

§ 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 - 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.
- Emergency relief ([23 U.S.C. 125](#)).
- 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 1.

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 1.

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:

1In PM10 and PM2.5 nonattainment or maintenance areas, such projects are exempt only if they are in compliance with control measures in the applicable implementation plan. [[62 FR 43801](#), Aug. 15, 1997, as amended at [69 FR 40081](#), July 1, 2004; [71 FR 12510](#), Mar. 10, 2006; [73 FR 4441](#), Jan. 24, 2008]

§ 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 concentrations must be considered to determine if a [hot-spot analysis](#) is required prior to making a [project-level conformity determination](#). The local effects of [projects](#) with respect to PM10 and PM2.5 concentrations must be considered and a [hot-spot analysis](#) performed prior to making a [project-level conformity determination](#), if a [project](#) in Table 3 also meets the criteria in [§ 93.123\(b\)\(1\)](#). 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:

Table 3 - 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.

[[58 FR 62235](#), Nov. 24, 1993, as amended at [71 FR 12511](#), Mar. 10, 2006]

§ 93.128 Traffic signal synchronization projects.

Traffic signal synchronization [projects](#) may be approved, funded, and implemented without satisfying the requirements of this subpart. However, all subsequent regional emissions analyses required by [§§ 93.118](#) and 93.119 for [transportation](#) plans, [TIPs](#), or [projects](#) not from a conforming plan and [TIP](#) must include such regionally significant traffic signal synchronization [projects](#).