

**SUPPORTING STATEMENT FOR**

**EPA INFORMATION COLLECTION REQUEST NUMBER 2130.04  
OMB CONTROL NUMBER 2060-0561**

**TRANSPORTATION CONFORMITY DETERMINATIONS FOR FEDERALLY  
FUNDED AND APPROVED TRANSPORTATION PLANS, PROGRAMS AND  
PROJECTS**

**May 5, 2011**

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## **1. IDENTIFICATION OF THE INFORMATION COLLECTION**

### **1(a) Title of the Information Collection**

This information collection request (ICR) is entitled "Transportation Conformity Determinations for Federally Funded and Approved Transportation Plans, Programs and Projects," ICR number 2130.04, OMB Control Number 2060-0561. This ICR includes transportation conformity burden anticipated for calendar years 2011-2014.

### **1(b) Short Characterization/Abstract**

Transportation conformity is required under Clean Air Act section 176(c) [42 U.S.C. 7506(c)] to ensure that federally supported transportation activities are consistent with ("conform to") the purpose of the state air quality implementation plan (SIP). Transportation activities include transportation plans, transportation improvement programs (TIPs), and federally funded or approved highway or transit projects. Conformity to the purpose of the SIP means that transportation activities will not cause new air quality violations, worsen existing violations, or delay timely attainment of the relevant national ambient air quality standards (NAAQS or "standards") or interim milestones.

Transportation conformity applies under EPA's conformity regulations at 40 CFR Part 93, Subpart A, to areas that are designated nonattainment, and those re-designated to attainment after 1990 ("maintenance areas" with plans developed under Clean Air Act section 175A) for the following transportation-related criteria pollutants: ozone, particulate matter (PM<sub>2.5</sub> and PM<sub>10</sub>), carbon monoxide (CO), and nitrogen dioxide (NO<sub>2</sub>).

The Environmental Protection Agency (EPA) published the original transportation conformity rule on November 24, 1993 (58 FR 62188), and subsequently published several revisions. EPA develops the conformity regulations in coordination with the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA).

Transportation conformity determinations are required before federal approval or funding is given to certain types of transportation planning documents as well as non-exempt highway and transit projects.<sup>1</sup> In metropolitan nonattainment and maintenance areas, conformity determinations are required for transportation plan and TIP updates and amendments. A

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<sup>1</sup> Projects that are exempt from all or certain conformity requirements include projects listed in 40 CFR 93.126 (e.g., safety projects, maintenance of current roads), projects that do not impact regional emissions in 40 CFR 93.127, and traffic signal synchronization projects listed in 40 CFR 93.128.

metropolitan transportation plan is at least a 20-year planning document that describes the policies, strategies and facilities that are proposed by state and local decision-makers for future implementation in a metropolitan area. The TIP prioritizes and programs capital highway and transit projects for implementation in a metropolitan area over a four-year period, consistent with the transportation plan.

To meet the Clean Air Act's conformity requirements, once a SIP is established for a given pollutant and NAAQS, projected regional emissions from a nonattainment or maintenance area's transportation system must be at or below the motor vehicle emissions level or "budget" for on-road mobile sources in the area's SIP. Prior to EPA finding a budget adequate<sup>2</sup> or approving a SIP, the conformity rule provides emissions tests that ensure that Clean Air Act requirements are met in the interim.

EPA considered the following in developing this ICR:

- Burden estimates for transportation conformity determinations in current nonattainment and maintenance areas for the ozone, PM<sub>2.5</sub>, PM<sub>10</sub>, CO, and NO<sub>2</sub> NAAQS;
- Federal burden associated with EPA's adequacy review process for submitted SIP budgets that are to be used in conformity determinations;
- New start-up burden associated with learning to perform quantitative hot-spot analyses;
- New burden associated with the transition from MOBILE6.2 to MOVES;
- Efficiencies in areas doing conformity for multiple NAAQS; and,
- Differences in conformity resource needs in large and small metropolitan areas and isolated rural areas.

This ICR does not include burden associated with the general development of transportation planning and air quality planning documents for meeting other federal requirements. There are other ICRs that capture associated burdens for these additional non-conformity planning requirements and are prepared by other organizations within EPA and DOT.

## **2. NEED FOR AND USE OF THE COLLECTION**

### **2(a) Need/Authority for the Collection**

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<sup>2</sup> Per the transportation conformity rule, submitted SIP budgets are appropriate to use prior to EPA's approval of the SIP when EPA declares them adequate for transportation conformity purposes (40 CFR 93.118(e) and (f)).

The Clean Air Act gives EPA the statutory authority to establish the criteria and procedures for determining whether transportation activities conform to the SIP. EPA promulgated the transportation conformity regulations under the authority of Clean Air Act section 176(c). The federal government needs information collected under these regulations to ensure that metropolitan planning organization (MPO)<sup>3</sup> and federal transportation actions are consistent with state air quality goals.

## **2(b) Practical Utility/Users of the Data**

Federal, state, and local transportation agencies use information collected under the conformity regulation to ensure that federally funded or approved transportation actions conform to SIPs for attaining and maintaining clean air. Specifically, transportation agencies use information they collect to demonstrate that:

- Regional emissions and/or project-level analysis requirements are satisfied;
- Transportation control measures (TCMs) in approved SIPs are implemented in a timely manner;
- State, local, and federal transportation and air quality agencies consult and resolve issues related to conformity determinations; and,
- Public comments are considered and responses to comments are documented prior to conformity actions.

## **3. NON-DUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA**

### **3(a) Non-Duplication**

EPA wrote the transportation conformity regulation and subsequent revisions, in coordination with FHWA and FTA, to avoid duplicating the collection efforts required by other regulatory programs. The conformity regulation works with existing transportation and air quality planning requirements from the Clean Air Act, Title 23 of United States Code and other federal highway laws, Federal Transit Laws, and the National Environmental Policy Act (NEPA).

The conformity regulation relies on but does not duplicate DOT's transportation planning regulations for developing transportation plans, TIPs, and projects. Many nonattainment and

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<sup>3</sup> MPO means the policy board of an organization created and designated to carry out the metropolitan transportation planning process.

maintenance areas can rely on travel, economic, or other forecasts that are already available for other planning purposes to complete regional conformity analyses. In addition, the conformity regulation does not create any new fiscal constraint or public participation requirements. The regulation simply relies upon existing transportation planning requirements.

Localized air quality analyses (or “hot-spot” analyses) are generated for certain project-level conformity determinations for certain criteria pollutants. When project-level analyses are required for both conformity approvals and NEPA, project sponsors may rely on the same analysis, assuming that it meets all necessary air quality requirements. Finally, although transportation actions are compared to SIP budgets for conformity determinations when they are available, SIPs are required to be submitted for other Clean Air Act purposes, and are not required by the conformity provisions.

### **3(b) Public Notice Required Prior to ICR Submission to OMB**

In compliance with the 1995 Paperwork Reduction Act (PRA), any agency developing a non-rule related ICR must solicit public comments for a 60-day period prior to submitting the ICR to OMB. These comments, which are used partly to determine realistic burden estimates for respondents, must be considered when completing the final Supporting Statement that is submitted to OMB.

The announcement of a public comment period for this renewal ICR has been made in the Federal Register on February 10, 2011 under Docket ID No. EPA-HQ-OAR-2007-0269.<sup>4</sup> The comment period closed on April 11, 2011 with EPA receiving four sets of comments. Below is a brief summary of the comments and how EPA addressed the comments in this Supporting Statement.

First, several comments were considered and used to revise this Supporting Statement in the following manner:

- Increased the frequency of transportation plan conformity determinations for MPOs (50,000-200,000 population) with 3 or more pollutants/NAAQS from 1 per 4 years to 1 per 3 years to account for additional conformity determinations for new SIP budgets and 24 month clocks associated with 40 CFR 93.104(e);
- Increased the frequency of transportation plan/TIP conformity determinations for MPOs (greater than 200,000 population) with 3 or more pollutants from 1 per 4 years to 1 per 3 years to account for additional conformity determinations for new SIP budgets and 24 month clocks associated with 40 CFR 93.104(e); Increased the burden of state and local interagency consultation;
- Increased the burden for the transition to MOVES for regional conformity analyses to account for additional staff training and transition time;

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<sup>4</sup> To maintain the integrity of the ICR docket and all the associated ICR renewal records, the original docket number and date from the previous ICR continue to be used. For this renewal, a new Phase of the original docket number has been opened.

- Increased consultation and modeling time for quantitative PM hot-spot analyses;
- Increased the burden for transition and implementation of quantitative PM and CO hot-spot analyses; and
- Increased the burden for consultation by Federal agencies to account for the additional time State and Local agencies are consulting.

Second, the comments that were considered but ultimately not addressed in the Supporting Statement are summarized below.

- Increase the hourly rate for the burden calculations: The GS-13 hourly rate reflects an average hourly rate for degreed mid-career professionals. Also, while cost calculation is provided in the Supporting Statement, the actual burden calculations that are reviewed and approved by OMB are expressed in terms of hours per response and are thus cost neutral;
- Add burden to managing travel demand models, economic forecasts, census data and travel surveys: These activities were not included in this Supporting Statement because these activities are not specifically required by the CAA and the transportation conformity regulations and are completed for other purposes.
- Add burden for a future ozone NAAQS: This burden was not included in this Supporting Statement, as described in Section 6(a)(i), because the relevant NAAQS were not finalized in time to be included in this Supporting Statement;
- Consult with stakeholders during development of the Supporting Statement: EPA did not consult with stakeholders, as requested, because this activity would also require an ICR. The ICR process includes public comment periods to address stakeholder concerns;
- Reorganize the MPOs into Small, Medium, and Large categories by population with the Large category having a population greater than 1,000,000: EPA will consider this suggestion for the next ICR renewal;
- Include burden for the coordination, development and revisions of SIP budgets: This burden is required by the CAA for SIP development;
- Increase burden for transportation plan and TIP conformity determinations done in between regular updates: This supporting statement reflects the annual burden of minimum conformity requirements. Additional conformity determinations are not required by the CAA or conformity regulations. However, EPA recognizes for MPOs with 3 or more NAAQS that these areas may be conducting more frequent conformity determinations to support multiple 24 month clocks for SIP budgets under 40 CFR 93.104(e) and we have therefore increased the frequency for these actions;
- Increase split between transportation conformity project-level burden and NEPA: EPA assumed that the burden hours for quantitative PM hot-spot analyses would also be used to satisfy NEPA requirements, so only half of the burden is included in this conformity ICR. The comments provided did not support the change to a greater percentage of burden for the conformity portion;
- Increase TIP update frequency to account for state requirements: The increased frequency is not required by federal law and therefore not included in this burden statement; and,
- Include the burden for conformity regulatory training: The cost of providing such

training to staff was not included in this Supporting Statement since there is no signification transition during the timeframe of the ICR for brand new areas that would require such training.

### **3(c) Consultations**

To prepare this ICR, EPA relied upon the previous ICR for information on the number of hours required to complete the following:

- Developing transportation plan, TIP, and project conformity determinations;
- Consulting with state, local, and federal agencies on conformity determinations;
- Performing regional and hot-spot analyses;
- Documenting that TCMs in approved SIPs are implemented on time;
- Conducting other miscellaneous activities (e.g., reviewing conformity documents, responding to conformity-related public comments, etc.); and,
- Training new state and local government staff to perform conformity-related duties (for those nonattainment areas without previous conformity experience).

EPA also consulted with FHWA and FTA headquarters and field offices.  
Individuals/staff consulted:

- Cecilia Ho, (202) 366-9862, Department of Transportation, Federal Highway Administration; and,
- Andrea Martin, (202) 366-3040, Department of Transportation, Federal Transit Administration, Office of Planning and Environment.

EPA also requested information from EPA Regional Offices.

Finally, EPA relied upon existing research completed on the transportation conformity process that indicated the number of hours associated with doing conformity determinations in isolated rural areas.<sup>5</sup> See Appendix A – Conformity Related Research Considered for this ICR.

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<sup>5</sup> Isolated rural nonattainment and maintenance areas are areas that do not contain nor are part of any metropolitan planning areas as designated under the transportation planning regulations. Isolated rural areas do not have Federally required metropolitan transportation plans or TIPs and do not have projects that are part of the emissions analysis of any MPO's metropolitan transportation plan or TIP. Projects in such areas are instead included in statewide transportation improvement programs. These areas are distinct from donut areas (40 CFR 93.101).



### **3(d) Effects of Less Frequent Collection**

The Clean Air Act requires conformity for transportation plans and TIPs to be determined every four years in metropolitan nonattainment and maintenance areas. This statutory requirement is typically satisfied when an area updates its long-range transportation plan to meet the four-year planning requirement for DOT's transportation planning regulations. The Clean Air Act and DOT's transportation planning regulations require TIPs to be updated every four years, and as a result, conformity determinations are also done for TIPs every four years.<sup>6</sup> The Clean Air Act also requires conformity for transportation plans and TIPs within two years of a new SIP motor vehicle emission budget being established.<sup>7</sup>

Conformity determinations are required in isolated rural nonattainment and maintenance areas only when a new project needs federal funding or approval. The Clean Air Act's minimum four-year frequency requirement for transportation plans and TIPs and two year SIP- related conformity requirements do not apply in these areas. Therefore, these areas are not required to demonstrate conformity on a regular basis as in metropolitan areas. Conformity determinations before project approvals are made in isolated rural areas and are necessary to meet the goals of the Clean Air Act.

Less frequent collection was provided for isolated rural nonattainment and maintenance areas, as these areas do not have as many large transportation projects as metropolitan areas. However, because of the statutory language, the periodic collection of information for metropolitan nonattainment and maintenance areas cannot be reduced, as these minimum periodic reporting requirements were established to achieve and maintain clean air.

### **3(e) General Guidelines**

This ICR adheres to the guidelines stated in the 1995 Paperwork Reduction Act, OMB's implementing regulations, and EPA's Information Collection Request Handbook. None of these reporting or record keeping requirements violate any of the regulations established by OMB in 5 CFR 1320.5.

### **3(f) Confidentiality**

Respondents for the transportation conformity regulation do not submit confidential information for approval. All information collected and submitted in a conformity determination is already publicly available, pursuant to 40 CFR 93.105(e) of the conformity regulation and 23 CFR 450.316(a) of the transportation planning regulations.

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<sup>6</sup> Additional plan/TIP amendments are completed on a voluntary basis beyond the required plan/TIP update cycles. These are not addressed in this ICR.

<sup>7</sup> EPA assumed that conformity determinations occur infrequently for this scenario and therefore no burden was included in this ICR.

### **3(g) Sensitive Questions**

No questions of a sensitive nature are included in any of the information collection requirements for the transportation conformity regulation. Examples of sensitive information include information concerning sexuality or religious beliefs.

## **4. THE RESPONDENTS AND THE INFORMATION REQUESTED**

### **4(a) State and Local Respondents/North American Industry Classification System**

In the transportation conformity process, the respondent is either a state or local agency. Depending upon the type of conformity determination and the type of area involved, the state or local agency may vary. For instance, in metropolitan nonattainment and maintenance areas, MPOs are the primary local respondent for transportation plan and TIP conformity determinations. Clean Air Act section 176(c)(1) states that "... No metropolitan planning organization designated under section 134 of Title 23, shall give its approval to any project, program, or plan which does not conform to an implementation plan approved or promulgated under section 7410 of this title...."

In metropolitan areas, each MPO must formally make a conformity determination on its transportation plan and TIP prior to submitting them to DOT for an independent review and a conformity determination. State or local air agencies also provide technical assistance in supplying air quality data or performing emissions factor modeling for transportation plan and TIP regional conformity analyses.

State and local respondents for conformity determinations for projects within metropolitan areas can vary depending upon who the project sponsor is. A project sponsor within a metropolitan area may be the state department of transportation, local transit agency, or other state or local agency, depending upon the individual project. Developing conformity determinations for projects outside metropolitan boundaries is also typically the responsibility of the project sponsor, which is usually the state department of transportation.

The transportation conformity rule also requires that state, local and federal transportation and air quality agencies develop interagency consultation procedures for discussing and resolving issues related to conformity determinations. Such agencies include the MPO, local transit agency, state department of transportation, state and local air agencies, EPA, FHWA, and FTA. Federal respondents for conformity determinations are discussed further in Section 5 of this ICR.

The following is a representative list of North American Industry Classification System NAICS codes for the government agencies that would be affected by the transportation conformity regulation:

485111 Mixed Mode Transit System  
485210 Interurban and Rural Bus Transportation  
488490 Other Support Activities for Road Transportation  
924110 Administration of Air and Water Resources and Solid Waste Management Programs  
925120 Administration of Urban Planning and Community and Rural Development  
926120 Regulation and Administration of Transportation Programs

## **4(b) Information Requested**

### **(i) Data Items, Including Record Keeping Requirements**

Section 4(b)(ii) describes the information requested for and roles conducted by state and local respondents for conformity determinations. Some of the information used in conformity determinations is also used for other transportation and air quality planning purposes. Specific roles of state and local agencies will vary from area to area.

### **(ii) Respondent Activities**

#### ***Metropolitan Planning Organizations***

MPOs are the lead agency in making transportation plan and TIP conformity determinations in metropolitan nonattainment and maintenance areas. The level of information collection requirements for completing such determinations will vary with the size of the area and complexity of the air quality problem. The following list includes MPO activities for transportation plan and TIP conformity determinations:

- Conduct regional emissions analyses using the latest planning assumptions and models to determine whether the emissions from the proposed transportation system are consistent with state air quality goals;
- Ensure timely implementation of TCMs in approved SIPs;
- Consult with other state, local, and federal transportation and air quality agencies throughout the conformity process;
- Circulate draft plan/TIP conformity determinations for interagency review and public comment and respond to any comments on plan/TIP conformity determinations; and,
- Provide travel activity or other data for hot-spot analyses.

#### ***State Departments of Transportation***

State departments of transportation are typically the lead agency in developing conformity determinations for projects in isolated rural nonattainment and maintenance areas. They can also be the lead agency for project-level conformity determinations in metropolitan

areas. The following list includes state transportation activities for conformity determinations:

- Assist the MPOs or conduct the regional emissions analyses for the MPO, using the latest assumptions and models to determine whether the emissions from the proposed transportation system change is consistent with state air quality goals;
- Conduct regional emissions analyses on projects in isolated rural areas and donut areas<sup>8</sup> using the latest assumptions and models to determine whether the emissions from the proposed transportation system change is consistent with state air quality goals;
- Ensure timely implementation of TCMs in approved SIPs;
- Conduct hot-spot analyses for projects when required;
- Comment on draft plan and TIP conformity determinations;
- Consult with other state, local, and federal transportation and air quality agencies throughout the conformity process; and
- Circulate draft project conformity determinations for interagency review and public comment and respond to any comments as appropriate.

### ***Local Transit Agencies***

Local transit agencies in metropolitan areas are typically the lead agency in developing project-level conformity determinations for transit projects in metropolitan areas. The following list includes local transit agency activities for project-level conformity determinations:

- Conduct hot-spot analyses for transit projects when required;
- Comment on draft plan and TIP conformity determinations;
- Consult with other state, local, and federal transportation and air quality agencies throughout the conformity process; and,
- Circulate draft project conformity determinations for interagency review and public comment and respond to any comments as appropriate.

### ***State and Local Air Quality Agencies***

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<sup>8</sup> Donut areas are geographic areas outside a metropolitan planning area boundary, but inside the boundary of a nonattainment or maintenance area that contains any part of a metropolitan area(s). These areas are not isolated rural nonattainment and maintenance areas (40 CFR 93.101).

State and local air quality agencies may provide technical assistance to transportation agencies in the development of conformity determinations. The following list includes possible state and local air agency activities for conformity determinations:

- Provide air quality data or perform emissions factor modeling for regional emissions analyses for transportation plans and TIPs in metropolitan areas and projects in isolated rural areas;
- Provide similar assistance for hot-spot analyses for projects as appropriate;
- Consult with state, local, and federal agencies throughout the conformity process; and,
- Comment on draft conformity determinations.

## **5. THE INFORMATION COLLECTED—AGENCY ACTIVITIES, COLLECTION METHODOLOGY, AND INFORMATION MANAGEMENT**

### **5(a) Agency Activities**

#### **(i) FHWA and FTA Activities**

The FHWA Division Office and the FTA Regional Office are involved in several aspects of the transportation conformity process:

- Making conformity determinations for transportation plans, TIPs, and projects;
- Reviewing the relevant materials that are submitted to support the conformity determinations including the travel, emissions, or air quality modeling performed to support a conformity determination and comments submitted by the EPA Regional Office; and,
- Issuing a letter to the appropriate MPO, state department of transportation, or other project sponsor indicating that they have made a conformity determination.

FHWA and FTA field offices will also participate in the interagency consultation process for nonattainment and maintenance areas. The interagency consultation process is used to discuss and resolve issues during the development of transportation plan, TIP, and project conformity determinations. The frequency of meetings varies from area to area. FHWA Resource Centers and FHWA/FTA Headquarters provide technical assistance as needed.

#### **(ii) EPA Activities**

The EPA Headquarters and Regional Offices are involved in several aspects of the transportation conformity process:

- Participating in the interagency consultation process in nonattainment and maintenance areas;
- Reviewing and commenting on conformity determinations for transportation plans, TIPs and projects, including the travel, emissions, or air quality modeling performed to support a conformity determination;
- Making adequacy findings for submitted SIP motor vehicle emissions budgets. EPA's adequacy review is separate from EPA's review of the SIP for completeness or approval; and,
- EPA Headquarters provide technical assistance as needed.

## **5(b) Collection Methodology and Management**

Federal agencies review conformity determinations in accordance with the Clean Air Act Section 176(c) and 40 CFR Part 93, Subpart A. The interagency consultation process is used to discuss any outstanding issues on the accuracy or quality of data used in conformity analyses and determinations. The general public reviews MPO conformity determinations for transportation plans and TIPs, and federal agencies review MPO responses to these comments. The federal agencies will need to maintain records of their actions, in accordance with other federal record retention requirements. No special machines or processing technologies are employed in reviewing conformity determinations.

## **5(c) Small Entity Flexibility**

A regulatory flexibility analysis is not required because the rule does not affect a significant number of small entities. However, the rule does affect some isolated rural nonattainment and maintenance areas which are considered to be small entities because they have populations less than 50,000. EPA has taken steps in the conformity rule to reduce the burden placed on these areas. For example, isolated rural areas are required to demonstrate conformity only when they have a new non-exempt federally funded or approved highway or transit project. In contrast, metropolitan nonattainment and maintenance areas are required to demonstrate conformity at least every four years.

## **5(d) Collection Schedule**

The information collections described in this ICR must be completed before a transportation plan, TIP or project conformity determination is made. DOT's planning regulations require that transportation plans and TIPs be updated at least every four years, and

the Clean Air Act, requires that a conformity determination on the transportation plan and TIP in metropolitan areas be completed at least every four years.<sup>9</sup> Conformity determinations on projects in metropolitan and isolated rural areas are required on an as-needed basis, as previously described in Section 4, The Respondents and the Information Requested.

## **6. ESTIMATING THE BURDEN AND COST OF THE COLLECTION**

### **6(a) Estimating State and Local Respondent Burden and Cost**

#### **(i) Overview**

This section of the ICR includes background information on the number of nonattainment and maintenance areas that are subject to transportation conformity regulations. For these areas, EPA has estimated potential burden for the following:

- Transportation plan and TIP conformity determinations for nonattainment and maintenance areas;
- Project-level conformity determinations for nonattainment and maintenance areas, including new burden associated with quantitative (instead of qualitative) PM hot-spot analyses;
- New start-up burden associated with technical analyses for quantitative PM and CO hot-spot analyses; and,
- New burden associated with the transition from MOBILE6.2 to MOVES.

This ICR covers only the time period of 2011 to 2014, and EPA has attributed the amount of burden to the above categories so they will apply during that time period. Further specifics are addressed as each are discussed below. Please refer to section 6(b) for additional assumptions used in estimating respondent cost.

EPA proposed a more stringent new ozone NAAQS on January 19, 2010 (75 FR 2938), however a decision on the revised NAAQS, designations, and implementation rule was not final when this ICR was prepared and therefore EPA has not included any burden with conformity determinations for areas designated nonattainment for new ozone NAAQS at this time.

Designations for the 2010 1-hour NO<sub>2</sub> NAAQS have not been made yet and no burden is included in this ICR renewal for conformity determinations for this NAAQS.

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<sup>9</sup> These are minimum requirements are reflected in the ICR, additional plan/TIP amendments that are done on a voluntary basis beyond the required plan/TIP update cycles are not addressed in this ICR.

**(ii) State and Local Respondent Burden and Costs for Nonattainment and Maintenance Areas**

***Background on Nonattainment and Maintenance Areas***

As stated earlier, this ICR includes the burden associated with implementing conformity requirements with respect to nonattainment and maintenance areas for transportation-related criteria pollutants: ozone, CO, PM<sub>10</sub>, PM<sub>2.5</sub>, and NO<sub>2</sub>. The following table illustrates the number of areas currently subject to transportation conformity requirements, using data from EPA’s Green Book for the number of nonattainment and maintenance areas:<sup>10</sup>

**Table 1:  
Number of Areas Subject to Transportation Conformity Requirements**

<b>Pollutant/NAAQS</b>	<b>Number of Metropolitan Nonattainment/Maintenance Areas</b>	<b>Number of Isolated Rural Nonattainment/Maintenance Areas</b>
1997 ozone <sup>11</sup>	91	22
CO	76	2
PM <sub>10</sub>	50	38
1997 PM <sub>2.5</sub> <sup>12</sup>	38	1
2006 PM <sub>2.5</sub> <sup>13</sup>	29	2
NO <sub>2</sub> <sup>14</sup>	1	0

This ICR reflects the burden associated with determining conformity for all of these pollutants/NAAQS; however, EPA’s estimates reflect efficiencies realized when metropolitan areas are nonattainment or maintenance for two or more pollutants/NAAQS since there is often an overlap of time spent in consultation, regional emissions analysis and other miscellaneous activities for these areas in determining conformity for two or more pollutants.

<sup>10</sup> <http://www.epa.gov/air/oaqps/greenbk/index.html>

<sup>11</sup> The ozone areas referred to in this row were designated nonattainment for the 1997 ozone NAAQS on April 30, 2004 (69 FR 23858).

<sup>12</sup> The PM<sub>2.5</sub> areas referred to in this row were designated nonattainment for the 1997 PM<sub>2.5</sub> NAAQS on January 5, 2005 (70 FR 944).

<sup>13</sup> The PM<sub>2.5</sub> areas referred to in this row were designated nonattainment for the 2006 PM<sub>2.5</sub> NAAQS on November 13, 2009 (74 FR 58688).

<sup>14</sup> This entry is for the annual NO<sub>2</sub> NAAQS. Designations for the 2010 1-hour NO<sub>2</sub> NAAQS have not been made and will not affect the burden estimates for this ICR.



As discussed further below, EPA also has identified the number of MPOs that are subject to transportation conformity for one or more pollutants/NAAQS, since many metropolitan nonattainment and maintenance areas have more than one MPO (and consequently, more than one transportation plan or TIP conformity determination). The number of MPOs estimated in the following tables is based upon information collected from EPA Regional Offices, EPA's Green Book, and from other sources.<sup>15</sup>

Finally, EPA assumes that the conformity resource burden will differ among:

- Larger metropolitan nonattainment and maintenance areas (urbanized area populations over 200,000);
- Smaller metropolitan nonattainment and maintenance areas (urbanized area populations between 50,000-200,000); and,
- Isolated rural nonattainment and maintenance areas (populations under 50,000).

Since conformity requirements, complexity of air quality issues and geographic size can vary depending on an area's population, number of MPOs, and number of pollutants involved, EPA believes it is appropriate to account for these differences in calculating the conformity burden in nonattainment and maintenance areas. For donut areas, the burden is assumed to be included in the MPO burden estimates.

### ***Transportation Plan and TIP Conformity Determinations in Metropolitan Nonattainment and Maintenance Areas***

EPA is relying on information from several sources for this ICR's estimated state and local burden hours for conformity determinations:

- As described in Section 3(c), EPA requested burden information from EPA and DOT field offices that regularly work with state and local organizations responsible for doing conformity determinations for transportation plans and TIPs;
- EPA has reviewed the conformity burden hour estimates for previous ICRs for the transportation conformity program and the burden hours assumed in DOT's ICR for the transportation planning regulations; and,
- EPA reviewed existing conformity research studies for conformity burden in current rural nonattainment and maintenance areas. These research studies are listed in Appendix A of this ICR.

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<sup>15</sup> Federal Register Vol. 67, No. 84, May 1, 2002, Department of Commerce, Bureau of the Census, Qualifying Urban Areas for Census 2000 and Federal Register Vol. 67, No. 130, July 8, 2002, Department of Transportation, Federal Transit Administration/Federal Highway Administration Designation of Transportation Management Areas.

- EPA used information that was received during the public comment period. The announcement of a public comment period for this renewal ICR was made in the Federal Register on February 10, 2011 under Docket ID No. EPA-HQ-OAR-2007-0269.<sup>16</sup> The comment period closed on April 11, 2011 with EPA receiving four sets of comments. See Section 3(b) for the list of changes that were made in responding to comments.

The following paragraphs describe estimated state and local burden hours for conformity determinations in experienced metropolitan nonattainment and maintenance areas. The ICR assumes that all conformity determination work is completed by state and local employees, although in practice some work may be completed by consultants. EPA again notes that transportation plan and TIP burden hour estimates are based on demonstrating conformity for 4-year transportation plan and TIP updates as required by statute and regulation, rather than more frequent, plan and TIP revisions or amendments which are not required by the Act. This ICR captures the burden associated with meeting the minimum transportation conformity requirements.

EPA has calculated the burden associated with transportation plan and TIP conformity determinations by considering the number of MPOs that are subject to conformity, the size of these MPOs, and the number of pollutants that apply. To estimate burden hours that MPOs incur to determine conformity for just one pollutant/NAAQS, EPA and DOT field offices were asked for estimated state and local respondent burden for the various tasks involved in a transportation plan or TIP conformity determination. For burden hours associated with each additional pollutant, EPA relied on data from ICR 2130.03 for incremental burden hours associated with performing transportation plan and TIP conformity determinations for each additional pollutant/NAAQS, which was based on federal survey responses.

For each burden hour estimated, EPA assumed that state and local agencies work only on conformity-related activities. This ICR does not include burden for the general development of transportation plans, TIPs, projects, or motor vehicle emissions budgets, since these documents are developed to meet other requirements. EPA is assuming that some data collection for transportation planning or SIP purposes could also be used in conformity without additional conformity-related burden.

The following tables illustrate the burden hours and cost associated with meeting the conformity requirements for a transportation plan and TIP update in metropolitan nonattainment and maintenance areas that are designated for one or more pollutants/NAAQS. These MPOs and metropolitan areas have experience with the conformity process, have established interagency consultation procedures and have developed models for conducting plan and TIP conformity determinations.

While transportation plan and TIP updates are now able to be done with the same

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<sup>16</sup> To maintain the integrity of the ICR docket and all the associated ICR renewal records, the original docket number and date from the previous ICR continue to be used. For this renewal, a new Phase of the original docket number has been opened.

frequency (at least every 4 years), EPA estimates that it is only those MPOs serving smaller populations (50,000-200,000 populations) which will perform conformity determinations for transportation plans and TIPs at the same time, thus leading to efficiencies in burden hours and cost. In contrast, MPOs in larger areas may chose not to align transportation plan and TIP update conformity determinations as regularly, since these areas are expected to have more complex transportation planning considerations.

Therefore, for purposes of this analysis, EPA assumes that conformity determinations for transportation plans and TIPs will always occur at different times in large metropolitan areas (Tables 2 through 5) and that conformity determinations for transportation plans and TIPs will occur at the same time in small metropolitan areas (see Tables 6 and 7).

The burden hours for consultation, regional emissions analyses, and project level conformity determinations have been increased over the last ICR to account for the additional burden with the release of EPA’s new emissions model, MOVES, in December of 2009.<sup>17</sup> The burden hours for consultation and regional emissions analysis were initially increased from the previous ICR by approximately 10%.

Commenters provided data to support an increase in the burden hours for consultation and the frequency of conformity determinations by MPOs with 3 or more NAAQS and EPA has adjusted the burden hours accordingly.

**Table 2: State and Local Burden Hours  
Each Transportation Plan Conformity Determination  
by MPO – Population of 200,000 or More**

<b>MPO Demonstrating Conformity For</b>	<b>Consultation</b>	<b>Regional Emissions Analysis<sup>18</sup></b>	<b>Other Activities</b>	<b>Total Burden Hours</b>
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<sup>17</sup> See the MOVES website at <http://www.epa.gov/otaq/models/moves/index.htm> for more information.

One Pollutant/NAAQS	55	310	45	410
Two Pollutants/NAAQS	72	415	60	547
Three or More Pollutants/NAAQS	88	510	75	673

**Table 3: State and Local Annual Cost  
Transportation Plan Conformity Determinations  
by MPO – Population of 200,000 or More**

MPO Demonstrating Conformity For	Burden Hours	No. of MPOs	Frequency of Action	Total Annual Burden Hours	Cost Per Hour	Total Annual Cost
One Pollutant/NAAQS	410	40	4 years	4,100	\$58.8 <sub>1</sub> <sup>19</sup>	\$241,121
Two Pollutants/NAAQS	547	31	4 years	4,239	\$58.81	\$249,296
Three or More Pollutants/NAAQS	673	40	3 years	8,973	\$58.81	\$527,702

**Total for All Transportation Plan Actions: 17,312 hours/year x \$58.81/hour = \$1,018,119/year**

**Table 4: State and Local Burden Hours  
Each TIP Conformity Determination  
by MPO – Population of 200,000 or More**

MPO Demonstrating Conformity For	Consultation	Regional Emissions Analysis	Other Activities	Total Burden Hours

<sup>18</sup> The burden for regional emissions analyses is framed in this ICR as an MPO responsibility but we recognize that some State DOTs or other agencies may also perform the analyses, in cooperation with or instead of the MPO.

<sup>19</sup> See Section 6(b) Estimating State and Local Respondent Costs, for a description of how the Cost per Hour was calculated.

One Pollutant/NAAQS	44	310	45	399
Two Pollutants/NAAQS	55	415	60	530
Three or More Pollutants/NAAQS	66	510	75	651

**Table 5: State and Local Annual Cost  
TIP Conformity Determinations  
by MPO – Population of 200,000 or More**

MPO Demonstrating Conformity For	Burden Hours	No. of MPOs	Frequency of Action	Total Annual Burden Hours	Cost Per Hour	Total Annual Cost
One Pollutant/NAAQS	399	40	4 years	3,990	\$58.81	\$234,652
Two Pollutants/NAAQS	530	31	4 years	4,107	\$58.81	\$241,533
Three or More Pollutants/NAAQS	651	40	4 years	6,510	\$58.81	\$382,853

**Total for All TIP Actions: 14,607 hours/year x \$ 58.81/hour = \$859,038/year**

**Table 6: State and Local Burden Hours  
Each Transportation Plan and TIP Conformity Determination  
by MPO – Population Between 50,000-200,000**

MPO Demonstrating Conformity For	Consultation	Regional Emissions Analysis	Other Activities	Total Burden Hours
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One Pollutant/NAAQS	50	130	30	210
Two Pollutants/NAAQS	61	175	40	276
Three or More Pollutants/NAAQS	77	220	50	347

**Table 7: State and Local Annual Cost  
Transportation Plan and TIP Conformity Determinations  
by MPO – Population Between 50,000-200,000**

MPO Demonstrating Conformity For	Burden Hours	No. of MPOs	Frequency of Action	Total Annual Burden Hours	Cost Per Hour	Total Annual Cost
One Pollutant/NAAQS	210	40	4 years	2,100	\$58.81	\$123,501
Two Pollutants/NAAQS	276	13	4 years	897	\$58.81	\$52,753
Three or More Pollutants/NAAQS	347	10	3 years	1,157	\$58.81	\$68,043

**Total for All Transportation Plan and TIP Actions: 4,154 hours/year x \$58.81/hour = \$244,297/year**

In addition, EPA has also estimated the State and Local start-up burden associated with the transition to EPA’s new emissions model, MOVES. The estimate includes training/workshops plus additional time to transition from MOBILE6.2 to MOVES. The transition started in December 2009 with the release of MOVES. For this ICR, EPA has assumed that half of the MPOs have already taken a MOVES training class and have begun working with MOVES. This start-up burden is shown in Tables 8 and 9.

Commenters provided data to support an increase in the burden hours for the transition to MOVES for regional emissions analyses and EPA has adjusted the burden hours accordingly.

**Table 8: State and Local Burden Hours  
One-time Start-up  
For Transition to MOVES for Regional Emissions Analyses**

Action	Burden Hours	Total Burden Hour
1 Training	30	30

Transition	100	100
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**Total burden hours for State and Local Respondents for Start-up of MOVES Analysis: 130 hours**

**Table 9: State and Local Costs  
One-time Start-up  
For Transition to MOVES for Regional Emissions Analyses**

Training/Transition Hours	No. of MPOs	Total Burden Hours	Cost Per Hour	Total Cost
130	87	11,310	\$58.81	\$665,141

**Total cost for State and Local Respondents for Start-up of Quantitative Analysis: 11,310 hours x \$58.81/hour= \$665,141**

***Project-Level Conformity Determinations in Metropolitan Nonattainment and Maintenance Areas***

Tables 10 and 11 estimate the burden and cost associated with doing conformity determinations for projects in metropolitan nonattainment and maintenance areas. These tables are intended to illustrate burden associated with a typical project-level conformity determination.

To calculate burden for state and local agencies in preparing project-level conformity determinations for these areas, EPA polled its regional offices and DOT which typically work with state and local agencies in project-level conformity determinations. EPA headquarters estimated the time necessary to conduct the hot-spot analyses based on the guidance documents for these analyses and professional experience. State and local burden hours for consultation and conducting the hot-spot analyses in Table 10 reflect averages of the responses received. EPA calculated the average number of annual actions based upon survey responses from EPA Regional Offices and DOT offices that are responsible for working with state and local respondents in making project-level conformity determinations.

Conformity determinations for projects in metropolitan ozone and NO<sub>2</sub> nonattainment and maintenance areas are fairly straightforward, because projects only need to come from a conforming transportation plan and TIP to meet all conformity requirements. A hot-spot analysis is not required for project determinations in these nonattainment and maintenance areas. Alternatively, conformity determinations for all non-exempt federal projects in CO areas must include either a qualitative or quantitative hot-spot analysis (depending on the type of project).<sup>20</sup> In PM<sub>2.5</sub> and PM<sub>10</sub> areas, project-level conformity determinations must include a hot-spot analysis if the project is of local air quality concern.<sup>21</sup> At present, PM<sub>2.5</sub> and PM<sub>10</sub> (PM)

<sup>20</sup> See the conformity rule (40 CFR 93.123(a)) for the types of projects that require qualitative versus quantitative CO hot-spot analyses.

<sup>21</sup>Per the conformity rule (40 CFR 93.123(b)(1)), projects of local air quality concern include: “(i) new or expanded highway projects that have a significant number of or significant

hot-spot analyses, when required, are done qualitatively.<sup>22</sup>

Quantitative PM hot-spot analyses will be required after the end of the conformity grace period (December 20, 2012)<sup>23</sup> for applying motor vehicle emissions models for such analyses. EPA has approved MOVES and EMFAC (in California) for use in project-level transportation conformity determinations, including PM hot-spot analyses. EPA established a two-year grace period before MOVES is required in quantitative PM and CO hot-spot analyses, and a two-year grace period before EMFAC is required for quantitative PM hot-spot analyses. EPA has issued policy guidance on the use of these models will be required for PM hot-spot analyses and other purposes.<sup>24</sup>

The total burden estimates for project-level conformity determinations represent 50% of total state and local burden for a quantitative PM hot-spot analysis. We are assuming that the analysis would also be used for satisfying NEPA requirements, so only half of the burden would be included in the conformity ICR. These numbers include scoping the project analysis, MOVES modeling, air quality modeling, determining background concentrations, calculating design values, quality assurance, and preparing the final documentation.

The grace period was effective on December 10, 2010. For purposes of this supporting statement and burden calculations, the effective date was set as January 1, 2011 through January 2013 (2 years). This period overlaps with the ICR by one and a half years, which is the mid-point of the 3-year time period covered by the ICR. During the first half of the ICR period (June 2011 to January 2013), it is assumed that all PM hot-spot analyses will be *qualitative* as this is still within the quantitative analysis grace period. However, during the second half of the ICR period (January 2013 to May 2014) it is assumed *quantitative* hot-spot analyses are done as required. There is a different burden associated with qualitative versus quantitative analyses. To reflect the burden over the course of the ICR period, the hours for qualitative and

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increase in diesel vehicles; (ii) projects affecting intersections that are at Level-of-Service D, E, or F because of increased traffic volumes from a significant number of diesel vehicles related to the project; (iii) new bus and rail terminals and transfer points that have a significant number of diesel vehicles congregating at a single location; (iv) expanded bus and rail terminals and transfer points that significantly increase the number of diesel vehicles congregating at a single location; and, (v) projects in or affecting locations, areas, or categories of sites which are identified in the PM<sub>10</sub> or PM<sub>2.5</sub> applicable SIP or SIP submission as appropriate, as sites of violation or possible violation.”

<sup>22</sup> EPA and FHWA have provided guidance for those areas required to do qualitative hot-spot analyses for PM<sub>2.5</sub> and PM<sub>10</sub> nonattainment and maintenance areas: “Transportation Conformity Guidance for Qualitative Hot-spot Analyses in PM<sub>2.5</sub> and PM<sub>10</sub> Nonattainment and Maintenance Areas,” EPA420-B-06-922.

<sup>23</sup> Notice of Availability: Official Release of the MOVES2010a and EMFAC2007 Motor Vehicle Emissions Models for Transportation conformity Hot-Spot Analyses and Availability of Modeling Guidance, 75 FR 79370 (December 2010).

<sup>24</sup> “Policy Guidance on the Use of MOVES2010 for State Implementation Plan Development, Transportation Conformity, and Other Purposes,” EPA-420-B-09-046 (December 2009).



quantitative PM hot-spot analysis were averaged together. In contrast, it is unnecessary to calculate CO hot-spot analyses in the same way since quantitative and qualitative CO-hot-spot analyses continue to be required by the conformity rule throughout the time frame of this ICR.

The state and local burden hours for completing both qualitative and quantitative PM and CO hot-spot analyses are shown in Table 10. EPA calculated the average number of annual actions based on past experience and input given by the EPA Regional Offices and DOT Offices that are responsible for working with state and local respondents in making project-level conformity determinations. EPA is assuming that some data for hot-spot analyses will already be available because it is necessary for project development (e.g., traffic data).

Consultation with other state and local agencies is an important activity for these analyses and EPA estimates that on average seven state and local agencies participate in one consultation meeting on each transportation project. EPA is assuming that conformity-related consultation would be one of many issues discussed through consultation meetings as a project proceeds through the NEPA process.

EPA assumes that the total burden hours for project-level conformity determinations would be approximately the same for larger and smaller metropolitan areas because requirements for project-level conformity determinations do not differ based upon population size served by an MPO. Requirements for project-level conformity determinations are the same for large and small metropolitan nonattainment and maintenance areas.

Commenters provided data to support an increase in the burden hours for consultation and quantitative PM hot-spot analyses. EPA has adjusted the burden hours accordingly. EPA also added burden hours to account for Other Activities to account for time spent preparing the documentation for all project-level conformity determinations, similar to regional conformity determinations.

Many CO project-level analyses are currently used to fulfill both transportation conformity and NEPA requirements. Therefore, EPA is assuming that the estimated burden associated with consultation and preparation of hot-spot analyses would be divided equally between these programs. Accordingly, the burden estimates in Tables 10 and 11 reflect only the share of the burden attributable to fulfilling transportation conformity requirements for hot-spot analyses (i.e. half of the burden hours associated with hot-spot analyses).

**Table 10: State and Local Burden Hours  
Each Project-level Conformity Determination  
Metropolitan Nonattainment and Maintenance Areas**

<b>Pollutant</b>	<b>Type of Hot-spot Analysis</b>	<b>Consultation</b>	<b>Hot-spot Analysis</b>	<b>Other Activities</b>	<b>Total Burden Hours</b>
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Ozone, NO <sub>2</sub> , PM <sub>2.5</sub> and PM <sub>10</sub> <sup>25</sup>	None	0.5	N/A	0.5	1	
PM <sub>2.5</sub> or PM <sub>10</sub>	Qualitative	6	22	2	30	61
	Quantitative	18	71	3	92	
CO	Quantitative	6	14	2	22	
CO	Qualitative	3	2	1	6	

**Table 11: State and Local Annual Cost  
Project-level Conformity Determinations  
Metropolitan Nonattainment and Maintenance Areas**

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<sup>25</sup> Most projects in PM<sub>10</sub> and PM<sub>2.5</sub> areas do not require a qualitative or quantitative hot-spot analysis. In contrast, all non-exempt CO projects in CO areas require some type of hot-spot analysis.

Metropolitan Area/Pollutant		Burden Hours Per Action	Average No. of Actions/year	No. of MPOs	Total Annual Burden Hours	Cost Per Hour	Total Annual Cost
Project level conformity determination - No Hotspot Analysis – ozone, NO <sub>2</sub> , PM <sub>2.5</sub> and PM <sub>10</sub>	Pop. 200,000+	1	65	111	7,215	\$58.81	\$424,314
	Pop. 50,000-200,000	1	15	63	945	\$58.81	\$55,575
1997 and 2006 PM <sub>2.5</sub> - Hot-spot Analyses		61	3	74	13,542	\$58.81	\$796,405
PM <sub>10</sub> – Hot-spot Analyses		61	1	41	2,501	\$58.81	\$147,084
CO -Quantitative Hot-spot Analyses		22	5	76	8,360	\$58.81	\$491,652
CO – Qualitative Hot-Spot Analyses		6	0.5	76	228	\$58.81	\$13,409

**Total for All Project-level Actions: 32,791/year x \$58.81/hour= \$1,928,439/year**

### ***State and Local Start-up Burden Associated with New Project Level Requirements***

EPA has also estimated the state and local start-up costs associated with the transition from qualitative to quantitative PM hot-spot analyses in this ICR. Training will include learning new quantitative PM hot-spot modeling guidance as well as training for emissions and air quality modeling.<sup>26</sup> At this time, a definitive schedule and method of training opportunities

<sup>26</sup> EPA has provided guidance for those areas required to do quantitative hot-spot analysis for PM<sub>2.5</sub> and PM<sub>10</sub> nonattainment and maintenance areas: “Transportation Conformity Guidance for Quantitative Hot-spot Analyses in PM<sub>2.5</sub> and PM<sub>10</sub> Nonattainment and Maintenance Areas”, EPA-420-F-10-052 and “Using MOVES in Project-Level Carbon Monoxide Analyses”, EPA-420-B-10-041.

is still in the planning phase. EPA anticipates offering on-site training, as well as webinars. For burden estimates, we are anticipating utilizing webinars to present the final quantitative PM hot-spot guidance, advanced topics via webinars, and training for the use of emissions and air quality models.

The start-up cost of transitioning from qualitative to quantitative PM hot-spot analysis is determined by factors including time spent attending training sessions and number of staff anticipated to attend training.

We have also included a one-time start-up burden for learning to use MOVES for quantitative CO hot-spot analyses in CO nonattainment and maintenance areas. The burden hours per action is anticipated to be less than those in PM nonattainment and maintenance areas as the CO areas already perform quantitative analysis and therefore the start-up burden only includes training time for MOVES, rather than other aspects of CO hot-spot analyses (e.g., current air quality modeling practices will continue to be applicable with the MOVES model).

The burden estimates in Tables 12 and 13 reflect only the share of the burden attributable to fulfilling transportation conformity requirements for hot-spot analyses (i.e. half of the burden hours associated with analyses).

Commenters provided data to support an increase in the burden hours for the training and transition from qualitative to quantitative hot-spot analyses. EPA has adjusted the burden hours accordingly.

**Table 12: State and Local Burden Hours  
One-time Start-up  
For Quantitative Hot-Spot Analysis**

Action	Burden Hours per Action
PM Training and Start-up	60
CO Training and Start-up	20

**Total burden hours for State and Local Respondents for Start-up of Quantitative Analysis: 80 hours**

**Table 13: State and Local Costs  
One-time Start-up  
For Quantitative Hot-Spot Analysis**

Pollutant	Training Hours	No. of Areas	Total Burden Hours	Cost Per Hour	Total Cost

PM	60	93	5,580	\$58.81	\$328,160
CO	20	42	840	\$58.81	\$49,400

**Total cost for State and Local Respondents for Start-up of Quantitative Analysis: 6,420 hours x \$58.81/hour= \$377,560**

The number of PM areas in Table 13 includes both metropolitan and isolated rural areas. Of the 93 PM nonattainment and maintenance areas, 22 MPOs are nonattainment or maintenance for both a PM<sub>2.5</sub> and PM<sub>10</sub> NAAQS and 16 are located in California (where MOVES is not used). We believe that there will be efficiencies gained for these areas which are not captured in the burden estimates. For example, the same MOVES modeling can be used for meeting both a PM<sub>10</sub> and PM<sub>2.5</sub> NAAQS, rather than conduct emissions modeling twice. However, we have not reflected these efficiencies in the ICR; we have kept the burden estimates separate for PM<sub>2.5</sub> and PM<sub>10</sub> for these areas.

The number of CO areas in Table 13 includes both metropolitan and isolated rural areas. Of the 78 CO nonattainment and maintenance areas, 25 are also nonattainment or maintenance for PM and 11 are located in California (where MOVES is not used), which reduces the total number of nonattainment and maintenance areas to 42.

### ***Project-Level Conformity Determinations in Isolated Rural Nonattainment and Maintenance Areas***

Tables 14 through 16 includes the state and local government burden estimated with performing regional emissions analysis and project-level conformity determinations in ozone, CO, PM<sub>2.5</sub> and PM<sub>10</sub> isolated rural areas.<sup>27</sup>

EPA considered several factors in developing these estimates. EPA assumed that state departments of transportation will continue to be the lead agency in preparing project-level conformity determinations in all isolated rural areas. Some state air quality agencies may also provide emissions modeling assistance to isolated rural areas, as is now done in some areas.

We also retained the assumption made in the previous ICR (2130.03) supporting statement that isolated rural areas that are nonattainment or maintenance for more than one pollutant/NAAQS will have additional burden hours, because these areas may be required to conduct a regional emissions analysis for an additional year and may have additional technical issues to resolve. Therefore, we included more burden hours for consultation, conducting regional emissions analysis, and performing other activities in these areas, as in previous ICRs.

Commenters provided data to support an increase in the burden hours for consultation in isolated rural areas. EPA has adjusted the burden hours accordingly.

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<sup>27</sup> There are no current NO<sub>2</sub> nonattainment or maintenance areas in isolated rural areas. See Table 1 for further information.

**Table 14: State and Local Burden Hours  
Each Project-level Conformity Determination  
Regional Emissions Analysis  
For Isolated Rural Areas – Population Less Than 50,000**

<b>MPO Demonstrating Conformity For</b>	<b>Consultation</b>	<b>Regional Emissions Analysis</b>	<b>Other Misc. Activities</b>	<b>Total Burden Hours</b>
One Pollutant/NAAQS	28	65	15	108
Two Pollutants/NAAQS	33	90	20	143

**Table 15: State and Local Annual Cost  
Each Project-level Conformity Determination  
Regional Emissions Analysis  
For Isolated Rural Areas – Population Less than 50,000**

<b>Demonstrating Conformity For</b>	<b>Burden Hours</b>	<b>No. of Areas</b>	<b>Frequency of Action</b>	<b>Total Annual Burden Hours</b>	<b>Cost Per Hour</b>	<b>Total Annual Cost</b>
One Pollutant/NAAQS	108	57	5	1,231	\$58.81	\$72,395
Two Pollutants/NAAQS	143	3	5	86	\$58.81	\$5,058

**Total for All Actions: 1,317 hours/year x \$58.81/hour = \$77,453/year**

Table 15 reflects a frequency of project level conformity determination being done once every five years in each isolated rural area, which is less than MPOs in the previous burden calculations. MPOs are required by regulation to determine conformity once every four years. Our experience from previous ICRs and existing research (see Appendix A) is that isolated rural areas determine conformity less than once every four years.

In general, conformity determinations for projects in isolated rural areas are more involved than for projects in metropolitan areas, because a regional emissions analysis is also performed when a regionally significant project “not from a conforming transportation plan and TIP” is to receive federal funding or approval.<sup>28</sup>

EPA notes that this ICR may overestimate burden associated with determining conformity for projects in isolated rural areas, since conformity determinations for non-

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<sup>28</sup> Isolated rural areas are not required by federal law to develop metropolitan transportation plans or TIPs.

regionally significant projects may not require that a new regional emissions analysis be completed every time.

Consultation between state and local agencies would also occur for each project requiring a hot-spot analysis.<sup>29</sup> Like metropolitan projects, EPA is also assuming that conformity-related topics would be one of many issues discussed through consultation meetings as a project proceeds through the NEPA process.

Localized analyses are assumed to be used to meet both transportation conformity and NEPA requirements. Therefore, EPA is assuming that the estimated burden associated with consultation and preparation of these hot-spot analyses would be divided equally between transportation conformity and NEPA. Accordingly, the burden estimates in Table 16 reflect only the share of the burden attributable to fulfilling transportation conformity requirements for hot-spot analyses (i.e., half of the burden hours associated with the analyses).

Commenters provided data to support an increase in the burden hours for consultation and analysis for project level determinations in isolated rural areas. EPA has adjusted the burden hours accordingly.

**Table 16: State and Local Burden Hours For Each Project-Level Conformity Determination Hot-spot Analysis Isolated Rural Nonattainment and Maintenance Areas**

Pollutant	Type of Hot-spot Analysis	Consultation	Hot-spot Analysis	Total Burden Hours	
PM <sub>2.5</sub> or PM <sub>10</sub>	Qualitative	6	22	28	59
	Quantitative	18	71	89	
CO	Quantitative	6	14	20	
CO	Qualitative	3	2	5	

Table 17 shows state and local burden hours estimated for performing project-level conformity determinations in ozone, CO, PM<sub>2.5</sub> and PM<sub>10</sub> isolated rural areas. These numbers are the same as projected for metropolitan areas.

To calculate the total burden hours for state and local agencies in isolated rural areas, EPA assumed that a conformity determination occurs once every five years, as in the previous

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<sup>29</sup> EPA estimates that four state and local agencies would participate in one consultation meeting on each transportation project.

ICR. Also, the transportation conformity regulation requires a hot-spot analysis for every non-exempt project in a CO nonattainment or maintenance area. Because there are two isolated rural areas that are nonattainment or maintenance for CO, we assumed there would be two CO hot-spot analyses in isolated rural areas over a five-year period.

As stated earlier, the conformity regulation requires a hot-spot analysis only for projects of local air quality concern in PM areas, rather than every non-exempt project. Given that projects of local air quality concern, which are generally projects that involve significant numbers of diesel vehicles, are unlikely to occur in isolated rural areas, we assumed there would be only one such project in these areas over a five-year period. Based on these assumptions, we arrived at a total of 419 hours of burden per year for state and local agencies in isolated rural areas.

**Table 17: State and Local Annual Cost  
Project-Level Conformity Determinations  
Isolated Rural Nonattainment and Maintenance Areas**

<b>Metropolitan Area</b>	<b>Burden Hours per Action</b>	<b>No. of Areas</b>	<b>Frequency of Action</b>	<b>Total Annual Burden Hours</b>	<b>Cost Per Hour</b>	<b>Total Annual Cost</b>
PM <sub>2.5</sub> - Hot-spot Analyses	59	3	5 years	35	\$58.81	\$2,058
PM <sub>10</sub> – Hot-spot Analyses	59	38	5 years	448	\$58.81	\$26,347
CO - Quantitative Hot-spot Analyses	20	2	5 years	8	\$58.81	\$470
CO – Qualitative Hot-Spot Analyses	5	2	5 years	2	\$58.81	\$118

**Total State and Local Respondent Burden for Project Level Conformity Determinations: 493hours/year x \$58.81/hour = \$28,993**

## **6(b) Estimating State and Local Respondent Costs**

The following paragraphs describe the assumptions used for estimating state and local respondent costs illustrated in section 6(a):

### **(i) Estimating Labor Costs**



EPA assumed that each state and local burden hour associated with conformity determinations is completed by an experienced technical staff person at a state or local agency or contractor. In addition to salary costs, EPA is also including overhead costs associated with employing an experienced technical staff person, such as paid leave, health insurance, retirement savings, office space, computers, and other business expenses.

EPA is assuming that state and local burden hours would be completed by an experienced technical staff person being paid at a GS-13, Step 3 federal government employee salary of \$76,452/year.<sup>30</sup> EPA then divided the annual 2010 GS-13, Step 3 salary rate by 2080 (the number of hours in a work year) and multiplied this number by the standard government overhead factor of 1.6. This calculation results in a state and local cost of \$58.81/burden hour.

### **(ii) Estimating Capital/Start-up and Operations and Maintenance (O&M) Costs**

In general, EPA is not expecting that additional computers, software, or other capital investments are needed to do conformity analyses. Planners should be able to adapt existing equipment and systems for conformity use.

The transportation conformity regulation does not contain any continuing record-keeping or reporting requirements that require additional capital or O&M costs for individual state or local respondent actions. Thus, no capital or O&M costs are included for record-keeping and reporting actions.

### **(iii) Annualizing Capital Costs**

EPA has assumed the following in annualizing estimates:

- Estimates for transportation plan and TIP conformity determinations are annualized over a four-year period, to correspond with Clean Air Act requirements that transportation plans and TIPs conform with a new conformity determination and regional emissions analysis every four years. EPA included the cost associated with meeting the minimum requirements, and therefore assumed that only one transportation plan or TIP conformity determination will be done for each MPO every four years in metropolitan nonattainment and maintenance areas, with one exception. For MPOs designated nonattainment or maintenance for 3 or more NAAQS, the frequency was increased to once every 3 years, in response to comments received during the public comment period. For the purposes of this ICR, EPA is not considering additional burden from MPOs updating or revising transportation plans and TIPs voluntarily, or as required by state regulations, on a more frequent basis.

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<sup>30</sup> January 2010 U.S. Office of Personal Management, Salary Table 2010-GS, 2010 General Schedule, <http://www.opm.gov/oca/10tables/html/gs.asp>

## 6(c) Estimating Agency Burden and Costs

This section of the ICR shows federal agency burden and costs associated with carrying out transportation conformity regulations.

### (i) Estimating Federal Labor Costs

EPA estimates that each DOT and EPA federal burden hour associated with conformity determinations and adequacy findings is completed by an experienced technical staff person. EPA is also including overhead costs associated with employing an experienced technical staff person, such as paid leave, health insurance, retirement savings, office space, computers, and other business expenses.

EPA assumed that federal burden hours would be completed by an experienced technical staff person being paid at a GS-13, Step 3 federal government employee salary of \$76,452/year.<sup>31</sup> EPA then divided the annual 2010 GS-13, Step 3 salary rate by 2080 (the number of hours in a work year) and multiplied this number by the standard government overhead factor of 1.6. This calculation resulted in a federal cost of \$58.81/burden hour.

Assuming \$58.81 per federal burden hour, Table 27 shows the total federal annualized cost associated with making transportation plan and TIP conformity determinations in metropolitan nonattainment and maintenance areas.

### ***Transportation Plan and TIP Conformity Determinations in Metropolitan Nonattainment/Maintenance Areas – Federal Burden Hours and Cost***

Tables 18 through 20 show estimated federal burden hours and cost associated with making conformity determinations for transportation plans and TIPs in metropolitan nonattainment and maintenance areas. EPA assumes that federal burden in these areas is associated only with conformity-related work prior to an MPO's determination and for reviewing transportation plan and TIP conformity determinations and that MPOs have established interagency consultation procedures with regularly scheduled meetings for discussing conformity issues. Because MPOs serving smaller metropolitan areas (populations between 50,000-200,000) typically do conformity determinations for transportation plans and TIPs at the same time since they are typically on the same four-year update cycle, EPA also assumes that federal burden associated with consulting on and reviewing transportation plan and TIP conformity determinations for these MPOs is done at the same time as well. Therefore, federal burden associated with transportation conformity requirements in smaller metropolitan areas (50,000-200,000) is half the burden associated with transportation plan and TIP conformity determinations in large metropolitan areas.

EPA calculated estimated federal burden hours based upon survey responses from EPA

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<sup>31</sup> January 2010 U.S. Office of Personal Management, Salary Table 2010-GS, 2010 General Schedule, <http://www.opm.gov/oca/10tables/html/gs.asp>

Regional Offices and DOT offices that are responsible for work associated with making conformity determinations for transportation plans and TIPs.

To account for additional burden hours spent by state and local agencies for consultation, the consultation for Federal agencies has also been increased to support additional consultation activities.

**Table 18: Federal Burden Hours  
Each Transportation Plan or TIP Conformity Determination  
Metropolitan Nonattainment and Maintenance Areas  
Population of 200,000 or More**

<b>Metropolitan Planning Organization</b>	<b>Activity</b>	<b>FHWA</b>	<b>FTA</b>	<b>EPA</b>	<b>Total</b>
Per Conformity Determination  (Includes all areas with populations of 200,000+)	Attending Consultation Meetings	12	12	12	36
	Conformity-Related Work Prior to MPO Submission	12	1	3	16
	Reviewing Plan Conformity Determination	13	2	7	22

**Federal Hours Burden Hours for Each Plan or TIP Conformity Determination: 74**

**Table 19: Federal Burden Hours  
Each Transportation Plan/TIP Conformity Determination  
Metropolitan Nonattainment and Maintenance Areas  
Population of 50,000-200,000**

<b>Metropolitan Planning Organization</b>	<b>Activity</b>	<b>FHWA</b>	<b>FTA</b>	<b>EPA</b>	<b>Total</b>
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Per Conformity Determination  (Includes all areas with populations of 50,000-200,000)	Attending Consultation Meetings	12	12	12	36
	Conformity-Related Work Prior to MPO Determination	12	1	3	16
	Reviewing Plan Conformity Determination	13	2	7	22

**Federal Hours Burden For Each Plan/ TIP Conformity Determination: 74**

**Table 20: Federal Annual Cost for MPOs  
Transportation Plan and TIP Conformity Determinations  
Metropolitan Nonattainment and Maintenance Areas**

Action	Metropolitan Nonattainment Area	Burden Hours Per Action	No. of MPO's	Frequency of Action	Total Annual Burden Hours	Cost Per Hour	Total Annual Cost
Plan	Per Conformity Determination (Pop. 200,000+)	74	111	4 years	2,054	\$58.81	\$120,796
TIP	Per Conformity Determination (Pop. 200,000+)	74	111	4 years	2054	\$58.81	\$120,796
Plan/ TIP	Per Conformity Determination (pop. 50,000-200,000)	74	63	4 years	1,166	\$58.81	\$68,572

**Total Federal Burden for Plan and TIP Actions: 5,274 hours/year x \$58.81/hour = \$310,164**

***Project-Level Conformity Determinations in Metropolitan Nonattainment and Maintenance Areas – Federal Burden Hours and Cost***

Tables 21 and 22 estimate the burden hours and cost that federal agencies incur associated with conformity determinations for projects in metropolitan nonattainment and maintenance areas. These tables are intended to illustrate burden associated with a typical project-level conformity determination.

To calculate burden for federal agencies associated with consultation and reviewing project-level conformity determinations for metropolitan nonattainment and maintenance areas, EPA polled its regional offices and DOT. The following tables show federal burden associated with consultation and reviewing project-level conformity determinations prepared by state and local respondents. State and local respondents burden hours and cost associated with consultation, hot-spot analysis and regional emissions analysis may be found in Tables 10 and 11.

**Table 21: Federal Burden Hours  
Each Project-level Conformity Determination Metropolitan Nonattainment and  
Maintenance Areas**

<b>Pollutant</b>	<b>Type of Hot-spot Analysis</b>	<b>Consultation</b>	<b>Reviewing Project-level conformity determinations</b>	<b>Total Burden Hours</b>	
Ozone, NO <sub>2</sub> , PM <sub>2.5</sub> and PM <sub>10</sub>	None	0.5	0.5	1	
PM <sub>2.5</sub> , PM <sub>10</sub>	Qualitative	2	6	8	12
	Quantitative	5	11	16	
CO	Quantitative	1	2	3	
CO	Qualitative	0.25	1.25	1.5	

**Table 22: Federal Annual Cost  
Project-level Conformity Determinations Metropolitan Nonattainment and Maintenance  
Areas**

Type of Analysis		Burden Hours Per Action	Average No. of Actions/ Year	No. of MPOs	Total Annual Burden Hours	Cost Per Hour	Total Annual Cost
Project level conformity determination - No Hot-spot Analysis	Pop. 200,000+	1	65	111	7,215	\$58.81	\$424,314
	Pop. 50,000-200,000	1	15	63	945	\$58.81	\$55,575
PM <sub>2.5</sub> – Hot-spot Analyses		12	3	74	2,664	\$58.81	\$156,670
PM <sub>10</sub> – Hot-spot Analyses		12	1	41	492	\$58.81	\$28,935
CO -Quantitative Hot-spot Analyses		3	5	76	1,140	\$58.81	\$67,043
CO – Qualitative Hot-Spot Analyses		1.5	0.5	76	57	\$58.81	\$3,352

**Total for All Project-level Actions: 12,513 hours/year x \$58.81/hour= \$735,889/year**

***Project-Level Conformity Determinations in Isolated Rural Nonattainment and Maintenance Areas – Federal Burden Hours and Cost***

Table 23 shows federal burden associated with conformity determinations for a typical regionally significant project in an isolated rural nonattainment or maintenance area. Table 24 shows federal burden associated with interagency consultation and review of hot-spot analyses in isolated rural CO, PM<sub>2.5</sub> and PM<sub>10</sub> nonattainment and maintenance areas. Table 25 shows federal annual cost associated with conformity determinations for project-level conformity determinations in isolated rural nonattainment and maintenance areas.

In general, conformity determinations for projects in isolated rural areas are more involved than for metropolitan areas, since isolated rural areas also need to perform a regional emissions analysis when a regionally significant project is to receive federal funding or approval.

To account for additional burden hours spent by state and local agencies for consultation, the consultation for Federal agencies has also been increased to support additional meetings and activities.

**Table 23: Federal Burden Hours**

**Each Project-Level Conformity Determination  
Isolated Rural Nonattainment and Maintenance Areas  
Regional Emissions Analysis Component**

Type of Project	Activity	FHWA	FTA	EPA	Total
Projects in Isolated Rural Area	Attending Consultation Meetings	6	1	1	8
	Conformity-Related Work on Draft Determination	6	1	2	9
	Reviewing Project Conformity Determination	10	1	5	16

**Total for Each Isolated Rural Area Project Determination: 33**

**Table 24: Federal Burden Hours Each Project-Level Conformity Determination Isolated Rural Nonattainment and Maintenance Areas  
Hot-spot Analysis Component**

Pollutant	Type of Hot-spot Analysis	Consultation	Reviewing Project-level conformity determinations	Total Burden Hours	
Ozone, NO <sub>2</sub> , PM <sub>2.5</sub> and PM <sub>10</sub>	N/A	0.5	0.5	1	
PM <sub>2.5</sub> or PM <sub>10</sub>	Qualitative	2	6	8	12
	Quantitative	5	11	16	
CO	Quantitative	1	2	3	
CO	Qualitative	.25	1.25	1.5	

**Table 25: Federal Agency Burden Cost For Project-Level Conformity Determinations  
Isolated Rural Nonattainment and Maintenance Areas**

Type of Project	Burden Hours per Action	No. of Isolated Rural Areas	Frequency of Action	Total Annual burden hours	Cost Per Hour	Total Annual Cost
Projects in Isolated Rural Areas – Regional Analysis	33	60	5 years	396	\$58.81	\$23,289
PM <sub>2.5</sub> – Hot-spot Analyses	12	3	5 years	7	\$58.81	\$412
PM <sub>10</sub> – Hot-spot Analyses	12	38	5 years	91	\$58.81	\$5,352
CO –Quantitative Hot-spot Analyses	3	1	5 years	1	\$58.81	\$59
CO –Qualitative Hot-spot Analyses	1.5	1	5 years	1	\$58.51	\$59

**Total Federal Agency Burden for Project Level Conformity Determinations: 496hours/year x \$58.81/hour = \$29,170**

### ***Adequacy Findings for SIP Motor Vehicle Emissions Budgets – Federal Burden Hours***

One component of the federal burden associated with transportation conformity is EPA’s role in making adequacy findings for SIPs with new motor vehicle emissions budgets. The conformity regulation requires the motor vehicle emissions budget(s) from a submitted SIP to be used as the measure of conformity once EPA finds such a budget(s) adequate (40 CFR 93.118(e) and (f)).<sup>32</sup> The total burden of the adequacy review process is completed by EPA. No other federal agencies are involved in the adequacy review process. This ICR also does not account for any state or local work associated with developing the SIP because SIPs are developed to meet other non-conformity requirements.

EPA based burden hours associated with each adequacy review on the average amount of EPA staff time needed per adequacy determination, EPA staff time includes the time needed to notify the public that a SIP has been submitted and is under adequacy review, the adequacy

<sup>32</sup> Per 40 CFR 93.118(e)(4), EPA will find a budget adequate if the following minimum criteria is met: (i) The submitted SIP is endorsed by the Governor or his/her designee and has been subject to a state public hearing; (ii) Interagency consultation took place and any EPA stated concerns have been addressed; (iii) The budget is clearly identified and precisely quantified; (iv) The budget, when considered with all other emissions sources, is consistent with applicable SIP requirements; (v) The budget is consistent with and is clearly related to the emissions inventory and submitted SIP control measures; and, (vi) Revisions to a previously submitted SIP explain and document any changes to the previous budget and control measures, impacts on point and source emissions, and any changes to established safety margins and reasons for those changes



review of the SIP’s budget(s), responding to any public comments, and publishing a Federal Register notice with EPA’s finding.

Table 26 illustrates EPA’s burden hours for each adequacy finding. These estimates were drawn from a recent survey of EPA Regional Offices, as well as an estimate of the time spent at headquarters.

**Table 26: Federal Burden Hours Adequacy Findings of SIP Motor Vehicle Emissions Budgets**

	Activity	Hours to perform
Per Adequacy Finding	Adequacy Review	17
	Federal Register Notice Preparation and Publication	19
	Preparation for and Website Posting	3

**Burden hours per Adequacy Finding: 39**

***Adequacy Findings – Federal Costs***

Table 27A shows the total federal annualized cost associated with making adequacy determinations for SIP motor vehicle emissions budgets. EPA based the number of adequacy reviews need each year based on the historical average number of SIPs that EPA has processed for adequacy over the past seven years, and responses from EPA regions regarding the anticipated number of SIPs expected to process for adequacy in fiscal year 2007.

Table 27B show costs associated with Federal Register notices of adequacy findings. A Federal Register notice of EPA’s adequacy determination is always required, but often such notice is given with a proposed or final rulemaking action to approve the submitted SIP which is required due to other non-conformity requirements. Therefore, EPA included in the above table only the cost associated with Federal Register notices that were published separate from a proposed or final rulemaking action to approve the submitted SIP.

**Table 27A: Federal Annual Cost of Adequacy Findings**

Action	Average Number of Actions per Region	No. of Regions	Burden Hours per Action	Total Annual Burden Hours	Cost Per Hour	Total Annual Burden Cost
Adequacy Finding	5	10	39	1,950	\$58.81	\$114,679

**Table 27B: Federal Annual Cost of Federal Register Notices**

Action	Average Number of Actions	No. of Regions	Total Federal Register Notice Publications	Average cost per Publication	Total Annual Burden Cost
<u>Federal Register</u> Notice – Publication Costs	5	10	50	\$413	\$20,650

**Total Burden for Adequacy Findings: 1,950 hours/year x \$58.81/hour = \$114,679+ \$20,650 = \$135,329**

## 6(d) Estimating the Respondent Universe and Total Burden and Costs

EPA estimates that 174 MPOs will be subject to conformity requirements during the period covered by this ICR and that EPA Regional Offices, the FHWA and FTA will be involved in interagency consultation, and review of any transportation-related conformity determinations performed by MPOs during this process. EPA also estimates that similar consultation will occur for projects in isolated rural areas.

## 6(e) Bottom Line Burden Hours and Cost Tables

The bottom line annual burden for all State and local respondents is **88,404** hours with a cost of **\$5,199,040**.

The bottom line annual burden for Federal agency respondents is **20,233** hours with a cost of **\$1,210,552**.<sup>33</sup>

Finally, the bottom line burden to all federal, state, and local agency respondents over the 3-year period covered by this ICR is estimated at **325,911** hours, with a cost of approximately **\$19,228,776**. This includes a one-time start up cost of quantitative modeling and transition to MOVES.

### (i) State and Local Agency Tally

The bottom-line annual burden for all State and local agencies in performing transportation conformity determinations for transportation plans and TIPs in nonattainment and maintenance areas and isolated rural areas is **48,700** hours/year with a cost of **\$2,864,048**/year.

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<sup>33</sup> To obtain bottom-line annual Federal agency cost associated with conformity determinations, EPA multiplied the bottom-line Federal agency annual burden hours by estimated hourly labor costs of \$58.81 and then added \$20,650 in Federal Register notice publication costs from Table 27A and B to reach the bottom line Federal agency annual estimated cost of \$1,197,143.

The bottom-line annual burden for all State and local agencies in performing project level conformity determinations and, where applicable, hot-spot analyses in metropolitan areas, and isolated rural areas is **39,704** hours/year at a cost of **\$2,334,992**/year.

**(ii) Federal Agency Tally**

The bottom-line annual burden for Agencies associated with transportation conformity determinations for transportation plans and TIPs in nonattainment areas and isolated rural areas is **5,274** hours/year at a cost of **\$310,164**/year.

The bottom-line annual burden for Agencies associated with project level conformity determinations (including, where applicable, hot-spot analysis) in metropolitan areas and isolated rural areas is **13,009** hours/year at a cost of **\$765,059**/year.

The bottom-line annual burden for EPA burden associated with adequacy determinations for motor vehicle emission budgets associated with SIPs is **1,950** hours/year at a cost of **\$135,329**/year.<sup>34</sup>

Tables 28 and 29 show the total annual estimated burden hours and cost associated with transportation conformity determinations requirements incurred by state, local and federal respondents.

**Table 28: Total Annual Burden Hours Transportation Conformity Determinations**

Type of Conformity Determination	Total Annual State and Local Burden Hours	Total Annual Federal Burden Hours	Total Annual Conformity Burden Hours
Transportation Plan/ TIP Conformity Determination	48,700	5,274	53,974
Project Conformity Determination	39,704	13,009	52,713
Adequacy Finding	N/A	1,950	1,950
Total	88,404	20,233	108,637

BOTTOM LINE ANNUAL BURDEN HOURS: 108,637/ year

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<sup>34</sup> To obtain bottom-line annual cost associated with adequacy determinations for motor vehicle emission budgets, EPA multiplied the total burden hours in Table 27A and B by estimated hourly labor costs of \$58.81 and then added \$20,650 in Federal Register notice publication costs to reach the bottom line annual cost of \$135,329.

**Table 29: Total Annual Costs  
Transportation Conformity Determinations**

<b>Type of Action</b>	<b>Total Annual State and Local Cost</b>	<b>Total Annual Federal Cost</b>	<b>Total Annual Conformity Costs</b>
Transportation Plan/ TIP Conformity Determination	\$2,864,048	\$310,164	\$3,174,212
Projects Conformity Determination	\$2,334,992	\$765,059	\$3,100,051
Adequacy Finding Determinations	N/A	\$135,329	\$135,329
Total	\$5,199,040	\$1,210,552	\$6,409,592

BOTTOM LINE ANNUAL COST: \$6,409,592 <sup>35</sup>

**(iii) Variations in the Annual Bottom Line**

EPA does not anticipate significant variations in the annual respondent reporting burden or cost over the course of the clearance period.

**6(f) Reasons for Change in Burden**

Increase in state and local respondent burden since the previous ICR was approved is approximately 36,100 hours:

**(i) Adjustments associated with actual number of 2006 PM<sub>2.5</sub> NAAQS nonattainment areas versus the estimated numbers in EPA ICR 2130.03**

In the previous ICR 2130.03, EPA estimated a total of 25 new PM<sub>2.5</sub> nonattainment areas for the 2006 24-hour PM<sub>2.5</sub> NAAQS. The calculation of the number of hypothetical brand new nonattainment areas was based on 2004-2006 air quality data.

EPA's PM<sub>2.5</sub> nonattainment designations went into effect on December 14, 2009, and conformity under the new PM<sub>2.5</sub> NAAQS began to apply on December 14, 2010.

The actual number of nonattainment areas for the new PM<sub>2.5</sub> standard is 31, which results in increased burden from ICR 2130.03.

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<sup>35</sup> To obtain bottom-line costs associated with conformity determinations (Table 29), EPA multiplied the bottom-line burden hours in Table 28 by estimated hourly labor costs of \$58.81 and then added \$20,650 in Federal Register notice publication costs from Table 27A and B to reach the bottom line annual cost of \$5,211,806.

**(ii) Adjustment for increased burden associated with quantitative PM and CO hot-spot analyses.**

An additional burden was also projected for start-up and implementation costs associated with the transition from qualitative to quantitative PM hot-spot analyses. Start-up burden is also included for quantitative CO hot-spot analyses using MOVES.

**(iii) Adjustment for increased burden associated with the transition from the MOBILE to MOVES model for regional emissions analyses**

An additional burden was also projected for start-up and implementation costs associated with the transition from the MOBILE to MOVES model for regional analyses and consultation.

**(iv) Adjustments for increased burden associated with interagency consultation**

An additional burden was also projected for increased interagency consultation by 20% associated with the transition to quantitative hot-spot analyses and MOVES modeling for regional emissions analyses.

**(v) Adjustments for increase burden associated with more frequent plan and TIP conformity determinations**

An additional burden was also projected for increased frequency of plan and TIP conformity determinations for MPOs with 3 or more NAAQS.

## **6(g) Burden Statement**

The annual public reporting and recordkeeping burden for this collection of information is estimated to average 8 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR chapter 15.

To comment on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including the use of automated collection techniques, EPA has established a public docket for this ICR under Docket ID Number EPA-HQ-OAR-2007-0269, which is available for online viewing at [www.regulations.gov](http://www.regulations.gov), or in person viewing at the Air and Radiation Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Avenue, NW, Washington, D.C. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566-1744, and the telephone number for the Air and Radiation Docket is (202) 566-1742. An electronic version of the public docket is available at [www.regulations.gov](http://www.regulations.gov). This site can be used to submit or view public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. When in the system, select "search," then key in the Docket ID Number identified above. Also, you can send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, D.C. 20503, Attention: Desk Officer for EPA. Please include the EPA Docket ID Number EPA-HQ-OAR-2007-0269 and OMB Control Number 2060-0561 in any correspondence.

## **Appendix A: Conformity-Related Research Considered for This ICR**

The following is the conformity research studies that were considered for this ICR. EPA has cited in the ICR when these studies were utilized as appropriate.

- April 2003, “Transportation/Air Quality Issues in Rural Areas,” FHWA and Dye Management Group.
- October 2003, “Rural Conformity: A Survey of Practice,” NCHRP and ICF Consulting.