

#### **401 KAR 50:066. Conformity of transportation plans, programs, and projects.**

RELATES TO: KRS 224.10-100, 224.20-100, 224.20-110, 23 C.F.R. Part 450, 40 C.F.R. 51.390, Part 93, 49 C.F.R. Part 613, 23 U.S.C. 109, 134, 42 U.S.C. 7506(c)(4), 49 U.S.C. 53, EO 2008-507, 2008-531

STATUTORY AUTHORITY: KRS 224.10-100(5), 224.20-100, 224.20-110, 42 U.S.C. 7506(c)(4)

##### **CERTIFICATION STATEMENT:**

**NECESSITY, FUNCTION, AND CONFORMITY:** KRS 224.10-100(5) authorizes the Environmental and Public Protection Cabinet to promulgate administrative regulations for the prevention, abatement, and control of air pollution. EO 2008-507 and 2008-531, effective June 16, 2008, abolish the Environmental and Public Protection Cabinet and establish the new Energy and Environment Cabinet. This administrative regulation adopts the Federal Transportation Conformity Rules as codified in 40 C.F.R. Part 93 Subpart A and incorporates a guidance document that establishes criteria and procedures for the interagency consultation process used in demonstrating conformity of federal transportation plans to the Kentucky State Implementation Plan.

Section 1. All transportation plans, transportation improvement plans, and projects subject to 40 C.F.R. 93, Subpart A, shall be found to conform to the Kentucky State Implementation plan before they shall be implemented. This finding of conformity shall be done in accordance with the consultation procedures outlined in the document, Transportation Conformity: A Guide for Interagency Consultation.

##### **Section 2. Incorporation by Reference.**

(1) "Transportation Conformity: A Guide for Interagency Consultation", September 2008, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the following offices of the Division for Air Quality, Monday through Friday, 8 a.m. to 4:30 p.m.:

(a) The Division for Air Quality, 300 Sower Boulevard, Frankfort Kentucky 40601, (502) 564-3999;

(b) Ashland Regional Office, 1550 Wolohan Drive, Suite 1, Ashland, Kentucky 41102-8942, (606) 929-5285;

(c) Bowling Green Regional Office, 2642 Russellville Road, Bowling Green, Kentucky 42101, (270) 746-7475;

(d) Florence Regional Office, 8020 Veterans Memorial Drive, Suite 110, Florence, Kentucky 41042, (859) 525-4923;

(e) Frankfort Regional Office, 300 Sower Boulevard, Frankfort Kentucky 40601, (502) 564-3358;

(f) Hazard Regional Office, 233 Birch Street, Suite 2, Hazard, Kentucky 41701, (606) 435-6022;

(g) London Regional Office, 875 S. Main Street, London, Kentucky 40741, (606) 330-2080;

(h) Owensboro Regional Office, 3032 Alvey Park Drive W., Suite 700, Owensboro, Kentucky 42303, (270) 687-7304; and

(i) Paducah Regional Office, 130 Eagle Nest Drive, Paducah, Kentucky 42003, (270) 898-8468.

(401 KAR 050:066. 24 Ky.R. 800; 1244; eff. 11-12-1997; TAm eff. 8-9-2007; 35 Ky.R. 188, 941; 1185; eff. 11-12-2008; TAm eff. 9-16-2013; TAm eff. 7-8-2016; Crt eff. 11-21-2018; Crt eff. 11-14-2025.)