



Regulatory Announcement

Final Rule: Amendments to Transportation Conformity Rule

The U.S. Environmental Protection Agency (EPA) is finalizing two changes to its transportation conformity rule to provide state and local governments with additional time in the transportation conformity process.

Changes

The first change incorporates into the conformity rule a minor amendment to the Clean Air Act (CAA), enacted on October 27, 2000, that gives new nonattainment areas a one-year grace period before conformity applies. Areas designated nonattainment for the first time will have a one-year grace period before conformity applies following the effective date of their nonattainment designation.

The second change will help areas implement conformity in a practicable manner consistent with a March 2, 1999, decision by the U.S. Court of Appeals for the D.C. Circuit Court. The final rule ensures that state and local governments will have sufficient time to complete the conformity process when a new air quality plan with a motor vehicle emissions budget is submitted. A budget is the level of emissions from cars and trucks that the state has determined is consistent with clean air goals.

Specifically, the final rule revises the timing for redetermining conformity after a State submits an air quality plan for the first time (an "initial" State Implementation Plan, or "SIP"). This rule change provides transportation planners with the time needed to determine conformity to an initial SIP submission and more certainty regarding the adequacy of the motor vehicle emissions budgets to be used in the determination.

The current conformity rule requires a conformity determination within 18 months of a state submitting an initial SIP, so that new air quality information is considered expeditiously in the transportation planning process. The final rule changes the timing of this requirement, so that conformity is required within 18 months of EPA's finding that the state's submitted budgets are appropriate for use in the conformity process (approximately three months after an initial SIP is submitted). The court held that the budgets from an air quality plan cannot be used in conformity until EPA finds the SIP budgets "adequate."

Background

The CAA, as amended in 1990, requires that transportation planning and air quality planning must be coordinated to achieve air quality standards. On November 24, 1993, EPA promulgated the transportation conformity rule to fulfill the CAA mandate that transportation plans, programs, and projects not produce new air quality violations, worsen existing violations, or delay timely attainment of CAA standards. EPA has since amended the conformity rule several times.

Health and Environmental Benefits

This rulemaking will continue to support the CAA's air quality standards to protect public and environmental health. The final rule does not result in any change in health and environmental benefits.

For More information

You can access documents on transportation conformity electronically on the Office of Transportation and Air Quality's Web site at: www.epa.gov/otaq/transp/traqconf.htm (once at this site, click on "conformity").

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