



The transportation conformity process is complex. The following FAQs are intended to provide answers to the most common questions asked by transportation programmers and implementing agencies in the northeastern Illinois region. This document is divided into the following sections:

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### **Background Information**

#### **What is Conformity?**

Northeastern Illinois does not attain national ambient air quality standards for certain pollutants. It is classified as moderate non-attainment area for the 8-hour ozone standard. The region must implement a transportation program which will not delay timely attainment of the national standards.

As part of the transportation planning and programming process, CMAP staff evaluates the impact of proposed transportation activities on the region's air quality. This evaluation, called a conformity analysis, is submitted to the Federal Highway Administration (FHWA) for review before a long-range regional transportation plan, Transportation Improvement Program (TIP), or conformity TIP amendment is approved. The conformity analysis must demonstrate that the emissions resulting from the plan or TIP meet the requirements of (i.e., "conform to") the regulations governing air quality.

For more information go to: <http://www.cmap.illinois.gov/mobility/roads/conformity-analysis>

#### **How are individual projects conformed?**

Unless they are subject to Hot Spot Analysis (see below), **projects are not individually conformed.** A project is said to be conformed if that project is included in the travel demand model, has funding for phases beyond Alternatives Analysis (AA) or Engineering 1 (E1) in the most recently adopted or amended TIP, or is identified as a major capital project in GO TO 2040, the region's comprehensive plan.

#### **What is the conformity analysis process?**

The region's surface transportation system is analyzed in particular years between now and the end of GO TO 2040 (the "horizon year"). These years are called scenario years or analysis years. A project is included in a scenario year based on its completion year (the year in which it will be open for public use). Current scenario years are 2020, 2025, 2030, and 2040. The regional travel demand model is run using information based on the TIP and major capital projects completed by the scenario year. The resultant vehicle miles traveled (VMT) information is fed into U.S. Environmental Protection Agency's emissions model, called MOVES. MOVES then estimates on-road emissions for each pollutant precursor or direct pollutant in each scenario year.

For each pollutant or precursor the resulting emissions estimates must fall below the applicable State Implementation Plan (SIP) budgets. For further details, see the [Current Conformity Analysis](#) document on the Conformity Analysis [web page](#).



### What is hot spot analysis?

Some individual transportation projects must be evaluated for local air quality impacts, commonly called a "hot spot analysis." Projects that are subject to hot spot analysis are called "projects of air quality concern." For fine particulate matter, the project or facility involves significant levels of diesel vehicle traffic, or is identified in a PM<sub>2.5</sub> State Implementation Plan (SIP) as a localized air quality concern. The hot spot analysis is conducted by the agency implementing the project as part of the environmental assessment process. Results of hot spot analyses are reviewed by CMAP's Tier II Consultation Team, described later.

Highway projects are also reviewed for potential carbon monoxide hot spots, but none have been identified in recent years; this is largely due to improvements in engine technology and fuels.

### What projects are subject to conformity analysis?

All federally-funded projects with Not Exempt work types must be modeled and included in the conformed TIP in order to receive federal funding. A list of all work types and their exempt status can be found on the [TIP Programmer Resources](#) web page. [Major capital projects](#) included in GO TO 2040 are conformed, regardless of funding status, due to their regional significance and scope. Other regionally significant projects are required to be conformed as well, whether or not they have federal funding. Projects included in the Unconstrained project list in GO TO 2040 cannot be conformed without a Plan amendment.

### What is Consultation?

Interagency consultation is required under the transportation conformity rule, as described in [40 CFR 93.105](#). In the northeastern Illinois region, these procedures are addressed through the [Tier II Consultation](#) process. Decisions made through this interagency consultation process guide the MPO in making conformity determinations.

The Tier II Consultation team consists of representatives from CMAP, the Illinois Department of Transportation (IDOT), the Regional Transportation Authority (RTA), the Illinois Environmental Protection Agency (IEPA), the United States Environmental Protection Agency (US EPA), the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA). The team meets as needed to discuss conformity and other regulatory issues. These issues include making conformity determinations for projects that cannot be accurately represented in the travel demand model, reviewing hot-spot analyses prepared as part of a major environmental action such as an Environmental Impact Statement (EIS), accommodating Not Exempt projects for which the sponsor is seeking federal discretionary funding and reviewing conformity analyses performed during regular semi-annual determinations. The team also meets to discuss ongoing air quality issues such as changes to the State Implementation Plan (SIP), changes to air quality and travel demand models, and appropriate model assumptions and inputs for the region.

Individual projects or groups of projects that have been determined to be conformed by the team are noted in the TIP database with a conformity status of "Consultation".

### What are the requirements for having a project included in a conformity analysis?



In order to be conformed, projects must have funding identified for Phase 2 Engineering, Right of Way, Construction or Implementation included in the active years (the current federal fiscal year plus the four subsequent federal fiscal years) of the TIP. Project location, description and scope (work types) must be defined and model information, including a completion year, must be provided in the database.

FHWA has planning requirements that must be satisfied prior to National Environmental Policy Act (NEPA) approval. These are distinct from the requirements for inclusion in a conformity analysis. In particular, a subsequent phase of project development must be included in the TIP. Project implementers should coordinate with FHWA early during the NEPA process to determine what will be needed to satisfy this requirement.

### **What is the process for making a conformity determination?**

The process begins with the submission of new projects or project changes via the eTIP database. The projects in the TIP, together with major capital projects from the plan, are analyzed for conformity by CMAP staff. The results of the analysis are presented to the Transportation Committee. If satisfied with the results, the Transportation Committee will release the analysis and associated TIP amendment for a minimum of 30 days public comment. Following the comment period, staff will present a response to comments received and final analysis results to the Consultation Team, and if they comply with regulatory requirements, to the Transportation Committee to seek a recommendation of approval. The Transportation Committee's recommendation is presented to the CMAP Board and MPO Policy Committee, which makes the final determination. Following the MPO determination, the Federal Highway Administration, in consultation with the Federal Transit Administration and U.S. Environmental Protection Agency (in consultation with the Illinois Environmental Protection Agency), issues a letter of concurrence with the determination.

### **When do conformity determinations occur?**

CMAP routinely makes conformity determinations twice per year, in March and October. In order to complete the analyses and receive public comment prior to a determination, TIP changes for projects to be included in the determination must be submitted in December (for March approval) and early summer (for October approval), prior to the dates published in the [TIP Due Dates](#) posted on the [TIP Programmer Resources](#) web page.

### **Project Status**

#### **How are individual projects conformed?**

Unless they are subject to Hot Spot Analysis (see Background Information above), **projects are not individually conformed.** A project is said to be conformed if that project is included in the travel demand model, has funding for phases beyond Alternatives Analysis (AA) or Engineering 1 (E1) in the most recently adopted or amended TIP, or is identified as a major capital project in GO TO 2040, the region's comprehensive plan.

#### **What kinds of projects require conformity?**



The project details contained in the TIP database include Exempt Status. The possible values for this field are:

**Exempt** – Projects that do not require conformity. Changes to these projects are approved either upon acceptance by CMAP staff if they are administrative amendments, or at the next Transportation Committee meeting for changes considered formal amendments.

**Exempt Tested** – Projects that do not require conformity, but are included in the travel demand model to better reflect the region's transportation network. Changes to these projects are approved either upon acceptance by CMAP staff if they are administrative amendments, or at the next Transportation Committee meeting for changes considered formal amendments. Changes affecting the travel demand model are approved at the next Transportation Committee and then included in the next conformity analysis.

**Not Exempt** – Projects that must be included in the travel demand model and conformity analysis. Financial, minor schedule, and descriptive changes to these projects may be approved upon acceptance by CMAP staff or at the next Transportation Committee meeting, while other scope, location, or major schedule changes may trigger a conformity analysis. In this case, the project change is held until the next analysis is approved by the MPO Policy Committee.

A project's exempt status is determined from its work types. A list of all [work types](#) and their exempt status can be found on the [TIP Programmer Resources](#) web page. See the [TIP Change Quick Reference](#) for further guidance on amendment actions.

### Where can I find a project's conformity status?

The project details contained in the eTIP database include Conformity Status. The values are defined as:

**Conformed** – Not Exempt projects included in the model network that have been included in a conformity determination.

**Not Conformed** – Not Exempt projects that have not been included in an analysis. These projects are typically new projects, or projects which have added Not Exempt work types via a TIP change. In these situations, the project addition or change will be held for the next semi-annual conformity determination. Projects with work types requiring conformity that do not have funding (other than AA/E1) within the first four years of the TIP also have this status, but will not be subjected to semi-annual analysis until funds are programmed for phase 2 engineering (E2) or later phases.

FHWA has planning requirements that must be satisfied prior to NEPA approval. These are distinct from the requirements for inclusion in a conformity analysis. In particular, a subsequent phase of project development must be included in the TIP. Project implementers should coordinate with FHWA early during the NEPA process to determine what will be needed to satisfy this requirement.

**To Be Conformed** – Signal Interconnect projects that have not yet been included in the model, but can proceed with implementation.



**Not Required** – Exempt and Exempt Tested projects that do not require conformity analysis based on work types.

**Consultation** – Not Exempt projects that have been determined to be conformed through the Consultation process. The date of the consultation decision is shown in the Project Dates field in the TIP database.

### **What if the characteristics or status of my project change?**

Changes to project location, description (design elements, such as number or width of lanes or number of parking spaces), scope (work types), schedule (completion year) and funding should be submitted as TIP changes. Changes which affect a project's conformity status will be held for the next semi-annual conformity determination. Changes which remove the requirements for a project to be conformed (for example removal of all Not Exempt work types) are also held until those projects are removed from the model. Full descriptions of changes that trigger a conformity hold are given below.

### **What if my project is not conformed?**

Alternatives Analysis and Phase 1 Engineering can proceed prior to the project being conformed, however Design Approval cannot be granted on projects that are not conformed. Signal Interconnect projects can proceed with implementation prior to undergoing conformity analysis.

### **When does a project's conformed status expire?**

Projects remain conformed by remaining in the travel demand model. As long as a project is making progress toward implementation and funding remains programmed within the TIP, the project will retain its status as conformed.

If a project that has been conformed has all funding moved to years outside the TIP, or to MYB, or the fund source is changed to TBD, Other – Federal, or Other - Local, then the project is no longer in the TIP and is no longer conformed. When funding is brought back into the TIP, the project can again be conformed, but the conformity will occur on the regular semi-annual cycle.

## **TIP Changes**

### **What TIP changes trigger a conformity hold?**

Changes to projects which affect the project's inclusion or coding in the travel demand model are held for conformity analysis. For projects with one or more Not Exempt or Exempt Tested work types, these changes include:

- Adding a new non-exempt project that has funding for phases other than Alternative Analysis (AA) or Phase 1 Engineering (E1) identified within the active years (the current federal fiscal year plus the four subsequent federal fiscal years) of the TIP;
- Adding or deleting a Not Exempt work type;
- Significant changes to a project's location and/or limits;
- Addition or deletion of phases (other than AA or E1) from the active years of the TIP;



- Completion year changes which cross a scenario year (Current scenario years are 2020, 2025, 2030 and 2040. Moving a completion year from, say 2020 to 2021, or from 2021 to 2020 are changes that cross a scenario year.);
- Changes to other model information, such as number of lanes or parking spaces; and
- Deleting a project (or removing all funding from the project) with a conformity status of Conformed or Consultation.

### **What TIP changes can be made to conformed projects without triggering a conformity hold?**

Changes to conformed projects that do not affect the travel demand model may be either administrative or formal amendments, according to the TIP Change and Project Grouping Procedures, which are summarized in the [TIP Changes Quick Reference](#).

For projects with one or more Not Exempt work types, these changes include:

- Changing fund sources;
- Changing fiscal years within the active years of the TIP;
- Cost changes;
- Changing the completion year within the same scenario year period (for example, projects completed from 2017 – 2020 are in the 2020 scenario year; changing the completion year from 2019 to 2020 does not trigger a hold for conformity analysis);
- Minor changes to a project’s location and/or limits (for example, changing limits within the same network link);
- Changes to the project sponsor or contact;
- Adding or deleting Exempt or Exempt Tested work types;
- Adding a new project with only Alternative Analysis (AA) or Phase 1 Engineering (E1) identified within the active years (the current federal fiscal year plus four subsequent fiscal years) of the TIP; and
- Deleting a project with a conformity status of Not Conformed or To Be Conformed.

When a project is being held for conformity, no other TIP changes can be made until the conformity amendment is approved. Whenever possible, changes that do not affect conformity status should be made (and approved if necessary) prior to making changes for the semi-annual conformity analysis.

### **Semi-Annual Conformity Analysis**

#### **What actions occur during the semi-annual conformity analysis?**

Previously conformed projects are removed from the model networks if:

- All Not Exempt and Exempt Tested work types are removed;
- All funding (ignoring AA and E1) is removed from the active years of the TIP;
- A project is declared to be “inactive”, if dependable funding isn’t identified after new spending lags for longer than a three year period;
- The entire project is deleted from the TIP; or
- A plan update removes a Major Capital Project from the plan.

New projects are added to the model networks if:



- They have a conformity status of Not Conformed, and have funding for phases beyond E1 or AA in the active years of the TIP; or
- They have a conformity status of To Be Conformed
- A plan update adds a Major Capital Project to the plan.

The model networks are updated if:

- A project changes scenario years
- Project limits change
- Project scope changes

### **What should I expect to prepare for the semi-annual conformity analysis?**

4-6 weeks prior to TIP Change Deadline:

- Financial changes should be made separately, before making conformity changes. Financial changes made within the conformity amendment, or made after a project is included in the formal conformity amendment will be delayed until the next official Transportation Committee (TC) meeting that follows MPO approval of the conformity amendment.
- CMAP staff will send implementers instructions to review their “My Project List” for active and future projects with Not Exempt and/or Exempt Tested work types within the current TIP.

Before the TIP Change Deadline:

- Programmers should make updates in eTIP to those projects affected by changes to the following: Location/Limits, Work Types, Completion Year, and Model Information.
- Implementers should add any new projects with Not Exempt or Exempt Tested work types to the eTIP database.
- Implementers should delete any projects no longer being pursued. If a project is being deferred, it may be left in the database, but with funding moved outside the years of the TIP.

### **What are some best practices for managing conformed projects in the TIP?**

Changes to conformed projects should be avoided in between semi-annual conformity analyses. TIP changes that do not trigger a conformity hold (see above) should be made no later than one meeting prior to the conformity cycle. Once a project is held for conformity, all changes, including administrative modifications, are held until the conformity determination is made by the MPO Policy Committee.

Be aware of deadlines related to letting dates to be sure that all conformity amendments are approved in time. Projects targeting lettings in November, January, and March should be conformed in October (TIP changes due in early summer). Projects targeting lettings in April, June, August and September should be conformed in March (TIP changes due in December).

Be cautious when managing fiscal constraint to not move all funding for active conformed projects out of the TIP. If that funding remains out of the TIP when semi-annual conformity analyses occur, the project will be removed from the model and will need to be re-conformed when the funds move back into the TIP. During the 6-month period that the project has a status of Not Conformed, federal processing may be affected, particularly the ability to receive design approval.



Prior to issuing a final NEPA decision, FHWA must ensure the project is included in the conformed, fiscally constrained, metropolitan transportation plan and a subsequent phase of project development must be included in the TIP. A “subsequent phase” of project development may include right-of-way acquisition, final design, or construction activities. The project implementer should coordinate with FHWA early during the NEPA phase to determine what will be needed to satisfy the planning requirements to achieve NEPA approval.

### **Acronyms**

AA – Alternatives Analysis  
CFR – Code of Federal Regulations  
CMAP – Chicago Metropolitan Agency for Planning  
E1/E2 – Phase 1 Engineering/Phase 2 Engineering  
EIS – Environmental Impact Statement  
eTIP – CMAP’s online TIP database  
FHWA – Federal Highway Administration  
FTA – Federal Transit Administration  
IDOT – Illinois Department of Transportation  
IEPA – Illinois Environmental Protection Agency  
MCP – Major Capital Project (identified in GO TO 2040)  
MPO – Metropolitan Planning Organization  
NEPA – National Environmental Policy Act  
NO<sub>x</sub> – Nitrogen Oxides (ozone and fine particulate pollution precursors)  
PM<sub>2.5</sub> – fine particulate matter, a criteria air pollutant  
ROW – Right of Way  
RTA – Regional Transportation Authority  
SIP – State Implementation Plan  
STIP – State Transportation Improvement Program  
TIP – Transportation Improvement Program  
USEPA – United States Environmental Protection Agency  
VMT – Vehicle Miles Traveled