(2) Variations for other parameters, such as test fuel, should be minimized to the maximum extent possible.

(3) Locomotive and/or locomotive engine tests conducted in accordance with the provisions of Subpart B of this part are preferred. Where appropriate, engine tests conducted in accordance with 40 CFR part 89 may also be used.

(4) Equivalency of the systems should be determined by comparing individual modal data, individual cycle-weighted data, and the average cycle-weighted results from each system.

(b) *Correlation criteria for particulate measurements.* (1) The correlation coefficient (R^2) for individual modal data should be 0.90, or higher.

(2) The maximum deviation between any pair of cycle-weighted data should be 15 percent, or less.

(3) The ratio of average cycle-weighted results using the alternate system to the average cycle-weighted results using the specified Part 92 system (i.e., avg_{alt}/avg_{spc}) should be between 0.97 and 1.05.

(c) *Correlation criteria for other measurements.* Correlation parameters for gaseous pollutants should be better than those specified in paragraph (b) of this appendix for particulate measurements.

(d) *Minimum number of tests.* The recommended minimum number of tests with each system necessary to determine equivalency is:

(1) Four 13-mode locomotive or locomotive engine tests, conducted in accordance with the provisions of subpart B of this part; or

(2) Seven 8-mode nonroad engine tests, conducted in accordance with the provisions of 40 CFR part 89.

(e) *Statistical outliers.* Statistical outliers may be excluded consistent with good engineering judgement. Outliers should be replaced by rerunning each excluded test point. Where more than one outlier is excluded, is recommended to perform one additional pair of tests (in addition to the minimum number specified in paragraph (d) of this appendix) for each two outliers excluded.

PART 93—DETERMINING CONFORMITY OF FEDERAL ACTIONS TO STATE OR FEDERAL IMPLEMENTATION PLANS

Subpart A—Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Developed, Funded or Approved Under Title 23 U.S.C. or the Federal Transit Laws

Sec.

Subpart B—Determining Conformity of General Federal Actions to State or Federal Implementation Plans

AUTHORITY: 42 U.S.C. 7401–7671q.

SOURCE: 58 FR 62235, Nov. 24, 1993, unless otherwise noted.

Subpart A—Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Developed, Funded or Approved Under Title 23 U.S.C. or the Federal Transit Laws

SOURCE: 62 FR 43801, Aug. 15, 1997, unless otherwise noted.

§ 93.100 Purpose.

The purpose of this subpart is to implement section 176(c) of the Clean Air Act (CAA), as amended (42 U.S.C. 7401 *et seq.*), and the related requirements of 23 U.S.C. 109(j), with respect to the conformity of transportation plans, programs, and projects which are developed, funded, or approved by the United States Department of Transportation (DOT), and by metropolitan planning organizations (MPOs) or other recipients of funds under title 23 U.S.C. or the Federal Transit Laws (49 U.S.C. Chapter 53). This subpart sets forth policy, criteria, and procedures for demonstrating and assuring conformity of such activities to an applicable implementation plan developed pursuant to section 110 and Part D of the CAA.

§ 93.101 Definitions.

Terms used but not defined in this subpart shall have the meaning given them by the CAA, titles 23 and 49 U.S.C., other Environmental Protection Agency (EPA) regulations, or other DOT regulations, in that order of priority.

Applicable implementation plan is defined in section 302(q) of the CAA and means the portion (or portions) of the implementation plan, or most recent revision thereof, which has been approved under section 110, or promulgated under section 110(c), or promulgated or approved pursuant to regulations promulgated under section 301(d) and which implements the relevant requirements of the CAA.

CAA means the Clean Air Act, as amended (42 U.S.C. 7401 *et seq.*).

Cause or contribute to a new violation for a project means:

(1) To cause or contribute to a new violation of a standard in the area substantially affected by the project or over a region which would otherwise not be in violation of the standard during the future period in question, if the project were not implemented; or

(2) To contribute to a new violation in a manner that would increase the frequency or severity of a new violation of a standard in such area.

Clean data means air quality monitoring data determined by EPA to meet the requirements of 40 CFR part 58 that indicate attainment of the national ambient air quality standard.

Control strategy implementation plan revision is the implementation plan which contains specific strategies for controlling the emissions of and reducing ambient levels of pollutants in order to satisfy CAA requirements for demonstrations of reasonable further progress and attainment (CAA sections 182(b)(1), 182(c)(2)(A), 182(c)(2)(B), 187(a)(7), 189(a)(1)(B), and 189(b)(1)(A); and sections 192(a) and 192(b), for nitrogen dioxide).

Design concept means the type of facility identified by the project, e.g., freeway, expressway, arterial highway, grade-separated highway, reserved right-of-way rail transit, mixed-traffic rail transit, exclusive busway, etc.

Design scope means the design aspects which will affect the proposed facility's impact on regional emissions, usually as they relate to vehicle or person carrying capacity and control, e.g., number of lanes or tracks to be constructed