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# Transportation Conformity Determination Report Central Indiana

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*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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## 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) / Metropolitan Transportation Plans (MTPs) 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](http://indympo.org))
  - [2045 LRTP](#) (Specifically Amendment #6's current list of projects)
  - [2020-2023 TIP \(MITIP\)](#) (Including amendment Q1, 2021 INDOT 20-10 and Q1, 2021 LOCAL 20-10.2)
- Madison County Council of Governments ([mccog.net](http://mccog.net))
  - [2045 MTP](#) (Approved October 1, 2020)
  - [2020-2023 TIP](#) (As of January 8, 2021)
- 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/MTPs. 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 area<sup>1</sup> 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 LRTPs/MTPs and TIPs.

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**<sup>2</sup> (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 LRTPs/MTPs and TIPs 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 LRTPs/MTPs and TIPs 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.

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

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

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:

- 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, CIRT, 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/MTP 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 January 25, 2021 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 February 1, 2021. The draft consultation document was made available for ICG review and comment between February 1, 2021 and February 15, 2021.

Public consultation was conducted consistent with planning rule requirements in 23 CFR 450. This conformity determination report, as well as the applicable LRTP/MTP amendments, were made available for public review and comment from February 1, 2021 and February 15, 2021, and during a public hearing on February 17, 2021 at the Indianapolis MPO Transportation Policy Committee Meeting and a during a public hearing on February 16, 2021 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 MTP. 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

To be added to the Indianapolis MPO’s 2045 LRTP List of Projects and included in fiscal constraint:

- **SR 32 ATL** (Hamilton County – INDOT) – LRTP# 2021 – DES# 2000158 – Keep in Time Period 2, Open to traffic **2027** [was 2026] – ATL from **East Street** to Mensa Road (**5.0 miles**) [increased from 2.2 miles] – from 2 lanes to 4 lanes – **\$38,750,000** [increased from ~\$18M]

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

- None at this time.

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	<b>\$15.5 B</b>
State Spending	\$2.3 B	\$0.04 B	\$0	<b>\$2.3 B</b>
Fiscally Constrained	✓	✓	✓	✓
Total Local Revenues	\$2.8 B	\$3.4 B	\$4.1 B	<b>\$10.3 B</b>
Local Spending	\$0.8 B	\$0.8 B	\$1.0 B	<b>\$2.7 B</b>
Fiscally Constrained	✓	✓	✓	✓
IndyGo Revenues	\$1.8 B	\$1.9 B	\$2.1 B	<b>\$5.8 B</b>
IndyGo Spending	\$0.53 B	\$0	\$0	<b>\$.53 B</b>
Fiscally Constrained	✓	✓	✓	✓

*Spending totals updated as part of 2045 LRTP Amendment #6.*

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

<b>MCCOG MTP</b>				
<b>Funding Program Level</b>	<b>2020-2025</b>	<b>2026-2035</b>	<b>2036-2045</b>	<b>Total</b>
<b>State</b>				
Revenue	\$9.51M	\$-	\$-	\$9.51M
Project Costs	\$9.51M	\$-	\$-	\$9.51M
<b>Constrained</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>
<b>MPO &amp; LPA</b>				
<b>Federal</b>				
MPO Funds	\$28.45M	\$41.82M	\$46.21M	\$116.48M
Special Funds	\$5.01M	\$-	\$26.40M	\$31.41M
Total Available	\$33.46M	\$41.82M	\$72.61M	\$147.89M
<b>Local</b>				
Revenue	\$122.74M	\$239.47M	\$291.28M	\$653.5M
O & M Costs	\$95.79M	\$187.25M	\$228.26M	\$511.3M
Available for Match	\$26.95M	\$52.22M	\$63.02M	\$142.19M
<b>Project Costs</b>				
Federal Required	\$32.01M	\$39.13M	\$69.49M	\$140.63M
Local Match Required	\$7.67M	\$15.57M	\$17.37M	\$40.62M
<b>Constrained</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>
<b>Transit</b>				
<b>Federal</b>				
5307 & 5311	\$9.06M	\$18.42M	\$22.45M	\$49.93M
Special Funds	\$6.33M	\$2.41M	\$2.94M	\$11.68M
Total Available	\$15.39M	\$20.83M	\$25.39M	\$61.60M
<b>Revenue</b>				
Local	\$8.35M	\$16.33M	\$19.91M	\$44.59M
State	\$2.64M	\$4.77M	\$5.27M	\$12.68M
Available for Match	\$11.00M	\$21.10M	\$25.18M	\$57.28M
<b>Project Costs</b>				
Federal Required	\$11.97M	\$20.77M	\$25.32M	\$58.05M
Local Match Required	\$9.46M	\$19.10M	\$23.29M	\$51.85M
<b>Constrained</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>

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 L RTPs/MTPs 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 applicable LRTP/MTP amendments, were made available for public review and comment from February 1, 2021 through February 15, 2021. The IMPO held a public hearing on February 17, 2021 during the Indianapolis MPO Transportation Policy Committee Meeting. MCCOG also held a public hearing on February 16, 2021.

The Indianapolis MPO:

- issued an official public notice to the Indianapolis Star and Indianapolis Recorder
- 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

- Pat Adams  
Asked where to find the proposed amendment online. Also asked if amendments were only made twice per year (February/August) and if amendments can be made to any project.
  - IMPO Response:  
Said where to find the proposed amendment online. IMPO also responded that the plan is only amended in those months if necessary, and that amendments are only made if a project is using non-MPO funding.
- Pat Adams  
Asked for clarification regarding funding sources.
  - IMPO Response:  
Said that IMPO funding is federal money that is allocated to the IMPO to distribute to qualifying agencies and projects each year. IMPO does not administer any state or local funds or other federal funds like BUILD grants, etc., even though most of those funds must be reflected in our planning and programming requirements.
- No further comments.

### Comments / questions received during public hearings

- No comments received during the MCCOG public hearing on February 16, 2021.
- No comments received during the IMPO public hearing on February 17, 2021.