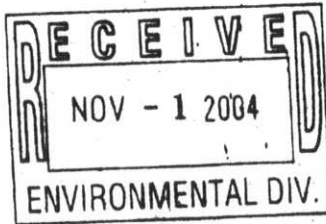




U.S. Department
of Transportation
**Federal Highway
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Virginia Division
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IN REPLY REFER TO:

October 28, 2004

File: FHWA

Procedures For Updating Air
Studies When New Planning
Assumptions Become Available

Mr. Jeffrey Southard
Director of Planning and the Environment
Virginia Department of Transportation
1401 East Broad Street
Richmond, Virginia 23219-2000

Commissioner's

OCT 28 2004

Attention: Mr. Earl T. Robb

Dear Mr. Southard:

In October of 2002, our office provided VDOT with guidance on updating noise studies and noise mitigation designs when changes are made to a project's design assumptions, such as the design year and traffic data. Recently, we received a question from your staff about updating air studies under similar circumstances. The purpose of this letter is to offer guidance on when updated design assumptions should be used to reassess air quality impacts and prepare new air quality analyses.

Questions on the need to update air quality analyses usually arise under two general circumstances: 1) when a project has been inactive and the decision is made to reactivate the project, prompting the need to update project information and prepare a reevaluation in accordance with the National Environmental Policy Act (NEPA); or 2) when a reevaluation is not warranted because project development has actively progressed, albeit at a slower pace than anticipated because of the complexity of the project and related issues that may arise; however, the VDOT Location and Design Division may request that the design year be changed and the traffic data updated for roadway design purposes because of the length of delays experienced during project development.

Under the first circumstance, the decision to update an air analysis will be made by FHWA or by FHWA in consultation with VDOT when a decision is formally made to reevaluate the environmental document as part of the NEPA process and resolution is reached on the issues that will be addressed as part of that reevaluation. Under the second circumstance, when a reevaluation is not being prepared, FHWA will defer to the professional judgment of the VDOT air quality staff to determine the effect the updated design assumptions would have on the existing air quality analysis. If VDOT determines that the updated design assumptions will affect the findings of the original air quality analysis to the degree that it raises questions about whether the project will contribute to or cause a violation of the National Ambient Air Quality Standards, then VDOT will update the air quality analysis in order to address those uncertainties. If VDOT determines that the new design

assumptions will not raise the possibility of a violation and will have very little effect on the original findings, then they will document the files accordingly. It is recognized that a substantial change in traffic must occur in order to effect any noticeable change in the results of the air quality analysis. Therefore, it is expected that the need to update an air quality analysis will only arise on rare occasions; notwithstanding, a determination must be made and documented regarding the adequacy of the existing analysis when design assumptions are updated.

Recently, this office worked with your staff to update the FHWA/VDOT Project-Level Air Quality Studies Agreement, reducing considerably the circumstances under which a project-level air quality analysis would be performed on projects processed with a Categorical Exclusion or Environmental Assessment. Whenever possible, this agreement should be utilized by VDOT as the basis to determine whether changes to a project's design assumptions warrant that the air quality analysis be revisited. It is anticipated that this updated agreement will address some of the projects that come up for review, eliminating the need for VDOT to make a judgment call.

This guidance is intended to address two broad sets of circumstances under which design assumptions may be updated raising questions about the validity of the conclusions of the initial air quality analysis. It is not intended to account for every variation on these circumstances, which may arise and may need to be addressed on a case-by-case basis. If you have any questions on this guidance, please contact me at (804) 775-3338.

Sincerely,

Roberto Fonseca-Martinez
Division Administrator

By:


Edward S. Sundra
Environmental Specialist, Sr.