



# Conformity Recommendations for 2024-2027



Maggie Isied, DEnv, MPH  
TAQ Subcommittee  
December 4, 2024

# What is Transportation Conformity?

- A requirement of the federal Clean Air Act to ensure that air quality in regions designated as nonattainment for the National Ambient Air Quality Standards (NAAQS) is not negatively impacted by approval of transportation projects and related activities
- Our region is in nonattainment for the 8-hr Ozone Standard
  - Severe for the 2008 8-hr Ozone standard (75 ppb)
  - Moderate for the 2015 8-hr Ozone standard (70 ppb)

# Why does H-GAC have to do Transportation Conformity?

- Nonattainment areas must conduct air quality analyses on projects, programs, and policies identified in RTP, TIP, or other projects requiring federal approval
- The region must demonstrate that emissions related to projects do not exceed limits established in the state's air quality State Implementation Plan (SIP)
- Because Houston-Galveston is not in attainment for ozone, H-GAC must update RTP every 4 years instead of 5 years for areas in attainment.

# When Does H-GAC Undertake Conformity?

- Conformity can be “triggered” by the following activities
  - Adoption of or amendments to the RTP
  - Initiation of a new nonattainment area
  - Establishment of or revision of traffic control measures related to the State Implementation Plan (SIP)
  - Updates to the regional TIP that add to, delete, significantly delay, accelerate, or change the project scope of a regionally significant project\*

\*Regionally significant projects typically – provide additional through traffic, add or extend freeway lanes, construct new or remove an existing interchange

# Conformity Over the Next Three Years

- Upcoming conformity triggers: 2024 to 2027
  - Adding new projects to the TIP and RTP
  - New PM<sub>2.5</sub> NAAQS designation
  - 2050 RTP
- Staff has consulted to determine available options and understand if flexibility is available
  - Participating in conformity training
  - Discussions with TxDOT and FHWA
  - Internal discussion with RTP/TIP teams
- Review concluded that there are three potential conformity runs upcoming

# Conformity 1

## Est. Start Date: January 2025

- Supports the ongoing RTP and TIP project selection processes
- Will include new, regionally significant projects
- Will ensure that new RTP/TIP projects can be added to the STIP in a timely manner
- No hard deadline imposed for completion of this conformity, but completion delays may lead to project delays

# Conformity 2

## Est. Start Date: February 2026

- Supports updates to the 2024 revisions to the NAAQS  $PM_{2.5}$  standard and anticipated resulting nonattainment designation
- Conformity required to start as soon as final  $PM_{2.5}$  nonattainment designation is announced
- Conformity must be completed within one year, with no grace period

# Conformity 3

## Est. Start Date: November/December 2026

- Supports the development of the 2050 RTP
- In order to meet deadline of the expiring 2045 RTP Update, this conformity must be completed by November 1, 2027
- To meet this deadline, the supporting conformity run will need to start no later than November 2026



# Potential Conformity Scenarios

## One conformity

- Reduce three conformity runs into a single run – February 2026

## Two conformities

- Combine conformity 1 and 2 into a single run – February 2026
- Conformity 3 – November/December 2026

## Three conformities

- Conformity 1 – February 2025
- Conformity 2 – February 2026
- Conformity 3 – November/December 2026

# One Conformity Run: Pros + Cons

- Reduce the existing menu of conformity – TIP/RTP, PM<sub>2.5</sub>, and 2050 RTP, merging the three conformity runs together

Pros	Cons
<ul style="list-style-type: none"><li>• Minimize number of times that agency needs to turn to FHWA and other consultative partners to review conformity</li><li>• Reviewing the entire breadth of conformity only once instead of multiple times</li><li>• Reduce internal and partner workload redundancies</li></ul>	<ul style="list-style-type: none"><li>• Assumes alignment of TIP/RTP, PM<sub>2.5</sub>, and 2050 RTP</li><li>• Assumes that PM<sub>2.5</sub> non-attainment designation will not be challenged and/or otherwise delayed</li><li>• Non-exempt projects in the TIP/RTP selection process must be postponed to accommodate delayed conformity</li><li>• Would require the timeline for completion of the 2050 RTP be advanced by one year</li></ul>

# Two Conformity Runs: Pros + Cons

- Combine conformity 1 and 2 to begin in February 2026
- Keep 2050 RTP Conformity on schedule

Pros	Cons
<ul style="list-style-type: none"><li>• Minimize number of times that agency needs to turn to FHWA and other consultative partners to review conformity</li><li>• Reviewing the entire breadth of conformity instead of incremental review</li><li>• Reduce internal and partner workload redundancies</li></ul>	<ul style="list-style-type: none"><li>• Assumes that PM<sub>2.5</sub> non-attainment designation will not be challenged and delayed. If delayed, will likely need to proceed anyway</li><li>• Non-exempt projects in the TIP/RTP selection process will need to be postponed to accommodate delayed conformity</li><li>• Review partners may find themselves fatigued by repeated H-GAC region conformities. May lead to delays, deprioritization, and a potential lapse</li></ul>

# Three Conformity Runs: Pros + Cons

- Support current RTP/TIP Project Efforts
- Support updates to the 2024 revisions to the NAAQS PM<sub>2.5</sub> standard and anticipated resulting nonattainment designation
- Support 2050 RTP efforts

Pros	Cons
<ul style="list-style-type: none"><li>• Will ensure that local transportation funds are spent in a timely manner</li><li>• Will add new projects to the TIP/RTP quickly to ensure quick deployment and satisfy project sponsors</li></ul>	<ul style="list-style-type: none"><li>• Multiple conformity runs, may result in deprioritized review of H-GAC conformities over time.</li><li>• Staff resources – additional staff will be needed to prepare three conformities</li><li>• Increases the number of times conformity components are reviewed by FHWA</li><li>• Not conducive to a predictable conformity schedule</li></ul>

# Key Risks

## Less Runs

- May delay upcoming TIP/RTP projects
- May cause the region to exceed maximum carry-over spending limits

## More Runs

- May reduce prioritization in the review queue
- More opportunities for review delays which could delay result in lapses
- Each conformity offers new opportunities to find mistakes

# Staff Recommendation

Staff recommendation:

- Three conformities
  - Conformity 1 – February 2025
  - Conformity 2 – February 2026
  - Conformity 3 – November/December 2026

# Discussion

No action requested. For information and discussion only.

Maggie Isied, DEnv, MPH  
Principal Planner, Air Quality  
Margaret.isied@h-gac.com