

Proposed Rule: Transportation Conformity Rule Restructuring Amendments

The U.S. Environmental Protection Agency (EPA) is proposing amendments to the transportation conformity rule.

- EPA is proposing to restructure two sections of the transportation conformity rule so that existing requirements would apply under any new or revised National Ambient Air Quality Standards (NAAQS). This part of the proposal should reduce the need to amend the rule in the future merely to reference a specific NAAQS. These administrative revisions would provide more certainty to transportation planners without compromising environmental benefits.
- EPA is also proposing to make the conformity rule more consistent by requiring that planners analyze a near-term year when using the budget test if the attainment year has already passed or has not yet been established. The budget test demonstrates that total on-road emissions projected for a metropolitan transportation plan (or “TIP”) are within the emissions limits (“budgets”) established by the state air quality implementation plan (or “SIP”).

This proposed rule would ensure that air quality is protected and would clarify requirements for implementers.

EPA has worked closely with the U.S. Department of Transportation to develop this proposed rule.

Background

Transportation conformity is a Clean Air Act requirement that ensures that federally supported highway and transit projects are consistent with state air quality implementation plans. Conformity helps protect public health through early consideration of

the air quality impacts of transportation decisions in places where air quality does not currently meet federal standards or has not met them in the past.

Key Elements of the Proposed Rule

The proposed rule restructures two sections of the conformity rule, 40 CFR 93.109 and 93.119, so that the existing rule requirements would clearly apply to areas designated nonattainment for future new or revised NAAQS, thus reducing the need to amend the transportation conformity rule merely to reference specific new NAAQS.

The proposed rule would also require that when the attainment year of a NAAQS has passed or has not yet been established, a near-term year would be analyzed when using the budget test. Specifically, where the attainment year has not yet been established or it is no longer in the timeframe of the transportation plan and conformity determination, areas designated nonattainment or maintenance for a NAAQS would be required to analyze a year no more than five years beyond the year in which the conformity determination is being made.

Health and Environmental Benefits

The proposed rule would ensure that transportation activities are consistent with air quality goals of the existing transportation conformity program. The proposed rule would ensure that all NAAQS nonattainment and maintenance areas use conformity tests that ensure that air quality progress continues in areas that need to attain or maintain the NAAQS.

Public Participation Opportunities

We welcome your comments on this proposed rule. Comments will be accepted for 30 days beginning when this proposal is published in the Federal Register.

All comments should be identified by Docket ID No. EPA-HQ-OAR-2009-0128 and submitted by one of the following methods:

Internet: www.regulations.gov

E-mail: a-and-r-docket@epa.gov

Fax: (202) 566-9744

Mail:

Air Docket, Environmental Protection Agency

Mail Code: 2822T

1200 Pennsylvania Avenue NW

Washington, DC 20460

Hand Delivery:

EPA West Building

EPA Docket Center (Room 3334)

1301 Constitution Avenue NW

Washington, DC

For More Information

You can access documents on transportation conformity on EPA’s Office of Transportation and Air Quality Web site at:

www.epa.gov/otaq/stateresources/transconf/index.htm

For further information on this proposed rule, please contact

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