

SUPPORTING STATEMENT FOR

EPA INFORMATION COLLECTION REQUEST NUMBER 2130.05

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

June 2015

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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 2130.05, OMB number 2060-0561.

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_{2.5} and PM₁₀), carbon monoxide (CO), and nitrogen dioxide (NO₂).

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.¹ In metropolitan nonattainment and maintenance areas, conformity determinations are required for transportation plan and TIP updates and amendments. A 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.

¹ 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.

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 adequate² 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 (including both regional and project-level) in current nonattainment and maintenance areas for the ozone, PM_{2.5}, PM₁₀, CO, and NO₂ NAAQS;
- Federal burden associated with EPA's adequacy review process for submitted SIP budgets that are to be used in conformity determinations;
- Efficiencies in areas making conformity determinations for multiple NAAQS;
- Differences in conformity resource needs in large and small metropolitan areas and isolated rural areas;
- Burden estimates for the transition from MOVES2010 to MOVES2014.³
- Reduced burden as a result of areas no longer determining conformity for the 1997 ozone NAAQS due to revocation⁴, and,
- Reduced burden as a result of areas completing 20 years of maintenance for PM₁₀ and CO NAAQS, at which time transportation conformity is no longer required.

This ICR does not include burden associated with the general development of transportation planning and air quality planning documents for meeting other federal requirements.

2. NEED FOR AND USE OF THE COLLECTION

2(a) Need/Authority for the Collection

² 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)).

³In this document, "MOVES2010" refers to all of the MOVES2010 models: MOVES2010, MOVES2010a, and MOVES2010b. "MOVES2014" refers to this model and any minor updates to MOVES2014.

⁴ See [80 FR 12264](#) (March 6, 2015).

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)⁵ 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 maintenance areas can rely on travel, economic, or other forecasts that are already available for

⁵ MPO means the policy board of an organization created and designated to carry out the metropolitan transportation planning process (40 CFR 93.101).

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

The announcement of a public comment period for this renewal ICR has been made in the *Federal Register* on February 23, 2015 under Docket ID No. EPA-HQ-OAR-2007-0269.⁶ The comment period closed on April 24, 2015 with EPA receiving two sets of comments. Below is a summary of the comments and how EPA addressed the comments in this Supporting Statement.

In response to a comment that the number of transportation plan and TIP conformity determinations was underestimated, EPA revised this Supporting Statement to increase the frequency of transportation plan and TIP conformity determinations for MPOs with a population greater than 200,000 and covered by 3 or more NAAQS. Today’s supporting statement assumes these MPOs determine transportation plan conformity every two years, up from every three years where conformity applies for 3 or more pollutants, and up from every four years for TIP conformity for these MPOs. This increased frequency accounts for additional conformity determinations that may be needed as a result of new SIP budgets in these areas.

EPA considered other comments but ultimately did not change this Supporting Statement as a result. One commenter stated that EPA underestimated actual conformity costs, and urged EPA to review their previous submitted comments and review Unified Planning and Work Programs (UPWP). EPA did review these previous comments and had addressed them in the 2011 and 2004 Supporting Statements. EPA also reviewed several UPWPs and they did not parse out conformity costs. Instead, the UPWPs included line items such as program administration, land use integration and regional freight studies in their costs. These items are not directly required for a conformity determination and thus not considered under this transportation conformity ICR. Therefore, the information in the UPWPs cannot be applied to this Supporting Statement.

Another comment suggested that EPA underestimated the salaries for MPO and DOT staff and/or contractors. After reviewing online salary surveys, EPA was not convinced that the

⁶ 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.

salary rate suggested by the commenter is representative across the country. EPA is using a GS 13-3 hourly rate, which reflects an average hourly rate for a degreed mid-career professional. Also, while cost calculations are 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.

Another comment requested that EPA to account for the pending 2015 ozone NAAQS and its potential costs in this ICR. The purpose of this ICR is to reflect burden anticipated for calendar years 2015-2017 for transportation conformity. Conformity determinations for any newly designated 2015 ozone nonattainment areas would occur well after 2017, and thus are not considered in the time frame covered by this ICR.

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:

- Karen Perritt, (202) 366-9066, Department of Transportation, Federal Highway Administration; and,
- Adam Stephenson, (202) 366-5183, 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 making conformity determinations in

isolated rural areas.⁷ See Appendix A – Conformity Related Research Considered for this ICR.

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.⁸ 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.⁹

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.

Information collection occurs less frequently in isolated rural nonattainment and maintenance areas compared to metropolitan 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.

Information collection would cease in areas that reach the end of their 20-year maintenance period. Once an area has attained the NAAQS for a criteria pollutant, the state may submit a request to the EPA for the redesignation of the nonattainment area for that pollutant under Clean Air Act section 175A(a).

In general, actions on metropolitan transportation plans, TIPs, and FHWA/FTA projects taken on or after the date that is 20 years after the effective date of redesignation will not require

⁷ 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).

⁸ Additional plan/TIP amendments are completed on a voluntary basis beyond the required plan/TIP update cycles. These are not addressed in this ICR.

⁹ EPA assumed that conformity determinations occur infrequently for this scenario and therefore no burden was included in this ICR.

a conformity determination for the applicable pollutant.¹⁰

Finally, reduced information collection will also occur through EPA's final rule that addressed revocation for the 1997 ozone NAAQS as part of the Implementation Rule for the 2008 ozone NAAQS.¹¹ Therefore, ozone conformity continues to apply only for 2008 ozone NAAQS nonattainment and maintenance areas.

3(e) General Guidelines

This ICR adheres to the guidelines stated in the 1995 Paperwork Reduction Act and OMB's implementing regulations. 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.

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,

¹⁰ 40 CFR 93.102(b)(4) and Transportation Conformity Guidance for Areas Reaching the End of the Maintenance Period (EPA-420-B-14-093, October 2014).

¹¹ The proposed rule can be found at 80 FR 12264 (March 6, 2015),

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 department of 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 areas¹² 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 transportation plan and TIP conformity determinations;

¹² 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).

- 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 transportation 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

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 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,
- Providing 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.¹³ 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.

¹³ 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.

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 burden associated with quantitative PM hot-spot analyses;
- The transition from MOVES2010 to MOVES2014; and
- Areas designated nonattainment for the 2008 ozone NAAQS.

This ICR covers only the time period of 2015 to 2017, and EPA has attributed the amount of burden to the above categories 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.

Designations for the 2015 ozone NAAQS have not been made yet and therefore no burden is included in this ICR renewal for conformity determinations for this NAAQS.

(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, PM₁₀, PM_{2.5}, and NO₂. 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:¹⁴

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

Pollutant/NAAQS	Number of Metropolitan Nonattainment/Maintenance Areas	Number of Isolated Rural Nonattainment/Maintenance Areas
2012 PM _{2.5} ¹⁵	12	2

¹⁴ <http://www.epa.gov/air/oaqps/greenbk/index.html>

¹⁵ The PM_{2.5} areas referred to in this row were designated nonattainment for 2012 PM_{2.5} NAAQS on January 15, 2015 (80 FR 2206). Transportation conformity starts applying April 15, 2016.

2008 ozone ¹⁶	39	7
CO	50	2
PM ₁₀	48	36
1997 PM _{2.5} ¹⁷	38	1
2006 PM _{2.5} ¹⁸	29	3
1971 NO ₂ ¹⁹	1	0
2010 NO ₂ ²⁰	0	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.

As discussed further below, EPA also has identified the number of nonattainment and maintenance areas with multiple 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.²¹

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).

¹⁶ The ozone areas referred to in this row were designated nonattainment for the 2008 ozone NAAQS on May 21, 2012 (77 FR 30088) and June 11, 2012 (77 FR 34221).

¹⁷ The PM_{2.5} areas referred to in this row were designated nonattainment for the 1997 PM_{2.5} NAAQS on January 5, 2005 (70 FR 944).

¹⁸ The PM_{2.5} areas referred to in this row were designated nonattainment for the 2006 PM_{2.5} NAAQS on November 13, 2009 (74 FR 58688).

¹⁹ This entry is for the 1971 annual NO₂ NAAQS.

²⁰ The NO₂ areas referred to in this row were designated attainment/unclassifiable for the 2010 NO₂ NAAQS on February 17, 2012 (77 FR 9532). No nonattainment areas for this NAAQS were designated at that time.

²¹ 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.

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 Regions and DOT that regularly work with state and local organizations responsible for making 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;
- 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: and,
- EPA used information that was received during the public comment period of this renewal ICR.

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, except in large MPOs covered by 3 or more NAAQS.

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 2130.04 for incremental burden hours associated with performing transportation plan and TIP conformity determinations for each

additional pollutant/NAAQS, which were 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 frequency (at least every 4 years), EPA estimates that it is only those MPOs serving smaller populations (50,000-200,000 populations) that 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 choose 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).

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

MPO Demonstrating Conformity For	Consultation	Regional Emissions Analysis ²²	Other Activities	Total Burden Hours
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²² 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.

One Pollutant/NAAQS	55	280	45	380
Two Pollutants/NAAQS	72	375	60	507
Three or More Pollutants/NAAQS	88	465	75	628

**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	Actions per Year per Respondent	Total Annual Burden Hours	Cost Per Hour	Total Annual Cost	Total Actions
One Pollutant/NAAQS	380	26	0.25	2,470	\$59.40 ²³	\$146,718	6.5
Two Pollutants/NAAQS	507	22	0.25	2,788	\$59.40	\$165,607	5.5
Three or More Pollutants/NAAQS	628	39	0.5	12,246	\$59.40	\$727,412	19.5

Total for All Transportation Plan Actions: 17,504 hours/year x \$59.40/hour = \$1,039,738/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
One Pollutant/NAAQS	44	280	45	369

²³ See Section 6(b) Estimating State and Local Respondent Costs, for a description of how the Cost per Hour was calculated.

Two Pollutants/NAAQS	55	375	60	490
Three or More Pollutants/NAAQS	66	465	75	606

**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	Actions per Year per Respondent	Total Annual Burden Hours	Cost Per Hour	Total Annual Cost	Total Actions
One Pollutant/NAAQS	369	26	0.25	2,399	\$59.40	\$142,501	6.5
Two Pollutants/NAAQS	490	22	0.25	2,695	\$59.40	\$160,083	5.5
Three or More Pollutants/NAAQS	606	39	0.5	11,817	\$59.40	\$701,930	19.5

Total for All TIP Actions: 16,911 hours/year x \$59.40 /hour = \$1,004,514/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
One Pollutant/NAAQS	50	120	30	200

Two Pollutants/NAAQS	61	160	40	261
Three or More Pollutants/NAAQS	77	200	50	327

**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	Actions per Year per Respondent	Total Annual Burden Hours	Cost Per Hour	Total Annual Cost	Total Actions
One Pollutant/NAAQS	200	24	0.25	1,200	\$59.40	\$71,280	6
Two Pollutants/NAAQS	261	8	0.25	522	\$59.40	\$31,007	2
Three or More Pollutants/NAAQS	327	7	0.33	763	\$59.40	\$45,322	2

Total for All Transportation Plan and TIP Actions: 2,485 hours/year x \$59.40/hour = \$147,609/year

In addition, EPA has also estimated the state and local start-up burden associated with the transition to EPA’s latest emissions model, MOVES2014. During the previous ICR cycle, the burden included training/workshops plus additional time to transition from the emissions model called MOBILE6.2 to the new MOVES emissions model. The transition started in December 2009 with the release of MOVES2010. In this ICR time period, state and local agencies have some start-up burden associated with the latest version of MOVES, but not as much as in the previous period. MOVES2014 was released in July 2014. The burden hours for consultation remained the same. The start-up burden for MOVES2014 is shown in Tables 8 and 9. EPA published a Notice of Availability and corresponding grace period in the *Federal Register* (79 FR 60343), after the release of MOVES2014. The Notice includes a grace period before MOVES2014 is required in regional emissions analysis. EPA also issued policy guidance on the use of this model.²⁴

**Table 8: State and Local Burden Hours
One-time Start-up
For Transition to MOVES2014 for Regional Emissions Analyses**

Action	Total Burden Hours
Training	30

²⁴ Policy Guidance on the Use of MOVES2014 for State Implementation Plan Development, Transportation Conformity, and Other Purposes, (EPA-420-B-14-008 July 2014).

Transition	50
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Total burden hours for State and Local Respondents for Start-up of MOVES Analysis: 80 hours

**Table 9: State and Local Costs
One-time Start-up
For Transition to MOVES2014 for Regional Emissions Analyses**

Training/Transition Hours	No. of MPOs	Total Burden Hours	Cost Per Hour	Total Cost
80	63*	5,040	\$59.40	\$299,376

Total cost for State and Local Respondents for Transition to MOVES2014: 5,040 x \$59.40/hour= \$299,376

For this ICR, EPA assumes that half of the MPOs have already taken a MOVES training class and have experience working with MOVES2010. EPA included a reduced amount of burden for training for a smaller percentage of staff to account for turn-over as well as transition time to convert input data between MOVES2010 and MOVES2014.

Project-Level Conformity Determinations in Metropolitan Nonattainment and Maintenance Areas

Tables 10 and 11 estimate the burden and cost associated with making 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 NO₂ 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).²⁵ In PM_{2.5} and PM₁₀ areas, project-level conformity determinations must include a hot-

²⁵ See the conformity rule (40 CFR 93.123(a)) for the types of projects that require qualitative versus quantitative CO hot-spot analyses.

spot analysis if the project is of local air quality concern.²⁶

With the release of MOVES (and EMFAC in California) in December of 2010 and the end of the subsequent conformity grace period, all required PM hot-spot analysis must now be quantitative.²⁷ EPA has also issued policy guidance on the use of these models. The use of the MOVES model is required for PM hot-spot analyses and other purposes.²⁸

The total burden estimates for project-level conformity determinations represent 50% of total state and local burden for a PM or CO 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, emissions modeling, air quality modeling, determining background concentrations, calculating design values, quality assurance, and preparing the final documentation.

The state and local burden hours for completing both qualitative CO and quantitative PM and CO hot-spot analyses are shown in Table 10. PA 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.

²⁶Per the conformity rule (40 CFR 93.123(b)(1)), projects of local air quality concern include: “(i) new highway projects that have a significant number of diesel vehicles, and expanded highway projects that have a significant increase in the number of 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 PM₁₀ or PM_{2.5} applicable SIP or SIP submission as appropriate, as sites of violation or possible violation.”

²⁷ 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).

²⁸ “Policy Guidance on the Use of MOVES2014 for State Implementation Plan Development, Transportation Conformity, and Other Purposes,” EPA-420-B-14-0008 (July 2014).

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

Pollutant	Type of Hot-spot Analysis	Consultation	Hot-spot Analysis	Other Activities	Total Burden Hours
Ozone, NO ₂ , PM _{2.5} and PM ₁₀ ²⁹	None	0.5	N/A	0.5	1
PM _{2.5} or PM ₁₀	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**

Metropolitan Area/Pollutant	Burden Hours Per Action	Average No. of Actions/year per respondent	No. of MPOs	Total Annual Burden Hours	Cost Per Hour	Total Annual Cost
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²⁹ Most projects in PM₁₀ and PM_{2.5} areas do not require a quantitative hot-spot analysis. In contrast, all non-exempt CO projects in CO areas require some type of hot-spot analysis.

Project level conformity determination - No Hotspot Analysis – ozone, NO ₂ , PM _{2.5} and PM ₁₀	Pop. 200,000+	1	65	87	5,655	\$59.40	\$335,907
	Pop. 50,000-200,000	1	15	39	585	\$59.40	\$34,749
PM _{2.5} Hot-spot Analyses		92	0.1 ³⁰	79	727	\$59.40	\$43,184
PM ₁₀ Hot-spot Analyses		92	0.1	48	442	\$59.40	\$26,255
CO Quantitative Hot-spot Analyses		22	5	50	5,500	\$59.40	\$326,700
CO Qualitative Hot-Spot Analyses		6	0.5	50	150	\$59.40	\$8,910

Total for All Project-level Actions: 13,059/year x \$59.40/hour = \$775,705/year

State and Local Burden Associated with the Transition to MOVES2014 for Project Level Requirements

EPA estimated the state and local costs associated with the transition from MOVES2010 to MOVES2014 for quantitative PM and CO hot-spot analyses in this ICR. The previous ICR included costs associated with start-up of quantitative analysis and MOVES2010. Training included learning new quantitative PM hot-spot modeling guidance as well as training for emissions and air quality modeling.³¹ EPA anticipates offering MOVES2014 on-site training, as well as webinars. For burden estimates, we are anticipating utilizing webinars to present the revised guidance for quantitative PM hot-spot guidance using MOVES2014, advanced topics via webinars, and training for the use of emissions and air quality models.

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 less than those in PM nonattainment and maintenance areas as the CO areas

³⁰ The number of average actions per year for PM hot-spot analysis has been reduced, reflecting EPA's experience to date.

³¹ EPA has provided guidance for those areas required to do quantitative hot-spot analysis for PM_{2.5} and PM₁₀ nonattainment and maintenance areas: "Transportation Conformity Guidance for Quantitative Hot-spot Analyses in PM_{2.5} and PM₁₀ Nonattainment and Maintenance Areas", EPA-420-B-13-053 and "Using MOVES2014 in Project-Level Carbon Monoxide Analyses", EPA-420-B-15-028.

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.

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).

**Table 12: State and Local Burden Hours
One-time Start-up
For Quantitative Hot-Spot Analysis Using MOVES2014**

Action	Burden Hours per Action
PM Training and Start-up	30
CO Training and Start-up	10

**Table 13: State and Local Costs
One-time Start-up
For Quantitative Hot-Spot Analysis Using MOVES2014**

Pollutant	Training Hours	No. of Areas	Total Burden Hours	Cost Per Hour	Total Cost
PM _{2.5} and PM ₁₀	30	142	4,260	\$59.40	\$253,044
CO	10	15	150	\$59.40	\$8,910

Total cost for State and Local Respondents for Start-up of Quantitative Analysis: 4,410 hours/yr x \$59.40/hour= \$261,954/yr

The number of PM areas in Table 13 includes both metropolitan and isolated rural areas. Of the 169 PM nonattainment and maintenance areas, 10 MPOs are nonattainment or maintenance for both a PM_{2.5} and PM₁₀ NAAQS and 17 are located in California (where MOVES is not used), which reduces the total number of nonattainment and maintenance areas to 142. 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 PM₁₀ and PM_{2.5} 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_{2.5} and PM₁₀ for these areas.

The number of CO areas in Table 13 includes both metropolitan and isolated rural areas. Of the 50 CO nonattainment and maintenance areas, 26 are also nonattainment or maintenance

for PM and 9 are located in California (where MOVES is not used), which reduces the total number of nonattainment and maintenance areas to 15.

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_{2.5} and PM₁₀ isolated rural areas.³²

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 (2130.04) 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.

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

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

³² There are no current NO₂ nonattainment or maintenance areas in isolated rural areas. See Table 1 for further information.

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

Demonstrating Conformity For	Burden Hours	No. of Areas	Actions per Year per Respondent	Total Annual Burden Hours	Cost Per Hour	Total Annual Cost	Total Actions
One Pollutant/NAAQS	108	47	0.2	1,015	\$59.40	\$60,291	9
Two Pollutants/NAAQS	143	4	0.2	114	\$59.40	\$6,772	1

Total for All Actions: 1,129 hours/year x \$59.40/hour = \$67,063/year

Table 15 reflects a frequency of project-level conformity determinations 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.³³

EPA notes that this ICR may overestimate burden associated with determining conformity for projects in isolated rural areas, since conformity determinations for non-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.³⁴ 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).

³³ Isolated rural areas are not required by federal law to develop metropolitan transportation plans or TIPs.

³⁴ EPA estimates that four state and local agencies would participate in one consultation meeting on each transportation project.

**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
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 CO isolated rural areas. EPA did not include PM quantitative analysis for isolated rural areas in this ICR, reflecting our experience to date.

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 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.

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

Metropolitan Area	Burden Hours per Action	No. of Areas	Actions per Year per Respondent	Total Annual Burden Hours	Cost Per Hour	Total Annual Cost	Total Actions
CO - Quantitative Hot-spot Analyses	20	2	0.2	8	\$59.40	\$475	0.4
CO – Qualitative	5	2	0.2	2	\$59.40	\$119	

Hot-Spot Analyses							0.4
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Total State and Local Respondent Burden for Project Level Conformity Determinations: 10 hours/year x \$59.40/hour = \$594

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 \$77,217/year.³⁵ EPA then divided the annual 2014 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 \$59.40/burden hour. The total number of responses per year is 6,611, and the average responses per respondent per year is 52.

(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

There are no annualized capital costs.

³⁵ January 2014 U.S. Office of Personal Management, Salary Table 2014-GS, 2014 General Schedule, <http://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2014/GS.pdf>

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 \$77,217/year.³⁶ EPA then divided the annual 2014 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 \$59.40/burden hour.

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

³⁶ January 2014 U.S. Office of Personal Management, Salary Table 2014-GS, 2014 General Schedule, <http://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2014/GS.pdf>

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

Metropolitan Planning Organization	Activity	FHWA	FTA	EPA	Total
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**

Metropolitan Planning Organization	Activity	FHWA	FTA	EPA	Total
Per Conformity Determination (Includes all areas with populations of 50,000-	Attending Consultation Meetings	12	12	12	36
	Conformity-Related Work Prior to MPO Determination	12	1	3	16

200,000)	Reviewing Plan Conformity Determination	13	2	7	22
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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	87	4 years	1,609	\$59.40	\$95,575
TIP	Per Conformity Determination (Pop. 200,000+)	74	87	4 years	1,609	\$59.40	\$95,575
Plan/ TIP	Per Conformity Determination (pop. 50,000-200,000)	74	39	4 years	721	\$59.40	\$42,827

Total Federal Burden for Plan and TIP Actions: 3,939 hours/year x \$59.40/hour = \$233,977

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**

Pollutant	Type of Hot-spot Analysis	Consultation	Reviewing Project-level conformity determinations	Total Burden Hours
Ozone, NO ₂ , PM _{2.5} and PM ₁₀	None	0.5	0.5	1
PM _{2.5} and PM ₁₀	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	Pop. 200,000+	1	65	87	5,656	\$59.40	\$335,966

- No Hot-spot Analysis	Pop. 50,000-200,000	1	15	39	585	\$59.40	\$34,749
PM _{2.5} Hot-spot Analyses		16	0.1	79	126	\$59.40	\$7,484
PM ₁₀ Hot-spot Analyses		16	0.1	48	77	\$59.40	\$4,574
CO Quantitative Hot-spot Analyses		3	5	50	750	\$59.40	\$44,550
CO Qualitative Hot-Spot Analyses		1.5	0.5	50	37	\$59.40	\$2,198

Total for All Project-level Actions: 7,231hours/year x \$59.40/hour= \$429,521/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_{2.5} and PM₁₀ 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
CO	Quantitative	1	2	3
CO	Qualitative	0.25	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	51	5 years	337	\$59.40	\$20,018
CO –Quantitative Hot-spot	3	2	5 years	1	\$59.40	\$59

Analyses						
CO –Qualitative Hot-spot Analyses	1.5	2	5 years	1	\$59.40	\$59

Total Federal Agency Burden for Project Level Conformity Determinations: 339 hours/year x \$59.40/hour = \$20,136/year

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)).³⁷ 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 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
	<i>Federal Register</i> Notice Preparation and Publication	19
	Preparation for and Website Posting	3

³⁷ 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

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 2015.

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	3	10	39	1,170	\$59.40	\$69,498

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
<i>Federal Register Notice – Publication Costs</i>	3	10	30	\$413	\$12,390

Total Burden for Adequacy Findings: 1,170 hours/year x \$59.40/hour = \$69,498 + \$12,390 = \$81,888

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

EPA estimates that 126 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 **60,548** hours with a cost of **\$3,596,553**.

The bottom line annual burden for federal agency respondents is **12,679** hours with a cost of **\$765,522**.

(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 **43,069** hours/year with a cost of **\$2,558,300/year**.

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 **17,479** hours/year at a cost of **\$1,038,253/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 **3,939** hours/year at a cost of **\$233,977/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 **7,520** hours/year at a cost of **\$449,657**/year.

The bottom-line annual burden for EPA burden associated with adequacy determinations for motor vehicle emission budgets associated with SIPs is **1,170** hours/year at a cost of **\$81,888**/year.

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
Transportation Plan/ TIP Conformity Determination	43,069	3,939
Project Conformity Determination	17,479	7,570
Adequacy Finding	N/A	1,170
Total	60,548	12,679

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

Type of Action	Total Annual State and Local Cost	Total Annual Federal Cost
Transportation Plan/ TIP Conformity Determination	\$2,558,300	\$233,977
Project Conformity Determination	\$1,038,253	\$449,657

Adequacy Finding Determinations	N/A	\$81,888
Total	\$3,596,553	\$765,522

(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

There is a decrease of 27,856 hours in the total estimated respondent burden for this ICR compared to the last one with OMB. This is due to the following reasons:

(i) Adjustment for decreased burden associated with decreased transportation conformity analysis for PM₁₀, CO, and 1997 Ozone NAAQS

A decrease in burden was projected due to the requirement for transportation conformity ending in PM₁₀ and CO areas that have reached the end of the 20-year maintenance period. A decrease in burden was also projected due to fewer transportation conformity determinations for areas previously designated nonattainment or maintenance for 1997 ozone.

(ii) Adjustment for decreased burden associated with the transition from MOVES2010 to MOVES2014

A decrease in burden was projected over the previous ICR for model transitions. During the period covered by the previous ICR, the transition between MOBILE6.2 to MOVES2010 occurred, which was more resource-intensive than the transition from MOVES2010 to MOVES2014. The amount of training hours was reduced however; the burden hours for consultation remained the same. The transition from MOVES2010 to MOVES2014 occurs in the period covered by this ICR.

(iii) Adjustment for decreased burden associated with project-level conformity

A decrease in burden was projected over the previous ICR for project-level conformity as fewer areas are performing PM_{2.5} and PM₁₀ quantitative project-level hot-spot analysis.

(iv) Adjustment for increased burden associated with increased number of conformity determinations for MPOs with populations greater than 200,000 and covered by 3 or more NAAQS

An increase in burden was projected over the previous ICR for MPOs determining conformity for areas with populations greater than 200,000 and covered by 3 or more NAAQS,

as identified by commenters who argued that MPOs determine conformity more often than the minimum CAA requirements.

6(g) Burden Statement

The annual public reporting and recordkeeping burden for this collection of information is estimated to average 9 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.

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.