

## Chapter V

# Transportation Conformity

### BACKGROUND

On May 21, 2012, the Environmental Protection Agency (EPA) designated ten North Central Texas counties as a nonattainment area under the Eight-Hour National Ambient Air Quality Standards (NAAQS) for ozone. This eight-hour ozone nonattainment area covered Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, Tarrant, and Wise counties. Based on the magnitude of ozone pollution in these ten counties, the nonattainment area was classified as a “Moderate” nonattainment area with an attainment date of December 31, 2018.

Due to the nonattainment status, a federal requirement known as “transportation conformity” is necessary to continue approval and implementation of projects and programs within the nonattainment area. Under this federal requirement, the North Central Texas Council of Governments (NCTCOG) is responsible for conducting transportation conformity for nine nonattainment counties. The current Regional Transportation Council’s (RTC) Metropolitan Planning Area (MPA) includes all of Collin, Dallas, Denton, Ellis, Hood, Hunt, Johnson, Kaufman, Parker, Rockwall, Tarrant and Wise Counties. The MPA boundary fully contains the smaller, ten-county, eight-hour ozone nonattainment area; see Exhibit V-1 for a graphic representation of these boundaries.

Conformity determination is a two-step process in metropolitan areas. First, the RTC, as the MPO’s policy body, makes the initial transportation conformity determination at the local level. In the second step, the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA)

make the final transportation conformity determination at the federal level. The conformity analysis does not measure ozone directly, but ozone’s precursors: volatile organic compounds (VOC) and oxides of nitrogen (NO<sub>x</sub>).

As part of the conformity analysis, a motor vehicle emission budget (MVEB) test is conducted using EPA approved MVEBs, also known as “budgets.” Under the MVEB test, vehicle emissions for each analysis year must be less than the identified air quality budgets. The vehicle emission results documented in the 2013 transportation conformity document demonstrates that the North Central Texas ozone nonattainment area meets the regional air quality conformity requirements of the budget test.

These results also show RTC air quality initiatives for NO<sub>x</sub> and VOC for the 2013 analysis year. The magnitude of RTC initiatives demonstrates the importance of emission reduction strategies and the region’s commitment to reducing vehicle emissions, which in turn leads to improving air quality, mobility, and quality of life in the region.

According to Section 93.108 of 40 CFR 93, transportation improvement programs must be fiscally constrained consistent with Department of Transportation metropolitan planning regulations contained in 23 CFR, Part 450 in order to be found to conform.

Section 93.109 of 40 CFR 93 outlines the criteria and procedures for determining conformity of transportation plans, programs, and projects. In order for TIPs to be found to conform, the MPO and Department of Transportation must demonstrate that the applicable criteria and procedures in this subpart are satisfied.



The results of the conformity determination demonstrate that the transportation improvement program meets the specific transportation conformity requirements of the CAAA (42 USC 7504, 7506(c) and (d)) and amendments, the air quality plan (5 percent Increment of Progress plan), and the

transportation conformity rule (40 CFR, Parts 51 and 93). This conformity determination was approved by the RTC on June 13, 2013 and was approved by FHWA and FTA in July 2013. The 2013 transportation conformity document can be found online at <http://www.nctcog.org/trans/air/conformity>.

### TRANSPORTATION CONTROL MEASURES

The metropolitan transportation plan and TIP must provide for the timely implementation of transportation control measures (TCMs). Transportation control measures are projects, programs, policies, or plans that are specifically identified and committed to in the applicable implementation plan. A list of the types of TCMs can be found in Section 108 of the Clean Air Act.

Section 93.113 of the conformity rule requires that the metropolitan planning organization verify that the transportation plan and transportation improvement program provide for the timely implementation of TCMs. Because the TIP identifies

direct funding sources for many of the TCMs in the implementation plan, a more rigorous examination of the TIP is necessary to satisfy the requirement for timely implementation of TCMs. First, an evaluation of the specific steps and funding sources needed to fully implement each TCM must indicate that TCMs are on, ahead, or behind the schedule established. The MPO and Departments of Transportation must determine that past obstacles to implementation of the TCMs have been identified and overcome. This process and the results are documented in the 2013 transportation conformity document available on the website above.

### EXEMPT PROJECTS

Projects in the TIP that are exempt from a conformity determination are listed under 40 CFR 93.126 and 40 CFR 93.127. Exempt projects

(e.g., safety projects) may proceed toward implementation even in the absence of a conforming transportation plan and TIP.

### EXHIBIT V-1 DFW Nonattainment Area and MPA Boundary

