April 24, 2015

EPA Docket Center

Environmental Protection Agency

Mail Code 28221T

200 Pennsylvania Ave. NW.

Washington, DC 20460

Administrator Howard Shelanski

Office of Information and Regulatory Affairs

Office of Management and Budget   
725 17th Street, NW  
Washington, DC 20503

Re: Transportation Conformity Determinations for Federally Funded and Approved Transportation Plans, Programs, and Projects (Docket ID No. EPA-HQ-OAR-2007-0269-0017 at [www.regulations.gov](http://www.regulations.gov), EPA ICR No. 2130.05, OMB Control No. 2060-0561)

To the Environmental Protection Agency and the Office of Management and Budget:

The American Association of State Highway and Transportation Officials (AASHTO) and the Association of Metropolitan Planning Organizations (AMPO) welcome the opportunity to provide comments on this transportation conformity information collection request (ICR) issued in the Federal Register on February 23, 2015.

AASHTO is a nonprofit, nonpartisan association representing highway and transportation departments in the 50 states, the District of Columbia, and Puerto Rico. It represents all transportation modes. AASHTO’s primary goal is to foster the development, operation, and maintenance of an integrated national transportation system. Our members work closely with USDOT agencies to operate, maintain, and improve the nation’s transportation system.

AMPO is a nonprofit membership organization established in 1994 to serve the needs and interests of MPOs nationwide. Federal highway and transit statutes require, as a condition for spending federal highway or transit funds in urbanized areas, the designation of the now 400+ MPOs, which have responsibility for planning, programming and coordination of federal highway and transit investments.

EPA is soliciting comments on the accuracy of their estimated burden of the proposed collection of information for transportation conformity. We understand the challenges that EPA faces in developing cost estimates for the conformity process, however, as raised in our previous ICR responses in 2004 and 2011 (Attachments 1 and 2), it is vital that EPA consult with state departments of transportation (DOTs) and metropolitan planning organizations (MPOs) on conformity cost estimates. As MPOs and DOTs are the agencies that fund and implement conformity requirements, we are uniquely qualified to assist EPA more accurately estimate burden hours and annual costs.

AASHTO’s attached 2004 and 2011 comment letters highlight the gap between estimated conformity costs and actual conformity costs. EPA’s analysis assumes that any conformity determination made more frequently than once every 4 years is “voluntary.” However, EPA’s conformity rule specifies conformity frequencies for transportation plans and transportation improvement programs (TIPs) as follows:

* 40 CFR 93.104(b) requires a new conformity determination for each new transportation plan and plan **amendments**.
* 40 CFR 93.104(c) requires conformity of the TIP and its **amendments.**
* 40 CFR 93.104(e) requires conformity determinations for various SIP related issues.

As such, EPA is using fundamentally flawed assumptions that result in significantly underestimated national conformity costs. We recommend that EPA review MPO Unified Planning Work Programs to better understand actual conformity costs across the country.

Accurate estimates of burden hours and conformity process costs will benefit future conformity determinations and amendments, as well as provide needed information to transportation and air quality agencies as they program scarce resources. We request that EPA reconsider the comments in our 2004 and 2011 letters regarding cost estimates, and convene a workgroup with representatives from state DOTs and MPOs to develop more accurate assumptions and methodologies before finalizing cost estimates for the ICR.

We appreciate the opportunity to provide comments on EPA’s proposed ICR and look forward to working with EPA on this issue. Should you have any questions, please contact Shannon Eggleston, AASHTO’s Program Director for Environment, at 202-624-3649, or DeLania Hardy, AMPO Executive Director, at 202-624-3684.

Sincerely,

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| Bud Wright  Executive Director  AASHTO | C:\Users\joconnell\AppData\Local\Microsoft\Windows\Temporary Internet Files\Content.Outlook\TVXA2TG8\dh signature.jpg  DeLania Hardy  Executive Director  AMPO |

**Attachment 1: AASHTO Comments for the 2004 ICR**

**Attachment 2: AASHTO – AMPO Joint Comments for the 2011 ICR**