

Air Quality Conformity Process

AIR QUALITY CONFORMITY DETERMINATION OF THE OKI 2040 REGIONAL TRANSPORTATION PLAN AND THE OKI FY 2012-2015 TRANSPORTATION IMPROVEMENT PROGRAM IN THE CINCINNATI-MIDDLETOWN- WILMINGTON OH-KY-IN, COMBINED STATISTICAL AREA FOR NATIONAL AMBIENT AIR QUALITY STANDARDS (NAAQS)– TECHNICAL DOCUMENTATION

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Attachment. OKI Transportation Conformity Consultation Memorandum of Understanding

I. INTRODUCTION

The Ohio-Kentucky-Indiana Regional Council of Governments (OKI) is the metropolitan planning organization (MPO) for the Greater Cincinnati/Northern Kentucky area responsible for transportation planning and air quality conformity. Transportation conformity is a mechanism to ensure that federal funding and approval are given to those transportation activities that are consistent with the air quality goals of the State Implementation Plans for Indiana, Kentucky and Ohio. In June 2012, OKI is scheduled to adopt its *OKI 2040 Regional Transportation Plan* and amendment to the *OKI FY2012-2015 Transportation Improvement Program*.

This report documents that the *OKI 2040 Regional Transportation Plan* and its short range component, the *OKI FY2012-2015 Transportation Improvement Program* are in conformance with the State Implementation Plans (SIPs) of Indiana, Kentucky and Ohio, complies with the Clean Air Act, and the analysis is in accordance with federal Transportation Conformity Regulations, 40 CFR Parts 51 and 93. The analysis is also in accordance with other applicable federal and state requirements such as the *Ohio State Transportation Conformity Rules, Ohio Administration Code Part 3745-101-01 through 20* and the Commonwealth of Kentucky's *Conformity of Transportation Plans, Programs and Projects: 401 KAR 50:066*. Methodologies and results of the conformity determination are presented herein.

This report documents the process used by OKI to make an air quality conformity assessment for its Plan and Program. Section II describes the applicable conformity criteria. Section III provides a description of OKI's conformity analysis process and discusses how that process was applied to assess the proposed projects. The development of emission estimates is also described in Section III. Section IV lists the projects included in the highway and transit networks. The finding of conformity for the Indiana and Ohio portion of the nonattainment area is made in Section V. The finding of conformity for the Kentucky portion of the nonattainment area is made in Section VI. The interagency consultation and public participation process is discussed in Section VII.

II. CONFORMITY CRITERIA

Pursuant to provisions of the CAAA of 1990, U.S. EPA designated a nine county area in the Cincinnati area as a basic nonattainment area for ozone under the eight-hour ozone standard in April 2004. In December 2004, U.S. EPA designated an eight county Cincinnati area as nonattainment under the annual fine particulate matter (PM_{2.5}) standard. With attainment of the eight-hour ozone standard, the area was reclassified as an ozone maintenance area in 2010. The Cincinnati ozone maintenance area includes Lawrenceburg Township in Dearborn County Indiana, the Kentucky counties of Boone, Campbell and Kenton, and the Ohio counties of Butler, Clermont, Clinton, Hamilton and Warren. In 2011, U.S. EPA approved requests to redesignate the region to attainment of the annual PM_{2.5} standard. The PM_{2.5} maintenance area is identical except for the exclusion of Clinton County. The OKI Regional Council of Governments, as the Metropolitan Planning Organization (MPO), consists of Dearborn, Boone, Campbell, Kenton, Butler, Clermont, Hamilton and Warren counties. The *OKI 2040 Regional Transportation Plan* and the *OKI FY2012-2015 Transportation Improvement Program* address the MPO area only. The cities of Franklin and Carlisle in Warren County are part of the Miami Valley Regional Planning Commission (MVRPC) planning area. Projects within this portion of Warren County have been included in the conformity analysis. Clinton County is outside of the OKI region, but is part of the ozone maintenance area. The Ohio Department of Transportation (ODOT) is the lead planning agency for Clinton County. The Clinton County emissions analysis has been prepared by ODOT and has been included in this conformity determination.

Ozone is formed through chemical reactions induced when sunlight reacts with volatile organic compounds (VOCs; principally hydrocarbons) and nitrogen oxides (NO_x). VOCs and NO_x occur from incomplete combustion of fossil fuels. Transportation-related sources are a major contributor of these pollutants. Since heat speeds the reactions, ozone levels are typically highest during hot summer days. PM_{2.5} refers to a complex mixture of fine particulates, primarily from fossil fuel combustion. PM_{2.5} is emitted directly and will also form indirectly through reactions with precursor emissions, especially NO_x.

EPA's Transportation Conformity Rule (40 CFR Part 93) requires transportation plans and programs to demonstrate consistency with the applicable SIP motor vehicle emissions budgets or interim conformity tests by performing a regional emissions analysis. A regional emissions analysis uses quantitative and qualitative analysis to estimate the total transportation-related emissions of VOC, NO_x and PM_{2.5} for certain future years, and may include the effects of any emission control programs which are already adopted or committed to in the SIP. Table 1 summarizes the conformity analysis years and tests required.

**Table 1. OKI 2040 Regional Transportation Plan Update
Conformity Analysis Summary**

<u>Ozone</u>	
Attainment status:	8-hour ozone maintenance area
Geography:	Butler, Clermont, Clinton, Hamilton, & Warren Counties in Ohio; Boone, Campbell, & Kenton Counties in Kentucky; Lawrenceburg Twp, Dearborn County Indiana
A/Q Status:	MOBILE-based 8-Hour ozone budgets approved. On 1/18/12, OKI provided MOVES-based ozone inventory to states. Need EPA approval of revision.
SIP Commitments:	RVP 7.8 in Ohio Counties (except Clinton) RFG in Kentucky Counties
Conformity Tests:	8-hour ozone budget tests of OKI Plan/TIP analysis years plus Clinton 24-hour summer emissions
Analysis Years:	2015 Budget year, 2020 Budget year, 2030 Interim year, 2040 Plan horizon year
Other:	ODOT provided Clinton Co. emissions to OKI. OKI prepared both MOBILE and MOVES-based VOC and NOx emissions

Ohio/Indiana Ozone	2015	2020	2030	2040
Ohio/Indiana VOC Budget (MOBILE)	31.73	28.82	28.82	28.82
Ohio/Indiana VOC Budget (MOVES proposed)	56.06	42.83	42.83	42.83
Ohio/Indiana NOx Budget (MOBILE)	49.00	34.39	34.39	34.39
Ohio/Indiana NOx Budget (MOVES proposed)	94.24	73.13	73.13	73.13
Northern Kentucky Ozone				
N. Kentucky VOC Budget (MOBILE)	9.76	10.07	10.07	10.07
N. Kentucky VOC Budget (MOVES proposed)	11.15	8.76	8.76	8.76
N. Kentucky NOx Budget (MOBILE)	14.40	13.27	13.27	13.27
N. Kentucky NOx Budget (MOVES proposed)	37.87	28.13	28.13	28.13

<u>PM2.5</u>	
Attainment status:	PM _{2.5} maintenance area, annual standard
Geography:	Butler, Clermont, Hamilton, & Warren Counties in Ohio; Boone, Campbell, & Kenton Counties in Kentucky; Lawrenceburg Twp, Dearborn County Indiana
A/Q Status:	PM _{2.5} MOVES-based budgets approved
SIP Commitments:	None
Conformity Tests:	Annual PM _{2.5} budget tests of OKI Plan/TIP analysis year networks
Analysis Years:	2015 Budget year, 2021 Budget year, 2030 Interim year, 2040 Plan horizon year
Other:	Use of MOVES required. PM _{2.5} includes brake and

Ohio and Indiana PM2.5	<u>2015</u>	<u>2021</u>	<u>2030</u>	<u>2040</u>
Ohio/Indiana Annual PM2.5 Budget	1678.60	1241.19	1241.19	1241.19
Ohio/Indiana Annual NOx Budget	35723.83	21747.71	21747.71	21747.71
N. Kentucky PM2.5	<u>2015</u>	<u>2021</u>	<u>2030</u>	<u>2040</u>
N. Kentucky Annual PM2.5 Budget	389.67	302.92	302.92	302.92
N. Kentucky Annual NOx Budget	8045.65	7384.32	7384.32	7384.32

Criteria and procedures required for demonstrating conformity of transportation plans and programs are specified in EPA's Transportation Conformity Regulations. The applicable conformity criteria and procedures are summarized below:

1. A determination should be made that the endorsed transportation plan and program will be consistent with the emissions budget in the submitted control strategy SIP or redesignation request.
2. An assurance should be given that no goals, directives, recommendations or projects identified in the transportation plan and program contradicts in a negative manner with any specific requirements or commitments of the applicable implementation plan.
3. Transportation plans and programs should provide for the expeditious implementation of transportation control measures in the applicable implementation plan.
4. Transportation plan and program conformity determinations will be based on the most recent emissions estimates, which in turn are to be based on the most recent population, employment, travel, and congestion estimates as determined by the MPO or other authorized agency.
5. A determination should be made that the transportation plans and programs do not increase the frequency and severity of existing violations of the national ambient air quality standards (NAAQS).

III. OKI'S CONFORMITY PROCESS

Transportation networks

The conformity analysis involves the use of the six TRANPLAN-based transportation networks developed for OKI's 2005 conformity finding for the *Air Quality Conformity Determination for Amendment #2 to the OKI 2040 Regional Transportation Plan*. Each transportation network consists of separate highway and transit components. The Ohio Department of Transportation provided emissions data for Clinton County. Details on the conformity analysis for Clinton County are provided in Appendix F.

The five networks specifically developed for use in this conformity process represented the ozone and PM_{2.5} SIP budget year (2015), an ozone budget year (2020), a PM_{2.5} budget year (2021), an interim year (2030) and the Regional Transportation Plan horizon year (2040). All regionally significant projects regardless of the funding source were evaluated for their impacts on air quality in the maintenance area.

- The 2015 transportation network includes the existing network plus *FY 2012-2015 Transportation Improvement Program* that are expected to be open to traffic before July 1, 2015.
- The 2020 transportation network includes the 2015 network plus projects in the *FY2012-2015 Transportation Improvement Program* and the *OKI 2040 Regional Transportation Plan* that are expected to be open to traffic before the year 2020.
- The 2021 transportation network is identical to the 2020 network.
- The 2030 transportation network includes the 2021 network plus projects in the *FY2012-2015 Transportation Improvement Program* and *OKI 2040 Regional Transportation Plan* that are expected to be open to traffic before the year 2030.
- The 2040 transportation network includes the 2030 network plus projects in the *OKI 2040 Regional Transportation Plan* that are expected to be open to traffic before the year 2040.

OKI Travel Demand Model

Vehicle miles traveled and vehicle hours were estimated using the OKI Travel Demand Model Version 7.6. The OKI Travel Demand Model is composed of CUBE Voyager programs and a series of FORTRAN programs written by OKI. It is a state of the practice model that uses the standard 4 phase sequential modeling approach of trip generation, distribution, modal choice and assignment. The model uses demographic and land use data and capacity and free-flow speed characteristics for each roadway segment in the network to produce a "loaded" highway network with forecasted traffic volumes with revised speeds based on specified speed/capacity relationships.

Travel analysis zones are the basic geographic unit for estimating travel in the OKI model. The OKI region is subdivided into 1608 traffic analysis zones to permit detail as well as manageability. A variety of socioeconomic data items are used in the OKI transportation planning process. These data are used primarily to forecast future travel patterns by serving as independent variables in OKI trip generation equations. The following categories of planning data are utilized:

- Population (household and group quarter)
- Households
- Household vehicles
- Employment (by employment category and zone of work)
- Labor force participation (by zone of residence)
- Area type

The principal data requirements of the OKI travel demand forecasting model are population and employment. From these variables, other characteristics including households, labor force, and personal vehicles may be derived. Chapter 3 of *OKI 2040 Regional Transportation Plan Update* provides a complete demographic overview of the region.

OKI utilizes both base year (2005) and future year data (2015, 2020, 2030, and 2040) in the planning process. Planning data are maintained at the Traffic Analysis Zone (TAZ) level, and originate in the 2000 Census of Population and Housing. Base year 2005 and future year data for each variable are developed through various methods. More detailed explanation of base year and future year data generation for each of the above-mentioned categories of planning data follows. All of the variables represent the latest OKI planning assumptions.

Population

Base and Future Year Data: Population data for base year 2005 and future years 2015, 2020, 2030, and 2040 originate with the 2000 Census of Population and Housing. Utilizing ArcView GIS, population data at the zonal level for 2000 was derived from the area proportion allocation of block level population.

As a tri-state regional planning agency, OKI uses the most current county level projections as prepared by the respective state data centers (Ohio Department of Development Office of Strategic Research, Kentucky State Data Center and Indiana Business Research Center) as control totals. Projections (years 2005 to 2040) were released by the Ohio state data center in 2011, the Indiana state data center in 2007 and the Kentucky State Data Center in 2009. Population projections at the zonal level are calculated by multiplying household size by the projected zonal households. Household size is factored so that, in each county, the sum of the zonal populations equals the control total.

Households

Base Year Data: Household data for base year 2005 originates with the 2000 Census of Population and Housing. Utilizing the geographic information system ArcMap, household data at the zonal level for 2000 was derived from the area

proportion allocation of block level households. Year 2000 household data was updated to 2005 with residential building permits issued between January 2000 and December 2004. The residential building locations were geo-coded in ArcMap, then aggregated to the TAZs. The housing unit totals for each TAZ were converted to households by applying a vacancy rate, an adjustment for permitted but unbuilt units, and subtracting demolitions (where data was available). These households were then added to the year Census 2000 zonal household total to arrive at 2005 households for each TAZ.

Future Year Data: The preparation of household projections was accomplished by calculating the number of households for a projected county population using ratios of householders to total population by age specific cohorts derived from the 2000 Census for each analysis year. Disaggregation to TAZs was determined by historical trends, existing and future land use, topography, flood plain information, availability of land, local knowledge and other factors.

Household Vehicles

Base and Future Year Data: Base and future year household vehicle data were obtained from the 2000 Census of Population and Housing. The 2000 Census was the only source of household vehicle data available at the block group level at the time the data was developed. Average vehicles per household were calculated for block groups then applied to the TAZs associated with each block group. The 2005, 2010, 2020, 2030 and 2040 vehicles per household level was held at the 2000 level based on the fact that, since 2002, the number of vehicles per household has exceeded the number of drivers per household.

Labor Force

Base and Future Year Data: The OKI labor force is a function of the population as determined by a labor force participation ratio (the number of employed persons in the labor force per persons 16 and over). Household data for base year 2005 originates with the 2000 Census of Population and Housing. Utilizing the geographic information system ArcMap, household data at the zonal level for 2000 was derived from the area proportion allocation of block group level employed labor force. The labor force projections for 2005, 2015, 2020, 2030, and 2040 were based on the most recent projections of national labor force participation rates by age and sex cohorts from the U.S. Department of Labor, Bureau of Labor Statistics for each of those years. These rates were then applied to the projected county age/sex cohorts and adjusted to eliminate the unemployed to arrive at a county employed labor force control total. Employed labor force at the zonal level is calculated by multiplying the labor force participation rate by the zonal population. The labor force participation rate is adjusted so that, in each county, the sum of the zonal labor force counts equals the control total.

Employment

Base Year Data: Quarterly Census of Employment and Wages (QCEW or ES202) data for 2005 was utilized as the primary tool to calculate employment at the zonal level. Individual business records containing physical location, number of employees and North American Industry Classification System (NAICS) code were geocoded through ArcMap and aggregated to the TAZ level. This data set was supplemented by other sources of data to complete the commuting employment picture in the OKI region. Each zone's employment was divided according to the NAICS code into three classes (retail, office, industrial) based upon the potential for generating trips.

Future Year Data: For future year employment projection, calculation was first made of the employment at the regional level. At the regional level, employment is a calculation of the region's employed labor force minus workers who live in the region but commute out to work, plus workers who live outside the region but commute in to work. The regional total was disaggregated first to the county level based on historic trends and expected changes in the county's share of the region's employment and then to the TAZ level. Disaggregation to TAZs was determined by historical trends, existing and future land use, topography, flood plain information, availability of land, local knowledge and other factors.

Area Type

Base and Future Year Data: For each analysis year, each TAZ is assigned an area type designation as CBD, Urban, Suburban or Rural based on population and employment densities.

Model Calibration

OKI's Travel Demand Model has been validated to observed traffic volumes for the model base year 2005. The modeling network encompasses the entire ozone Maintenance area with the exception of Clinton County, Ohio. The modeling network also includes Greene, Miami and Montgomery counties in Ohio and the remainder of Dearborn County Indiana. The difference between estimated vehicle miles traveled (VMT) and 2005 observed VMT is less than 1%. A highway screenline analysis compares the screenline observed and simulated traffic volume discrepancies with the ODOT standard of maximum desirable deviation. The comparison shows that the model performs at a satisfactory level and all the errors were under the ODOT curve. Further information can be found in OKI's 2007 report, "*OKI/MVRPC Travel Demand Model Methodology/Validation Report*". For the calibration, OKI used over 3000 traffic counts collected through 2006 by the Ohio Department of Transportation (ODOT), the Kentucky Transportation Cabinet, many county and local governments, transportation engineering consultants, and OKI. These traffic counts cover nearly 50% percent of the links in the OKI portion of the modeling network. The methodology provides consistency with past emission inventory and conformity analysis work performed by OKI.

Local Inputs and Post-Model Processing

OKI incorporates a variety of sources of local data to both improve and confirm the accuracy of VMT, as well as other travel-related parameters. Free flow speeds used on the highway and transit networks are based on travel time studies performed locally. The OKI post-processing program, IMPACT, uses the loaded highway network to generate VMT by hour, VMT by speed distribution and VMT by facility type. These tables are then included as input into MOVES. Two separate sets of VMT tables are generated: one for the four Ohio counties plus Dearborn County Indiana, and a second for the three Kentucky counties. The VMT by hour tables utilize hourly traffic distribution and directional split factors for different roadway types as developed by OKI. The main source of the data was the permanent traffic counting stations located throughout the OKI region for the years of 2004-2006. This data was supplemented with data collected at coverage count stations (locations with counts taken on only one-two days). The stations were classified by area type: urban and rural, and functional classification: freeway, arterial and collector. Speeds representing various "loaded" conditions (with traffic volumes) are estimated using techniques from the 1997 Highway Capacity Manual. This permits the estimation of speeds as conditions vary from hour to hour on the different facility types throughout the region. The IMPACT program performs the appropriate summation by area and roadway type as well as regional totals. OKI has also developed seasonal conversion factors to adjust traffic volumes to summer conditions. The factors were derived from local data collected at permanent traffic counting stations during 1994-1997 utilizing the average daily traffic monthly conversion factors for June, July and August.

Emission Factor Models

OKI's conformity assessment utilized U.S.EPA's emissions models MOBILE6.2 and MOVES2010a to develop emission factors for VOC's, NO_x and PM2.5. The MOBILE6.2 input file contains local parameters, developed through consultation with ODOT and OEPA, for temperature, fuel programs and fuel characteristics. The local parameters are combined with the VMT and speed tables from the OKI Travel Demand Model to produce emission factors measured in grams per mile for the appropriate analysis year. These emission factors are then multiplied by VMT. The methodologies incorporated into MOBILE6.2 for estimating emissions are based on methods and research conducted by U.S.EPA. OKI's development of MOBILE6.2 input values were guided by the U.S.EPA's document "*Technical Guidance on the Use of MOBILE6 for Emission Inventory Preparation*", January 2002.

Table 2 summarizes the settings used in the MOVES run specification file. Table 3 lists the data and sources used in the MOVES County-Data Manager.

Table 2

MOVES RunSpec Parameter	Settings
MOVES 2010a, default database 20100829	
Scale	County, Emission Rates
Time Span	Time aggregation = Hour July weekday, July meteorological data All hours of day selected Weekdays only
Geographic Bounds	Two Custom Domains 1) 4 Ohio counties and Lawrenceburg IN, 2) 3 Kentucky counties
Vehicles/Equipment	All source types, gasoline and diesel
Road Type	All road types including off-network
Pollutants and Processes	VOC, hydrocarbons, NOx and all PM2.5 pollutants. No emissions from refueling.
Strategies	Modified AVFT strategy file to reflect 0% CNG buses in the transit fleet
General Output	Units= grams, joules and miles
Output Emissions	Time = hour, Location =county, on-road emission rates by road type and source use type.
Advanced Performance	none

Table 3

MOVES County Data Manager	Data Source
Source Type Population	Local and default. Local data from KYTC (2011) and ODOT (2010) from motor vehicle registration data. Default data used for source types 41, 61 and 62 in Ohio.
Vehicle Type VMT	Local and default. HPMSVTypeYear VMT=daily VMT from OKI travel demand model with EPA's daily to annual VMT converter applied. monthVMTFraction = default. dayVMTFraction=default, hourVMTFraction=local.
I/M Programs	Default modified to reflect discontinued I/M program in 2006
Fuel Formulation	Modified to reflect low RVP fuel program in Southwest Ohio
Fuel Supply	Default
Meteorology Data	Local. MOBILE6 converted values for Ohio and Kentucky values from Kentucky Division for Air Quality.
Ramp Fraction	Local. OKI travel demand model.
Road Type Distribution	Local. OKI travel demand model.
Age Distribution	Local and default. Local data from KYTC (2011) and ODOT (2010) from motor vehicle registration data. Default data used for source types 41, 61 and 62.
Average Speed Distribution	Local. OKI travel demand model.

Complete MOBILE6.2 and MOVES input and output files are available electronically upon request.

IV. PROJECTS INCLUDED IN THE TRANSPORTATION NETWORK

The transportation plan includes a number of projects, which, due to their scope and regional significance, trigger the need for a new finding of conformity. Sections 93.126 and 93.127 of the Transportation Conformity Rule cite a number of project types, such as safety and maintenance projects that may be excluded from the regional emissions analysis required to determine conformity. Because of their nature, the “exempt” projects will not affect the outcome of the regional emissions analysis nor will they add substance to the analysis. The Transportation Plan highway projects listed in Table 4 are considered “non-exempt” in regards to air quality and thus are required to be included in a conformity finding. OKI’s highway and transit networks include the existing transportation system plus all regionally significant projects regardless of funding source. Regionally significant project means a “non-exempt” transportation project that is on a facility that serves regional transportation needs.

Table 4: 2040 Plan Non-Exempt Projects

PID	Plan ID	Facility	Location	Description
Additional Non-Exempt Projects Identified for the 2015 Highway Network				
Ohio				
Butler				
89308	222	CR 113 (Liberty Fairfield Rd)	SR 4 to Great Miami River	Add 2 lanes
81769	0	US 27	From Stillwell-Beckett Rd to Chestnut Street in the City of Oxford	Add center turn lane from Southpoint to Chestnut
Hamilton				
88706	679	Kennedy Connector	0.53 mile parallel route to Ridge Avenue (Modification #1, 6-7-11, amendment #5, 1-12-12)	Construct parallel route by extending Kennedy Avenue to the south
83077	637	IR 71	Pfeiffer Road to I-275	Add 1 lane NB, Pfeiffer to I-275; Add 1 lane SB, Pfeiffer to SR 126
87399	810	IR 71	Fields Ertel Interchange	Lengthening of NB and SB exit ramps from IR 71
87401	810	IR 71	Fields-Ertel/Mason-Montgomery	Interchange improvement including new ramp from I-71 NB to Fields-Ertel
82284	0	IR 74	From 0.56 miles E of Montana Ave to Elmore St overpass. (PE carried in PID 76257)	Improve Colerain/Beekman interchange with associated work on IR 74. (Phase 3 of IR 75 projects)
Warren				
	407	I-71 Fields Ertel Interchange	Interchange at Fields Ertel/Mason-montgomery	Interchange improvements
85320	812	SR 123/SR 63 Connector	SR 123 to SR 63 west of Lebanon	New 2 lane connector
Kentucky				
Boone				
6-8001.21	0	KY 237	From Woodcreek Drive to Rogers Lane (middle section)	Reconstruct and widen to 4 lanes
6-8001.25	0	KY 237	MP 5.37 to 6.262--Rogers Lane to KY 18 (north section)	Reconstruct and widen to 4 lanes
Campbell				
6-8105.01	0	New Route	From I-275 to the AA Highway--new connector road (Amendment #31, 11-10-10)	Construct a new 2-lane connector (NKU Loop Rd.)
6-8105.02	0	New Route	From I-275 to the AA Highway--new connector road (Admin Mod. #31, 11-9-10)	New 4-lane connector from KY 9 to KY 2345
6-8105.03	0	New Route	Near Northern Kentucky University (Amend Mod #31, 11-9-10)	New connector KY 2345 to KY 2238
6-8101.01	318	KY 9	MP 21.643 to KY 8 near 4th Street Bridge (Amendment #6, 3-8-12)	Construct a new route with 4 through lanes
6-156.00	0	KY 547	AA Highway to KY 10	Reconstruction, add climbing lane
Kenton				
6-344.11	0	KY 16	I-275 to south intersection of Old Taylor Mill Rd.	Reconstruct and widen to 5 lanes
6-344.30	0	KY 16	Sunbright Drive to Old Taylor Mill Connector (Amendment #6, 3-8-12)	Widen to 5 lanes
6-344.40	0	KY 16	Old Taylor Mill Connector to Blackstone	Widen to 5 lanes
6-344.50	0	KY 16	Blackstone Court to IR 275 (see 6-344.11 for ROW and UTIL) Admin. Mod #3, 9-6-11	Reconstruct and widen to 5 lanes

Table 4: 2040 Plan Non-Exempt Projects

PID	Plan ID	Facility	Location	Description
Additional Non-Exempt Projects Identified for the 2020 Highway Network				
Ohio				
Butler				
	103	South Hamilton Crossing	Grand Blvd in city of Hamilton connecting SR 4 (Erie Blvd) on the east side of the four existing CSX	Replace with RR grade separation
80516	257	Oxford Connector	From US 27 to SR 73	Construct a new two-lane connector road
86137	206	SR 4 Bypass Phase 5b	Princeton Road to the SR 4/SR 4 Bypass northern intersection	Widening to four lanes, intersection improvement at SR 4/SR 4 Bypass northern intersection
Clermont				
	201	Aicholtz Rd Widening	Eastgate Blvd to Glen Este-Withamsville	Widen to 5 lanes
	202	Eastern Corridor Segment IV Phase 1	IR 275/SR 32 Interchange	Reconstruct with signalized ramp terminations at SR 32 and improved Aicholtz Rd connection
	208	NEW Aicholtz Rd Connector	Mt. Carmel-Tobasco to Eastgate Blvd	New 2-lane connection with center turn lane
82552	402	Aicholtz Road Extension	Glen Este-Withamsville Rd. to Bach-Buxton Rd.	New 5-lane roadway
82553	433	Aicholtz Road Connector (CR 3)	Mt. Carmel-Tobasco to Eastgate Blvd.	Reconnect Aicholtz Rd./Rust Ln. under I-275 to Mt. Carmel-Tobasco Rd.
82554	403	Aicholtz Road Widening	Eastgate Blvd. to Glen Este-Withamsville	Widen to 4 lanes with center turn lane
82557	404	Old SR 74 - Phase 1	Eastgate Road to Bach-Buxton North	Add center turn lane
82561	441	Heitman Lane Extension	Olive Branch-Stonelick to east terminus of Heitman Lane	Widen to three lanes
82581	401	Amelia-Olive Branch Relocation	Clough Pike to Olive Branch-Stonelick Rd. at SR 32	New 3-lane connector and ramp improvements
82582	442	CR 171 (Old SR 74)	Olive Branch-Stonelick Rd. to Armstrong Blvd.	Widening to three lanes with 4 foot page shoulders and curb and gutter
76289	0	IR 275	Approximately 1.5 miles north of SR 32 to 1.0 miles south of SR 32, including portions of SR 32	Phase 1: Reconstruct interchange with signalized ramp terminations at SR32
22970-2	438	SR 32-Bach-Buxton Interchange	Elick Ln. to Old SR 74	Extend five lane Bach-Buxton extension with SR 32 interchange
22970-2	440	SR 32-Glen Este-Withamsville Overpass	Glen Este-Withamsville Rd.	New Glen Este-Withamsville overpass
82586	446	SR 32-Frontage Road	Bauer Rd. to Half Acre Rd.	New three-lane frontage road.
82587	445	SR 32-Herold Road	1000' west of existing Herold Rd. intersection on SR 32	New interchange
82589	414	SR 32-DeLaPalma/McKeever	McKeever and DeLa Palma Intersections at SR 32	Grade separated interchanges
Hamilton				
	320	Anderson Center Station Park and Ride Phase 2	Five Mile Rd & Towne Center Way	Expansion of hub with addition of 100 parking spaces
	324	SORTA: New BRT Service: Reading Road Corridor	Reading Rd Corridor	Reading Rd. BRT between Reading And Cincinnati CBD
	325	SORTA: New BRT Service: Downtown-Hamilton Ave Corridor	Downtown-Hamilton Ave Corridor	Hamilton Av. BRT between Northgate Mall And Cincinnati CBD
	326	SORTA: New BRT Service: Montgomery	Montgomery Rd Corridor	Montgomery Av. BRT between Blue Ash And Cincinnati CBD
	332	Lick Run Project Improvements (Queen City/Westwood)	Queen City Ave and Westwood Ave from Western Hills Viaduct to White Street	Widen Westwood to 7 total lanes (4 lanes WB, 3 EB). Demote Queen City to 1 lane each direction.
88135	645	GE Parkway	Shepherd Lane to Glendale Milford Road	Add local roadway connection on eastside of IR 75

Table 4: 2040 Plan Non-Exempt Projects

PID	Plan ID	Facility	Location	Description
Additional Non-Exempt Projects Identified for the 2020 Highway Network				
89053	643	IR 71	Temporary maintenance of traffic for routing IR 71 traffic onto IR 471 (Amendment #29, 9-9-10)	Construction of 2 lane connections between IR 71 and IR 471
76257	636	IR 75	From 0.1 mile N of Harrison Ave. to 0.1 miles S of Paddock Rd.	Upgrade interchanges
77889	645	IR 75	From south of SR 562 to north of SR 4 (Amendment #28, 8-12-10)	Widen for additional through lanes, reconstruct interchanges as needed
88124	645	IR 75	From bridge at 10.10 (over Mill Creek) to SR 126 (phase 3)	Add 4th lane in each direction and associated improvements
88133	645	IR 75	Between Galbraith and Shepherd Roads	Add 4th lane and auxiliary lane for NB IR 75
88134	645	IR 75	WB SR 126 to NB IR 75 and SB IR 75 to SB SR 126	Construct new ramps
89069	645	IR 75	IR 75 corridor (Amendment #29, 9-9-10)	Widen IR 75 from north of bridge over Findlay Street to northern terminus of Brent Spence Bridge
88790	620	SR 264 (Bridgetown Rd)	Intersection of SR 264/Taylor/Bridgetown	Widen to 4 lanes
Kentucky				
Boone				
	505	US 25/KY 338 Grade Separation	KY 338 (Richwood Rd) to Winning Colors Dr	Widen to 5 lanes and grade separated interchange at KY338 and US25
	518	Mall Road/I-71/75 Interchange	Mall Road Interchange	New ramp from Mall Rd. to IR75 SB
	521	KY 338 (Richwood Road)	US 25 (Dixie Hwy) to Triple Crown Boulevard (does NOT include TIP projects 6-18.00: KY 338/I-75 Inte	Widen to 5 lanes
6-14.00	121	IR 75/KY 536 Interchange	IR 71/75 at KY 536 (Mt. Zion Road) See 14.01 for study (Amendment #31, 11-10-10, #32, 1-13-11)	Improve interchange and widen KY 536 to five lanes east to US 25
6-14.50	153	IR 75	From KY 536 to US 42 (MP 178.04 to 180.11). Amendment #32, 1-13-11	Add 1 lane each direction
6-18.00	120	IR 75/KY 338 Interchange	KY 338 (Richwood Road) Interchange (Amendment #31, 11-10-10, #32, 1-13-11)	Add 3 lanes and improve I-75 interchange, add auxiliary lane each direction btwn KY536 and KY338
6-8000.21	108	IR 275	I-275/KY 212 Interchange and KY 20 reconstruction	Airport access interchange improvements with new ramp I-275 WB to KY 212 SB and upgrade KY 20
6-158.00	117	KY 536	From US 42 to I-75 (TIP Amendment 8-9-07)	Widen to 5 lanes
6-351.10	0	US 25	Richwood Road to Winning Colors Drive, grade separation of KY 338 at US 25 & RR Overpass	Widen to 5 lanes
6-351.20	0	US 25	Winning Colors Drive to Beesom Drive	Widen to 5 lanes
6-351.30	0	US 25	Beesom Drive to Aristocrat Drive with grade separation of KY 536 at US 25	Widen to 5 lanes
6-351.40	0	US 25	Aristocrat Drive to RR spur crossing	Widen to 5 lanes
Campbell				
	601	I-471	I-275 to Ohio State line	Widen to 4 lanes each direction?
	610	TANK Suburban Crosstown Transit Service	Florence to Ft. Wright to NKU	New TANK route from Florence hub to NKU hub with Ft. Wright stop
	611	US 27	from the Pendleton County to KY 154	Widen to 4 lanes, divided
6-8104.00	303	IR 471	KY 8 interchange	Construct a new southbound off-ramp from I-471 to KY 8
6-352.00	335	KY 536	US 27 to AA Highway (KY 9)	Extension of existing roadway
Kenton				
	715	KY 536	Boone County line to KY 17	Widen to 5 lanes

Table 4: 2040 Plan Non-Exempt Projects

PID	Plan ID	Facility	Location	Description
Additional Non-Exempt Projects Identified for the 2020 Highway Network				
	723	TANK: New BRT Service: Dixie Highway Corridor	Dixie Highway Corridor	BRT service along TANK Rte 1
6-162.00	718	KY 536	Boone County Line to KY 17 (Amendment #6, 3-8-12)	Widen to 5 lanes

Table 4: 2040 Plan Non-Exempt Projects

PID	Plan ID	Facility	Location	Description
Additional Non-Exempt Projects Identified for the 2030 Highway Network				
Ohio				
Butler				
	101	Cincinnati-Dayton Rd	West Chester Rd. to I-75	Widen to 3 lanes
	102	Cox Rd	Barrett to Tylersville	Widen to 3 lanes
	104	SR 128	Rossgate to Cin Brookville	Widen to 3 lanes
	105	SR 747	Princeton Rd. to SR 4 (N. Jct)	Widen to 5 lanes
	106	US 127 (Pleasant Ave)	Symmes Rd to St Clair Ave	Add center turn lane
	107	SORTA Liberty Twp. Park & Ride	Vicinity of SR 129 and Cincinnati-Dayton Road	Extend Route 42x to ODOT/BCTID Liberty Twp. Park & Ride
	108	Bethany Rd	Cincinnati Dayton to Butler Warren	Widen to 3 lanes
20499	0	SR 63 Extension	US 127 Eastward to existing SR 63 at SR4	New 2-lane facility
Clermont				
	203	Eastern Corridor Segment IV Phase 2	IR 275 SR 32 EB and southside of Eastgate Blvd Intersection (Bob notes: New off ramp)	Construct SB I-275 to EB SR 32 flyover ramp and NB I-275 to EB SR 32 flyunder ramp
	207	Old SR 74 - Phase 1	From Glen Este-Withamsville to the Old SR 74 intersection with SR 32 near Shayler Road	Add center turn lane
Hamilton				
	301	Brent Spence Bridge	IR 71/IR 75 bridge over the Ohio River	Ohio portion of BSB
	304	Mill Creek Expressway Phase 5	IR-75 - 3.85	4 continuous lanes each direction
	306	Mill Creek Expressway Phase 7	IR-75 - 6.87	4 continuous lanes each direction
	307	Mill Creek Expressway Phase 8	IR-75 - 7.85	4 continuous lanes each direction
	308	US 42 (Reading Rd)	Clinton Springs to Paddock	Add center turn lane
	309	US 42 (Reading Rd)	Victory Pkwy To Langdon Farm Rd	Add center turn lane
	310	Reading Rd Grade Separation, Sharonville	Reading Rd at-grade Norfolk Southern railroad crossing	Replace with RR grade separation
	313	Thru the Valley Phase 2	IR 75 - GE Parkway	Add local roadway connection on east side of IR 75?
	317	Cincinnati Streetcar Phase 1	Phase 1: Riverfront Loop	Additional funding to complete to 2nd street
87036	604	West ML King Drive (CR 612)	Central Parkway to Clifton Avenue.	Widen to 5 lanes w/ twt/l from Central Pkwy to Clifton, 8 lanes from Clifton to Reading.
89077	643	IR 71	Part of the Brent Spence Bridge project (Amendment #29, 9-9-10)	Replace Brent Spence Bridge
82286	645	IR 75	0.4 miles N of Mitchell Ave to 0.2 miles N of SR 562 (PE in PID 76257) Letter of Concurrence 1-5-11	Reconstruct IR 75 from north of Mitchell interchange through SR 562 interchange. (Phase 7)
82288	645	IR 75	0.3 miles S of Shepherd Lane to 0.2 miles N of Glendale-Milford Rd (Amend #15, 4-9-09, #33, 2-10-11)	Reconstruct IR 75 between Shepherd Lane and Glendale-Milford Road (Phase 8 of IR 75 projects)
83723	645	IR 75	Monmouth overpass to just south of Clifton (phase 5)	Add a lane to IR 75 and reconfigure the IR74/75 interchange
Warren				
	402	NEW Bethany Road	West Mason Corp. Limit to Mason-Morrow-Millgrove Rd.	Widen to 5 lanes and connect Bethany and Mason-Morrow-Millgrove
	403	Butler-Warren Road	Fields-Ertel to US 42	Add center turn lane
	404	Butler-Warren Road	US 42 to Tylersville Rd.	Add center turn lane
	405	Kings Island Dr Extension	Kings Mill Rd. to Mason-Morrow-Millgrove Rd.	Widen Columbia Rd to 5 lanes
	406	Mason Montgomery Road	Fields Ertel to Socialville Fosters Road	Widen to 6 lanes

Table 4: 2040 Plan Non-Exempt Projects

PID	Plan ID	Facility	Location	Description
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Additional Non-Exempt Projects Identified for the 2030 Highway Network

Kentucky

Boone

501	CR 1001 (Camp Ernst Road)	KY 237 to KY 536	Reconstruct and widen to 4 lanes
504	I-71/75 South interchange	I-71/75 SB to I-71 SB	Add 1 lane
507	KY 236 (Donaldson Road)	from Cherry Tree Lane to Mineola Pike (KY 3076)	Widen to 5 lanes
510	KY 3076 (Mineola Pike)	I-275 to KY 236 (Donaldson Rd.)	Widen to 5 lanes
511	KY 338 (Richwood Road)	Triple Crown Boulevard to Hicks Pike	Widen to 3 lanes
512	KY 536 (Mt Zion Road)	from US 25 to Kenton County line	Widen to 5 lanes
516	US 42	New Haven School Rd to KY 3060	Widen to 5 lanes
517	NEW KY 3060 Frogtown Rd Connector Extension-North	KY 3060 Frogtown Rd. to KY 536 (Mt. Zion Rd)	2-lane extension from KY 3060 to KY 536
519	NEW Connector	from KY 237 (Pleasant Valley Road) to KY 842 (Hopeful Church Road)	New 2-lane connector

Campbell

606	NEW KY 1998	KY 177 to KY 9	New 2-lane connection and bridge from KY 177 to KY 9 near KY 1829. Connection to Locust Pk.
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Kenton

701	Brent Spence Bridge	I-71/I-75 bridge over the Ohio River	KY portion of BSB	
705	Buttermilk Pike/I-71/75 Interchange	Buttermilk Pike interchange	Auxiliary lane extension	
706	I-75	IR 275 to Dixie	Widen to 4 lanes each direction	
707	KY 1072	IR 75 to Henry Clay Ave.	Widen to 3 lanes	
708	KY 1303 (Turkeyfoot Road)	Turkeyfoot Road from KY 536 to Richardson	Widen to 5 lanes	
709	KY 1303 (Turkeyfoot Road)	Dudley to US 25	Widen to 4 lanes from I-275 to US25	
710	KY 16	Hands Pike (KY 1501) to KY 536	Widen to 5 lanes	
711	KY 16	KY 536 to KY 17 in Nicholson	Widen to 5 lanes	
712	KY 1829/KY 1486	KY 1829 from KY 1303 (Turkeyfoot Rd) to KY 3035 and KY 1486 from KY 3035 to KY 17	Widen to 3 lanes on partial new alignment	
716	KY 536	KY 17 to KY 16	Widen to 5 lanes	
720	TANK Edgewood Park & Ride	Edgewood - TANK route 18X	New 50 space Park & Ride facility	
721	TANK Turkeyfoot Park & Ride	Turkeyfoot Road - TANK route 19X	New 50 space Park & Ride facility	
6-17.03	702	IR 75	MP 191.277 to 191.777--Brent Spence Bridge	KY portion of BSB
6-17.04	704	IR 75	Brent Spence Bridge (see 6-17.03) Administrative Mod #20, 9-8-09; Amendment #31, 11-10-10)	Replace bridge with 14-lane capacity

Indiana

Dearborn

806	SR 350	North Hogan to US 50	Widen to 4 lanes
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Table 4: 2040 Plan Non-Exempt Projects

PID	Plan ID	Facility	Location	Description
Additional Non-Exempt Projects Identified for the 2040 Highway Network				
Ohio				
Clermont				
	204	Eastern Corridor Segment IV Phase 3	IR 275, SR 32 (Bob notes: SB off)	Construct braided ramp connections between Eastgate Blvd and I-275
	205	Eastern Corridor CLER-SR 32-2.25 Segment IV(a)	SR 32 from Glen Este-Withamsville to Old SR 74 - and new overpass at SR 32 and Glen Este-Withamsvill	Add interchange capacity and new ramp connections
82309	0	IR 275	1.5 mi S to 1.0 mi N of SR 32 on IR 275;.15 mi W to 1.0 mi E of IR 275 on SR 32 (amend #19, 9-10-09)	Phase 2 of IR 275/SR 32 interchange project. IR 275 SR 32 EB & southside of Eastgate Blvd interchang
82588	417	SR 32-Batavia Interchange	SR 32 interchange in Village of Batavia	Convert existing half interchange to full
Hamilton				
	302	Eastern Corridor Red Bank Rd Segment	Red Bank Rd, US 50 to IR 71	Widen to 4 lanes plus center turn lane
	312	Thru the Valley Phase 1	IR 75 - 12.60	Widen to 4 continuous lanes each direction
	314	Thru the Valley Phase 3	IR 75 - 10.10	Widen to 4 continuous lanes each direction
	315	Thru the Valley Phase 7	IR 75 - 10.52	new ramp WB SR126 to NB I75 and SB I75 to WB SR126. Remove Galbraith ramp to WB SR126
	321	Eastern Corridor Oasis Line Segments 1, 2, 3 & 4	Oasis Rail Line (downtown Cincinnati to Milford)	New rail transit between downtown Cincinnati Riverfront Transit Center and City of Milford
	323	New Martin Luther King/I-71 Interchange	Martin Luther King	New MLK interchange with IR 71
	330	NEW Eastern Corridor Relocated SR 32	US 50 to Eight Mile Rd	New 4-lane road
Kentucky				
Boone				
	502	KY 237 (Gunpowder Road)	KY 536 (Mt. Zion Rd) to US 42	Widen to 5 lanes
	513	US 25 (Dixie Highway)	KY 16 to KY 338	Widen to 5 lanes
	515	US 42	I-71/75 to KY 842	Widen to 3 lanes each direction with center turn lane
6-8000.20	108	IR 275	I-275/KY 212 Interchange and KY 20 reconstruction	Airport access interchange improvements with new ramp I-275 WB to KY 212 SB and upgrade KY 20
Campbell				
	602	KY 8	KY 1998 to KY 547 in Silver Grove	Add center turn lane
	605	KY 9 (AA Hwy)	I-275 to US 27	Widen to 6 lanes with access control
Kenton				
	714	KY 371	Avon Dr to I-71/75	Add 2 lanes
	719	NEW KY 177/KY 16 Connection	Between the Licking River, KY 177 and KY 16	New 2-lane connection between KY 177 and KY 16
Indiana				
Dearborn				
	801	SR 1	US 50 to Nowlin Av. and SR 1 intersection	Add 1 lane each direction
	803	NEW Bright to I-74 Connector	North Dearborn Rd. to I-74	New 2-lane roadway

V. CONFORMITY DETERMINATION FOR THE OHIO AND INDIANA PORTION OF THE NONATTAINMENT AREA

OKI has determined that the recommended projects in this amended *OKI 2040 Regional Transportation Plan* are consistent with the air quality goals of the SIP and the conformity requirements under the 8-hour ozone standard and the annual PM2.5 standard. OKI’s quantitative conformity findings for ozone-forming emissions of volatile organic compounds (VOC) and oxides of nitrogen (NO_x) in the Ohio and Indiana portion of the ozone maintenance area are found in Table 5. The MOBILE6.2-based emissions and budgets are shown in Table 6. Table 7 shows the quantitative conformity finding for annual PM2.5 and NO_x emissions in the Ohio and Indiana portion of the PM2.5 maintenance area.

Table 5

Quantitative Conformity Findings of Ozone-forming Emissions (tons per day) for the Ohio¹ and Indiana Portion² of the Maintenance Area - MOVES

	<u>2015</u>	<u>2020</u>	<u>2030</u>	<u>2040</u>
Ohio/Indiana VOC Budget	56.06	42.83	42.83	42.83
Ohio/Indiana VOC Emissions	37.21	28.80	24.46	24.63
Ohio/Indiana NOx Budget	94.24	73.13	73.13	73.13
Ohio/Indiana NOx Emissions	67.88	53.96	49.90	24.18

Table 6

Quantitative Conformity Findings of Ozone-forming Emissions (tons per day) for the Ohio¹ and Indiana Portion² of the Maintenance Area – MOBILE6.2

	<u>2015</u>	<u>2020</u>	<u>2030</u>	<u>2040</u>
Ohio/Indiana VOC Budget	9.76	10.07	10.07	10.07
Ohio/Indiana VOC Emissions	7.91	7.13	6.28	7.78
Ohio/Indiana NOx Budget	14.40	13.27	13.27	13.27
Ohio/Indiana NOx Emissions	11.26	8.07	6.09	6.66

Table 7
Quantitative Conformity Findings of PM2.5 Emissions (tons per year) for the Ohio and Indiana Portion² of the Maintenance Area - MOVES

	<u>2015</u>	<u>2021</u>	<u>2030</u>	<u>2040</u>
Ohio Annual Direct PM2.5 Budget	1678.60	1241.19	1241.19	1241.19
Ohio Annual Direct PM2.5 Emissions	499.05	405.31	361.03	401.02
Ohio Annual NOx Budget	35723.83	21747.71	21747.71	21747.71
Ohio Annual NOx Emissions	24062.39	19475.01	18894.82	9205.53

¹Includes Clinton County

²Dearborn County emissions are for the maintenance portion only

- VOC and NO_x emissions in the Ohio and Indiana portion of the ozone maintenance area do not exceed the 2015 VOC or NO_x budget or the 2020 VOC or NO_x budget for the budget years 2015 and 2020, the intermediate year 2030, or the Plan year 2040.
- Annual Direct PM2.5 and annual NO_x emissions in the Ohio and Indiana portion of the PM2.5 maintenance area do not exceed the 2015, or 2021 budget for the budget years 2015 and 2021, the intermediate year 2030, or the Plan year 2040.
- OKI qualitatively finds no factors in the TIP or the amended *OKI 2040 Regional Transportation Plan* that would cause or contribute to a new daily ozone or annual PM2.5 violation or exacerbate an existing violation in the years before 2015 for the Ohio and Indiana portion of the maintenance area.
- OKI qualitatively finds that no goals, directives, recommendations or projects identified in the *OKI 2040 Regional Transportation Plan* contradict in a negative manner any specific requirements or commitments of the applicable state implementation plan.
- The applicable implementation plans do not contain any transportation control measures (TCM's), therefore; nothing in *OKI 2040 Regional Transportation Plan* can interfere with their timely implementation.

VI. CONFORMITY DETERMINATION FOR THE KENTUCKY PORTION OF THE NONATTAINMENT AREA

OKI has determined that the recommended projects in this *OKI 2040 Regional Transportation Plan* are consistent with the air quality goals of the SIP and the conformity requirements under the 8-hour ozone standard and the annual PM2.5 standard. OKI’s quantitative conformity findings for ozone-forming emissions of volatile organic compounds (VOC) and oxides of nitrogen (NO_x) are found in Table 8. The MOBILE6.2-based emissions and budgets are shown in Table 9. The emissions include the impact of reformulated gasoline (RFG) as a SIP commitment. The PM2.5 quantitative conformity finding is found in Table 10.

Table 8

Quantitative Conformity Findings of Ozone-forming Emissions (tons per day) for the Kentucky Portion of the Nonattainment Area - MOVES

	<u>2015</u>	<u>2020</u>	<u>2030</u>	<u>2040</u>
N. Kentucky VOC Budget	11.15	8.76	8.76	8.76
N. Kentucky VOC Emissions	6.60	4.34	3.61	3.96
N. Kentucky NO _x Budget	37.87	28.13	28.13	28.13
N. Kentucky NO _x Emissions	18.97	9.02	8.35	6.99

Table 9

Quantitative Conformity Findings of Ozone-forming Emissions (tons per day) for the Kentucky Portion of the Nonattainment Area – MOBILE6.2

	<u>2015</u>	<u>2020</u>	<u>2030</u>	<u>2040</u>
N. Kentucky VOC Budget	9.76	10.07	10.07	10.07
N. Kentucky VOC Emissions	7.91	7.13	6.28	7.78
N. Kentucky NO _x Budget	14.40	13.27	13.27	13.27
N. Kentucky NO _x Emissions	11.26	8.07	6.09	6.66

Table 10

Quantitative Conformity Findings of PM2.5 Emissions (tons per year) for the Kentucky Portion of the Nonattainment Area - MOVES

	<u>2015</u>	<u>2021</u>	<u>2030</u>	<u>2040</u>
N. Kentucky Direct PM2.5 Annual Budget	389.67	302.92	302.92	302.92
N. Kentucky Direct PM2.5 Annual Emissions	323.61	119.36	89.51	104.45
N. Kentucky NO _x Annual Budget	8045.65	7384.32	7384.32	7384.32
N. Kentucky NO _x Annual Emissions	6547.65	3099.79	3237.70	2633.81

- VOC and NO_x emissions in the Kentucky portion of the ozone maintenance area do not exceed the 2015 VOC or NO_x budget or the 2020 VOC or NO_x budget for the budget years 2015 and 2020, the intermediate year 2030, or the Plan year 2040.
- Annual Direct PM_{2.5} and annual NO_x emissions in the Kentucky portion of the PM_{2.5} maintenance area do not exceed the 2015, or 2021 budget for the budget years 2015 and 2021, the intermediate year 2030, or the Plan year 2040.
- OKI qualitatively finds no factors in the TIP or the amended *OKI 2040 Regional Transportation Plan* that would cause or contribute to a new daily ozone or annual PM_{2.5} violation or exacerbate an existing violation in the years before 2015 for the Kentucky portion of the maintenance area.
- OKI qualitatively finds that no goals, directives, recommendations or projects identified in the *OKI 2040 Regional Transportation Plan* contradict in a negative manner any specific requirements or commitments of the applicable state implementation plan.
- The applicable implementation plan in Kentucky does not contain any transportation control measures (TCM's), therefore; nothing in *OKI 2040 Regional Transportation Plan* can interfere with their timely implementation.

VII. INTERAGENCY CONSULTATION AND PUBLIC INVOLVEMENT

OKI has engaged in consultation procedures with the Indiana Department of Transportation, the Indiana Department of Environmental Management, the Ohio Department of Transportation, the Ohio Environmental Protection Agency, the Kentucky Transportation Cabinet, the Kentucky Division of Air Quality, Miami Valley Regional Planning Commission, the U.S. Environmental Protection Agency, and the U.S. Department of Transportation before making this conformity determination and throughout the conformity process as appropriate. The draft document was made available on the OKI website. The interagency consultation process was undertaken in accordance with OKI's Transportation Conformity Consultation Memorandum of Understanding (MOU), as adopted by the OKI Board of Directors on April 10, 2008. The Conformity MOU sets forth policy, criteria, and procedures for demonstrating and assuring conformity of such activities to applicable implementation plans developed according to Part A, Section 110 and Part D of the Clean Air Act. The Conformity MOU can be found on OKI's website. Interagency consultation was initiated on January 24, 2012 with a conference call. Appropriate conformity analysis years and tests, as well as a schedule, were determined. Beginning June 11, 2012, copies of this conformity document, presented as Appendix H in the draft *OKI 2040 Regional Transportation Plan*, were made available for public inspection on OKI's website and at OKI's office. Notice of the availability of the draft Plan document, and the announcement of the public comment period and the June 11, 2012 public hearing were published in several local newspapers. The public review period and public hearing were held prior to the final review by OKI's Intermodal Coordinating Committee on June 12, 2012 and action by the OKI Board of Directors on June 21, 2012. There were no comments pertaining to this conformity analysis. Other comments on the Plan are documented separately.

**MEMORANDUM OF UNDERSTANDING
AMONG
THE OHIO-KENTUCKY-INDIANA REGIONAL COUNCIL OF GOVERNMENTS,
THE OHIO ENVIRONMENTAL PROTECTION AGENCY,
THE INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT,
THE INDIANA DEPARTMENT OF TRANSPORTATION,
THE MIAMI VALLEY REGIONAL PLANNING COMMISSION,
THE OHIO DEPARTMENT OF TRANSPORTATION,
THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY-REGION 5,
THE FEDERAL HIGHWAY ADMINISTRATION-OHIO DIVISION,
THE FEDERAL HIGHWAY ADMINISTRATION-INDIANA DIVISION,
THE FEDERAL TRANSIT ADMINISTRATION-REGION 5**

The purpose of this Memorandum of Understanding (MOU) is to implement section 176(c)(4)(E) of the Clean Air Act (CAA), as amended (42 USC 7401 et seq.), the related requirements of 23 U.S. C. 109(j), and regulations under the Code of Federal Regulations (CFR) section 40, Part 93, Subpart A with respect to the conformity of transportation plans, programs, and projects that are developed, funded or approved by the United States Department of Transportation (U.S. DOT) and by Metropolitan Planning Organizations (MPOs), and the Ohio Department of Transportation (Ohio DOT), the Indiana Department of Transportation (INDOT) or other recipients of funds under title 23 USC or the Federal Transit Laws (49 USC Chapter 53). This MOU sets forth policy, criteria, and procedures for demonstrating and assuring conformity of such activities to applicable implementation plans developed according to Part A, section 110 and Part D of the CAA.

This is a MOU concerning the criteria and procedures for the conformity determination of transportation plans, programs and projects in the Cincinnati-Middletown-Wilmington OH-KY-IN, Combined Statistical Area for National Ambient Air Quality Standards (NAAQS), pursuant to the CAA Amendments of 1990.

The Kentucky portion of the Cincinnati-Middletown-Wilmington OH-KY-IN area will have a separate state rule or agreement for transportation conformity consultation. Although the Kentucky agencies and Region 4 federal agencies are not parties to this agreement, the agencies are expected to participate in the consultation meetings and to review materials. These parties are: Kentucky Environmental and Public Protection Cabinet (KEPPC); United States Environmental Protection Agency-Region 4 (U.S. EPA-R4); Kentucky Transportation Cabinet (KYTC); Federal Highway Administration-Kentucky Division (FHWA-KY); and Federal Transit Administration-Region 4 (FTA-R4). These parties do not need to be signatories to this MOU since Kentucky will submit a revision to the Kentucky SIP to address transportation conformity consultation procedures which will be the same or substantially similar to these procedures.

The 10 parties to this MOU are as follows, hereafter referred to as “all parties”:

Ohio-Kentucky-Indiana Regional Council of Governments MPO (OKI)
Miami Valley Regional Planning Commission (MVRPC)
Ohio Environmental Protection Agency (Ohio EPA)
Indiana Department of Environmental Management (IDEM)
Ohio Department of Transportation (Ohio DOT)
Indiana Department of Transportation (INDOT)
Federal Highway Administration-Ohio Division (FHWA-OH)
Federal Highway Administration-Indiana Division (FHWA-IN)
Federal Transit Administration-Region 5 (FTA-R5)
United States Environmental Protection Agency-Region 5 (U.S. EPA-R5)

This MOU will be submitted as a revision to the Ohio State Implementation Plan (SIP) required by section 176 of the CAA Amendments of 1990 and will govern conformity determinations in the OKI MPO area. The OKI region consists of Dearborn County, Indiana; Boone, Campbell, and Kenton counties in Kentucky; Butler, Clermont, Hamilton and Warren counties in Ohio. OKI is responsible for the air quality conformity determination for the region's transportation plans, projects and programs in these counties. Clinton County is outside of the OKI region, but is part of the ozone nonattainment area. Ohio DOT is the lead planning agency for Clinton County. MVRPC is the lead planning agency for the cities of Franklin, Carlisle and Springboro in Warren County Ohio.

This MOU will continue to apply to any revised nonattainment area geographies resulting from future designations, or designation revisions for the criteria pollutants within the OKI areas.

Execution of this MOU by each party shall be by signature of each party's representative.

The provisions of this MOU shall be implemented through appropriate procedures, resolutions, or other means, in order to comply with the requirements of all federal and state laws and regulations relating to the conformity determination and development of applicable implementation plan revisions. This MOU along with Attachments A and B defines and delineates the roles, processes, and responsibilities of each signatory to this MOU.

Attachment A

Transportation Air Quality Conformity Protocol

Conformity Procedures

In accordance with the requirements under section 176 (c)(4)(C) of the CAA, Ohio EPA submitted a state implementation plan (SIP) revision to U.S. EPA on August 17, 1995. This submittal was found to be complete on October 5, 1995. In this submittal, Ohio EPA adopted state rules to meet the requirements of 40 CFR Part 51, Subpart T, as published on November 24, 1993. Transportation conformity is required for all nonattainment or maintenance areas for any transportation related criteria pollutants [40 CFR 51.394 (b)].

On August 10, 2005, the President signed into law the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). SAFETEA-LU promotes more efficient and effective Federal surface transportation programs by focusing on transportation issues of national significance, while giving state and local transportation decision makers more flexibility for solving transportation problems in their communities. Section 6011 of SAFETEA-LU specifically addresses transportation conformity. One of the requirements, (f)(4)(E) states,

“Not later than 2 years after the date of enactment of the SAFETEA-LU the procedures under subparagraph (A) shall include a requirement that each state include in the state implementation plan criteria and procedures for consultation required by subparagraph (D) (i), and enforcement and enforceability (pursuant to sections 93.125 (c) and 93.122 (a) (4) (ii) of Title 40, Code of Federal Regulations (CFR) in accordance with the Administrator’s criteria and procedures for consultation, enforcement and enforceability.”

States are no longer required to adopt all of the provisions of the federal conformity rule. The three required conformity SIP elements are:

- 1) consultation procedures [40 CFR 93.105] (Attachment B);
- 2) procedures for determining regional transportation-related emissions [40 CFR 93.122(a)(4)(ii)] (Attachment A); and
- 3) enforceability of design concept and scope and project-level mitigation and control measures [40 CFR 93.125 (c)] (Attachment A).

In accordance with 40 CFR 93.105, the SIP or SIP revision shall include procedures for interagency consultation (federal, state and local), resolution of conflicts, and public consultation as described in Attachment B. Public consultation shall be developed in accordance with the requirements for public participation in 23 CFR Part 450. The SIP shall include procedures to be undertaken by OKI, state and federal DOTs, local air quality agencies and U.S. EPA, prior to making transportation conformity determinations, and by state and local air agencies and U.S. EPA with OKI, state and federal DOTs, in developing applicable implementation plans. OKI and Ohio DOT must provide reasonable opportunity for consultation with all parties and local air quality and transportation agencies as described in Attachment B.

In accordance with 40 CFR 93.122(a)(4)(ii), OKI will not include emissions reduction credits from any control measures that are not included in its transportation plan (TP) or transportation improvement program (TIP) and do not require a regulatory action, in the regional emissions analyses used in the conformity demonstration unless OKI, or FHWA/FTA obtains written commitments, as defined in 40

CFR 93.101, from the appropriate entities to implement those control measures. The written commitments to implement those control measures must be fulfilled by the appropriate entities. Prior to making a conformity determination on a TP or TIP, OKI will ensure the project design concept and scope are appropriately identified in the emissions analyses used in the regional conformity demonstration.

In accordance with 40 CFR 93.125(c), prior to making a project-level conformity determination for a transportation project, FHWA/FTA must obtain from the project sponsor and/or operator written commitments, as defined in 40 CFR 93.101, to implement any project-level mitigation or control measures in the construction or operation of the project identified as conditions for National Environmental Policy Act (NEPA) approval. The written commitments to implement those project-level mitigation or control measures must be fulfilled by the appropriate entities. Prior to making a project-level conformity determination, written commitments will be obtained before such mitigation or control measures are used in a project-level hot-spot conformity analysis [40 CFR 93.125(c)]. Consultation on these commitments will take place as a part of a consultation process prior to the project-level conformity analysis and determination. Interagency consultation for a project-level conformity analysis may occur separately from the consultation used during the development of a regional conformity demonstration.

Attachment B

Interagency Consultation Procedures

I. General

Ohio EPA will submit these consultation procedures as a revision to the SIP, whereby all parties to this MOU and other organizations with responsibilities for developing, submitting, or implementing provisions of a SIP must consult with each other on the development of the SIP, the TP, the TIP, and associated conformity determinations in accordance with 40 CFR 93.105(b)(1).

These procedures implement the interagency consultation process for OKI and include procedures to be undertaken by all parties to this MOU before making transportation conformity determinations on the TP and TIP in accordance with 40 CFR 93.105(a)(1) and 40 CFR 93.105(c)(3). This area's geographic coverage includes two MPO's, eight counties in three states: Dearborn County, Indiana; Boone, Campbell, Kenton counties in Kentucky; Butler, Clermont, Hamilton and Warren counties in Ohio. OKI's TP and TIP address only the MPO area. Clinton County is outside of the OKI region, but is part of the nonattainment area. Ohio DOT is the lead planning agency for Clinton County. MVRPC is the lead planning agency for the cities of Franklin, Carlisle and Springboro in Warren County, Ohio. These analyses are combined to make a conformity determination for the OKI region. KYTC and IDEM are lead planning agencies for their respective areas not within the OKI region.

Persons of any organizational level in the signatory agencies may participate in the of the interagency consultation group. All consultation will be open to the public, but not necessitate official public notification. Each agency chooses its representative for interagency consultation, and forwards that person's contact info to OKI whose representative is responsible for maintaining the participant list. Changes in representatives will be given to OKI. OKI will in turn redistribute it to all parties. OKI is responsible for convening meetings and providing an agenda.

Interagency consultation frequency will be as needed, unless there is consensus among the consultation parties to meet on a specific schedule (i.e. quarterly, biannually, annually, etc.). In most cases, consultation will be via conference call and/or email unless the interagency consultation group decides that certain items may require a face-to-face meeting and could not be handled via conference call or email.

Early in the TP and/or TIP development process, the MPO will develop a schedule for key activities and meetings leading up to the adoption of the TP, TIP or amendment to the TP or TIP. In developing the draft TP and/or TIP, the MPO brings important air quality conformity TP and/or TIP related issues to all parties in the interagency consultation group for discussion and feedback. OKI is responsible for making all materials used for these discussions available to the interagency consultation group prior to the consultation sessions. Similar consultation will occur with TP amendments if a new regional analysis is required.

Public participation in the development of the TP and/or TIP will be provided in accordance with OKI's adopted Public Participation Procedures in accordance with 23 CFR 450.

OKI will provide the interagency consultation group an opportunity to review the draft conformity analysis. This review will typically take place during the public review period. This is typically done by e-mail. The interagency consultation group will respond promptly to the OKI staff with any comments. Members of the public can comment on the draft conformity analysis in accordance with OKI's adopted

public participation procedures. All comments received will be included in the final conformity documentation.

OKI and Ohio EPA will be responsible for maintaining a list of any TCMs that are in the applicable SIP for the OKI area [see section IV a].

The following process provides for final documents to be provided to all interagency consultation group members as required by 40 CFR 93.105(c)(7):

After the OKI Board of Director's (MPO Board) adopts the final TP or TIP and associated conformity determination, OKI will provide the final conformity documentation to FHWA and the interagency consultation group for a federal conformity finding. FHWA will initiate formal consultation and will provide 30 days for written comments from the interagency consultation group members. If appropriate, FHWA will issue the formal conformity finding on behalf of U.S. DOT. The TP update or amendment becomes effective the date the U.S. DOT conformity finding is issued. The TIP update or amendment only becomes effective after the U.S. DOT conformity finding is issued, and the FHWA approves the associated TIP update or amendment into Ohio's State Transportation Improvement Program (STIP). OKI will transmit electronic copies of the final conformity analysis to the interagency consultation group members and place a final copy on OKI's Web site.

II. Consultation on Transportation Plans, Transportation Plan Amendments, Transportation Improvement Programs, and Transportation Improvement Program Amendments [40 CFR 93.105]

Consultation on all non-conformity related aspects of transportation plans, transportation improvement programs, and amendments thereto shall be governed by the applicable participation plans developed pursuant to 23 USC 134/49 USC 5303(i)(5), (i)(6), and (j)(4) and 23 USC 135/49 USC 5304 (f)(3) and (g)(3). Consultation on conformity related aspects of these activities are delineated below.

a) Consultation on Transportation Plan and Transportation Plan Amendment Conformity Process

The federal conformity rules at 40 CFR Part 93 defines the criteria and procedures by which conformity will be established in accordance with 40 CF 93.105 (c), interagency consultation will include the following topics, as appropriate:

- travel forecasting and modeling assumptions;
- latest planning assumptions;
- motor vehicle emission factors to be used in conformity analysis;
- appropriate analysis years;
- determination of exempt projects and evaluating whether projects otherwise exempted (as listed in 93.126 and 93.127) should be treated as non-exempt.;
- determination of which minor arterials and other transportation projects should be considered regionally significant projects for the purposes of regional emissions analysis (in addition to those functionally classified as principal arterial or higher or fixed guideway systems or extensions that offer an alternative to regional highway travel);
- which projects should be considered to have a significant change in design concept and scope from the transportation plan or TIP;
- treatment of regionally significant projects (federal and non-federal funded) assumed in the transportation network and the year of operation;

- treatment of regionally significant projects that span MPO boundaries;
- status of TCM implementation;
- financial constraints and other requirements that affect conformity pursuant to federal statewide and metropolitan planning regulations (this item is not a requirement for consultation);
- reliance on a previous regional emissions analysis;
- conformity process public participation procedures; and
- the need for interim TP (in the event of a conformity lapse).

OKI is the lead agency for development of its transportation plans and amendments thereto. OKI is the lead agency for the development of the associated transportation conformity analyses for the Ohio counties of Butler, Clermont, Hamilton, and Warren, the Kentucky counties of Boone, Campbell and Kenton, and Dearborn County, Indiana. MVRPC, Ohio DOT, KYTC and IDEM are lead agencies for the conformity analyses for their respective areas outside the OKI region. OKI and the interagency consultation group will be provided the opportunity to review the Ohio DOT, and INDOT analyses prior to inclusion in the overall conformity document. The interagency consultation parties will participate in the plan development process, review associated documentation, and collaboratively decide on aspects of the conformity determination that must be determined through interagency consultation according to the regulations at 40 CFR Part 93. Opportunity for comment and participation is provided in the interagency consultation conferencing and by commenting on draft materials as described in the general of this document.

If new designations for criteria pollutants occur that expand analyses areas beyond those defined above, interagency consultation will determine the parties responsible for conducting those analyses in accordance with 40 CFR 93.105(c)(2)(ii).

b) Consultation and Notification Procedures for Conformity Analysis of TIP and TIP Amendments

Federal conformity rules at 40 CFR Part 93 defines the criteria and procedures by which conformity will be established. Following OKI's notice that the TIP air quality conformity process has been initiated, OKI and Ohio DOT will coordinate the TIP transportation conformity interagency consultation process. Interagency consultation will include the same topics listed for the transportation plan (see section II. a) as well as the additional topics listed below in accordance with 40 CFR 93.105 (c).

- identification of exempt TIP projects;
- identification of exempt projects which should be treated as nonexempt; and
- determination of an interim TIP (in the event of a conformity lapse) inclusive of projects that can advance during a conformity lapse.

For TIP amendments, OKI and Ohio DOT will consult as identified below:

Consultation required in situations requiring a conformity determination, including but not limited to:

- add non-exempt, regionally significant project that has not been accounted for in the regional emissions analysis; and
- change in non-exempt, regionally significant project that is not consistent with the design concept and scope or the conformity analyses years.

The interagency consultation group will be provided an opportunity to review the draft TIP or TIP amendment conformity documentation concurrent with the TIP public involvement review period. OKI will respond to any questions or comments from the consultation parties within 10 days. After the public review period OKI will adopt the final TIP or TIP amendment and conformity determination. OKI will provide the final TIP or TIP amendment and conformity documentation to the affected state DOT(s). The affected state DOT(s) will forward the documents to FHWA/FTA for final review, incorporation into the STIP and U.S. DOT conformity determination as required by 40 CFR 93.105 (c)(7) and 23 CFR 450.322 of the FHWA/FTA Statewide and Metropolitan Planning rule. Copies of the final TIP or TIP amendment and conformity documentation will be made available on OKI's Web site.

III. Transportation Plan and Transportation Improvement Program Interagency Consultation Agency Roles and Responsibilities [40 CFR 93.105(b)(2)]

Ohio EPA, IDEM

- Reviews and comments on all aspects of the conformity determinations for the TP and TIP in a timely manner;
- Develops, solicits input on and adopts motor vehicle emission budgets;
- Seeks U.S. EPA approval for the use of motor vehicle emissions factors and mobile source budgets in conformity analyses; and
- Reviews and comments on the transportation plan and TIP development documentation and associated air quality analyses in as agreed in this document.

Ohio DOT, INDOT

- Participates as a voting member of the OKI Board of Director's and committees as defined by the OKI agency bylaws;
- Project initiator for state sponsored transportation improvement projects in the OKI region;
- Works directly with OKI in providing and reviewing detailed project programming information;
- Defines the design concept and scope of state sponsored transportation improvement projects to conduct regional emissions analysis;
- Promptly notifies OKI of changes in design concept and scope, cost, and implementation year of regionally significant state sponsored projects;
- Assures project-level CO and PM hotspot analyses are included in OKI region transportation project NEPA documentation when required;
- Identifies and commits to project-level CO and PM mitigation measures for state sponsored transportation projects, as required;
- Implements TCMs for which Ohio DOT/KYTC/INDOT is responsible on the schedule that is found in the SIP;
- Maintains a list of TCMs in the SIP and progress toward implementing the TCMs;
- Works with local municipalities and other project sponsors to ensure that the above procedures are also implemented on locally sponsored highway projects; and
- Assists OKI with travel demand modeling and mobile source emissions estimating processes.

For STIP and STIP amendments exclusively involving projects within the Cincinnati-Middletown-Wilmington OH-KY-IN, Combined Statistical Area for NAAQS, but outside MPO boundaries, Ohio DOT, or INDOT will develop, coordinate, prepare and circulate conformity documentation for interagency consultation and public participation.

OKI

- Develops, coordinates, and circulates transportation plan and TIP supporting and technical documentation for interagency consultation and public participation;
- Conducts transportation plan/TIP and air quality conformity public participation processes;
- Maintains demographic and land use data for travel demand forecasting and regional emissions analysis;
- Works with Ohio DOT, INDOT and local sponsors to define the design concept and scope of projects in the transportation plan and TIP to conduct regional emissions analysis;
- Prepares transportation plan/TIP conformity documentation;
- Includes funding for SIP mandated TCMs in the transportation plan and TIP if required; and
- Adopts transportation plan/TIP, performs the regional emissions analysis and makes conformity determinations.

MVRPC, in the Cincinnati (Franklin, Carlisle, and Springboro) Air Quality Region:

- Develops, coordinates, and circulates transportation plan and TIP supporting and technical documentation for interagency consultation and public participation;
- Conducts transportation plan/TIP and air quality conformity public participation processes;
- Provides OKI with the design concept and scope of projects in the transportation plan and TIP to conduct regional emission analyses;
- Prepares transportation plan/TIP conformity documentation;
- Includes funding for SIP mandated TCMs in the transportation plan and TIP; and
- Adopts transportation plan/TIP and make conformity determinations.

In the Cincinnati (Franklin, Carlisle, and Springboro) Air Quality Region OKI will:

- Maintains demographic and land use data for travel demand forecasting and regional emissions analysis; and
- Conducts the analysis and prepare transportation plan/TIP conformity documentation.

If a new conformity determination is needed in the Cincinnati Air Quality Region due to transportation plan/TIP amendments in the MVRPC MPO only, MVRPC will be responsible for initiating interagency consultation and conducting the public participation process and OKI will conduct the conformity analysis and provide conformity documentation.

U.S. EPA

- Administers and provides guidance on the CAA and transportation conformity regulations;
- Determines adequacy of motor vehicle emissions budget used for making conformity determinations;
- Reviews and comments on transportation plan and transportation improvement program documentation in keeping with participation plan requirements; and
- Reviews and comments on conformity determinations for the transportation plans and transportation improvement programs.

FHWA/FTA

- Consults with U.S. EPA on transportation conformity determinations.
- Provides guidance on transportation planning regulations;
- Ensures that all transportation planning and transportation conformity requirements contained in 23 CFR Part 450 and 40 CFR Part 93, respectively, are met;
- Works with transit agencies to ensure that conformity procedures are implemented in transit agency-sponsored projects; and

- Makes transportation plan/TIP conformity determinations.

IV. State Implementation Plan (SIP) Consultation Process [40 CFR 93.105]

a. SIP Consultation Structure and Process in Ohio

Ohio EPA is responsible for preparing the SIP. If new transportation control strategies or TCMs are considered necessary to achieve and/or maintain federal air quality standards, the interagency consultation group will discuss possible TCMs for inclusion in the SIP. Ohio EPA will provide and update schedules for SIP development that will be available to all agencies and the public. Public involvement will be in accordance with Ohio EPA's public involvement procedures. Key documents will be posted on Ohio EPA's Web site. SIP development will normally cover inventory development, determination of emission reductions necessary to achieve and/or maintain federal air quality standards, transportation and other control strategies that may be necessary to achieve these standards, contingency measures, and other such technical documentation as required.

Ohio EPA is responsible for informing OKI of any TCMs in the SIP and OKI is responsible for maintaining a list of these TCMs and is responsible for tracking progress toward implementation and will share the list and implementation schedule with the interagency consultation parties. The interagency consultation parties will determine as required by 40 CFR 93.113(c) (1) whether past obstacles to implementation of TCMs, which are behind the schedule established in the SIP, have been identified and are being overcome. The interagency consultation group will assure that state and local agencies provide approval and funding priority to TCMs that are approved in the SIP. The interagency consultation group will also consider revisions to the SIP to remove TCMs or substitute TCMs or other emission reduction measures.

OKI and Ohio DOT develop the travel activity and emissions data that are used by Ohio EPA in establishing the on-road motor vehicle emission inventories for the SIP with consultation from Ohio EPA on the inputs for emission modeling.

If new transportation control strategies are considered that may aid the region to achieve and/or maintain federal air quality standards, Ohio EPA will provide OKI and Ohio DOT with guidance for estimating their impacts on regional emissions. This SIP process will define the motor vehicle emissions budget (MVEB), and its various components, that will be used for future conformity determinations of the TP and TIP. Prior to publishing the draft SIP, OKI, Ohio DOT, KYTC, KEPPC, INDOT and IDEM will have an opportunity to review and comment on the proposed MVEB.

In accordance with 40 CFR 93.105 (b)(2)(iii) and 40 CFR 93.105 (c)(7) Ohio EPA will circulate the draft SIP for public review, and all comments will be responded to in writing prior to adoption of the SIP. The draft will be amended as needed in response to comments received. Ohio EPA will then transmit the final document with amendments, along with the public notice, public hearing transcript and a summary of comments and responses, to U.S. EPA.

b. Agency Roles and Responsibilities [40 CFR 93.105(b)(2)(i)]

The following provides a summary on the roles and responsibilities of the different agencies with involvement in development and review of SIP submittals dealing with TCMs or emissions budgets.

Ohio EPA, KEPPC, IDEM

- Responsible for air quality monitoring, preparation and maintenance of detailed and comprehensive emissions inventories, air quality modeling, and other air quality planning and control responsibilities;
- Responsible for preparing drafts of SIP submittals, revising those drafts, incorporating other agencies' comments, attending and scheduling public hearings, preparing public hearing transcripts and responding to public comments;
- Responsible for timely SIP submittal to U.S. EPA; and
- Provides concurrence with TCM substitution in the SIP.

Ohio DOT, KYTC, INDOT

- Assists in developing regional travel demand forecasts used in the SIP mobile emissions inventories and analyses of new TCMs;
- Assists in developing mobile source inventories and analyses as needed; and
- Participates in reviewing and commenting on draft SIP documents.

OKI

- Responsible for developing regional transportation emissions analysis used in the SIP emissions inventories and analyses of new TCMs;
- Monitor and report on implementation of federal TCMs;
- Responsible for providing review and comments on draft SIP documents; and
- Provides concurrence with TCM substitution in the SIP.

U.S. EPA

- Receives the Ohio EPA SIP submittals and has the responsibility to act on them in a timely manner;
- Reviews and comments on submittals through various meetings, workshops and hearing that are conducted;
- Provides guidance on the CAA;
- Determines adequacy of motor vehicle emissions budget used for making TP/TIP conformity findings; and
- Provides concurrence with TCM substitution in the SIP.

FHWA/FTA

- Provides guidance on transportation planning regulation; and
- Participates in the SIP review and comment process.

Please note: while these are key areas and agencies involved in the development of the SIP, participation in the SIP process by other agencies may occur.

V. Project-level Conformity Determinations for Carbon Monoxide (CO) and/or Fine Particulate Matter (PM) [40 CFR 93.105 (c)(1)(i)]

Project sponsors are required to conduct project-level conformity analyses by the FHWA/FTA NEPA process. FHWA/FTA are responsible for making all project-level conformity determinations. FHWA/FTA, with the participation of U.S. EPA, identifies the applicable procedures for CO and/or PM analyses. Project sponsors should use the most recently identified procedures. In accordance with 40 CFR 93.105 (c)(1)(i) and other applicable regulations, Ohio DOT, KYTC and INDOT will determine the following:

1. That FHWA/FTA, with U.S. EPA review participation, has approved the project-level CO and/or PM conformity analyses which are included in the project's environmental document prior to initiating federal authorizations.
2. That the design concept and scope of the project has not changed significantly from that used by OKI, Ohio DOT, KYTC and INDOT in their most recent regional transportation conformity analyses of the TP and TIP.

The OKI governing board or policy committee may periodically review and participate with Ohio DOT, KYTC, INDOT and other agencies as appropriate in the update of the CO and/or PM analyses. Through the NEPA process, Ohio DOT, KYTC and INDOT may provide technical guidance to project sponsors who use these procedures.

VI. Monitoring of Transportation Control Measures (TCMs) **[40 CFR 93.105 (c)(1)(iv)]**

As part of the conformity documentation for a TP and/or TIP, OKI will identify the status of SIP TCMs. If TCM emissions reductions are included as part of the motor vehicle emissions budget, OKI will estimate the portion of emission reductions that have been achieved. If there are funding or scheduling issues for a SIP transportation control measure, OKI will describe the steps being undertaken to overcome these obstacles, including means to ensure that funding agencies are giving these TCMs maximum priority. OKI may propose substitution of a new TCM or TCMs for all or a portion of an existing TCM that is experiencing implementation difficulties (see section VII below).

VII. Conflict Resolution [40 CFR 93.105 (d)]

Conflicts between any parties of this MOU that arise during consultation will be resolved as follows:

1. A statement of the nature of the conflict will be prepared and agreed to by the conflicting parties and shared with the remaining signatories.
2. Disagreeing parties will consult in a good faith effort to resolve the conflict in a manner acceptable to all parties.
3. If they are unsuccessful, the directors of the signatory agencies or their designees shall meet to resolve differences in a manner acceptable to all parties.
4. If none of the above steps produces a satisfactory resolution, the directors of the signatory agencies have 14 days to appeal to the governor(s) of the affected states. OKI will send correspondence to the directors of the signatory agencies informing them that attempts to resolve the conflict have failed and they plan to proceed with their conformity decision or policy in conflict. The 14-day appeal period will commence on the first normal business day following Ohio EPA's and IDEM's receipt of correspondence (whichever is later) via Certified U.S. Mail and/or other certified delivery from OKI. The appeal period will expire at midnight of the 14th calendar day following receipt of such notice.
5. If a party other than Ohio EPA or IDEM appeals to the Governor, that participant must inform the Ohio EPA or IDEM of the Governor's response to the appeal. Ohio EPA or IDEM has an additional 14 calendar days from that notification of appeal to the Governor if it disagrees with the response. If Ohio EPA or IDEM appeals to their respective Governor, the final conformity

determination must have the concurrence of the Governor. If Ohio EPA or IDEM does not appeal to the Governor within 14 days, OKI may proceed with the final conformity determinations. The Governor may delegate his or her role in the process, but not to the head or staff of Ohio EPA, Ohio DOT, IDEM, INDOT or OKI.

VIII. Public Consultation Procedures [40 CFR 93.105 (e)]

OKI will follow its adopted public participation procedures when making conformity determinations on transportation plans and programs. These procedures establish a proactive public participation process which provides opportunity for public review and comment by, at a minimum, providing reasonable public access to technical and policy information considered by OKI at the beginning of the public comment period and prior to taking formal action on a conformity determination for the TP and TIP, consistent with these requirements and those of 23 CFR 450.316(a). Meetings of OKI are open to the public. Any charges imposed for public inspection and copying should be consistent with the fee schedule contained in 49 CFR 7.43. These agencies also shall provide opportunity for public participation in conformity determinations for projects where otherwise required by law.

**MEMORANDUM OF UNDERSTANDING
TRANSPORTATION CONFORMITY
CONSULTATION PROCEDURES**

**Parties: OKI, MVRPC, Ohio EPA, Ohio DOT, IDEM, INDOT, FHWA, FTA and U.S.
EPA**

LIST of SIGNATORIES

Note: Signatures appear on separate, multiple pages.

Mark Policinski
Executive Director
Ohio-Kentucky-Indiana Regional Council of Governments

Donald R. Spang
Executive Director
Miami Valley Regional Planning Commission

Robert J. Shook
Chairperson

Chris Korleski
Director
Ohio Environmental Protection Agency

James G. Beasley, P.E., P.S.
Director
Ohio Department of Transportation

Daniel Murray
Assistant Commissioner
Indiana Department of Environmental Management, Office of Air Quality

Karl B. Browning
Commissioner
Indiana Department of Transportation

Dennis Decker
Division Administrator
Ohio Division
Federal Highway Administration *(FHWA-OH is lead for U.S. DOT)*

Robert F. Tally, Jr., P.E.
Division Administrator
Indiana Division
Federal Highway Administration

Marisol Simon
Regional Administrator
Region 5
Federal Transit Administration

Mary Gade
Regional Administrator
Region 5
U.S. Environmental Protection Agency