

APPENDIX 3
CONFORMITY DETERMINATION ON 2009 RTP AND
FY 2010-2013 TIP
EXEMPTION CLASSIFICATION CODES & NAMES
DEFINITION OF REGIONAL SIGNIFICANCE

Project Classification

As the first step of the conformity analysis, projects will be classified according to their Exemption Status.

According to the guidelines suggested in the “Final Guidance”, projects are classified according to their Exemption Status. Highway and transit projects classified as “Exempt” are excluded from further emissions analysis. These projects may proceed toward implementation even in the absence of a conforming transportation plan and TIP. These project types are listed in Table 1.

1. Identification of Exempt Projects

Highway and Transit projects classified as “*Exempt*” are excluded from further regional emission analysis. These projects may proceed toward implementation even in the absence of a conforming transportation plan and TIP. These project types are listed in Table 1.

Table 1. Exempt Projects Types [Transportation Conformity Rule, 40 CFR Parts 51 and 93, §93.126,]

Category	Category Source
SAFETY	
S1	Railroad/highway crossing
S2	Hazard elimination program
S3	Safer non-Federal-aid system roads
S4	Shoulder improvements
S5	Increasing sight distance
S6	Safety improvement program
S7	Traffic control devices and operating assistance other than signalization projects
S8	Railroad/highway crossing warning devices
S9	Guardrails, median barriers, crash cushions
S10	Pavement resurfacing and/or rehabilitation
S11	Pavement marking demonstration
S12	Emergency relief (23 U.S.C. 125)
S13	Fencing
S14	Skid treatments
S15	Safety roadside rest areas
S16	Adding medians
S17	Truck climbing lanes outside the urbanized area
S18	Lighting improvements
S19	Widening narrow pavements or reconstructing bridges (no additional travel lanes)
S20	Emergency truck pullovers
MASS TRANSIT	
MT1	Operating assistance to transit agencies
MT2	Purchase of support vehicles
MT3	Rehabilitation of transit vehicles ¹
MT4	Purchase of office, shop, and operating equipment for existing facilities
MT5	Purchase of operating equipment for vehicles (e.g., radios, fare-boxes, lifts, etc.)
MT6	Construction or renovation of power, signal, and communications systems
MT7	Construction of small passenger shelters and information kiosks
MT8	Reconstruction or renovation of transit buildings and structures (e.g., rail or bus buildings, storage and maintenance facilities, stations, terminals, and ancillary structures)
MT9	Rehabilitation or reconstruction of track structures, track, and track bed in existing rights-of-way
MT10	Purchase of new buses and rail cars to replace existing vehicles or for minor expansions of the fleet ¹
MT11	Construction of new bus or rail storage/maintenance facilities categorically excluded in 23 CFR 771

AIR QUALITY

- AQ1 Continuation of ride-sharing and van-pooling promotion activities at current levels
- AQ2 Bicycle and pedestrian facilities

OTHER

- O1 Engineering to assess social, economic, and environmental effects of the proposed action or alternatives to that action
- O2 Noise attenuation
- O3 Advance land acquisitions (23 CFR 712 or 23 CFR 771)
- O4 Acquisition of scenic easements
- O5 Plantings, landscaping, etc.
- O6 Sign removal
- O7 Directional and informational signs
- O8 Transportation enhancement activities (except rehabilitation and operation of historic O9 transportation buildings, structures, or facilities)
- O9 Repair of damage caused by natural disasters, civil unrest, or terrorist acts, except projects involving substantial functional, location or capacity changes

Specific activities which do not involve or lead directly to construction, such as:

- O10a Planning and technical studies
- O10b Grants for training and research programs
- O10c Planning activities conducted pursuant to titles 23 and 49 U.S.C
- O10d Federal-aid systems revisions

¹In PM₁₀ nonattainment or maintenance areas, such projects are exempt only if they are in compliance with control measures in the applicable implementation plan.

For convenience in database development, each exempt category has been given a category code consisting of a letter to indicate its grouping (e.g. “S” for Safety, “MT” for Mass Transit) and a number indicating its relative position on the list. Thus, S1 applies to the first Safety category or “Railway/highway crossing”. The project coding database that accompanies each emissions analysis thus indicates not only whether or not the project has been deemed exempt but the specific reasoning as well. This facilitates both public comment and interagency consultation.

In certain cases, 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 transportation plan and TIP. These project types are listed in Table 2.

Table 2. Projects exempt from regional emission analysis

Category	Category Source
NR1	Intersection channelization projects
NR2	Intersection signalization projects at individual intersections
NR3	Interchange reconfiguration projects
NR4	Changes in vertical and horizontal alignment
NR5	Truck size and weight inspection stations
NR6	Bus terminals and transfer points

Definition of Regional Significance for NJTPA Conformity:

Pertaining only to those projects classified as non-exempt:

Projects on facilities having a functional classification of minor arterial or lower shall not be considered to be regionally significant projects unless sufficient evidence demonstrates the need for an exception. All non-exempt projects on principal arterial or higher functional class facilities and all fixed guideway transit facilities that offer an alternative to regional highway travel will be considered regionally significant.

The MPO shall provide initial determinations regarding exemption and significance status for each project to the interagency group for review and comment. Following consultation, the MPO shall make a final determination for the project pool.

For clarification: those non-exempt projects that are not classified as regionally significant are included in the regional emissions modeling exercises, where possible. The difference between regionally significant and insignificant projects is only manifest for “non-Federal” projects in the event of a freeze or a lapse. Non-Federal projects are those not requiring Federal funding or approval but that are implemented by an agency that is a regular recipient of Federal transportation funds.