

AIR QUALITY EXEMPT CODES

Highway and transit projects of the types listed below are exempt from the requirement to determine air quality conformity. Such projects may proceed toward implementation even in the absence of a conforming MTP and TIP. However, a project of a type listed below is not exempt, if the MPO, in consultation with the Interagency Consultation Group (ICG), concurs that it has regionally significant emissions impacts. The following coded list of exempt projects is derived from “Table 2 - Exempt Projects” in 40 CFR Part 93.126, 40 CFR Part 93.127 (revised per January 24, 2008 Federal Register), and 6 NYCRR Part 240.

A. Safety

- A1. Railroad/highway crossing.
- A2. Hazard elimination program.
- A3. Safer non-Federal-aid system roads.
- A4. Shoulder improvements.
- A5. Increasing sight distance.
- A6. Safety improvement program.
- A7. Traffic control devices and operating assistance other than signalization projects (including ITS maintenance and ITS operations for incident management/safety warnings).
- A8. Railroad/highway crossing warning devices.
- A9. Guiderails, median barriers, and crash cushions.
- A10. Pavement resurfacing and/or rehabilitation.
- A11. Pavement marking demonstration.
- A12. Emergency relief (23 U.S.C. 125).
- A13. Fencing.
- A14. Skid treatments.
- A15. Safety roadside rest areas.
- A16. Adding medians.
- A17. Truck climbing lanes outside the urbanized area.
- A18. Lighting improvements.
- A19. Widening narrow pavements or reconstructing bridges (no additional travel lanes).
- A20. Emergency truck pullovers.

B. Mass Transit

- B1. Operating assistance to transit agencies (or entities that provide transit service).
- B2. Purchase of support vehicles.
- B3. Rehabilitation of transit vehicles.
- B4. Purchase of office, shop, and operating equipment for existing facilities.
- B5. Purchase of operating equipment for vehicles (i.e., radios, fareboxes, lifts, etc.).
- B6. Construction or renovation of power, signal, and communications systems (including new systems to inform passengers of transit line schedule and status).
- B7. Construction of small passenger shelters and information kiosks.
- B8. Reconstruction or renovation of transit buildings and structures (i.e., rail or bus buildings, storage and maintenance facilities, stations, terminals, and ancillary structures).
- B9. Rehabilitation or reconstruction of track structures, track, and track bed in existing rights-of-way.
- B10. Purchase of new buses and rail cars to replace existing vehicles or for minor expansions (< 10%) of the fleet. (NOTE: ICG recommends case-by-case consultation for all expansions).
- B11. Construction of new bus or rail storage/maintenance facilities categorically excluded in 23 CFR 771.

C. Air Quality and Other

- C1. Continuation of ridesharing and van-pooling promotion activities at current levels.
- C2. Bicycle and pedestrian facilities.
- C3. Planning and technical studies that do not proceed to construction.
- C4. Grants for training and research programs.
- C5. Planning activities conducted pursuant to titles 23 and 49 U.S.C.
- C6. Federal-aid systems revisions.
- C7. Engineering to assess social, economic, and environmental effects of the proposed action or alternatives to that action.
- C8. Noise attenuation.
- C9. Emergency or advance land acquisitions (23 CFR 710.503).
- C10. Acquisition of scenic easements.
- C11. Plantings, landscaping, etc.
- C12. Sign removal.
- C13. Directional and informational signs (including ITS maintenance and ITS operations projects).

- C14. Transportation enhancement activities (except *rehabilitation and operation* of historic transportation buildings, structures, or facilities).
- C15. Repair of damage caused by natural disasters, civil unrest, or terrorist acts, except projects involving substantial functional, location, or capacity changes.

Projects Exempt from Regional Emissions Analysis

40 CFR Part 93.127 includes “Table 3 - Projects Exempt from Regional Emissions Analysis,” which is also presented in 6 NYCRR Part 240.28. Such projects are exempt from regional emissions analysis requirements but require consideration of the local effects with respect to CO or PM-10 concentrations to determine if a hot-spot analysis is required prior to making a project-level conformity determination. These projects may then proceed to the project development process, even in the absence of a conforming plan and TIP.

D. “Hot-Spot” Project-Level Conformity Analysis

- D1. Intersection channelization projects.
- D2. Intersection signalization projects at individual intersections.
- D3. Interchange reconfiguration projects.
- D4. Changes in vertical and horizontal alignment.
- D5. Truck size and weight inspection stations.
- D6. Bus terminals and transfer points.

E. Other

- J1. Block of Funds (no projects)
- K1. Exempt/not regionally significant through interagency consultation - and does not have a code listed above, for example, park-and-ride lot less than 100 spaces.
- K2. Project is subject to general conformity - and is not subject to the regional emissions analysis requirements under transportation conformity.