§93.126 Exempt projects.

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 TCM implementation. Table 2 follows:

**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.
- 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.

*Mass Transit*

- Operating assistance to transit agencies.
- Purchase of support vehicles.
- Rehabilitation of transit vehicles.
- Purchase of office, shop, and operating equipment for existing facilities.
- Purchase of operating equipment for vehicles (e.g., radios, fareboxes, lifts, etc.).
- Construction or renovation of power, signal, and communications systems.
- Construction of small passenger shelters and information kiosks.
- Reconstruction or renovation of transit buildings and structures (e.g., rail or bus buildings, storage and maintenance facilities, stations, terminals, and ancillary structures).
- Rehabilitation or reconstruction of track structures, track, and trackbed in existing rights-of-way.
- Purchase of new buses and rail cars to replace existing vehicles or for minor expansions of the fleet.
- Construction of new bus or rail storage/maintenance facilities categorically excluded in 23 CFR part 771.

*Air Quality*

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

• Specific activities which do not involve or lead directly to construction, such as:
  - Planning and technical studies.
  - Grants for training and research programs.
  - Planning activities conducted pursuant to titles 23 and 49 U.S.C.
  - Federal-aid systems revisions.
  - Engineering to assess social, economic, and environmental effects of the proposed action or alternatives to that action.
  - Noise attenuation.
  - Emergency or hardship advance land acquisitions (23 CFR 710.503).
  - Acquisition of scenic easements.
  - Plantings, landscaping, etc.
  - Sign removal.
  - Directional and informational signs.

• Transportation enhancement activities (except rehabilitation and operation of historic transportation buildings, structures, or facilities).

• Repair of damage caused by natural disasters, civil unrest, or terrorist acts, except projects involving substantial functional, locational or capacity changes.

NOTE: In PM$_{10}$ and PM$_{2.5}$ nonattainment or maintenance areas, such projects are exempt only if they are in compliance with control measures in the applicable implementation plan.


§ 93.127 Projects exempt from regional emissions analyses.

Notwithstanding the other requirements of this subpart, highway and transit projects of the types listed in Table 3 of this section are exempt from regional emissions analysis requirements. The local effects of these projects with respect to CO or PM$_{10}$ concentrations must be considered to determine if 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. A particular action of the type listed in Table 3 of this section is not exempt from regional emissions analysis 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 potential regional impacts for any reason. Table 3 follows:

PROJECTS EXEMPT FROM REGIONAL EMISSIONS ANALYSES

• Intersection Channelization Projects
• Intersection Signalization Projects At Individual Intersections
• Interchange Reconfiguration Projects
• Changes In Vertical And Horizontal Alignment
• Truck Size And Weight Inspection Stations
• Bus Terminals And Transfer Points