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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 –  
– Indiana Department of Transportation –*

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## Contents

1. Overview .....	3
2. Background .....	3
3. Current Air Quality Status .....	4
4. Transportation Conformity Requirements .....	5
5. Latest Planning Assumptions .....	5
6. Consultation .....	6
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) / 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/MTPs 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 Proposed Amendment #8's current list of projects)
  - Proposed [2022-2025 TIP \(MITIP\)](#)
- Madison County Council of Governments ([mccog.net](http://mccog.net))
  - [2045 MTP](#) (Approved October 1, 2020)
  - [2022-2026 TIP](#) (As approved by the MCCOG Policy Committee on May 11, 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.

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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.

## 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.

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.

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

## 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 July 20, 2021 which included a list of projects under consideration for amendment into the IMPO's LRTP and the IMPO's proposed 2022-2025 TIP, and a projected timeline for the amendment processes. The ICG were asked to provide questions, comments, or their concurrence by July 30, 2021. The draft consultation document was made available for ICG review and comment between August 3, 2021 and August 17, 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/TIP amendments, were made available for public review and comment by the IMPO between August 3, 2021 and August 17, 2021, and during a public hearing on August 18, 2021 at the Indianapolis MPO Transportation Policy Committee Meeting. 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. The IMPO coordinated with MCCOG and CAMPO as appropriate.

## Non-Exempt amendments to be updated within the 2045 LRTP List of Projects:

- **Update Cost and Time Period:** Hancock County – DES 2003034 – LRTP # 3106 – **CR 300N ATL from 600W to 700W** (from 2 to 4 lanes) – move from Illustrative to Period 2 (2026-2035) – \$9,335,000; STBG Group IV (Rural) funds
- **Update Cost:** INDOT (Marion County) – DES 1600854/1600857 – LRTP # 6043 – **I-465 NW ATL project 86th St to US 31** (from 6 to 8 lanes) & Interchange Modification at I-865 and I-465 – Time Period 1 (2016-2025) – Update cost from \$248,700,000 to \$317,400,000
- **Add Project:** INDOT (Hendricks County) – DES 2002959 – LRTP # 4006 – **I-70 Added Travel Lanes** 0.76 mi W of SR 39 to SR 267 (7.8 miles, from 4 to 6 lanes) – Timer Period 2 (2026-2035) – \$164,770,000

## New IMPO 2022-2025 TIP

- The draft 2022-2025 Indianapolis Regional Transportation Improvement Program is available here (<https://d16db69sqbolil.cloudfront.net/mpo-website/downloads/TIP/0-2022-2025-IRTIP.pdf>)

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

- None; as per routine procedure, the results of MCCOG’s transportation demand model for Madison County will be / has been added to the IMPO’s model results

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.

<b>IMPO LRTP</b>				
<b>Time Period</b>	<b>2016-2025</b>	<b>2026-2035</b>	<b>2036-2045</b>	<b>TOTAL</b>
State Revenues	\$3.7 B	\$5.2 B	\$6.6 B	<b>\$15.5 B</b>
State Spending	\$2.5 B	\$0.2 B	\$0	<b>\$2.7 B</b>
<b>Fiscally Constrained</b>	✓	✓	✓	✓
Total Local Revenues	\$2.8 B	\$3.4 B	\$4.1 B	<b>\$10.3 B</b>
Local Spending	\$0.8 B	\$0.9 B	\$1.0 B	<b>\$2.7 B</b>
<b>Fiscally Constrained</b>	✓	✓	✓	✓
IndyGo Revenues	\$1.8 B	\$1.9 B	\$2.1 B	<b>\$5.8 B</b>
IndyGo Spending	\$0.53 B	\$0	\$0	<b>\$0.53 B</b>
<b>Fiscally Constrained</b>	✓	✓	✓	✓

*Spending totals updated as part of 2045 LRTP Amendment #8.*

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

## 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/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/TIP amendments, were made available for public review and comment by the IMPO between August 3, 2021 and August 17, 2021, and during a public hearing on August 18, 2021 at the Indianapolis MPO Transportation Policy Committee Meeting.

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
- sent public notice to 41 library branches for posting

### Comments / questions received during the public comment periods

- "A concerned resident of Indianapolis"

- **Comment:**

- Hello, I am emailing in regards to Draft 2045 LRTP Amendment #8.

I think it is a grave mistake to undergo the INDOT project titled "I-65 Safety and Efficiency Project," LRTP # 6036. The description is "**Added Travel Lanes on I-65 from 0.20 mile N of I-465 to 0.05 mile No of I-70 in South Indianapolis.**"

It is appalling to me that such a project is even considered in 2021. Given the knowledge city planners have today, particularly of the lasting ill effects of intercity highways in which neighborhoods were razed in favor of suburban commuters.

First and foremost, there is no way that I65 needs to be widened. The road has moderate traffic at best. Furthermore, if traffic were a concern, widening the road does nothing except induce demand. As you widen a highway, the commuter becomes more attractive, which attracts more commuters, and so on...

Likewise, this project further shows that the residents of Indianapolis are of little concern to the MPO and INDOT compared to suburban commuters. This project screams "we don't care if this makes Southeast Indy neighborhoods worse, all we care about is the commute times of someone in Greenwood."

Digging deeper, and looking at the bigger picture, it is crazy to me how many projects listed noted "added travel lanes" or "widening." This is textbook traffic

engineer planning. They calculate that "future growth" will require X amount of vehicular capacity, so the road must be widened. Furthermore, the idea is that future suburban growth will help pay for the expansion. This idea is the definition of the **suburban ponzi scheme**. This type of planning and development bankrupts cities. There is no chance the metro area will be able to afford the long term maintenance costs of these expansions.

How do you think someone at Raymond and Legrande feels about this? Will they feel safer with a wider highway next to their house? Or what about a family in Garfield Park? Is this project here to make them safer? INDOT can't just add the words safe and efficient and all is well.

I am never really one to comment or even follow local infrastructure projects, but when I saw this one, I really couldn't stand it. As planners, we know exactly how cities were destroyed post WW2, yet, we continue to make the same mistakes.

I hope you consider my comment upon review.

Thank you

- **IMPO Response:**
  - Thank you for your comment on the Draft Amendment to the 2045 LRTP. I will include it with the amendment, which will be reviewed by the IMPO's Transportation Policy Committee on August 18<sup>th</sup>.
- No further comments.

#### **Comments / questions received during public hearings**

- No comments were received during the IMPO public hearing on August 18, 2021.