

**Conformity Determination Report**  
**2009–2015 Transportation Improvement Program**

- **Burlington-Graham Metropolitan Planning Organization**
- **Greensboro Metropolitan Planning Organization**
- **High Point Metropolitan Planning Organization**
- **Winston Salem Metropolitan Planning Organization**
- **North Carolina Department of Transportation**  
(for the portions of the Triad Ozone Non-Attainment Areas in Davidson and Davie Counties outside of MPO boundaries)

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*This report was coordinated by the Piedmont Authority for Regional Transportation(PART) for the North Carolina Department of Transportation, the Burlington Graham Metropolitan Planning Organization, the Greensboro Metropolitan Planning Organization, the High Point Metropolitan Planning Organization and the Winston Salem Metropolitan Planning Organization.*

## 1.0 Introduction

The purpose of this report is to document compliance with the provisions of the Clean Air Act Amendments of 1990 (CAAA) and the Safe Accountable Efficient Transportation Equity Act: a Legacy for Users - 2005. The conformity determination for the 2009–2015 Transportation Improvement Program (TIP) is based primarily on a regional emissions analysis that utilized the transportation networks in adopted and conforming 2030 Long Range Transportation Plans (LRTPs) and the emissions factors developed by the North Carolina Department of Environment and Natural Resources (NCDENR). However, since the regional emissions analysis were developed for the 2030 LRTP, revised 1-hour ozone motor vehicle emissions budgets (MVEBs) have become available for nitrogen oxides (NO<sub>x</sub>) as well as volatile organic compounds (VOC) for this area. The Federal Register notice containing the revised SIP MVEBs is provided in [Appendix I](#). This new conformity determination takes into account the revised MVEBs for NO<sub>x</sub> and VOC. All regionally significant federally funded projects in areas designated by the United States Environmental Protection Agency (USEPA) as air quality nonattainment or maintenance areas must come from a conforming LRTP and TIP.

MPOs and the NCDOT are required by 23 CFR 134 and 40 CFR Parts 51 and 93 to make a conformity determination on any newly adopted or amended fiscally-constrained LRTPs and TIPs. [Appendix A](#) contains relevant portions of 40 CFR part 93. The intent of this report is to document the conformity determinations for the 2009–2015 TIPs for the Burlington-Graham MPO, the Greensboro MPO, the High Point MPO, the Winston Salem MPO and the rural portions of the Triad Ozone Non-Attainment Area that are the responsibility of the North Carolina Department of Transportation (NCDOT). In addition, the United States Department of Transportation (USDOT), specifically, the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA), must make a conformity determination on the LRTPs and TIPs in all non-attainment and maintenance areas. The Triad Area is non-attainment for 1-hour ozone (Guilford, Davidson, Forsyth and Davie), CO (Forsyth) and PM 2.5 (Guilford and Davidson).

Conformity Determinations for the 2030 LRTPs in the Triad Ozone Non-Attainment Area were approved as follows:

- Burlington-Graham MPO: April 12, 2005
- Greensboro MPO: August 25, 2004
- High Point MPO: August 24, 2004
- Winston Salem MPO: July 21, 2005
- The NCDOT (for the rural portion of Davidson County in the Triad Ozone Non-Attainment Area): September 2, 2004
- The NCDOT (for the rural portion of Davie County in the Triad Ozone Non-Attainment Area): September 14, 2005

Conformity Determination for the 2030 LRTP in the Triad CO Non-Attainment Area was approved as follows:

- Winston Salem MPO: July 21, 2005

Conformity Determinations for the 2030 LRTP in the Triad PM 2.5 Non-Attainment Area were approved as follows:

- Burlington-Graham MPO: January 17, 2006
- Greensboro MPO: January 25, 2006

- High Point MPO: January 24, 2006
- Winston Salem MPO: January 19, 2006
- The NCDOT (for the rural portions of Davidson County in the Triad Ozone Non-Attainment Area): January 31, 2006

By these actions, the MPOs and NCDOT demonstrated that the 2030 LRTPs are consistent with Section 176(c) of the Clean Air Act, the State Implementation Plan, SAFETEA-LU, and 40 CFR Parts 51 and 93. These conformity demonstrations were documented by the MPOs and NCDOT in the report entitled *Conformity Analysis and Determination Report*. That report included the regional emissions test comparison prepared for the 2030 LRTPs demonstrating that emissions in each of the analysis years of the LRTP (2010, 2014, 2020 and 2030) are less than or equal to, the motor vehicle emissions budget established by the State Implementation Plan (SIP) (or base year emissions, in areas where no SIP is approved or found adequate by EPA) in accordance with 40 CFR Part 93 and approved by USEPA for the corresponding year. As noted above, since the original regional emissions analysis was developed for the 2030 LRTP, revised 1-hour ozone MVEBs have become available for NO<sub>x</sub> as well as VOC for this area. This new conformity determination takes into account the new MVEBs for NO<sub>x</sub> and VOC. The revised NO<sub>x</sub> and VOC MVEBs are for the years 2010, 2012 and 2015 so this conformity determination includes a comparison of transportation emissions and the budgets for NO<sub>x</sub> and VOC for those years in addition to the years 2014, 2020, and 2030. The emission comparison summaries are provided in [Appendix H](#).

USDOT made its conformity determination on the 2030 LRTPs listed above on the following dates:

Triad Ozone Non-Attainment Area:

- Burlington-Graham MPO: October 1, 2004
- Greensboro MPO: October 1, 2004
- High Point MPO: October 1, 2004
- Winston Salem MPO: October 1, 2005
- The rural portion of Davidson County in the Triad Ozone Non-Attainment Area: October 1, 2004

Conformity Determination for the 2030 LRTP in the Triad CO Non-Attainment Area was approved as follows:

Winston Salem MPO: October 1, 2005

Triad PM 2.5 Non-Attainment Area:

- Burlington-Graham MPO: April 5, 2006
- Greensboro MPO: April 5, 2006
- High Point MPO: April 5, 2006
- Winston Salem MPO: April 5, 2006
- The rural portion of Davidson County in the Triad PM2.5 Non-Attainment Area: April 5, 2006

A copy of the letters approving the conformity determinations is included in [Appendix B](#).

The TIP for Fiscal Years 2009-2015 developed by the Burlington Graham MPO and adopted by the TAC on May 20, 2008 is a direct subset of the conforming 2030 LRTP documented in this report.

The TIP for Fiscal Years 2009-2015 developed by the Greensboro MPO and adopted by the TAC on August 27, 2008 is a direct subset of the conforming 2030 LRTP documented in this report.

The TIP for Fiscal Years 2009-2015 developed by the High Point MPO and adopted by the TAC on August 26, 2008 is a direct subset of the conforming 2030 LRTP documented in this report.

The TIP for Fiscal Years 2009-2015 developed by the Winston Salem Forsyth MPO and adopted by the TAC on August 21, 2008 is a direct subset of the conforming 2030 LRTP documented in this report.

The rural (donut area) county projects from the STIP for Fiscal Years 2009-2015 developed by the NCDOT and adopted by the Board of Transportation on June 5, 2008, are consistent with the rural (donut area) projects from the 2007-2013 STIP (for the donut area counties of Davidson and Davie) that were modeled and found to conform by the USDOT on October 1, 2004 (Guilford and Davidson Counties for the 1-hour ozone standard), on October 1, 2005 (Forsyth and Davie County for the 1-hour ozone and CO standard) and on April 5, 2006 (Davidson and Guilford County for the PM 2.5 standard).

## **2.0 Relationship of the LRTP and TIP**

In accordance with 40 CFR Parts 51 and 93, no further regional emissions analysis is required for the Transportation Improvement Program if the TIP is a direct subset of the LRTP and if the following conditions are met:

- The TIP is consistent with the conforming LRTP such that the regional emissions analysis performed on the LRTP applies to the TIP;
- The TIP contains all projects which must be started in the TIP's timeframe to implement the highway and transit system envisioned by the LRTP in each of its horizon years;
- All federally funded TIP projects which are regionally significant are part of the specific highway or transit system envisioned in the LRTP horizon years; and
- The design concept and scope of each regionally significant project identified in the TIP is not significantly different from that described in the LRTP.
- The number of travel lanes of each regionally significant project identified in the TIP is not significantly different from that described in the LRTP.

This report documents that the TIP for Fiscal Years 2009 -2015 is a direct subset of the 2030 LRTPs for the Burlington Graham MPO, the Greensboro MPO, the High Point MPO, the Winston Salem MPO and the rural portions of the Triad Ozone Non-Attainment Area that are the responsibility of the NCDOT. The 2030 LRTP for each of these areas are fiscally constrained and are consistent with 23 CFR Part 450 Subpart C. This conformity determination is based on the most recent estimates of the emissions and the most recent planning assumptions (including population, employment, travel and congestion estimates available) as determined by the appropriate MPOs and NCDOT. It has been demonstrated in the Conformity Determination Report that the LRTP conforms to the provisions of the Clean Air Act Amendments of 1990 and the Safe Accountable, Flexible, Efficient Transportation Equity Act: a Legacy for Users - 2005 (SAFETEA-LU) approved by the USDOT on August 10, 2005.

Also, this LRTP conforms to the purpose of the SIP in accordance with 40 CFR Part 93. As a direct subset of the LRTP, no further regional emissions analysis (emissions budget comparison) is required for this TIP.

The Burlington Graham MPO Transportation Advisory Committee (TAC), as the decision making body of the Burlington Graham MPO, finds that the FY 2009-2015 TIP is a direct subset of the 2030 LRTP for the Burlington Graham MPO, meets these conditions, and thus conforms to the purpose of the SIP (or base year emissions, in areas where no SIP is approved or found adequate by EPA) in accordance with 40 CFR Part 93.

The Greensboro MPO Transportation Advisory Committee (TAC), as the decision making body of the Greensboro MPO, finds that the FY 2009-2015 TIP is a direct subset of the 2030 LRTP for the Greensboro MPO, meets these conditions, and thus conforms to the purpose of the SIP (or base year emissions, in areas where no SIP is approved or found adequate by EPA) in accordance with 40 CFR Part 93.

The High Point MPO Transportation Advisory Committee (TAC), as the decision making body of the High Point MPO, finds that the FY 2009-2015 TIP is a direct subset of the 2030 LRTP for the High Point MPO, meets these conditions, and thus conforms to the purpose of the SIP (or base year emissions, in areas where no SIP is approved or found adequate by EPA) in accordance with 40 CFR Part 93.

The Winston Salem MPO Transportation Advisory Committee (TAC), as the decision making body of the Winston Salem MPO, finds that the FY 2009-2015 TIP is a direct subset of the 2030 LRTP for the Winston Salem MPO, meets these conditions, and thus conforms to the purpose of the SIP (or base year emissions, in areas where no SIP is approved or found adequate by EPA) in accordance with 40 CFR Part 93.

The NCDOT, as the decision making body for STIP projects within the Triad Ozone Non-Attainment Area that are outside of MPO boundaries, finds that rural (donut area) county projects from the FY 2009-2015 STIP are consistent with the rural (donut area) projects from the FY 2007-2013 STIP (for the donut area counties of Davidson and Davie) that were modeled and found to conform by the USDOT on October 1, 2004 (Guilford and Davidson Counties for the 1-hour ozone standard), on October 1, 2005 (Forsyth and Davie County for the 1-hour ozone and CO standard) and on April 5, 2006 (Davidson and Guilford County for the PM 2.5 standard).

Copies of the 2009-2015 TIPs (2009-2015 STIPs for donut areas) are attached to this report (Appendix C).

### **3.0 Latest Planning Assumptions**

The planning assumptions used to develop the Conformity Determination Report are the latest planning assumptions approved by the respective MPOs and NCDOT. Estimates of future population and employment are less than five years old. The vehicle age distribution and fleet mix distributions used as input to the emission model were based on the current data from North Carolina Division of Motor Vehicles. This data is also less than five years old.

## **4.0 Interagency Consultation**

The 2009-2015 TIP has undergone interagency consultation as required in the North Carolina Administrative Code Title 15A Subpart 2D 2002-2003 inclusive. An interagency consultation meeting involving the MPOs, NCDOT, NCDENR, FHWA and USEPA- Region 4 was held on July 2, 2008. A summary of issues raised and responses, along with any written agency comments, are provided in Appendix D.

## **5.0 Public Involvement**

The 2009 -2015 TIP was reviewed by the public in accordance with the Public Involvement Policies of the Burlington Graham MPO, the Greensboro MPO, the High Point MPO, the Winston Salem MPO and the NCDOT. This report was also made available for public review by the Piedmont Authority for Regional Transportation (PART). Copies of citizen comments and agency responses to them are attached to this report in Appendix E. The newspaper advertisements for public review and comment period are attached to this report in Appendix G.

## **6.0 Findings of Conformity**

6.1 The Burlington Graham MPO TAC, as the decision making body of the Burlington Graham MPO, finds that the FY 2009 -2015 TIP is a direct subset of the 2030 LRTP for the Burlington Graham MPO Area. The TIP meets the conditions described earlier in this document and thus conforms to the intent of the Clean Air Act and the requirements of 40 CFR §93.

6.2 The Greensboro MPO TAC, as the decision making body of the Greensboro MPO, finds that the FY 2009 -2015 TIP is a direct subset of the 2030 LRTP for the Greensboro MPO Area. The TIP meets the conditions described earlier in this document and thus conforms to the intent of the Clean Air Act and the requirements of 40 CFR §93.

6.3 The High Point MPO TAC, as the decision making body of the High Point MPO, finds that the FY 2009 -2015 TIP is a direct subset of the 2030 LRTP for the High Point MPO Area. The TIP meets the conditions described earlier in this document and thus conforms to the intent of the Clean Air Act and the requirements of 40 CFR §93.

6.4 The Winston Salem MPO TAC, as the decision making body of the Winston Salem MPO, finds that the FY 2009 -2015 TIP is a direct subset of the 2030 LRTP for the Winston Salem MPO Area. The TIP meets the conditions described earlier in this document and thus conforms to the intent of the Clean Air Act and the requirements of 40 CFR §93.

6.5 The NCDOT, as the decision making body for STIP projects within the Triad Ozone Non-Attainment Area that are outside of MPO boundaries, finds that rural (donut area) county projects from the FY 2009 -2015 STIP are consistent with the rural (donut area) projects from the FY 2007-2013 STIP (for the donut area counties of Davidson and Davie) that were modeled and found to conform by the USDOT on October 1, 2004 (Guilford and Davidson Counties for the 1-hour ozone standard), on October 1, 2005 (Forsyth and Davie County for the 1-hour ozone and CO standard) and on April 5, 2006 (Davidson and Guilford County for the PM 2.5 standard) in accordance with 40 CFR Part 93.

Copies of adopting and endorsing resolutions and conformity findings for 2009 -2015 TIP (2009-2015 STIP for donut areas) are attached in Appendix F.