
Transportation Conformity Determination Report Central Indiana

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

*– Indianapolis Metropolitan Planning Organization –
– Indiana Department of Transportation –*

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Prepared by:

Indianapolis Metropolitan Planning Organization
200 East Washington Street, Suite 2322
Indianapolis, Indiana 46204
317-327-5136 | www.IndyMPO.org



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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 Metropolitan Transportation Plan (MTP) and Transportation Improvement Program (TIP) for the 9-county Central Indiana 1997 NAAQS region. This report documents that the following MTP and TIP meet the federal transportation conformity requirements in 40 CFR Parts 51.390 and 93.

- Indianapolis Metropolitan Planning Organization (indympo.org)
 - [2050 MTP](#) (original)
 - 2022-2025 TIP ([MiTIP](#))
- Madison County Council of Governments (mccog.net)
 - [2045 MTP](#) (Approved October 1, 2020)
 - [2020-2023 TIP](#) (Updated August 20, 2021)
 - [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.”
- INDOT (projects within airshed but outside of MPAs)
 - [INDOT Donut Projects v2021-10-13](#)

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 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 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 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.

¹ 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**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 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 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.

² Available from <https://nepis.epa.gov/Exe/ZyPURL.cgi?Dockkey=P100VQME.txt>

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/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 November 24, 2021 which included a link to the IMPO's proposed 2050 MTP list of projects, and a projected timeline for the process. The ICG were asked to provide questions, comments, or their concurrence by December 3, 2021.
- An email on December 3, 2021 with an amendment to the 2020-2023 Indianapolis Regional Transportation Improvement Program (IRTIP) the and this Transportation Conformity Report, requesting feedback by December 14, 2021. This overlapped with a public review period for the IRTIP amendment and the Conformity Report from December 3-14, 2021.
- Communication from the Federal Highway Administration (FHWA) initiating formal consultation following the IMPO's Transportation Policy Committee approval of the IRTIP Amendment and new 2050 MTP.

Public consultation was conducted consistent with planning rule requirements in 23 CFR 450. The new 2050 MTP was made available for public review and comment from August 30, 2021 to October 15, 2021, and for additional public review and comment from November 8-22, 2021. This conformity determination report, as well as the proposed IRTIP amendment, were made available for public review and comment by the IMPO from December 3-14, 2021.

The new MTP and proposed IRTIP amendment were made available during a public hearing on December 15, 2021 at the IMPO Transportation Policy Committee Meeting. The new MTP also had a public hearing on October 20, 2021; approval for the MTP was continued to the December 15, 2021 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 MTPs and TIPs must be fiscally constrained consistent with DOT's metropolitan planning regulations at 23 CFR part 450. The MTP update and IRTIP meet reasonable fiscal constraint requirements.

This conformity update includes a new list of projects in the proposed 2050 MTP. The IMPO coordinated with MCCOG and CAMPO as appropriate.

The following table summarizes planned expenditures by plan period for the IMPO. In each period, the projected revenue is above the planned costs, therefore the plan is fiscally constrained.

IMPO 2050 MTP				
Time Period	2020-2029	2030-2039	2040-2049	TOTAL
State Revenues	\$7.9 B	\$9.9 B	\$12.1 B	\$29.9 B
State Spending	\$2.9 B	\$0.2 B	\$0.0 B	\$3.1 B
Fiscally Constrained	✓	✓	✓	✓
Total Local Revenues	\$3.5 B	\$4.2 B	\$5.1 B	\$12.8 B
Local Spending	\$0.9 B	\$0.9 B	\$1.0 B	\$2.8 B
Fiscally Constrained	✓	✓	✓	✓
IndyGo Revenues	\$1.8 B	\$1.6 B	\$2.0 B	\$5.4 B
IndyGo Spending	\$0.6 B	\$0.0 B	\$0.0 B	\$0.6 B
Fiscally Constrained	✓	✓	✓	✓

Spending totals updated as part of 2050 MTP.

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 IMPO MTP and TIP demonstrate fiscal constraint per the requirements in 40 CFR 93.108.

Appendix A: Conformity Documentation Public Comments

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The Indianapolis MPO:

- issued an official public notices for the MTP, IRTIP, and Conformity Report review periods 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 periods

- Comments made during the 2050 MTP public comment and review periods are included in Appendix A of that document.
- Comments made on this Conformity Report include:
 - Name / comment / response (to be added)
 - No further comments.

Comments / questions received during public hearings

- No comments were received on the 2050 MTP during the IMPO public hearing on October 20, 2021.
- Comments received on the 2050 MTP during the December 15, 2021 public hearing will be added to Appendix A of that document.