, and thus the MPO cannot add INDOT jurisdiction projects other than those listed in the INDOT Statewide TP without prior concurrence from INDOT or identifying an alternate funding source. The draft list of INDOT and MPO TP and/or TIP projects should be presented at the Initial ICG Meeting and finalized within 14-days. Any changes thereafter may need to be addressed in the next TP/TIP update/amendment. MPOs should also identify non-federally funded projects that are considered regionally significant for air quality purposes. Suggested minimum *Regional Significance Guidance* is provided in Appendix 2. An MPO may adopt more restrictive definitions for their MPO area if they like.

After the 14-day INDOT-MPO project list consultation period, the MPO should distribute the Initial ICG Meeting Minutes and project list in final form to the ICG. The project list, at a minimum, should include the following information: MPO/INDOT project identification number(s), project description (clear identification of project termini and design concept and scope), whether the project is exempt or non-exempt, regionally significant or non-regionally significant, and the open-to-traffic year. The Final Project List should also include regionally significant locally funded projects, so they are reflected in the conformity analysis. It is the responsibility of each ICG member to review the Initial ICG Meeting Minutes and Project List, to confirm that they reflect their understanding of the consensus coming out of the Initial ICG Meeting. The MPO should request ICG review and comment and establish a 2-week deadline for said comments. The MPO should issue updated Initial ICG Meeting Minutes and/or Project List in final form after the 2-week comment period, if necessary. A follow-up meeting may be needed if concurrence of all agencies is not reached.

### **3. Travel Demand Modeling**

Once the MPO has issued the Initial ICG Meeting Minutes and Project List in final form, this signifies ICG consensus regarding (1) the latest planning assumptions; (2) TDM inputs, assumptions, and analysis methodology; (3) the applicable conformity test and analysis years, and (4) the list of non-exempt and regionally significant projects that need to be modeled in the respective analysis scenarios. The time needed to complete the modeling can be extensive if the travel demand model needs to be updated to incorporate new census/land use/planning assumptions and additional analysis year model runs are required. It is critical to reach consensus at the beginning stages of the process regarding the latest planning assumptions.

### **4. Emissions Analysis**

It is critical that the ICG establish consensus at the beginning of the process regarding emissions analysis methodology, and that the MPO document this consensus in the Initial ICG Meeting Minutes, to avoid potential time-consuming rework. Some methods are required by law depending on the severity of the pollution in the particular nonattainment area. There may need to be follow-up discussions with IDEM if more recent vehicle fleet mix data is available to assure



the emissions model inputs are properly developed. IDEM has responsibility for developing state implementation plans (SIPs) and, as such, needs to assure that assumptions made during the emissions analysis process are consistent with those in the appropriate SIPs. IDEM should follow-up with MPO staff during the 14-day consultation period provided in Step 2 above to assure they support the proposed emissions analysis assumptions and methodology. Once the MPO has issued the Initial ICG Meeting Minutes and Project List in final form, this signifies ICG consensus regarding (1) the latest planning assumptions; (2) emissions model inputs, assumptions, and analysis methodology; (3) the applicable conformity test and analysis years, and (4) the list of non-exempt regionally significant projects that need to be modeled in the respective analysis scenarios. If problems arise, any ICG representative can request that the MPO schedule an ICG Meeting to discuss the concern. If requested, the meeting should be called by the MPO, and notice should be sent to ICG representatives not less than seven calendar days before the meeting.

## **5. Develop Draft Air Quality Conformity Analysis (AQCA) and Distribute Draft to ICG**

The MPO should develop the draft AQCA document to demonstrate conformity for TP/TIP updates and amendments. The draft AQCA should be distributed to the ICG via e-mail or other preferred method for review and comment. The MPO should provide a minimum 2-week comment period and establish a deadline for ICG comments. An ICG representative may request an ICG conformity consultation conference call during the 2-week review period, and the MPO will schedule it as needed.

## **6. Public Comment Period**

The AQCA document should be revised to address ICG comments and be made available to the public via the public participation procedures of the particular MPO.

The MPO may choose to distribute the AQCA document to the ICG at the same time that the Public Comment Period is initiated. In this case, FHWA may require an additional opportunity for public comment if ICG revisions raise new material issues which interested parties could not reasonably have foreseen from the initial public involvement effort.

In the case of rural nonattainment areas outside an MPO area (i.e. areas with no TP or TIP), the project sponsor of a non-exempt project (typically INDOT) should perform all the responsibilities listed above during development of the NEPA document. The project sponsor (or their consultant) is responsible for convening the Initial ICG Meeting and for all work associated with development of the AQCA. The AQCA document should be a stand alone document/conformity demonstration, and be included in the NEPA document either as an appendix or by reference. Public comment on the AQCA should take place during the NEPA public involvement process. Once the AQCA document has been updated to address the summary disposition of public comments, the project sponsor should

forward the AQCA to FHWA and request that FHWA initiate formal conformity consultation. FHWA will make the conformity finding on behalf of USDOT, as part of the final NEPA approval (or NEPA reevaluation, if needed).

In like manner, the project sponsor is responsible for completing the project level PM2.5 Hot Spot AQCA for “projects of air quality concern” (POAQC) in PM 2.5 nonattainment areas. The project sponsor (or their consultant) should convene an Initial ICG Meeting if the project exceeds the thresholds of a POAQC as outlined in EPA’s Final Rule on PM 2.5 and PM 10 Hot Spot Analysis, published in the Federal Register on March 10, 2006. For example, a project may be a POAQC if it involves more than 10,000 trucks in the design year at any given location within the project limits (sum of trucks from both directions at peak interchange/intersection or mainline location). (The conformity rule includes several other criteria for when a project may be a POAQC, including projects affecting congested intersections, bus and rail terminals.) The ICG Meeting should review the truck traffic information, and the increase between the “build” and “no-build” scenarios, to determine if the project is a POAQC, and where applicable, the project sponsor should develop the AQCA document. The AQCA document should be a stand alone document/conformity demonstration, and be included in the NEPA document either as an appendix or by reference. Public comment on the AQCA should take place during the NEPA public involvement process. Once the AQCA document has been updated to address the summary disposition of public comments, the project sponsor should forward the AQCA to FHWA and request that FHWA initiate formal consultation. FHWA will make the conformity finding on behalf of USDOT, as part of the final NEPA approval (or NEPA reevaluation, as needed).

## **7. Provide Summary/Disposition of Comments**

The MPO should demonstrate explicit consideration and response to public input received during the comment period (see Step 6 above) and provide this documentation in the AQCA or separate document to decision-makers.

## **8. MPO Policy Board Resolution Approval**

The MPO Policy Board should approve the TP/TIP update or amendment via formal resolution(s). The resolution(s) should include a formal determination that the requirements of 40 CFR Parts 51 and 93 have been met and the region’s TP and TIP conform.

Per the discussion above in Step 1 regarding exempt TIP amendments, the MPO AQCA document and/or resolution should specifically state that the list of exempt projects was circulated to the ICG and there is ICG concurrence that the associated projects are exempt.

Likewise, the MPO AQCA document and/or resolution/conformity finding for a TIP amendment or update containing non-exempt projects where a new regional conformity analysis is not warranted, should document ICG concurrence to that effect. Examples of non-exempt TIP amendments that would not require an

additional emissions analysis and subsequent conformity determination include a change in the project cost of a non-exempt project or change in programmed year of a project, so long as the project did not move across analysis years in the TP. If a non-exempt project changes in scope, including removal from the TP in its entirety, or crosses an analysis year, another regional emissions analysis and subsequent conformity determination will be required. Per the discussion above in Step 1, the MPO should forward the draft list of exempt and non-exempt projects (indicating if they are regionally significant or not) to the ICG for review and comment, confirm that each TIP project is consistent with the design concept and scope of the project that was modeled in the most recent conformity demonstration, and affirm that the open-to-traffic date of each TIP project is consistent with the associated analysis scenario in the current conformity demonstration. The MPO AQCA document and/or resolution should specifically reference ICG consultation and concurrence that a new conformity analysis is not needed to support the MPO conformity finding. The MPO will still need to forward the TIP amendment or update to FHWA, with the associated AQCA document and/or resolution(s), and request that FHWA initiate the formal 30-day consultation process. FHWA will initiate formal consultation and if appropriate, issue the formal conformity finding on behalf of USDOT.

## **9. MPO requests FHWA Formal Conformity Consultation / Distribute Planning Documents to ICG.**

The MPO should request that the FHWA initiate the formal conformity consultation process (ODOT issues this request to FHWA-OH for the Cincinnati MPO). This is typically done by e-mail after the MPO has adopted the TP/TIP update or amendment and issued the associated conformity resolution(s). The MPO is also responsible for providing a copy of the final TP/TIP document(s), AQCA, and resolution(s) to all the members of the ICG so they can initiate their review at the same time FHWA issues the formal letter requesting formal ICG comments. These documents can be transmitted by e-mail, posted on an ftp site, or transmitted via hard copy or CD in the mail. The MPO should verify that all members of the ICG have in fact received all applicable documents.

## **10. FHWA Letter to ICG / Formal Conformity Consultation.**

FHWA will initiate the formal conformity consultation process upon request from the MPO, once the ICG is in receipt of the associated MPO documents and resolution(s). The FHWA letter (transmitted by either regular mail or e-mail) should formally request conformity consultation comments and establish a deadline for ICG comments (minimum 30-day review period should be provided).

In consultation with the ICG, FHWA may request an expedited or concurrent ICG review on a case-by-case basis, so the USDOT conformity finding can be issued within days of MPO TP/TIP update or amendment being adopted. The FHWA letter formally requesting ICG conformity consultation comments should reference the mutually agreed upon deadline for consultation comments, and clearly indicate where the applicable documents may be found.

## **11. Formal Comment letters from ICG**

ICG members (e.g. EPA, IDEM, INDOT, FTA) may submit formal comments either by letter or by e-mail. Generally, if FHWA does not receive a formal comment letter from an ICG member it is assumed that the member has no adverse comments.

## **12. USDOT Conformity Determination Letter**

Once the formal conformity consultation period has ended, FHWA will review ICG comments and determine if USDOT is in a position to issue the federal conformity finding. FHWA will issue the federal conformity finding on behalf of USDOT, once outstanding issues have been addressed, and maintain a copy in Division Office files. The FHWA Chicago Metro Office Planner will ensure that copies of the federal conformity finding are transmitted to the Division Office for filing. The USDOT federal conformity finding letter may be issued by regular mail or by e-mail.

In the case of the Louisville MPO and Cincinnati MPO, the Indiana Division will issue a letter of support to the Kentucky Division Office or Ohio Division Office as appropriate, and the corresponding lead division will issue the USDOT conformity finding. Where differences exist between these procedures and those employed in Ohio or Kentucky, we defer to the judgment of the lead FHWA Division Office.

The TP update or amendment becomes effective the date the USDOT conformity finding is issued. The TIP update or amendment only becomes effective after the USDOT conformity finding is issued, and the FHWA approves the associated TIP update or amendment into the INSTIP.

In rural nonattainment areas where there is no MPO (i.e. areas with no TP or TIP), the federal conformity finding is issued at the time of FHWA approval of the NEPA document for the non-exempt project. Similarly, the project level PM 2.5 Hot Spot federal conformity finding is issued at the time of FHWA approval of the NEPA document for the project of air quality concern.

The conformity demonstration for non-exempt projects in nonattainment areas outside of the MPO planning area, also known as a “donut” area, is typically documented in the MPO AQCA, and found to conform by the associated USDOT conformity finding. In this case, the NEPA document for a non-exempt project in a donut area should affirm that the project is in conformity with the SIP, as per the AQCA in the adjacent MPO area, before the NEPA document can be approved and federal project-level conformity determined. If a project is not in the associated AQCA, then NEPA document approval will be delayed until the next update of the regional conformity analysis, and issuance of the associated USDOT conformity finding.

## **V. Air Quality Conformity Analysis Structure**

The following outline contains the items which should be reported in the AQCA document. This outline is intended to provide consistency in the conformity process

between MPOs to assist the interagency consultation group partners in the review process and to expedite the conformity discussion and ultimate USDOT conformity determination.

The AQCA may be included with the documentation of an updated or amended TP and/or TIP or may be provided separately. In either case, the AQCA should include a written summary of the conformity analysis performed, if appropriate, and provide the following information.

A. For an update or amendment of the TP and/or TIP when a new regional emissions analysis is required.

1. The updated TP and/or TIP project information, and information concerning amended projects;
2. A discussion of the regional emissions analysis, including the following
  - a. Identification of exempt projects (by list or reference);
  - b. Identification of projects included in each analysis scenario;
  - c. Description of the travel demand modeling;
    - (1) Travel demand model used;
    - (2) Methods and assumptions used;
    - (3) Geographic and functional classification coverage; and
    - (4) VMT Summary Table for various analysis years.
  - d. Description of the emissions modeling;
    - (1) Emissions model used;
    - (2) Methodology and assumptions; and
    - (3) Sample input/output printouts, as appropriate.
  - e. Description of post process analysis including off-network VMT;
  - f. Tabulation of analysis results, including the calculated emissions of the applicable pollutants and/or precursors, as per 40 CFR 93.118(a) and 93.119(d) showing that the required conformity tests were met;
  - g. A discussion of other relevant observations or issues.

3. An outline of the progress in implementing TCMs in the applicable SIP(s) and an explanation of any delays incurred in implementing the TCMs, if applicable.
4. Documentation of public comments and responses;
5. Action(s) by the MPO adopting the TP and/or TIP and that a finding of conformity with the SIP is demonstrated.

B. For an update of the TP or for an update of the TIP and the associated TP amendment, if appropriate, when a new regional emissions analysis is not required.

If a new regional emissions analysis is required, the TP should be amended and documented per Section V.A above.

1. The updated TP or the updated TIP project information and information concerning the amended TP projects.
2. A demonstration that:
  - a. the TIP contains all projects which should be started in the TIP's timeframe in order to achieve the highway and transit system envisioned by the transportation plan (TP);
  - b. all TIP projects which are regionally significant are included in the TP with design concept and scope adequate to determine their contribution to the TP's regional emissions at the time of the TP conformity determination;
  - c. the design concept and scope of each regionally significant project in the TIP is not significantly different from that described in the plan; and
  - d. the previous regional emissions analysis is consistent with the requirements of 40 CFR 93.118 (including that conformity to all currently applicable budgets is demonstrated) and/or 40 CFR 93.119.

3. An outline of the progress in implementing TCMs in the applicable SIP(s) and an explanation of any delays incurred in implementing the TCMs.
4. Documentation of public comments and responses, if applicable; and
5. Action(s) by the MPO adopting the TP and/or TIP or amendment(s) and, if applicable, that a finding of conformity with the SIP is demonstrated.

C. For a TP and/or TIP amendment (not update) involving only exempt projects when a new regional emissions analysis is not required.

If a new regional emissions analysis is required, the TP should be amended and documented as outlined in Section V.A above.

1. Reference previous AQCA document and provide information concerning the amended exempt projects;
2. Documentation of public comments and responses, if applicable; and
3. Action(s) by the MPO adopting the exempt amendment(s). The AQCA or resolution should reference the previous AQCA document and note that the ICG concurs that the projects in the amendment are exempt and that a new conformity determination is not needed.

## **VI. Air Quality Conformity Analysis (AQCA) Procedures**

### ***A. Conformity Requirements***

Conformity determinations for TPs, TIPs and project-level (NEPA) conformity should meet the frequency requirements of 40 CFR 93.104. USDOT should make a conformity determination at least every four years or when TPs and TIPs are updated or amended. The new plan or TIP conformity determination usually requires a new regional emissions analysis using the latest planning assumptions and emissions models. If four years elapse after a conformity determination has been made, and a new conformity determination is not made within 12 months after that deadline, then conformity will lapse. During a lapse, no new project-level conformity determinations may be made until a new conforming plan or TIP is in place.

If a TIP amendment only involves adding or deleting an exempt project(s) as described in 40 CFR 93.126 or CFR 93.127, a new conformity determination would not be needed. However, this assessment should be part of interagency consultation and subject to the agreed upon consultation process.

Additionally, conformity findings are triggered within 24 months of:

- the effective date of EPA's finding that motor vehicle emissions budgets from an initially submitted control strategy implementation plan or maintenance plan are adequate;
- the effective date of EPA's approval of a SIP that creates or revises a budget that has not yet been used in a conformity determination; and
- the effective date of EPA's promulgation of a Federal Implementation Plan (FIP) which creates or revises a budget.

### ***B. Regionally Significant Projects***

A "regionally significant project" is defined by 40 CFR Part 93 as "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.”

Projects that are regionally significant, regardless of funding source, should be included in the regional emissions analysis. The determination of other regionally significant projects for the purposes of regional emissions analysis may vary in accordance with the interagency consultation procedures included in 40 CFR §93.105(c)(1)(ii) of the transportation conformity rule. Regionally significant additions or modifications to the transportation system should be identified and described in the following level of detail per §93.106(a)(2)(ii):

- Additions or modifications to highway segments should identify the design concept and scope sufficiently (e.g. number of lanes in each section, intersections, interchange locations if the facility is limited access) to model travel time under various traffic volumes, consistent with MPO modeling methods,
- Transit facilities, equipment and services proposed for the future should be defined in terms and design concept and scope and operating policies sufficient to model transit ridership, and
- Additions or modifications to the transportation network should be sufficiently described to show a reasonable relationship between forecasted land use and the future transportation system, if applicable.

Suggested minimum *Regional Significance Guidance* can be found in Appendix 2. An MPO can adopt more restrictive thresholds for their MPO area if they like.

### ***C. Public Participation***

The metropolitan planning process should include a proactive public involvement process that provides complete information, timely public notice, full public access to key decisions and supports early and continuing involvement of the public in developing TPs and TIPs and meets the requirements and criteria established in 23 CFR 450.322 and 450.324.

### ***D. Agency Roles and Responsibilities***

The MPO is responsible for scheduling the Initial ICG Meeting prior to each TP/TIP update and/or amendment, and for scheduling other ICG meetings as needed. If problems arise, an ICG representative may request that the MPO schedule an ICG Meeting to discuss the concern. If requested, the meeting should be called by the MPO, and notice should be sent to ICG representatives not less than seven calendar days before the meeting. All other ICG parties should be expected to participate in these meetings, and fulfill duties as agreed upon during ICG meetings.

#### **1. Metropolitan Planning Organization (MPO)**

- Schedules and hosts ICG Meetings and prepares associated meeting minutes.
- Runs travel demand model (TDM)
- Updates the TP and TIP



- Prepares Conformity Demonstrations for MPO TP and/or TIP. Responsibilities of the MPO should be mutually agreed upon by the MPO in consultation with other appropriate ICG parties.
- Prepares the AQCA document for MPO nonattainment areas
- Manages public review and comment period
- Transportation Policy Board makes the conformity determination and adopts the TP/TIP
- Provides a final copy of AQCA/TP packages to review agencies
- Maintains and manages conformity process schedule

## **2. Indiana Department of Transportation (INDOT)**

- Runs Statewide travel demand model for non-MPO areas of the State
- Submits INDOT expansion projects to MPO for inclusion in modeling and conformity demonstration in accordance with the established conformity schedule.
- Provides traffic count information, HPMS VMT, and other data, as needed, to the MPO.
- Prepares AQCA for rural nonattainment areas (ozone and PM 2.5), as needed
- Reviews AQCA and comments within the allotted time

## **3. Indiana Department of Environmental Management (IDEM)**

- Develops motor vehicle emissions budgets (MVEBs) in consultation with all other ICG parties
- Creates and develops state implementation plans (SIPs) in consultation with all other ICG parties
- Develop SIP emissions factors using the approved emissions model (or delegates responsibility as agreed with other appropriate ICG parties)
- Reviews AQCA and comments within the allotted time

## **4. Local Air Quality Agency**

- Reviews conformity documentation
- Provides technical guidance and advice
- May develop emissions factors using the appropriate emissions model.

## **5. Federal Highway Administration (FHWA)**

- Coordinates federal review process of the conformity determination
- Facilitate additional consultation as necessary if adverse comments are received during consultation
- Monitors MPO conformity process schedule
- Assists other ICG parties with commitment follow-up
- Provides technical guidance and advice on conformity
- Reviews conformity documentation
- Issues United States Department of Transportation (USDOT) conformity determination letter

## **6. Federal Transit Administration (FTA)**

- Reviews conformity documentation
- Reviews AQCA and comments within the allotted time

## **7. United States Environmental Protection Agency (EPA)**

- Promulgates conformity regulations
- Approves the SIP and motor vehicle emissions budgets (MVEBs)
- Provides technical advice and guidance on conformity
- Reviews conformity determination
- Reviews final AQCA and submits a recommendation for conformity finding letter

### ***E. Conflict Resolution***

Pursuant to 40 CFR 93.105(d), conflicts among State agencies or between State agencies and an MPO regarding conformity determinations that cannot be resolved should be submitted to the Governor of the appropriate state for resolution.

# Appendix 1 – TDM and Approved Emissions Model Inputs and Assumptions

## ***A. Travel Demand Modeling Inputs and Assumptions\****

The main data items that should be addressed / considered when conducting Travel Demand Forecast Modeling are outlined below.

- 1) General
  - a) Software used
  - b) Last model update and validation (baseline) year
  - c) Year(s) Modeled
  - d) Years interpolated (method of interpolation)
  - e) Base year calibration documentation\*
- 2) Zones
  - a) Number
  - b) Source of data
- 3) Network
  - a) Facilities Modeled/not modeled
  - b) Network intersection modeling (if applicable)
  - c) Transit/ bike/ pedestrian trip incorporation (if applicable)
- 4) Time Periods
  - a) Season
  - b) Annual Average Weekday
  - c) Time periods during the day
  - d) Adjustment factors used / Explain
- 5) Growth
  - a) Population/Household growth
    - i) Source of data
  - b) Employment Growth
    - i) Source of data
  - c) Urban growth location, form and density
    - i) Source of data
- 6) VMT
  - a) Method of calculation
  - b) HPMS adjustment factors from base year (if applicable)
  - c) Calculation of VMT on facilities not modeled
- 7) Speed
  - a) Use of model speed in approved emissions model
    - i) Model speed calibration

## ***B. Approved Emissions Model Inputs and Assumptions\****

The following emissions factors should be addressed / considered when conducting emissions modeling.

- 1) General Info
  - a) Approved Emissions Model Version
  - b) Pollutant(s) being modeled
  - c) Evaluation month or interpolation scheme for annual PM2.5 emissions, where applicable
- 2) External Parameters
  - a) Temperatures (min, max)
    - i) Source of data
    - ii) Method of calculating
  - b) Absolute humidity
    - i) Source and Method
  - c) Cloud Cover
  - d) Altitude
  - e) Other
- 3) Programs
  - a) I/M program parameters
  - b) Anti-tampering programs
  - c) Fuel Programs
- 4) Vehicular Parameters
  - a) Vehicle Registration Distribution
    - i) Year of distribution data
    - ii) Source / Method
  - b) Diesel Fraction
  - c) VMT Fractions (fleet mix)
  - d) Other
- 5) VMT Parameters
  - a) VMT Fraction
    - i) Source / Method
  - b) VMT by Facility
  - c) VMT by Hour
- 6) Speed
  - a) Average speed method
  - b) Speed table method
  - c) Speed bin method

### Data Needs

- 1) Sample Approved Emissions Model Input Files
  - a) All associated Input Files and external data files
- 2) Sample Approved Emissions Model output Files
- 3) Any data or peripheral software used in the process

### **C. Emissions Calculations\***

The following emissions calculations should be addressed / considered when conducting Transportation Demand Forecast Modeling.

- 1) Emission Analysis Process Description
  - a. Link-by-link - generalized
  - b. Evaporative or Cold Start Emissions removal
- 2) Emissions adjustments
  - a. TCM – Transportation Control Measures
  - b. Diesel Retrofits
- 3) Consistencies with SIP
  - a. Assumptions
    - i. New data available
    - ii. Updates performed pursuant to conformity Latest Planning Assumptions guidance
- 4) Other

\*Any data that is voluminous in nature may be included as a separate document if deemed appropriate. This data should be adequately referenced in the air quality conformity analysis. Much of the information is unlikely to change from one AQCA to the next. Much of the information may be available in documentation of the TDM procedures. Updated information should be discussed in the updated AQCA.

## Appendix 2 – Regional Significance Guidance

This document is being provided as a guidance resource for local municipalities and project implementers to:

1. Provide information on the regional air quality conformity process
2. Help define what is meant by the term “regionally significant project”
3. Provide guidance on expected project-level informational requirements of local municipalities.

This document does not in any way change, modify, or supersede any regulatory or statutory requirements of the Clean Air Act, Clean Air Act Amendments, or other related federal and state legislation. The final determination on whether a project can be considered regionally significant is reserved by the air quality consultation committee.

MPOs provide the conformity process as a service to local governments. By excluding regionally significant projects from the regional emissions analysis, project implementers may risk a violation of the Clean Air Act, and non-conformity for the regional transportation plan and transportation improvement program.

This guidance is intended to help the MPO and project sponsors to comply with the following federal regulation:

**40 CFR Part 93** (Transportation Conformity Rule Amendments: Flexibility and Streamlining; Final Rule)

**§93.101** (Definitions) *Regionally significant project means 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 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.;*

**§93.105** (Consultation) **(c)** (Interagency Consultation Procedures: Specific Processes) *Interagency consultation procedures shall also include the following specific processes: (ii) Determining which minor arterials and other transportation projects should be considered “regionally significant” for the purposes of regional emissions analysis (in addition to those functionally classified as principal arterial or higher or fixed guideway systems or extensions that offer an alternative to regional highway travel), and which projects should be considered to have a significant change in design concept and scope from the transportation plan or TIP.; and*

**§93.121** (Requirements for adoption or approval of projects by other recipients of funds designated under title 23 U.S.C. or the Federal Transit Laws.) **(a)** *Except as provided in paragraph (b) of this section, no recipient of Federal funds*

*designated under title 23 U.S.C. or the Federal Transit Laws shall adopt or approve a regionally significant highway or transit project, regardless of funding source, unless the recipient finds that the requirements of one of the following are met: (1) The project was included in the first three years of the most recently conforming transportation plan and TIP (or the conformity determination's regional emissions analysis), even if conformity status is currently lapsed; and the project's design concept and scope have not changed significantly from those analyses; or (2) There is a currently conforming transportation plan and TIP, and a new regional emissions analysis including the project and the currently conforming plan and TIP demonstrates that the transportation plan and TIP would still conform if the project were implemented (consistent with the requirements of §93.118 and/or 93.119 for a project not from a conforming transportation plan and TIP). (b) In isolated rural nonattainment areas and maintenance areas subject to §93.109(g), no recipient...*

The MPO transportation network models typically include all roads functionally classified a collector and higher and all interchange ramps. The collectors and some local roads are included to accurately load traffic onto the higher classification roads, including the minor arterials, principal arterials, expressways and interstates. However, inclusion of collectors and local roads in the travel model network does not imply that they are considered regionally significant. All roads functionally classified as Minor Arterial or above should be considered as regionally significant. This includes all freeways, expressways, interchange ramps, principal arterials and minor arterials. All fixed guideway transit services, including commuter rail are regionally significant. Fixed route bus services can also be regionally significant when they offer a significant alternative to regional highway travel.

Transportation projects, whether single or multi-jurisdictional, that modify these facilities can be regionally significant. Individually, projects can be considered as regionally significant when they are above certain thresholds. Collectively, when a series of smaller projects on a regionally significant facility are completed, the overall improvements can be regionally significant.

The minimum definitions that the ICG will use in defining what is and what is not "Regionally Significant" are listed in the following table:

<b>Interstates, Expressways, Toll Roads</b>	
<u>Expansion Type</u>	<u>Regionally Significant when ...</u>
New Segment	Any
Added Through Lanes	Any
Continuous Auxiliary Lanes	> ¼ mile
New Interchanges	Any
Modification of Existing Interchanges	AQ consultation required to determine significance

<b>Principal Arterials</b>	
<u>Expansion Type</u>	<u>Regionally Significant when ...</u>

New Segment	Any
Added Through Lanes	Any
Continuous Auxiliary Lanes	> 1 mile
New Interchanges	Any
Modification of Existing Interchanges	AQ consultation required to determine significance
Separation of existing railroad grade crossings	Not Regionally Significant

<b>Minor Arterials</b>	
<u>Expansion Type</u>	<u>Regionally Significant when ...</u>
New Segment	> 1 Mile
	$\frac{3}{4}$ to 1 mile, AQ consultation required to determine significance
	< $\frac{3}{4}$ Mile, not Regionally Significant
Added Through Lanes	> 1 Mile
	$\frac{3}{4}$ to 1 mile, AQ consultation Required to determine significance
	< $\frac{3}{4}$ mile, not Regionally Significant
Continuous Auxiliary Lanes	> 1 mile
Separation of existing railroad grade crossings	Not Regionally Significant

<b>Rail and Fixed Guide-way Transit</b>	
<u>Expansion Type</u>	<u>Regionally Significant when ...</u>
New Route or Service	Any
Route Extension with Station	> 1 mile
Added track or guide-way capacity	> 1 mile
New Intermediate Station	AQ consultation required to determine significance

<b>Bus and Demand Response Transit</b>	
<u>Expansion Type</u>	<u>Regionally Significant when ...</u>
New Fixed Route	AQ consultation required to determine significance
New Demand Response Service	Not Regionally Significant
Added Service to existing	Not Regionally Significant

New segments or added through lanes on arterials that are also associated with large land development projects may need AQ consultation even if the project is below the threshold in the table. Land development projects can be regionally significant when they have the potential to generate many trips or vehicle-miles of travel. Such developments are incorporated into the regional model during the update of socioeconomic forecasts, at the beginning of the update cycle for a new regional transportation plan. Local agencies should provide their comprehensive plans to the MPO as they're updated, which reflect the known development projects.



Local agencies should proactively include anticipated developments in their comprehensive plans without specific reference to potential high profile private sector developments.

### Implementation

At the start of each conformity cycle, the MPO should solicit new project and related development information from all local agencies, so that the analysis uses the latest planning assumptions. Local agencies that wish to precede with transportation improvement projects, regardless of funding sources, should respond to the solicitation to be sure that their projects are included in the regional emissions analysis. Projects that are excluded from the analysis may be delayed until the next conformity cycle (a minimum of six months), when they could be included in the regional emissions analysis. In addition, at the start of each plan update cycle the MPO should request an update of land development that local agencies anticipate, for inclusion in the regional emissions analysis, by including updated population, household and employment data.