



# FACT SHEET

## In re: Proposed revisions to Air Pollution Control Regulation No. 49 “Transportation Conformity”

### Introduction

The Department of Environmental Management (DEM), Office of Air Resources, is proposing to amend air pollution control regulation, 250-RICR-120-05-49 “Transportation Conformity” (Part 49).

The Department of Environmental Management, the Department of Transportation, the RI Public Transit Authority and the Department of Administration’s Statewide Planning Office, in their capacity as the states’ Metropolitan Planning Organization, together with their federal counterpart agencies, the Environmental Protection Agency, the Federal Highway Administration and the Federal Transit Administration, must fulfill responsibilities under the federal Clean Air Act, to ensure that federal funding and approval are given to transportation plans, programs and projects that are consistent with the air quality goals established by Rhode Island’s State Implementation Plan (SIP). Conformity, to the purpose of the SIP, means that transportation activities will not cause new air quality violations, worsen existing violations, or delay timely attainment of the National Ambient Air Quality Standards. The federal transportation conformity rule sets forth policy, criteria and procedures for demonstrating and assuring conformity of transportation activities. Part 49 formally incorporates procedures to be followed in RI to complete this process.. The regulation has been updated to current RI Code of Regulations (RICR) format which required the addition of an incorporated materials section.

### Description of Proposed Amendments

The were no substantive changes to the regulation. The regulation has been updated to current RI Code of Regulations (RICR) format which required the addition of an incorporated materials section.

### Demonstration of Need

In 2016, the state revised the Administrative Procedures Act to require that every state regulation be rewritten into the new RICR format by December 31, 2018, or it will no longer be enforceable. In order to meet this requirement Part 49 is being revised to the required RICR format.

### Alternative Approaches Considered

No alternative approaches were considered.

**Identification of Overlapped or Duplicated State Regulations**

The Office of Air Resources has identified no state regulations that overlap or duplicate the proposed amendments.

**Determination of Significant Adverse Economic Impact on Small Business or Any City or Town**

The proposed revisions do not impose any new requirements on regulated entities including any small businesses or any city or town, therefore there is no significant adverse economic impact.

**For more information or copies of the proposed amendments contact:**

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