

**WAC 173-420-100 Transportation project conformity.** (1) This section applies to all transportation projects on the regional transportation system regardless of funding base within a metropolitan area boundary of any region that is contained either wholly or partially in a nonattainment area. Projects that are exempted from these requirements because they are deemed to have neutral impact on air quality are listed in WAC 173-420-110.

(2) Transportation projects shall meet the analysis requirements of this section before approval of plans, specifications, and estimates; before acquisition of right of way not exempted under WAC 173-420-110; and before expenditure of funds for construction. In no instance shall funds be obligated nor approvals granted that will commit a lead agency to construction of a project if the requirements of this section have not been met.

(3) Transportation projects on the regional transportation system that are located outside a nonattainment area but affect a nonattainment area shall meet the requirements of this section and SEPA (chapter 197-11 WAC). Such transportation projects need not come from a conforming transportation improvement program.

(4) Any temporary construction-related measures shall not prevent a conformity determination, but shall be subject to permit conditions to minimize pollution during construction.

(5) Transportation projects shall be modeled by the lead agency with the methodology determined in WAC 173-420-070. The lead agency shall provide sufficient documentation to demonstrate to the MPO that the requirements of this section are met. Such transportation projects shall be included in a conforming transportation improvement program as described in WAC 173-420-090.

(6) Transportation projects that are not on the regional transportation system and are located in a MAB with a conforming transportation plan and improvement program are deemed to comply with this chapter. Such projects may include, but are not limited to, intersection signalization and channelization, or construction of local or collector streets. In no instances shall the requirements of WAC 173-420-060 be contravened. Transportation projects that are not on a regional transportation system and are not located in a nonattainment area for criteria pollutants are deemed to comply with this chapter.

(7) Transportation projects that are included in a conforming transportation improvement program and that have completed the public comment period of the environmental review requirements of the SEPA or the NEPA before adoption of this chapter, are not required to comply with the conformity requirements of this chapter unless there are significant changes in the project scope.

[Statutory Authority: Chapter 70.94 RCW and RCW 70.94.037. WSR 93-04-006 (Order 92-07), § 173-420-100, filed 1/22/93, effective 2/22/93.]