CONFORMITY STREAMLINING EXEMPTION FORM AND GUIDANCE FOR “PROJECTS THAT CORRECT, IMPROVE, OR ELIMINIATE A HAZARDOUS LOCATION OR FEATURE” EXEMPTION

Guidance

The purpose of this form is to provide sufficient information to allow the Transportation Conformity Working Group (TCWG) to determine if a project could be exempt under the “Projects that correct, improve, or eliminate a hazardous location or feature” from 40 CFR 93.126 Table 2, pursuant to federal conformity regulations. This form is only for projects located in nonattainment and maintenance areas for ozone, CO, PM2.5, PM10 and NO2.

The form is not needed under the following circumstances (since transportation conformity already does not apply):

* 1. Clearly fits within one of the other exempt categories pursuant to 40 CFR 93.126; or
  2. Is part of the Highway Safety Improvement Program (HSIP) (i.e., exempt under “Highway Safety Improvement Program implementation” in 40 CFR 93.126); or
  3. Is a traffic signal synchronization project under 40 CFR 93.128; or
  4. Uses no federal funds AND requires no federal approval (i.e., a project-level conformity determination does not apply); or
  5. Road diets: A road diet is a project where one or more vehicle travel lanes are removed to accommodate a variety of transportation modes. Road diets are done for safety purposes. If a road diet is part of a state’s Highway Safety Improvement Program, the road diet is exempt under the Table 2 item, “Highway Safety Improvement Program implementation.” If not, a road diet can still be considered exempt under the Table 2 item, “Projects that correct, improve, or eliminate a hazardous location or feature.” For more information about road diets, including the “Road Diet Informational Guide,” please refer to FHWA’s webpage at <https://safety.fhwa.dot.gov/road_diets/>  
       
     Note: A typical road diet involves converting an existing four-lane undivided roadway segment to a three-lane segment consisting of two through lanes and a center, two-way left-turn lane. The reclaimed space can be allocated for other uses, such as turn lanes, bus lanes, pedestrian refuge islands, bike lanes, sidewalks, etc.
  6. Auxiliary lanes less than 1 mile in length: An auxiliary lane is defined as the portion of the roadway adjoining the traveled way for speed change, turning, weaving, truck climbing, maneuvering of entering and leaving traffic, and other purposes supplementary to through traffic movement. If an auxiliary lane is less than 1 mile in length, it can be considered exempt under the Table 2 item, “Projects that correct, improve, or eliminate a hazardous location or feature.” For more information about auxiliary lanes, please refer to FHWA’s webpage at <https://ops.fhwa.dot.gov/freewaymgmt/publications/frwy_mgmt_handbook/chapter5.htm>
  7. Ramp metering: Ramp metering projects involve installing traffic signals on highway on-ramps to control the frequency at which vehicles enter the flow of traffic, and they are also exempt under the Table 2 item, “Projects that correct, improve, or eliminate a hazardous location or feature.” For more information about ramp metering projects, please refer to FHWA’s webpage at <https://ops.fhwa.dot.gov/publications/fhwahop14020/sec1.htm>
  8. Is a road diet project, a ramp metering project, or an auxiliary lane project that is less than one mile in length (these projects have already been determined to be exempt as “projects that correct, improve, or eliminate a hazardous location or feature.”)

A project sponsor that would like to exempt a project under the exemption titled “Projects that correct, improve, or eliminate a hazardous location or feature” from 40 CFR 93.126 Table 2 will need to present data to the TCWG to demonstrate that the project would resolve a safety issue before this exemption can be used.

It is the responsibility of the project sponsor to ensure that the form is filled out completely and provides a sufficient level of detail for the TCWG to make an informed decision on whether or not a project can be exempt under the “Projects that correct, improve, or eliminate a hazardous location or feature.” For example, if a transportation agency has collision data to show both a need for the project as well as how the project will correct, improve, or eliminate the hazardous location or feature, that data can be presented to the TCWG, and if the TCWG concurs, the project could move forward as exempt. It is also the responsibility of the project sponsor to ensure a representative is available to discuss the project at the TCWG meeting if necessary.

Instructions

1. **Fill out form, beginning on page 1, in its entirety.**
2. **Be sure to include FTIP ID#.**
3. **Submit completed form to your local Transportation Commission who will submit it to the Metropolitan Planning Organization (MPO). Caltrans projects can be submitted by Caltrans District representatives.**

Reference

**Exempt Projects 40 CFR 93.126**

Notwithstanding the other requirements of this subpart, highway and transit projects of the types listed in Table 2 of this section are exempt from the requirement to determine conformity. Such projects may proceed toward implementation even in the absence of a conforming transportation plan and TIP. A particular action of the type listed in table 2 of this section is not exempt if the MPO in consultation with other agencies (see §93.105(c)(1)(iii)), the EPA, and the FHWA (in the case of a highway project) or the FTA (in the case of a transit project) concur that it has potentially adverse emissions impacts for any reason. States and MPOs must ensure that exempt projects do not interfere with transportation control measure (TCM) implementation. Table 2 follows:

**Links to More Information:**

<https://www.fhwa.dot.gov/environment/air_quality/conformity/index.cfm>

<http://www.epa.gov/otaq/stateresources/transconf/index.htm>

**TABLE 2-Exempt Projects**

**Safety**

* Railroad/highway crossing.
* Projects that correct, improve, or eliminate a hazardous location or feature.
* Safer non-Federal-aid system roads.
* Shoulder improvements.
* Increasing sight distance.
* Highway Safety Improvement Program implementation.
* Traffic control devices and operating assistance other than signalization projects.
* Railroad/highway crossing warning devices.
* Guardrails, median barriers, crash cushions.
* Pavement resurfacing and/or rehabilitation.
* Pavement marking.
* Emergency relief (23 U.S.C. 125).
* Fencing.
* Skid treatments.
* Safety roadside rest areas.
* Adding medians.
* Truck climbing lanes outside the urbanized area.
* Lighting improvements.
* Widening narrow pavements or reconstructing bridges (no additional travel lanes).
* Emergency truck pullovers.

Note: This is an excerpt from Table 2, not the complete list of exempt projects from the table.

Project Information

**DIST-CO-RTE-PM:**

**EA/EFIS ID (Caltrans Projects):**

**Fed. Aid. No. (Local Projects):**

**FTIP ID No. (required):**

**TCWG Consideration Date:**

**Pollutant of Concern:**

Contact Information

**Lead Agency:**

**Contact Person:**

**Phone:**       **Fax:**

**Email:**

Environmental Approval Information

**Anticipated Federal Environmental Approval** (check appropriate box)**:**

23 USC 326 CE  23 USC 327 CE  EA  EIS

**Anticipated Date of Federal Environmental Approval:**

**Current Programming Dates** (as appropriate)**:**

|  | **PA&ED** | **PS&E** | **ROW** | **CON** |
| --- | --- | --- | --- | --- |
| **Start** |  |  |  |  |
| **End** |  |  |  |  |

Project Details

**Project Description**

Enter clear project description, include narrative location

**Project Purpose and Need (Summary)** (attach additional sheets as necessary)**:**

Enter text here

**Please provide collision data or justification on the need for the correction, improvement, or elimination of a hazardous location or feature:**

Enter text here

**Comments/Explanation/Details** (attach additional sheets as necessary)**:**

Enter text here