

Beyond Conformity: A New Conversation

A Special Project with MDE, DDOE and COG staff

The purpose of the Beyond Conformity project is to introduce a new conversation about an important policy issue – how to meet future air and climate change challenges in the Washington region.

The air quality and transportation committees of the Metropolitan Washington Council of Governments (MWCOG) have been performing conformity assessments since the early nineteen nineties, but the original intention of conformity assessment – that transportation activities will not delay timely attainment or maintenance of the federal air quality standards [42 USC § 7506(d)]— is undermined by the lengthy process of SIP approval and delays in revising federal health standards. The conformity process in the Metropolitan Washington region uses outdated mobile emissions budgets that have little relationship to new ozone attainment goals or adopted climate goals. It does not encourage emissions reductions from the transportation sector “as soon as practicable”, as is generally required in the Clean Air Act [42 USC § 7511].

The National Capital Region Transportation Planning Board (TPB) is complying with all the requirements of 40 C.F.R. Part 93, the U.S. Environmental Protection Agency’s (EPA’s) transportation conformity regulations, whenever the CLRP and TIP are assessed. Even so, the region does not meet the current ozone standard and likely will not meet the standard by the deadline of 2015 (and of an expected new standard by 2020). In addition, there is a new challenge being addressed through the Clean Air Act – climate change. Although not part of the conformity exercise, the MWCOG and numerous local jurisdictions individually have greenhouse gas (ghg) emission reduction goals for 2020 and 2050 that planners anticipate not being able to meet.

The NOx and CO2 White Papers discuss the challenges facing the region in more detail. Beyond the conformity exercise, there is opportunity to further reduce vehicle emissions, a significant NOx and GHG source. This document recommends ways for environmental planners to engage transportation planners in an exchange of ideas about strategies to meet the region’s air quality and climate change challenges.

Connecting Beyond Conformity with Regional Goals

The Beyond Conformity project is not a stand-alone initiative, but rather is an extension of existing regional initiatives:

1. Region Forward – MWCOG has adopted Region Forward, a vision and guideline for the future. Region Forward goals address land use, transportation, environment, climate and energy, economy and other issues. Region Forward points to strategies minimizing NOx emissions and greenhouse gases which are basic to creating a more sustainable region in terms of

environment, energy and economy. Region Forward includes a goal to reduce ambient air concentrations to below federal standards starting in 2014 and to meet GHG reduction targets by 2020.

2. **Regional Transportation Priorities Plan (RTPP)** – The RTPP provides a sustainable transportation approach in the Washington region focused on transit-oriented development. The plan’s strategy to accommodate future growth in the Regional Activity Centers will help alleviate traffic congestion and crowding and reduce vehicle miles traveled (VMT) resulting in the improvement of air quality and reduction in greenhouse gas emissions, which are also Region Forward objectives. Strategies to promote electric vehicles and commute alternatives, to expand pedestrian and bicycle infrastructure, to develop the Bus Rapid Transit (BRT) system, and to introduce express toll lanes in the region are strategies that will help reduce criteria pollutant levels and greenhouse gas emissions in the region.
3. **What Would It Take (WWIT)** – The WWIT provides a summary of the development, analysis and results of the “What Would it Take?” scenario, which is one of two scenarios in the TPB Scenario Study. This scenario examines what it would take in the National Capital Region to meet aggressive regional climate change mitigation goals in the transportation sector. This report includes a baseline inventory and forecast of carbon dioxide emissions in the region, identification and analysis of potential mitigation strategies, and an analysis of whether any combination of these strategies meets long-term mitigation goals. The report also includes cost-effectiveness analysis of these measures and specifically identifies short-term measures that can be feasibly implemented by local governments in the region.

The Beyond Conformity project will recommend measures included in these and other regional planning documents as part of the revised “Gold Book,” a wide range of actions to reduce emissions at the local and regional level. It is hoped that the proposed measures will initiate a conversation between transportation and environmental planners that may ultimately affect transportation planning in the region.

Beyond Conformity Process

1. Share the White Papers and the 2014 Plan (Gold Book revisions) at a Technical Advisory Committee (TAC) meeting, along with thoughts on moving forward.
2. Work towards agreement that there is a policy issue that warrants consideration through an interagency consultation process.
3. Introduce the possibility of inviting guest speakers from other regions to share their perspectives on and experiences with moving “beyond conformity” requirements.
 - Sacramento Area’s COG: [Mike McKeever](#)
 - City of New York: [Robert Passwell](#)

- [New Jersey DEP](#)

4. Share Beyond Conformity with other committees, including the Metropolitan Washington Air Quality Committee (MWAQC), as deemed appropriate by TAC.

Potential Process Moving Forward

1. Review control measures included in the revised Gold Book ("2014 Plan). Highlight measures with the most emissions reduction potential and that are the most cost-effective.
2. Create a Task Force to help craft annual assessments of how the region is doing with respect to taking steps to meet shared goals by adopting Gold Book measures. The assessments could funnel information into the RTPP, MWAQC, and TPB processes. Task Force actions would be entirely separate from the conformity process.
3. While conducting annual assessments, also identify barriers to meeting regional emissions reduction goals and priorities in the Department of Transportation (DOT) decision-making process (for example, during the selection of projects chosen for inclusion in the annual Constrained Long-Range Plan).

Intended Audience

Implementation of the 2014 Plan could involve consultation with a range of regional and local entities such as:

- MWAQC Technical Advisory Committee
- MWAQC
- State DOTs
- TPB Tech
- TPB

An additional strategy may be to present the Beyond Conformity challenges and project results to various audiences, with targeted suggestions per group based on group-specific timing and process.