

V. TRANSPORTATION CONFORMITY

BACKGROUND

On April 15, 2004, the Environmental Protection Agency (EPA) designated nine 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 covers Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, and Tarrant counties. Based on the magnitude of ozone pollution in these nine counties, the nonattainment area was classified as a “Moderate” nonattainment area.

As a result of this 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 Texas Department of Transportation (TxDOT) is responsible for conducting transportation conformity for the portion of the nonattainment area outside the Metropolitan Planning Area (MPA). The North Central Texas Council of Governments (NCTCOG) is responsible for conducting transportation conformity for the portion inside the MPA.

The current Regional Transportation Council’s (RTC) MPA is all of Collin, Dallas, Denton, Rockwall, and Tarrant Counties, and portions of Ellis, Johnson, Kaufman, and Parker Counties. Title 23 Code of Federal Regulations 450.310(f) states that if the MPA does not include the entire nonattainment or maintenance area, there shall be an agreement among the State Department of Transportation, State Air Quality Agency, affected local agencies, and the Metropolitan Planning Organization (MPO) describing the process for cooperative planning and analysis of all projects outside the MPA, but within the nonattainment or maintenance area for the purposes of determining transportation conformity. Therefore, a conformity Memorandum of Agreement (MOA) between TxDOT, Texas Commission on Environmental Quality (TCEQ), NCTCOG’s RTC, and those affected local agencies (Ellis, Johnson, Kaufman, and Parker Counties) was established. The conformity MOA, contained in the 2009 Transportation Conformity document, allows NCTCOG staff to conduct the conformity analysis for the full nine-county ozone nonattainment area.

For the purposes of the conformity MOA and transportation conformity needs, the North Central Texas eight-hour ozone nonattainment area that covers nine counties is defined in two portions: the MPA Nonattainment Area and the Extended Nonattainment Area. The MPA Nonattainment Area is the portion of the nine-county nonattainment area within the Metropolitan Planning Area. The Extended Nonattainment Area is the portion of the nine-county nonattainment area outside the Metropolitan Planning Area. See [Exhibit V-1](#) for a graphic representation of these boundaries.

The conformity determination process is a two-step determination process in metropolitan areas. In the first step, 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 (NOx).

As part of the conformity analysis, a motor vehicle emission budget test is conducted. For the emission reduction test, vehicle emissions for each analysis year must be less than 2002 motor vehicle emission levels. A motor vehicle emission budget (MVEB) test is conducted with 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 2009 Transportation Conformity document demonstrate that the North Central Texas ozone nonattainment area meets the regional air quality conformity requirements of the budget test and emission reduction test.

These results also show that RTC air quality initiatives were key in the region’s ability to pass the NOx requirements in 2009 analysis year. Without the RTC initiatives, NOx emissions for 2009 exceed the set budget of 186.81 tons/day, and a favorable conformity determination would not be possible without changes to the Mobility Plan or Air Quality Plan, which may have affected projects and programs in the transportation improvement program. The magnitude of RTC initiatives demonstrate 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 U.S.C. 7504, 7506(c) and (d)) and amendments, the air quality plan (2009 Attainment Demonstration), and the transportation conformity rule (40 CFR, Parts 51 and 93). This conformity determination was approved by the RTC on March 5, 2009 and was printed while under FHWA and FTA review for a favorable approval. For additional transportation conformity information, refer to the, 2009 Transportation Conformity document.

TRANSPORTATION CONTROL MEASURES

The 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 Transportation Control Measures (TCMs) are listed 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

