

## RESOLUTION

OF THE EXECUTIVE COMMITTEE OF THE  
OHIO-KENTUCKY-INDIANA REGIONAL COUNCIL OF GOVERNMENTSCONCERNING AMENDMENT #9 OF THE  
FISCAL YEARS 2021 – 2024 TRANSPORTATION IMPROVEMENT PROGRAM

**WHEREAS**, the Ohio-Kentucky-Indiana Regional Council of Governments (OKI) is designated as the Metropolitan Planning Organization (MPO) by the Governors of Ohio, Kentucky and Indiana acting through the Ohio Department of Transportation (ODOT), the Kentucky Transportation Cabinet (KYTC) and the Indiana Department of Transportation (INDOT) and in cooperation with locally elected officials in the OKI region; and

**WHEREAS**, the Intermodal Coordinating Committee (ICC), as the technical advisory committee to OKI, has reviewed and recommended the projects and phases listed in the resolution and recommend that they be amended into the Transportation Improvement Program (TIP); and

**WHEREAS**, all federally funded transit and highway projects in the Ohio Counties of Butler, Clermont, Hamilton and Warren, the Kentucky Counties of Boone, Campbell and Kenton and the Indiana County of Dearborn must be included in the TIP prior to the expenditure of federal funds and be listed with year of expenditure dollars; and

**WHEREAS**, the amendments are consistent with the *OKI 2050 Metropolitan Transportation Plan* as adopted on September 10, 2020 and the OKI Regional ITS Architecture adopted on September 8, 2016; and

**WHEREAS**, the Cincinnati ozone nonattainment area consists of the Ohio counties of Butler, Clermont, Hamilton and Warren; and a portion of the Kentucky counties of Boone, Campbell and Kenton; and OKI's Transportation Plan and TIP are subject to transportation conformity rules; and

**WHEREAS**, *Amendment 9 – Fiscal Years 2021-2024 Transportation Improvement Program* includes funding changes to one project subject to transportation conformity requirements and this project has been previously analyzed, and the conformity determination is relying on a previous regional emissions, and OKI has engaged in interagency consultation with federal, state and local partners, including the U.S. Department of Transportation, and those partners have concurred with the methodology used by OKI to determine conformity; and

**WHEREAS**, the amended OKI FY 2021-2024 TIP conforms with all applicable U.S. Environmental Protection Agency (EPA) approved State Implementation Plans for air quality; and

**WHEREAS**, the opportunity for public participation has been provided per OKI's Public Participation Plan; and

**WHEREAS**, the environmental justice impacts of these amendments have been considered with "Executive Order 12898 Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations"; and

**WHEREAS**, this amendment will result in a TIP that remains fiscally constrained: Now, therefore,

**BE IT RESOLVED** that the Executive Committee of the Ohio-Kentucky-Indiana Regional Council of Governments at its regular public meeting on November 10, 2021 hereby amends the Fiscal Years 2021 – 2024 Transportation Improvement Program as shown in the attached Amendment #9 project table:

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DAVID PAINTER, PRESIDENT

**PROPOSED ACTIONS - Amendment #9 November 10, 2021**

TIP ID	MTP ID	Facility	Location	Description	AQ conformity	Sponsor	Award/ Let Date	Programmed costs			
								Fund Type	Phase	FY 21	FY 22

**Ohio****Hamilton County**

77889	307	HAM IR 75 7.85	Begin south of SR562 interchange and at the SR126 interchange, 7.85 to 10.30	Phase 8 of the Mill Creek Expressway Project. Project will widen for additional through lanes, rehabilitate existing pavement and bridges. Reconstruct SR 562 interchange, remove the Towne Ave. inter	Non-exempt	ODOT	4Q22					
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Increase Construction phase funds by >20%

NHPP	CO	0	14,652,481	0	0	0	0
Federal	CE	0	14,097,735	0	0	0	0
State	CE	0	1,566,415	0	0	0	0
State	CO	0	2,692,519	1,500,000	1,500,000		0
Garvee	OTH	0	1,457,615	1,457,615	4,411,981		65,656,485

O/M - Non capacity projects are consistent with the operations/maintenance aspects of the MTP. See OKI 2050 MTP, <http://2050.oki.org>

Air Quality Conformity Report for **Amendment #9** to the OKI FY 2021-2024 TIP –  
Reliance on Previous Regional Emissions Analysis: **November 2021**

This report documents that the *OKI FY 2021-2024 Transportation Improvement Program (TIP)*, as amended, and the *OKI 2050 Regional Metropolitan Transportation Plan (OKI MTP)*, as amended on September 10, 2020 (USDOT conformity approval 10/19/20) are in conformance with the State Implementation Plans (SIPs) of Indiana, Kentucky and Ohio and complies with the Clean Air Act. The amended TIP is relying on a previous regional emissions analysis per 40 CFR 93.122.

Under provisions of the Clean Air Act Amendments of 1990, the U.S. Environmental Protection Agency (EPA) designated portions of seven counties in the Cincinnati area as a nonattainment area for ozone under the 2015 ozone standard. Nonattainment means that the area is not meeting the national ambient air quality standard. The 2015 Cincinnati ozone nonattainment area includes portions of the Kentucky counties of Boone, Campbell and Kenton, and the Ohio counties of Butler, Clermont, Hamilton and Warren. The 2009 Cincinnati ozone maintenance area includes the addition of Lawrenceburg Township in Dearborn County Indiana and Clinton County Ohio. Nonattainment and maintenance areas must demonstrate transportation conformity. Transportation conformity is a mechanism to ensure that federal funding and approval are given to those transportation activities that are consistent with air quality goals as contained in the State Implementation Plans (SIPs). OKI is responsible for the air quality conformity determination for the region's Transportation Plan and Transportation Improvement Program.

The amended TIP is a direct subset of the OKI Plan. The OKI Plan and TIP contain all projects which must be started in OKI's Plan and TIP's timeframes in order to achieve the highway and transit system envisioned by the OKI Plan. The previous regional emissions analysis was approved by OKI on September 10, 2020 to support the Amendment #1 of the OKI 2050 MTP and Amendment #2 of the OKI TIP. The federal conformity determination for the previous regional emissions analysis was made on October 19, 2020. All TIP and Plan projects, which are regionally significant, were included in the previous regional emissions analysis. The regional emissions analysis for the TIP and Plan included the design concept, timing, and scope adequate to determine their contribution to regional emissions. Amendment #9 contains one non-exempt project. The project is Phase 8 of the Mill Creek Expressway Project involving reconstruction and widening of I-75 in Hamilton County. The project construction estimate has increased more than 20%, requiring a significant increase in federal and state funds. The amendment does not alter the design concept, timing or scope of the project as evaluated as part of the OKI 2050 MTP. The results of the previous emission analysis are shown in the tables below. The emissions of ozone precursors, VOC and NO<sub>x</sub>, do not exceed the established VOC or NO<sub>x</sub> budgets.

**Previous Regional Emissions Analysis of Ozone-forming Emissions (tons per day) for the Ohio\* and Indiana Portion\*\* of the Nonattainment/Maintenance Area – 2008 and 2015 Ozone Standards**

	<u>2020</u>	<u>2030</u>	<u>2040</u>	<u>2050</u>
Ohio/Indiana VOC Budget	30.00	18.22	18.22	18.22
Ohio/Indiana VOC Emissions	15.81	7.68	5.59	5.27
Ohio/Indiana NO <sub>x</sub> Budget	30.79	16.22	16.22	16.22
Ohio/Indiana NO <sub>x</sub> Emissions	22.99	8.57	5.62	5.61
<i>*Includes the Counties of Butler, Clermont, Clinton, Hamilton, and Warren in Ohio.</i>				
<i>**Includes Lawrenceburg Township, Dearborn County, Indiana.</i>				

**Previous Regional Emissions Analysis - 2008 and 2015 Ozone Standards - Ozone-forming Emissions (tons per day) for the Kentucky Portion of the Nonattainment/Maintenance Area (partial counties)**

	<u>2020</u>	<u>2030</u>	<u>2040</u>	<u>2050</u>
N. Kentucky VOC Budget	4.36	2.86	2.86	2.86
N. Kentucky VOC Emissions	4.09	1.81	1.15	1.09
N. Kentucky NO <sub>x</sub> Budget	9.03	5.19	5.19	5.19
N. Kentucky NO <sub>x</sub> Emissions	6.07	2.34	1.36	1.39
<i>*Includes portions of Boone, Campbell, and Kenton Counties in Kentucky.</i>				

OKI qualitatively finds that no goals, directives, recommendations or projects identified in the amended *OKI FY 2021-2024 TIP* contradict in a negative manner with any specific requirements or commitments of the applicable state implementation plans. The applicable implementation plans do not contain any transportation control measures (TCM's), therefore nothing in the amended TIP can interfere with their timely implementation. The *OKI FY 2021-2024 TIP*, as amended, and the *OKI 2050 Metropolitan Transportation Plan* continue to meet all requirements regarding fiscal constraint. Details on the proposed actions and fiscal constraint can be found in the amendment resolution. In accordance with OKI's Public Participation Plan, the amendment documentation, as well as instructions on how to provide public comments, was posted on OKI's website for a period of at least 14 days prior to the adoption by the OKI Executive Committee on November 10, 2021. OKI initiated interagency consultation (IAC) on October 26, 2021.