
Transportation Conformity Determination Report Central Indiana

*Boone, Hamilton, Hancock, Hendricks,
Johnson, Madison, Marion, Morgan, and Shelby Counties*

*– Indianapolis Metropolitan Planning Organization –
– Madison County Council of Governments –
– Columbus Area Metropolitan Planning Organization –
– Indiana Department of Transportation –*

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Contents

1. Overview	3
2. Background	3
3. Current Air Quality Status	3
4. Transportation Conformity Requirements	4
5. Latest Planning Assumptions	5
6. Consultation	5
7. Transportation Control Measures.....	6
8. Fiscal Constraint	6
7. Conclusion.....	8
Appendix A: Conformity Documentation Public Comments	9

1. Overview

As part of its transportation planning process, the Indianapolis Metropolitan Planning Organization (IMPO) completed the transportation conformity process for the Long Range Transportation Plans (LRTPs) and Transportation Improvement Programs (TIPs) for the 9-county Central Indiana 1997 NAAQS region. This report documents that the following LRTPs and TIPs meet the federal transportation conformity requirements in 40 CFR Part 93.

- Indianapolis Metropolitan Planning Organization (indympo.org)
 - [2045 LRTP](#) (Specifically Amendment #5's current list of projects)
 - [2020-2023 TIP](#) ([MITIP](#))
- Madison County Council of Governments (mccog.net)
 - [2045 LRTP](#)
 - [2020-2023 TIP](#)
- Columbus Area Metropolitan Planning Organization
 - Regarding this particular region, in 2014 the Indianapolis MPO (IMPO), Madison County Council of Governments (MCCOG), and the Columbus Area MPO (CAMPO) signed a Memorandum of agreement to establish policies for overlapping or adjacent areas. Per that agreement, "In 2010, the IMPO's Metropolitan Planning Area (MPA) was expanded to include the two townships that [were] part of the Columbus UZA... **This expansion removed the CAMPO from the central Indiana air quality conformity process.**" "For the two townships in Johnson/Shelby counties, IMPO will continue to perform applicable air quality conformity determinations."

2. Background

MPOs work closely with their local public agencies (cities, towns, and counties), as well as the Indiana Department of Transportation (INDOT), local transit operators, fellow MPOs, and other relevant agencies in creating their LRTPs. As projects are selected for federal funding they advance to implementation, at which point they are programmed into MPOs' 5-year TIPs for study, design, and construction, provided they attain environmental permits and other necessary clearances.

3. Current Air Quality Status

Clean Air Act (CAA) section 176(c) (42 U.S.C. 7506(c)) requires that federally funded or approved highway and transit activities are consistent with ("conform to") the purpose of the State Implementation Plan (SIP). Conformity to the purpose of the SIP means that transportation activities will not cause or contribute to new air quality violations, worsen existing violations, or delay timely attainment of the relevant NAAQS or any interim milestones. 42 U.S.C. 7506(c)(1). The United States Environmental Protection Agency's (EPA's) transportation conformity rules establish the criteria and procedures for determining whether metropolitan transportation plans, transportation improvement programs (TIPs), and federally supported highway and transit projects conform to the SIP. 40 CFR Parts 51.390 and 93.

On February 16, 2018, the United States Court of Appeals for the District of Columbia Circuit in *South Coast Air Quality Mgmt. District v. EPA* (“South Coast II,” 882 F.3d 1138) held that transportation conformity determinations must be made in areas that were either nonattainment or maintenance for the 1997 ozone national ambient air quality standard (NAAQS) and attainment for the 2008 ozone NAAQS when the 1997 ozone NAAQS was revoked. These conformity determinations are required in these areas after February 16, 2019. The 9-county Central Indiana conformity area¹ was nonattainment at the time of the 1997 ozone NAAQS revocation on April 6, 2015 and was also designated attainment for the 2008 ozone NAAQS on May 21, 2012 and as attainment for the 2015 ozone NAAQS. Therefore, per the South Coast II decision, this conformity determination is being made for the 1997 ozone NAAQS on the 9-County Central Indiana conformity area L RTPs and T IPs.

This conformity determination was completed consistent with CAA requirements, existing associated regulations at 40 CFR Parts 51.390 and 93, and the South Coast II decision, according to EPA’s Transportation Conformity Guidance for the South Coast II Court Decision issued on November 29, 2018.

4. Transportation Conformity Requirements

On November 29, 2018, EPA issued **Transportation Conformity Guidance for the South Coast II Court Decision**² (EPA-420-B-18-050, November 2018) that addresses how transportation conformity determinations can be made in areas that were nonattainment or maintenance for the 1997 ozone NAAQS when the 1997 ozone NAAQS was revoked, but were designated attainment for the 2008 ozone NAAQS in EPA’s original designations for this NAAQS (May 21, 2012).

The transportation conformity regulation at 40 CFR 93.109 sets forth the criteria and procedures for determining conformity. The conformity criteria for L RTPs and T IPs include: latest planning assumptions (93.110), latest emissions model (93.111), consultation (93.112), transportation control measures (93.113(b) and (c)), and emissions budget and/or interim emissions (93.118 and/or 93.119). For the 1997 ozone NAAQS areas, transportation conformity for L RTPs and T IPs for the 1997 ozone NAAQS can be demonstrated without a regional emissions analysis, per 40 CFR 93.109(c). This provision states that the regional emissions analysis requirement applies one year after the effective date of EPA’s nonattainment designation for a NAAQS and until the effective date of revocation of such NAAQS for an area. The 1997 ozone NAAQS revocation was effective on April 6, 2015, and the South Coast II court upheld the revocation. As no regional emission analysis is required for this conformity determination, there is no requirement to use the latest emissions model, or budget or interim emissions tests.

Therefore, transportation conformity for the 9-County Central Indiana conformity area can be demonstrated by showing the remaining requirements in Table 1 in 40 CFR 93.109 have been met. These requirements, which are laid out in Section 2.4 of EPA’s guidance and addressed below, include:

¹ The 9-County Central Indiana conformity area includes Boone, Hamilton, Madison, Hendricks, Marion, Hancock, Morgan, Johnson, and Shelby counties.

² Available from <https://www.epa.gov/sites/production/files/2018-11/documents/420b18050.pdf>

- Latest planning assumptions (93.110)
- Consultation (93.112)
- Transportation Control Measures (93.113)
- Fiscal constraint (93.108)

5. Latest Planning Assumptions

The use of latest planning assumptions in 40 CFR 93.110 of the conformity rule generally apply to regional emissions analysis. In the 1997 ozone NAAQS areas, the use of latest planning assumptions requirement applies to assumptions about transportation control measures (TCMs) in an approved SIP.

The Indiana SIP does not include any TCMs, see also Section 7.

6. Consultation

The consultation requirements in 40 CFR 93.112 were addressed both for interagency consultation and public consultation. Interagency consultation was conducted consistent with the Indiana Conformity SIP and including the following agencies: FHWA, FTA, IDEM, EPA, INDOT, IndyGo, CIRTA, City of Anderson Transit System (CATS), Indianapolis DPW, Indianapolis MPO (IMPO), Madison County Council of Governments (MCCOG), and Columbus Area MPO (CAMPO).

On January 16, 2019, as part of a previous LRTP amendment, an email was sent to ICG members stating that there are no TCMs in the Indiana SIP for the 9-county Central Indiana ozone area.

The interagency consultation group (ICG) received an email on June 29, 2020 which included a list of projects under consideration for amendment into the IMPO's and MCCOG's LRTPs and a projected timeline for the amendment processes. The ICG were asked to provide questions, comments, or their concurrence by July 13, 2020. A follow up email was sent on July 7, 2020 with one additional project, which was determined to be an exempt project. The draft consultation document was made available for ICG review and comment between July 20, 2020, and August 20, 2020.

Public consultation was conducted consistent with planning rule requirements in 23 CFR 450. This conformity determination report, as well as the IMPO 2045 LRTP Amendment #5 and MCCOG 2045 LRTP Amendment, were made available for public review and comment from July 20, 2020 through August 3, 2020, and during a public hearing on August 19, 2020 at the Indianapolis MPO Transportation Policy Committee Meeting and a during a public hearing on August 3, 2020 in Anderson, IN. A summary of comments can be found in Appendix A.

7. Transportation Control Measures

The Indiana SIP has no Transportation Control Measures (TCMs) for the 9-county Central Indiana ozone area.

8. Fiscal Constraint

Transportation conformity requirements in 40 CFR 93.108 state that transportation plans and TIPs must be fiscally constrained consistent with DOT's metropolitan planning regulations at 23 CFR part 450. This amendment meets reasonable fiscal constraint requirements.

This conformity update includes the following projects, some of which will be amended into the IMPO 2045 LRTP and the MCCOG 2045 LRTP. The CAMPO LRTP has no amendments as part of this conformity update. Note that exempt projects are reviewed for conformity via a separate TIP process.

Regionally Significant, Non-Exempt amendments for IMPO

(to be added to the Indianapolis MPO's 2045 LRTP List of Projects and included in fiscal constraint):

- **I-70 ATL** (Hancock County – INDOT) – LRTP# 3002 – DES# 1702919 – Add to Time Period 1, Open to traffic 2023 – ATL from 1.0 mi west of Mt Comfort Rd to 1.2 mi east of SR 9 (10 miles) – from 4 lanes to 6 lanes – \$84,152,000
- **SR 32 ATL** (Hamilton County – INDOT) – LRTP# 2021 – DES# 2000158 – Add to Time Period 2, Open to traffic 2026 – ATL from Hazel Dell Road to Mensa Road (2.2 miles) – from 2 lanes to 4 lanes – \$18,077,471
- **Purple Line BRT** (Marion County – IndyGo) – LRTP# 9007 – DES# 1801414 – Modify within Time Period 1, Open for operation 2023 – Dedicated BRT lanes from Downtown Indianapolis to the City of Lawrence (15.2 miles) – \$155,000,000

Regionally Significant, Non-Exempt amendments for MCCOG

- **SR 13 ATL** (Madison County) – DES # 1400064 – LRTP Period 2020-2025, Open to traffic 2022 – Added Travel Lanes and new signals on SR 13 from .08 miles south of, to .23 miles north of, I-69 Exit 214 interchange (0.31 miles) – from intermittent 2 lanes with center turn lane to intermittent 4 lanes with center turn lane plus new auxiliary lane alignment for I-69 ramps (< 1/4 mile in length each) – \$4,805,357.
- **SR 9 / US 36 / SR 67 / SR 38 ATL** (Madison County) – DES # 1702936 / DES # 1802854 – LRTP Period 2025-2035, Open to traffic 2026 (est.) – Added Travel Lanes on SR 9 in Pendleton from Madison Avenue to Huntsville Road (1 mile) [overlapping road names omitted] – from 2 lanes with center turn lane to 4 lanes with center turn lane and/or median – \$3,700,000.
- **73rd/67th Street Extension Project** (Madison County) – DES # 1592299 – LRTP Period 2025-2035 – New Road Construction, 4-lane, limited access, with multi-use paths, parallel to I-69 (north side) between Exit 222 and Exit 219 (4 miles) – funding from 2 separate Federal Earmarks – \$39,876,746.

- **SR 9 @ CR 600 N/Linwood Road** (Madison County) – DES # 1900152 – LRTP Period 2025-2035, Open to traffic 2026 (est.) – Intersection Improvement on SR 9 north of Anderson with Added Travel Lanes (~ 1,100 ft), removed traffic signals, and construction of restricted crossing U-turn (RCUT) intersection – \$1,162,000.
- **SR 13 @ CR 800 N** (Madison County) – DES # 1900171 – LRTP Period 2025-2035, Open to traffic 2025 (est.) – Intersection Improvement on SR 13 in Ingalls with Added Travel Lanes (~ 2,500 ft), changing from stop-controlled east-west intersection to a signalized intersection – \$954,000.

Non-Exempt amendments within Central Indiana 9-county ozone area to be add to the regional Transportation Demand Model:

- None

Projects determined to be exempt during the ICG Consultation Process:

- **Stinemyer Rd** (Hancock County) – Extending Stinemyer Rd. from 500 W to 550 W – New Road (1/2 mile), 2 lanes – \$1,237,000 (Project received INDOT Category 4 funding)
 - Based on exempt status, project will be remove from IMPO LRTP

The following table summarizes planned expenditures by plan period from the tables for MPOs in the 9-County Central Indiana conformity area. In each period the projected revenue is above the planned costs, therefore the plan is fiscally constrained.

IMPO LRTP				
Time Period	2016-2025	2026-2035	2036-2045	TOTAL
State Revenues	\$3.7 B	\$5.2 B	\$6.6 B	\$15.5 B
State Spending	\$2.3 B	\$0	\$0	\$2.3 B
Fiscally Constrained	✓	✓	✓	✓
Total Local Revenues	\$2.8 B	\$3.4 B	\$4.1 B	\$10.3 B
Local Spending	\$0.8 B	\$0.8 B	\$1.0 B	\$2.7 B
Fiscally Constrained	✓	✓	✓	✓
IndyGo Revenues	\$1.8 B	\$1.9 B	\$2.1 B	\$5.8 B
IndyGo Spending	\$0.53 B	\$0	\$0	\$.53 B
Fiscally Constrained	✓	✓	✓	✓

Spending totals updated as part of LRTP Amendment #5.

Source: Indianapolis MPO. All figures are rounded and in billions.

MCCOG LRTP				
Analysis Period	2017-2025	2026-2035	2036-2045	Total
State Revenues	\$78.84 M	\$72.12 M	-	\$150.96 M
State Spent	\$78.84 M	\$72.12 M	-	\$150.96 M
Constrained	YES	YES	YES	YES
Total Local Revenues	\$178.92 M	\$239.47 M	\$291.28 M	\$709.67 M
Local O&M	\$139.58 M	\$187.25 M	\$228.26 M	\$555.10 M
Local Available	\$39.33 M	\$52.22 M	\$63.02 M	\$154.58 M
MPO Available	\$34.41 M	\$28.84 M	\$28.84 M	\$92.10 M
Special Available	\$20.92 M	\$15.00 M	-	\$35.92 M
Total Federal Available	\$55.33 M	\$43.84 M	\$28.84 M	\$128.02 M
2045 MTP Plan Cost	\$68.76 M	\$54.00 M	\$34.35 M	\$157.11 M
Total Federal Spent	\$55.01 M	\$43.20 M	\$27.48 M	\$125.69 M
Local Spent (Fed Aid)	\$13.75 M	\$10.80 M	\$6.87 M	\$31.42 M
Constrained	YES	YES	YES	YES
Transit Revenues	\$1.84 M	\$16.33 M	\$19.91 M	\$38.08 M
Transit Federal/State	\$16.32 M	\$18.18 M	\$18.18 M	\$52.67 M
CATS/TRAM Spent	\$18.15 M	\$34.51 M	\$38.09 M	\$90.75 M
Constrained	YES	YES	YES	YES

Spending totals updated as part of the 2045 Metropolitan Transportation Plan.

Source: MCCOG. All figures are rounded and in millions.

7. Conclusion

This conformity determination process demonstrates that these planning documents meet the Clean Air Act and Transportation Conformity rule requirements for the 1997 ozone NAAQS.

The 9-County Central Indiana conformity area LRTPs and TIPs demonstrate fiscal constraint per the requirements in 40 CFR 93.108.

Appendix A: Conformity Documentation Public Comments

Public consultation was conducted consistent with planning rule requirements in 23 CFR 450. This conformity determination report, as well as the IMPO 2045 LRTP Amendment #5 and MCCOG 2045 LRTP Amendment, were made available for public review and comment from July 20, 2020 through August 3, 2020. The IMPO held a public hearing on August 19, 2020 during the Indianapolis MPO Transportation Policy Committee Meeting. MCCOG held a public hearing on August 3, 2020.

The Indianapolis MPO:

- issued an official public notice to the Indianapolis Star and Indianapolis Recorder
- sent press release to newspapers including Indianapolis Star, Indianapolis Recorder, IBJ, Daily Journal (Johnson County), Hamilton County Reporter, Current (multiple), Greenfield Reporter, The Republican (Hendricks County), and The Times (Hamilton County)
- advertised the public comment opportunity via social media accounts (facebook and twitter)
- included the public comment opportunity in the weekly teMPO e-newsletter

Comments / questions received during the public comment period

- **Connie Szabo Schmucker (regarding the IMPO amendment):**

I don't see any bicycle/pedestrian projects in this 2045 LRTP - are they somewhere else and this is just amendments to the LRTP 2045 or are there really no Bike/Ped projects in the LRTP 2045?

Also - concerned about 2036-2045 plans for the following:

- 56th St from Raceway to Dandy Trail 2 lanes - 4 lanes - isn't this across the eagle creek dam where the bike lanes just got put in?
- Southport Road Bluff to US 31 going from 2 to 4 lanes - this had been a designated bicycle corridor (and the only place to cross the river by bike in the entire SW quadrant of Marion County) - going from 2 to 4 lanes - any opportunity to include separated bike lanes in this project?
- Fall creek Road from Hague to Shadeland - expanding from 2 to 4 lanes - any opportunity to add bicycle infrastructure along here to access Fort Harrison State Park and extend Fall Creek Trail to 79th St. as originally envisioned.

And in keeping with Complete Streets - all the listed projects should have bicycle and pedestrian accommodations. And if not, why not?

with investment in BRT, there should be less need for expansion of roadways

with the aftermath of the pandemic, there is potentially 30% DROP in commuting as more people who are able to work from home will choose to do that.

It looks like a majority of the projects are ATL.

The LRTP needs to be rethought in terms of climate change impact, changes in commuting behaviors and changes in general transportation moving into our new normal.

The Federal INVEST Act has guidelines for MORE investment in active transportation and need for climate impact evaluation. I wonder how the LRTP 2045 will stand up to the guidelines in the upcoming and future federal transportation bills.

- **Response:**

The Long Range Transportation Plan only includes project information for “capacity expansion” projects, or basically added lanes, new roads, etc. It’s essentially the projects that can be reflected in our travel demand model (TDM), which wasn’t built to work for bikeway projects. That’s why we have supplemental pedestrian, bike, and transit plans. However, the Transportation Improvement Program (<https://MiTIP.IndyMPO.org>) which is our short-term program of funded projects, DOES show bike and other projects, if you’re wondering where to find them.

Regarding the specific Indianapolis projects you mentioned, please make sure you talk to DMD and DPW directly about those. Because the LRTP is a 30-year plan, most of the projects, especially in the 2nd and 3rd time period, do not have sufficient planning or design details to indicate if there are bikeways or not. So make sure they know you want them for those projects. We will be doing a new call for LRTP projects at the end of this year, and our communities may choose to add new projects, remove old projects, or projects already in there may end up changing time periods. Indianapolis has done significant work in re-thinking its thoroughfares in the in the Indy Moves Plan, and those changes will be made in the new LRTP update. After the call and before we score anything, we will put the projects out for public comment and pass those comments along to the communities.

Regarding the Complete Streets Policy, that applies to our TIP. If a project applies to receive certain federal funding for a project, they have to adhere to the Complete Streets Policy.

Regarding your last comments: Noted. We’re preparing to update the LRTP in 2021. While the LRTP will continue to only address capacity expansion projects, as part of the update

- we are creating a preferred land use scenario plan, which will have an effect on our population and other projects for the future. Keep an eye out for a survey on the scenario options (which include some of the future drivers you mentioned, like how people shop and commute, etc.) around September/October.
- we have done an data-driven analysis of regional land uses to identify regional activity centers. The final report on that effort will be released soon. It essentially identifies activity centers for things like freight hubs, walkable areas, major regional destinations, etc. and will likely factor into the LRTP scoring criteria, as well as be something we can use outside of LRTP work.

Comments / questions received during public hearings

- No comments received during the MCCOG public hearing on August 3, 2020.
- No comments received during the IMPO public hearing on August 19, 2020.