CHAPTER 16

Photo: New Rail Platform at Union Station in Springfield, MA

CONFORMITY

A. AIR QUALITY CONFORMITY INFORMATION

This section documents the latest air quality conformity determination for the 1997 ozone National Ambient Air Quality Standards (NAAQS) in the Pioneer Valley Region. It covers the applicable conformity requirements according to the latest regulations, regional designation status, legal considerations, and federal guidance. Further details and background information are provided below:

B. INTRODUCTION

The 1990 Clean Air Act Amendments (CAAA) require metropolitan planning organizations within nonattainment and maintenance areas to perform air quality conformity determinations prior to the approval of Long-Range Transportation Plans(LRTPs) and Transportation Improvement Programs(TIPs), and at such other times as required by regulation. Clean Air Act (CAA) section 176(c) (42 U.S.C. 7506(c)) requires that federally funded or approved highway and transit activities are

consistent with ("conform to") the purpose of the State Implementation Plan (SIP). Conformity to the purpose of the SIP means that Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) funding and approvals are given to highway and transit activities that will not cause or contribute to new air quality violations, worsen existing violations, or delay timely attainment of the relevant NAAQS or any interim milestones (42 U.S.C. 7506(c)(1)). EPA's transportation conformity rules establish the criteria and procedures for determining whether metropolitan transportation plans, transportation improvement programs (TIPs), and federally supported highway and transit projects conform to the SIP (40 CFR Parts 51.390 and 93).

A nonattainment area is one that the U.S. Environmental Protection Agency (EPA) has designated as not meeting certain air quality standards. A maintenance area is a nonattainment area that now meets the standards and has been re-designated as maintaining the standard. A conformity determination is a demonstration that plans, programs, and projects are consistent with the State Implementation Plan(SIP) for attaining the air quality standards. The CAAA requirement to perform a conformity determination ensures that federal approval and funding go to transportation activities that are consistent with air quality goals.

C. LEGISLATIVE AND REGULATORY BACKGROUND

The entire Commonwealth of Massachusetts was previously classified as nonattainment for ozone, and was divided into two nonattainment areas. The Eastern Massachusetts ozone nonattainment area included Barnstable, Bristol, Dukes, Essex, Middlesex, Nantucket, Norfolk, Plymouth, Suffolk, and Worcester counties. Berkshire, Franklin, Hampden, and Hampshire counties comprised the Western Massachusetts ozone nonattainment area. With these classifications, the 1990 Clean Air Act Amendments (CAAA) required the Commonwealth to reduce its emissions of volatile organic compounds (VOCs) and nitrogen oxides (NOx), the two major precursors to ozone formation to achieve attainment of the ozone standard.

The 1970 Clean Air Act defined a one-hour national ambient air quality standard (NAAQS) for ground-level ozone. The 1990 CAAA further classified degrees of nonattainment of the one-hour standard based on the severity of the monitored levels of the pollutant. The entire commonwealth of Massachusetts was classified as being in serious nonattainment for the one-hour ozone standard, with a required attainment date of 1999. The attainment date was later extended, first to 2003 and a second time to 2007.

In 1997,the EPA proposed a new, eight-hour ozone standard that replaced the one-hour standard, effective June 15,2005. Scientific information had shown that ozone could affect human health at lower levels, and over longer exposure times than one hour. The new standard was challenged in court, and after a lengthy legal battle, the

courts upheld it. It was finalized in June 2004.The eight-hour standard is 0.08 parts per million, averaged over eight hours and not to be exceeded more than once per year. Nonattainment areas were again further classified based on the severity of the eight-hour values. Massachusetts as a whole was classified as being in moderate nonattainment for the eight-hour standard, and was separated into two nonattainment areas - Eastern Massachusetts and Western Massachusetts.

In March 2008, EPA published revisions to the eight-hour ozone NAAQS establishing a level of 0.075 ppm, (March 27, 2008; 73 FR 16483). In 2009, EPA announced it would reconsider this standard because it fell outside of the range recommended by the Clean Air Scientific Advisory Committee. However, EPA did not take final action on the reconsideration so the standard would remain at 0.075 ppm.

After reviewing data from Massachusetts monitoring stations, EPA sent a letter on December 16, 2011 proposing that only Dukes County would be designated as nonattainment for the new proposed 0.075 ozone standard. Massachusetts concurred with these findings.

On May 21, 2012,(77 FR 30088), the final rule was published in the Federal Register, defining the 2008 NAAQS at 0.075 ppm, the standard that was promulgated in March 2008. A second rule published on May 21, 2012 (77 FR 30160), revoked the 1997 ozone NAAQS to occur one year after the July 20, 2012 effective date of the 2008 NAAQS.

Also on May 21, 2012, the air quality designations areas for the 2008 NAAQS were published in the Federal Register. In this Federal Register, the only area in Massachusetts that was designated as nonattainment is Dukes County. All other Massachusetts counties were designated as attainment/unclassified for the 2008 standard. On March 6, 2015, (80 FR 12264, effective April 6, 2015) EPA published the Final Rulemaking, “Implementation of the 2008 National Ambient Air Quality Standards (NAAQS) for Ozone: State Implementation Plan Requirements; Final Rule.” This rulemaking confirmed the removal of transportation conformity to the 1997 Ozone NAAQS.

However, on February 16, 2018, the United States Court of Appeals for the District of Columbia Circuit in *South Coast Air Quality Mgmt. District v. EPA* (“*South Coast II*,” 882 F.3d 1138) held that transportation conformity determinations must be made in areas that were either nonattainment or maintenance for the 1997 ozone NAAQS and attainment for the 2008 ozone NAAQS when the 1997 ozone NAAQS was revoked. These conformity determinations are required in these areas after February 16, 2019. On November 29, 2018, EPA issued *Transportation Conformity Guidance for the South Coast II Court Decision* (EPA-420-B-18-050, November 2018) that addresses how transportation conformity determinations can be made in areas.

According to the guidance, both Eastern and Western Massachusetts, along with several other areas across the country, are now defined as “orphan nonattainment areas” – areas that were designated as nonattainment for the 1997 ozone NAAQS at the time of its revocation (80 FR 12264, March 6, 2015) and were designated attainment for the 2008 ozone NAAQS in EPA’s original designations rule for this NAAQS (77 FR 30160, May 21, 2012).

D. CURRENT CONFORMITY DETERMINATION

After 2/16/19, as a result of the court ruling and the subsequent federal guidance, transportation conformity for the 1997 NAAQS – intended as an “anti-backsliding” measure – now applies to both of Massachusetts’ orphan areas. Therefore, this conformity determination is being made for the 1997 ozone NAAQS on the Pioneer Valley Regions FFY 2020-2024 Transportation Improvement Program and the 2020 Regional Transportation Plan.

The transportation conformity regulation at 40 CFR 93.109 sets forth the criteria and procedures for determining conformity. The conformity criteria for TIPs and RTPs include: latest planning assumptions (93.110), latest emissions model (93.111), consultation (93.112), transportation control measures (93.113(b) and (c), and emissions budget and/or interim emissions (93.118 and/or 93.119).

For the 1997 ozone NAAQS areas, transportation conformity for TIPs and RTPs for the 1997 ozone NAAQS can be demonstrated without a regional emissions analysis, per 40 CFR 93.109(c). This provision states that the regional emissions analysis requirement applies one year after the effective date of EPA’s nonattainment designation for a NAAQS and until the effective date of revocation of such NAAQS for an area. The 1997 ozone NAAQS revocation was effective on April 6, 2015, and the *South Coast II* court upheld the revocation. As no regional emission analysis is required for this conformity determination, there is no requirement to use the latest emissions model, or budget or interim emissions tests.

Therefore, transportation conformity for the 1997 ozone NAAQS for the Pioneer Valley Region FFY 2020-2024 Transportation Improvement Program and 2020 Regional Transportation Plan can be demonstrated by showing that remaining requirements in Table 1 in 40 CFR 93.109 have been met. These requirements, which are laid out in Section 2.4 of EPA’s guidance and addressed below, include:

- Latest planning assumptions (93.110)
- Consultation (93.112)
- Transportation Control Measures (93.113)
- Fiscal Constraint (93.108)

1. Latest Planning Assumptions

The use of latest planning assumptions in 40 CFR 93.110 of the conformity rule generally apply to regional emissions analysis. In the 1997 ozone NAAQS areas, the use of latest planning assumptions requirement applies to assumptions about transportation control measures (TCMs) in an approved SIP (See following section on Timely Implementation of TCMs).

2. Consultation

The consultation requirements in 40 CFR 93.112 were addressed both for interagency consultation and public consultation. Interagency consultation was conducted with FHWA, FTA, US EPA Region 1, MassDEP, and the other Massachusetts MPOs, with the most recent conformity consultation meeting held on March 6, 2019 (this most recent meeting focused on understanding the latest conformity-related court rulings and resulting federal guidance). This ongoing consultation is conducted in accordance with the following:

- Massachusetts' Air Pollution Control Regulations 310 CMR 60.03 "Conformity to the State Implementation Plan of Transportation Plans, Programs, and Projects Developed, Funded or Approved Under Title 23 USC or the Federal Transit Act"
- The Commonwealth of Massachusetts Memorandum of Understanding by and between Massachusetts Department of Environmental Protection, Massachusetts Executive Office of Transportation and Construction, Massachusetts Metropolitan Planning Organizations concerning the conduct of transportation-air quality planning in the development and implementation of the state implementation plan" (note: this MOU is currently being updated.)

Public consultation was conducted consistent with planning rule requirements in 23 CFR 450.

Title 23 CFR Section 450.324 and 310 CMR 60.03(6)(h) requires that the development of the TIP, RTP, and related certification documents provide an adequate opportunity for public review and comment. Section 450.316(b) also establishes the outline for MPO public participation programs. The Pioneer Valley MPO's Public Participation Plan was formally adopted in 2016. The Public Participation Plan ensures that the public will have access to the TIP and all supporting documentation, provides for public notification of the availability of the TIP and the public's right to review the document and comment thereon, and provides a 30-day public review and comment period prior to the adoption of the TIP and related certification documents.

The public comment period for this conformity determination commenced on June 25, 2019. During the 21-day public comment period, any comments received were incorporated into this Plan. This allowed ample opportunity for public comment and

MPO review of the draft document. The public comment period will close on July 15, 2019 and subsequently, the Pioneer Valley MPO is expected to endorse this air quality conformity determination on July 23, 2019. These procedures comply with the associated federal requirements.

3. Timely Implementation of Transportation Control Measures

Transportation Control Measures (TCMs) have been required in the SIP in revisions submitted to EPA in 1979 and 1982. All SIP TCMs have been accomplished through construction or through implementation of ongoing programs. All of the projects have been included in the Region's Transportation Plan (present of past) as recommended projects or projects requiring further study.

DEP submitted to EPA its strategy of programs to show Reasonable Further Progress of a 15% reduction of VOCs in 1996 and the further 9% reduction of NOx toward attainment of the National Ambient Air Quality Standards (NAAQS) for ozone in 1999. Within that strategy there are no specific TCM projects. The strategy does call for traffic flow improvements to reduce congestion and, therefore, improve air quality. Other transportation-related projects that have been included in the SIP control strategy are listed below:

- Enhanced Inspection and Maintenance Program
- California Low Emission Vehicle Program
- Reformulated Gasoline for On- and Off-Road Vehicles
- Stage II Vapor Recovery at Gasoline Refueling Stations
- Tier I Federal Vehicle Standards

4. Fiscal Constraint:

Transportation conformity requirements in 40 CFR 93.108 state that TIPs and transportation plans and must be fiscally constrained consistent with DOT's metropolitan planning regulations at 23 CFR part 450. The 2020 Regional Transportation Plan for the Pioneer Valley is fiscally constrained, as demonstrated in Chapter 16 of the RTP.

As of April 22, 2002, the city of Springfield was re-designated as being in attainment for carbon monoxide (CO) with an EPA-approved limited maintenance plan. In areas with approved limited maintenance plans, federal actions requiring conformity determinations under the transportation conformity rule are considered to satisfy the "budget test" (as budgets are treated as not constraining in these areas for the length of the initial maintenance period). Any future required "project level" conformity determinations for projects located within this community will continue to use a "hot-spot" analysis to assure that any new transportation projects in this CO attainment area do not cause or contribute to carbon monoxide non-attainment.

In summary and based upon the entire process described above, the Pioneer Valley MPO has prepared this conformity determination for the 1997 Ozone NAAQS in accordance with EPA's and Massachusetts' latest conformity regulations and guidance. This conformity determination process demonstrates that the FFY 2020-2024 Transportation Improvement Program and the 2020-2040 Regional Transportation Plan meet the Clean Air Act and Transportation Conformity Rule requirements for the 1997 Ozone NAAQS, and have been prepared following all the guidelines and requirements of these rules during this time period.

Therefore, the implementation of the Pioneer Valley MPO's FFY 2020-2024 Transportation Improvement Program and the 2020 Regional Transportation Plan are consistent with the air quality goals of, and in conformity with, the Massachusetts State Implementation Plan.

E. EVALUATION AND REPORTING OF STATEWIDE GREENHOUSE GAS REDUCTIONS IN TRANSPORTATION

This section documents recent progress made by MassDOT and the MPOs in working to help achieve greenhouse gas (GHG) reduction goals as outlined in state regulations applicable to Massachusetts. This "progress report" estimates future carbon dioxide (CO_2) emissions from the transportation sector as part of meeting the GHG reduction goals established through the Commonwealth's Global Warming Solutions Act (GWSA).

1. GWSA Transportation Status: Future Carbon Dioxide Emissions Reductions

The Global Warming Solutions Act of 2008 requires statewide reductions in greenhouse gas (CO2) emissions of 25 percent below 1990 levels by the year 2020, and 80 percent below 1990 levels by 2050.

The Commonwealth's thirteen metropolitan planning organizations (MPOs) are involved in helping to achieve greenhouse gas reductions mandated under the GWSA. The MPOs work closely with the Massachusetts Department of Transportation (MassDOT) and other involved agencies to develop common transportation goals, policies, and projects that would help to reduce GHG emission levels statewide, and meet the specific requirements of the GWSA regulation – *Global Warming Solutions Act Requirements for the Transportation Sector and the Massachusetts Department of Transportation (310 CMR 60.05).* The purpose of this regulation is to assist the Commonwealth in achieving their adopted GHG emission reduction goals by:

- Requiring each MPO to evaluate and report the aggregate GHG emissions and impacts of both its Regional Transportation Plan (RTP) and Transportation Improvement Program (TIP).

- Requiring each MPO, in consultation with MassDOT, to develop and utilize procedures to prioritize and select projects in its RTP and TIP based on factors that include GHG emissions and impacts.

Meeting the requirements of this regulation is being achieved through the transportation goals and policies contained in the 2020 RTPs, the major projects planned in the RTPs, and the mix of new transportation projects that are programmed and implemented through the TIPs.

The GHG evaluation and reporting processes enable the MPOs and MassDOT to identify the anticipated GHG impacts of the planned and programmed projects, and also to use GHG impacts as a criterion in prioritizing transportation projects. This approach is consistent with the greenhouse gas reduction policies of promoting healthy transportation modes through prioritizing and programming an appropriate balance of roadway, transit, bicycle and pedestrian investments; as well as supporting smart growth development patterns through the creation of a balanced multi-modal transportation system. All of the MPOs and MassDOT are working toward reducing greenhouse gases with “sustainable” transportation plans, actions, and strategies that include (but are not limited to):

- Reducing emissions from construction and operations
- Using more fuel-efficient fleets
- Implementing and expanding travel demand management programs
- Encouraging eco-driving
- Providing mitigation for development projects
- Improving pedestrian, bicycle, and public transit infrastructure and operations (healthy transportation)
- Investing in higher density, mixed use, and transit-oriented developments (smart growth)

2. Regional GHG Evaluation and Reporting in RTPs

MassDOT coordinated with MPOs and regional planning agency (RPA) staffs on the implementation of GHG evaluation and reporting in development of each MPO’s 2012 and 2016 RTPs. This collaboration has continued for the MPOs’ 2020 RTPs and 2020-24 TIPs. Working together, MassDOT and the MPOs have attained the following milestones:

- Modeling and long-range statewide projections for GHG emissions resulting from the transportation sector, as a supplement to the 2020 RTPs. Using the newly updated statewide travel demand model, GHG emissions have been projected for 2020 no-build (base) and build (action) conditions, and for 2040 no-build (base) and build (action) conditions (see the chart in this section for the results of this modeling).

- All of the MPOs have addressed GHG emission reduction projections in their RTPs (including the statewide estimates in the chart that follows), along with a discussion of climate change and a statement of MPO support for reducing GHG emissions from transportation as a regional goal.

MassDOT's statewide estimates of CO_2 emissions resulting from the collective list of all recommended projects in all of the Massachusetts RTPs combined are presented in the table below. Emissions estimates incorporate the latest planning assumptions including updated socio-economic projections consistent with the 2020 RTPs:

Table 16-1 - Massachusetts Statewide Aggregate CO_2 Estimated Emissions Impacts from Transportation

(all emissions in tons per summer day)

Year	CO_2 Action Emissions	CO_2 Base Emissions	Difference (Action – Base)
2016	86,035.6	86,035.6	n/a
2020	75,675.6	75,865.9	-190.3
2040	54,484.2	54,702.2	-218.0

This analysis includes only those larger, regionally significant projects that are included in the statewide travel demand model. Many other types of projects that cannot be accounted for in the model (such as bicycle and pedestrian facilities, shuttle services, intersection improvements, etc.), are covered in each MPO region's RTP with either "qualitative" assessments of likely CO_2 change, or actual quantitative estimates listed for each project.

As shown above, collectively, all the projects in the RTPs in the 2020 Action scenario provide a statewide reduction of over 190 tons of CO_2 per day compared to the base case. The 2040 Action scenario estimates a reduction of 218 tons per day of CO_2 emissions compared to the base case.

These results demonstrate that the transportation sector is expected to continue making positive progress in contributing to the achievement of GHG reduction targets consistent with the requirements of the GWSA. MassDOT and the MPOs will continue to advocate for steps needed to accomplish the Commonwealth's long-term goals for greenhouse gas reductions.