

Transportation Conformity Issues



Planning Assumptions in Conformity: Adjusting VMT for Recent Trends

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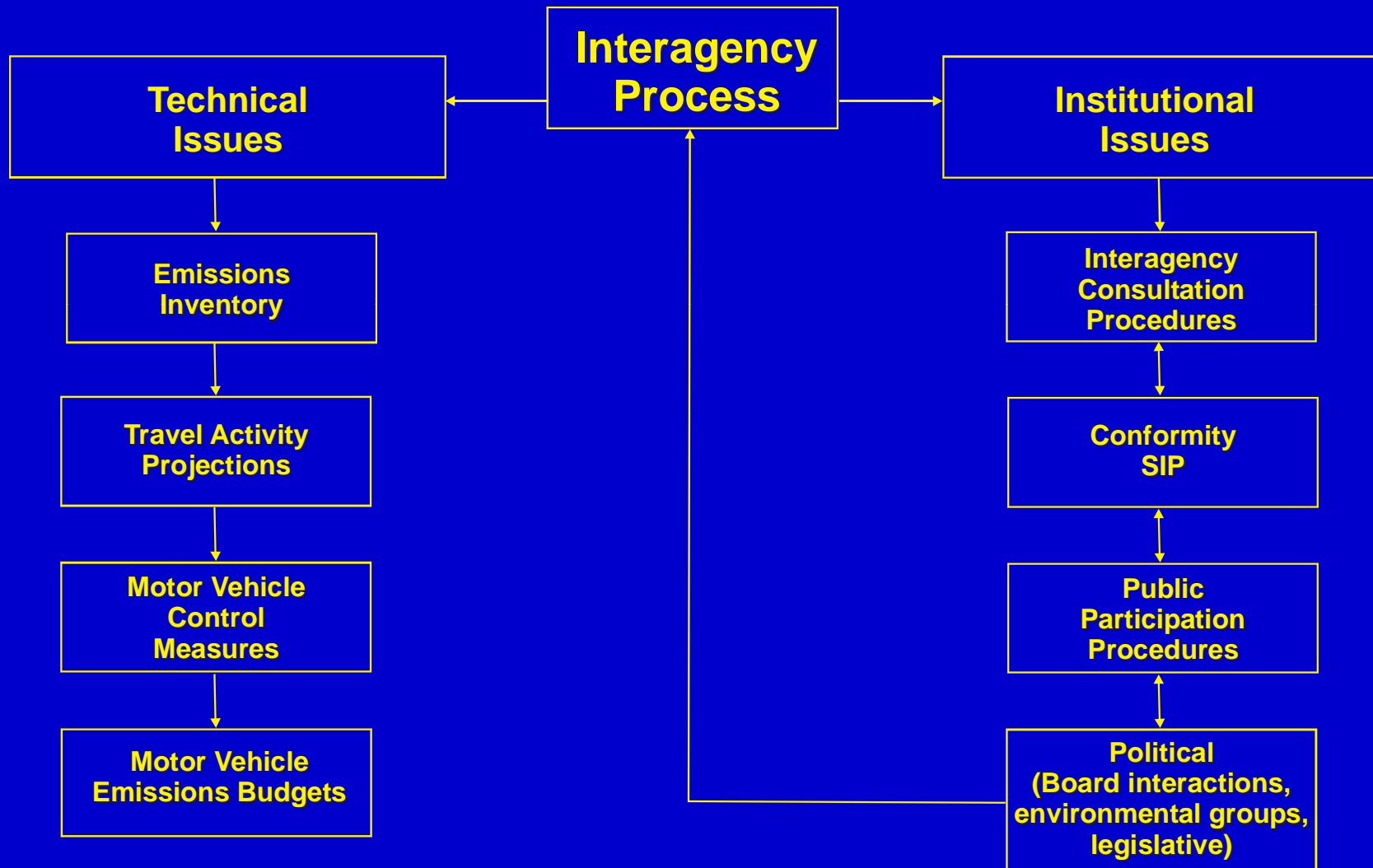
Conformity Basics

- Transportation conformity ensures that Federal funding and approval go to those transportation activities which are consistent with air quality goals
- It ensures that these activities within do not worsen air quality or interfere with the "purpose" of the SIP, which is to meet the National Ambient Air Quality Standards (NAAQS). In designated nonattainment & maintenance areas, transportation plans, programs, and projects cannot:
 - Create new NAAQS violations;
 - Increase the frequency or severity of existing NAAQS violations; or
 - Delay attainment of the NAAQS.

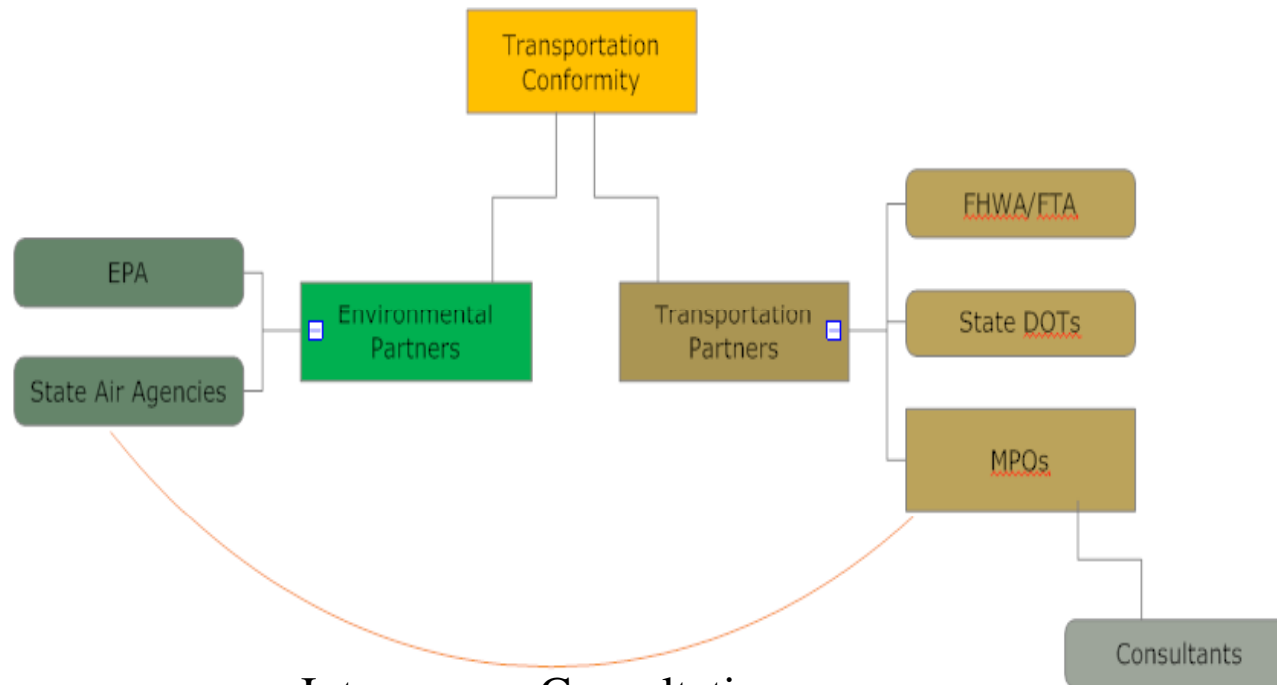
Conformity Rule

- EPA: First transportation conformity rule - NOV 1993, codified at 40 CFR 93, subpart A; many revisions over the next decade & beyond, some prompted by court decisions
- States are required to adopt three specific SIP elements:
 - Consultation procedures [40 CFR §93.105]; and
 - Procedures for determining regional transportation-related emissions [40 CFR §93.122(a)(4)(ii)]; and
 - Enforceability of design concept and scope and project-level mitigation and control measures [93.125(c)]
- EPA published a direct final approval of West Virginia's most recent transportation conformity SIP in the May 2, 2008 *Federal Register* (73 FR 24175).
- Includes a series of MOUs detailing the responsibilities for the many entities involved in the evaluation & approval process. These include EPA, FHWA, FTA, state DOTs, state air agencies and various MPOs

Interagency Consultation



“Practical” Conformity Interaction



Interagency Consultation
MOU Details
Responsibilities
Among WWM, ODOT,
OEPA, WVDEP, WVDOT
FHWA, FTA, & USEPA
Now Part of WV SIP

Conformity Linked to Funding

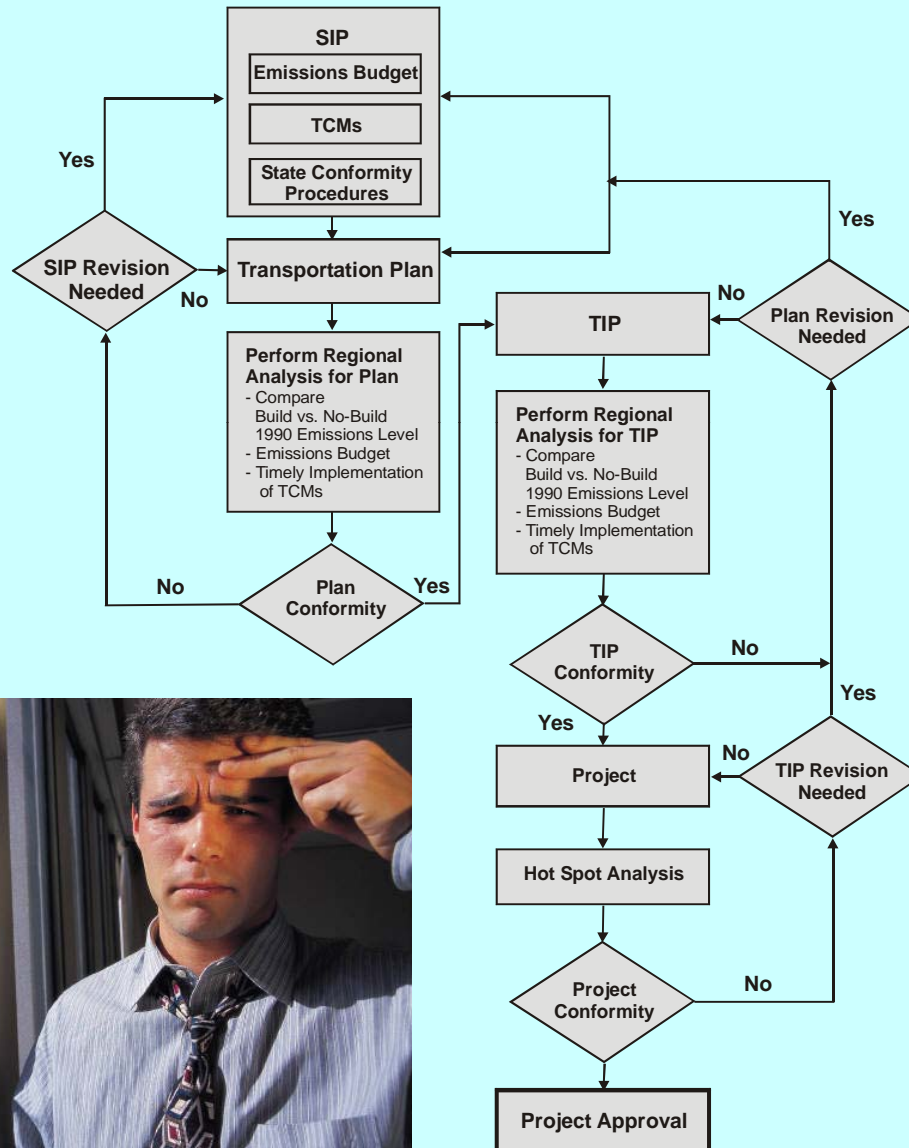
“Under the metropolitan planning requirements of Titles 23 and 49 U.S.C., projects cannot be:

- approved,
- funded,
- advanced through the planning process, or
- implemented

unless projects are in a conforming plan and TIP”

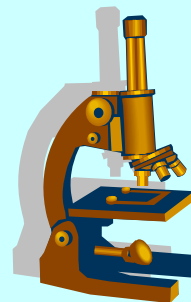


The Conformity Process

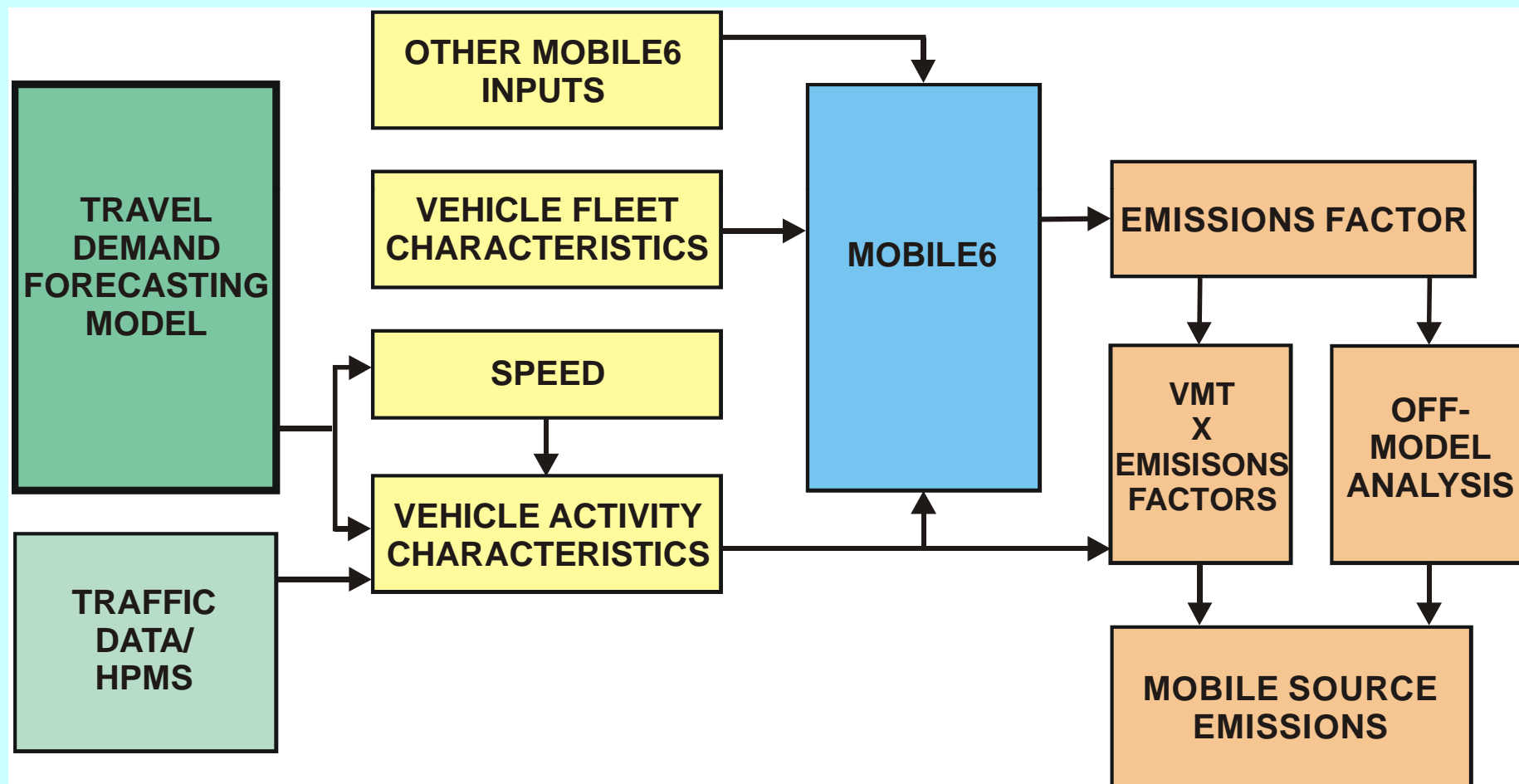


Parkersburg Area

- Designated as 8-hour Ozone Nonattainment Area in June 2004 (interstate area also included Washington County OH)
- WVDEP developed maintenance plan, approved by EPA in May 2007 (72 FR 25967)
- Established County-level Motor Vehicle Emission Budgets (MVEB) for Nitrogen Oxides (NO_x) and Volatile Organic Compounds (VOC) for CY 2009 and CY 2018
- ~JAN 2008, upcoming Conformity Lapse > consultation
- New LRP/TIP review showed problems with meeting 2009 budget
- Several confounding issues:
 - MPO staff turnover
 - VMT mix & growth
 - Speeds



Linchpin of Conformity is Regional Emissions Analysis – Either Compare to Base or SIP Budget



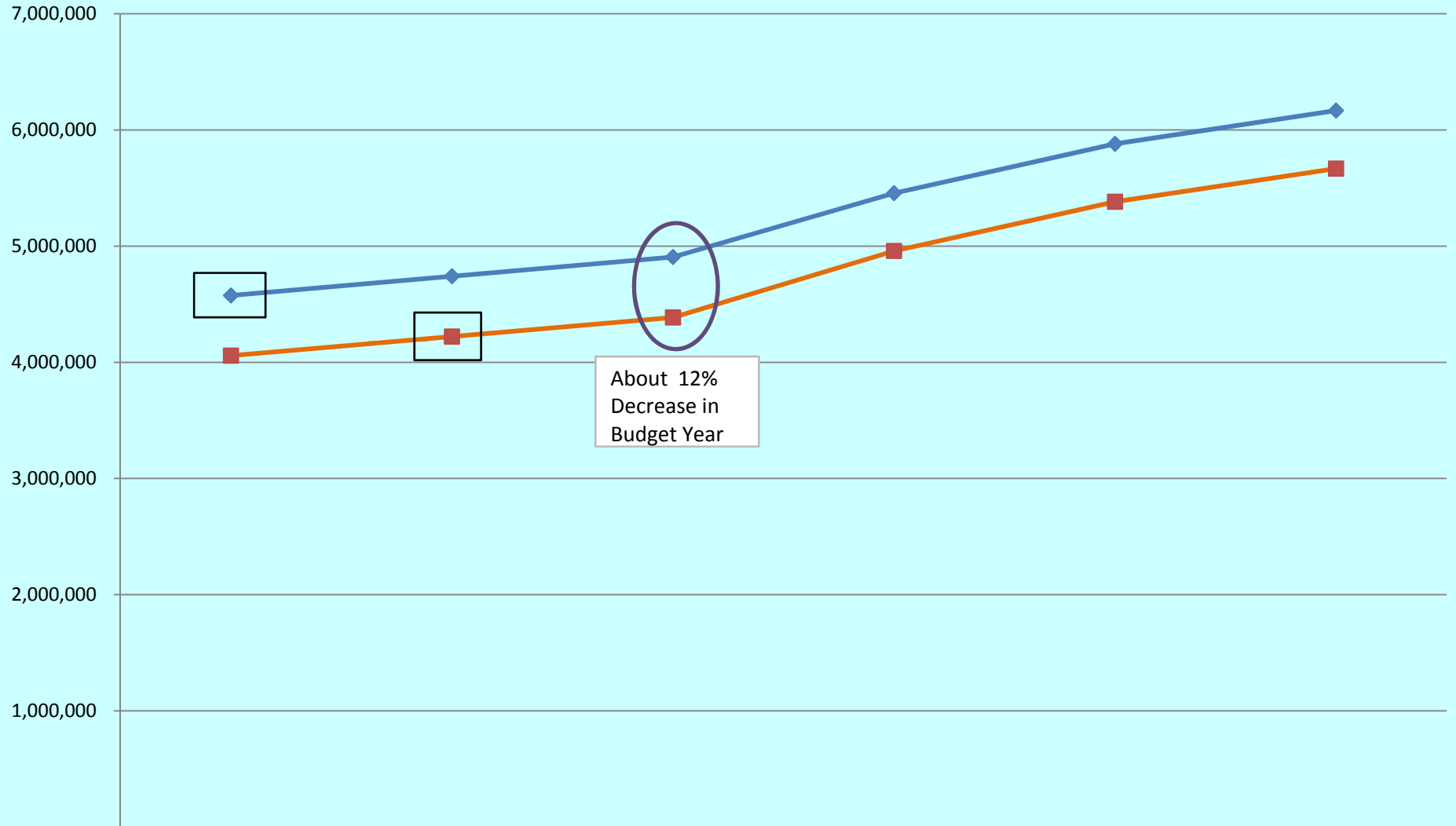
First Solution – Increase the Budgets!

- WVDEP started SIP process to increase budgets, proposed in JULY 2008
- Unfortunately did not include the most recent emission updates from WWW
- Not detected during public comment period
- Budgets published OCT 2008 *Federal Register* (73 FR 64548); increased but not enough to pass conformity

Second Solution- Review Assumptions!

- TDM based on historical fuel prices and VMT growth
- Consultation with FHWA suggested that growth could be adjusted for more recent fuel prices and decreases in VMT
- Original base year 2005, projected years
2009, 2018 (budget year), 2025, and 2030
- Obtained updated HPMS data from 2007 and reset base to lower value, keeping original growth rate

Original & Revised VMT



	2005	2007	2009	2018	2025	2030
Original	4,575,426	4,741,088	4,906,751	5,456,049	5,880,763	6,167,097
Revised	4,057,769	4,222,160	4,386,551	4,959,048	5,382,701	5,667,998

Success!

- Interactive consultation
- WVDAQ concurred with air quality analysis and positive conformity determination OCT 2008
- EPA concurrence FEB 2009

Questions ?



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2004 Dodge Viper SRT-10: Only had 2,500 miles when wrecked.
Total damage: \$62,000