PROJECT-LEVEL CONFORMITY PROCESS

(ADA version of flowchart)

Overall Project-Level Conformity Process

Step 1

Is the Project Area subject to conformity? See Caltrans website for conformity map

- **YES:** Go to Step 2.
- **NO:** Conformity does not apply. Document attainment status in the Transportation Air Quality Conformity Findings Checklist. **Process complete.**

Step 2

Is the project exempt from conformity? (40 CFR 93.126, 128)

- **YES:** Document exemption type in the Transportation Air Quality Conformity Findings Checklist. Complete checklist items as needed. **Process complete.**
- **NO:** Go to Step 3.

Step 3

Is the project exempt from Regional Analysis? (40 CFR 93.127)

- **YES:** Screen Federal Attainment status of project area on Ozone, CO, PM2.5 and PM10 (See page 2).
- **NO:** Go to Step 4.

Step 4

Based on Interagency Consultation per 40 CFR 93.105(e), is the project Regionally Significant **and** is the project located in an Ozone, CO, PM2.5, or PM10 area?

- **YES:** Screen Federal Attainment status of project area on Ozone, CO, PM2.5 and PM10 (See page 2).
- **NO:** Document Regional Conformity. Proceed to the Regional Conformity Process (See page 4).

Federal Attainment Status

Step 1

Does the project qualify for a Categorical Exclusion pursuant to 23 USC 326?

- **YES:** Once the Conformity Analysis and Regional Conformity Process have been completed, **documentation is complete**.
- **NO:** Go to Step 2.

Step 2

Is the project in a CO nonattainment or maintenance area?

- **YES:** Perform CO Hot-Spot Analysis (CO Protocol or 40 CFR 93.116 & 123). Document procedures used, which screening steps apply to the project, modeling results (if done), and lack of hot spot. Proceed to Step 3.
- **NO:** Go to Step 3.

Step 3

Based on Interagency Consultation Concurrence per 40 CFR 93.105(e), is a Conformity Hot Spot Analysis needed (in PM10, PM2.5 areas)?

- **YES:** Perform Hot-Spot Analysis
  - PM10, PM2.5: Use EPA Guidance and Interagency Consultation
  - Document SIP and NEPA document control measures and provide written commitment (if applicable) to implementation (See Page 3). Proceed to Step 4.
- **NO:** Go to Step 4.

Step 4

Submit FHWA package to HQ AQ Branch and DEA for review and approval. Was submittal package approved?

- **YES:** Submit Conformity Determination Package to FHWA with FHWA Submittal Package Checklist. Go to Step 5.
- **NO:** Address comments and resubmit. Repeat Step 4.

Step 5

Once the Conformity Analysis and Regional Conformity Process have been completed, **documentation is complete**.

Hot-Spot Analysis

Step 1

Is the project in a PM10 or PM2.5 nonattainment or maintenance area?

- **YES:** Go to Step 2
- **NO:** Hot Spot Assessment complete.

Step 2

Is the project a Project of Air Quality Concern (POAQC) (EPA Guidance)?

- **YES:** Go to Step 3
- **NO:** Document reasons why it is not a POAQC; prepare Interagency Consultation review form or memo. Proceed to Step 4.

Step 3

Prepare Hot Spot Analysis (EPA Guidance; 40 CFR 93.116, 123). Proceed to Step 4.

Step 4

Request Regional Interagency Consultation regarding Not-POAQC determination or Hot Spot Analysis.

For FONSI and EIS projects, after obtaining Interagency Consultation concurrence, carry out **PUBLIC NOTICE** and comment process (combine with NEPA comment process, if possible).

Summarize and respond in writing to public comments. Proceed to Step 5.

Step 5

Document consultation process and results.

List PM10 or PM2.5 control measures in approved SIP, if applicable to project, and make written commitment. List CO, PM measures relied on for regional conformity, if any, and make written commitment to implement. List PM10 or PM2.5 control measures in NEPA document and make written commitment. (40 CFR 93.117, 125) Once finished, **Hot Spot Assessment is complete**.

Document Regional Conformity

Step 1

Is the project in an MPO or non-MPO area?

- **MPO:** Go to Step 3
- **NON-MPO:** Go to Step 2

Step 2

Is the non-MPO area an “Isolated Rural” or “Donut” type?

- **ISOLATED RURAL:** Carry out project-level regional analysis (40 CFR 93.109 [g]). Interagency Consultation is required based on 40 CFR 93.105, Consultation MOA, or approved Conformity SIP. Public review is required, consistent with NEPA or RTP public review procedures, or Conformity SIP, if applicable.
- **DONUT:** Go to Step 3

Step 3

Are the RTP and TIP (TIP alone in “donut” area) currently conforming?

- **YES:** Go to Step 4
- **NO: PROJECT CANNOT BE APPROVED**.

Step 4

Is the project listed in the RTP, TIP, and conformity analysis with same design concept, scope, and schedule?

- **YES:** Document regional conformity. Once the Regional Conformity Process has been completed, the **Conformity Analysis and Documentation is complete**.
- **NO:** Amend RTP and TIP to add project, or to correct design concept, scope, and schedule (open to traffic). Repeat Step 3.