

*Lima-Allen County
Regional Planning
Commission*

2040 Long Range
Transportation Plan

June 22, 2022

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Acknowledgements

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Executive Summary

As part of its transportation planning process, LACRPC completed the transportation conformity process for the **2040 Long Range Transportation Plan**. This report documents that the **2040 Long Range Transportation Plan** meets the federal transportation conformity requirements in 40 CFR Part 93.

Clean Air Act (CAA) section 176(c) (42 U.S.C. 7506(c)) requires that federally funded or approved highway and transit activities are consistent with (“conform to”) the purpose of the State Implementation Plan (SIP). Conformity to the purpose of the SIP means that transportation activities will not cause or contribute to new air quality violations, worsen existing violations, or delay timely attainment of the relevant NAAQS or any interim milestones. 42 U.S.C. 7506(c)(1). EPA’s transportation conformity rules establish the criteria and procedures for determining whether metropolitan transportation plans, transportation improvement programs (TIPs), and federally supported highway and transit projects conform to the SIP. 40 CFR Parts 51.390 and 93.

On February 16, 2018, the United States Court of Appeals for the District of Columbia Circuit in *South Coast Air Quality Mgmt. District v. EPA* (“*South Coast II*,” 882 F.3d 1138) held that transportation conformity determinations must be made in areas that were either nonattainment or maintenance for the 1997 ozone national ambient air quality standard (NAAQS) and attainment for the 2008 ozone NAAQS when the 1997 ozone NAAQS was revoked. These conformity determinations are required in these areas after February 16, 2019. The **Allen County, Ohio** was **Maintenance** at the time of the 1997 ozone NAAQS revocation on April 6, 2015 and was also designated attainment for the 2008 ozone NAAQS on May 21, 2012. Therefore, per the *South Coast II* decision, this conformity determination is being made for the 1997 ozone NAAQS on the MTP and TIP.

This conformity determination was completed consistent with CAA requirements, existing associated regulations at 40 CFR Parts 51.390 and 93, and the *South Coast II* decision, according to EPA’s *Transportation Conformity Guidance for the South Coast II Court Decision* issued on November 29, 2018.

■

1.0 Background

The Lima Allen County Regional Planning Commission acting as the Metropolitan Planning Organization (MPO) for the Lima, Ohio Urbanized Area is initiating a conformity analysis/determination for its 2040 Transportation Plan and its 2024–2027 Transportation Improvement Program. This conformity process is in response to FHWA’s April 23, 2018 guidance requiring conformity analyses for “orphaned” US EPA 1997 Ozone standard areas.

Attainment Status: 1997 8-hour Ozone Maintenance Area
Geography: Allen County, OH (LACRPC MPO area)
SIP Status: Ohio 8-Hour SIP Resignation Plan Final Rule – Budgets revised for MOVES – 78 FR 34906 - June 11, 2013

The MPO is submitting this conformity analysis to establish and document the air quality impacts of its 2040 Transportation Plan and its current 2021–2024 Transportation Improvement Program.

1.1 Transportation Conformity Process

The concept of transportation conformity was introduced in the Clean Air Act (CAA) of 1977, which included a provision to ensure that transportation investments conform to a State implementation plan (SIP) for meeting the Federal air quality standards. Conformity requirements were made substantially more rigorous in the CAA Amendments of 1990. The transportation conformity regulations that detail implementation of the CAA requirements was first issued in November 1993, and have been amended several times. The regulations establish the criteria and procedures for transportation agencies to demonstrate that air pollutant emissions from metropolitan transportation plans, transportation improvement programs and projects are consistent with (“conform to”) the State’s air quality goals in the SIP. This document has been prepared for State and local officials who are involved in decision making on transportation investments.

Transportation conformity is required under CAA Section 176(c) to ensure that Federally-supported transportation activities are consistent with (“conform to”) the purpose of a State’s SIP. Transportation conformity establishes the framework for improving air quality to protect public health and the environment. Conformity to the purpose of the SIP means Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) funding and approvals are given to highway and transit activities that will not cause new air quality violations, worsen existing air quality violations, or delay timely attainment of the relevant air quality standard, or any interim milestone.

The Allen County, Ohio Ozone Area (39/003) was designated as maintenance as of June 15, 2007. The NAAQS has since been revoked.



2.0 2040 Long Range Transportation Plan

The purpose of the transportation planning process is to ensure that required transportation needs are identified and resources made available to address future demands. The ambition of the 2040 Long Range Transportation Plan (LRTP) is the development of an intermodal transportation system that is safe, efficient, resilient, reliable, fiscally sound, environmentally friendly, and provides the regional infrastructure to better compete in the global economy. The 2040 LRTP is charged with the responsibility to: (1) identify transportation facilities that function as part of the local, state, and national transportation system; (2) state performance measures that assess transportation system performance; (3) provide a transportation system performance report; (4) discuss potential environmental /mitigation strategies; (5) provide a financial plan that includes resources to carry out the Plan; (6) support operational and management strategies; (7) identify capital investment and to preserve/protect/provide for the transportation infrastructure, including multimodal capacity increases; and (8) ensure the inclusion of transportation and transit enhancement activities.

3.0 Transportation Conformity Determination: General Process

Per the court’s decision in *South Coast II*, beginning February 16, 2019, a transportation conformity determination for the 1997 ozone NAAQS will be needed in 1997 ozone NAAQS nonattainment and maintenance areas identified by EPA¹ for certain transportation activities, including updated or amended metropolitan MTPs and TIPs. Once US DOT makes its 1997 ozone NAAQS conformity determination for the 2040 Long Range Transportation Plan MTP and 2024-2027 TIP, conformity will be required no less frequently than every four years. This conformity determination report will address transportation conformity for the 2040 Long Range Transportation Plan MTP and 2024-2027 TIP.



4.0 Transportation Conformity Requirements

4.1 Overview

On November 29, 2018, EPA issued **Transportation Conformity Guidance for the South Coast II Court Decision**² (EPA-420-B-18-050, November 2018) that addresses how transportation conformity determinations can be made in areas that were nonattainment or maintenance for the 1997 ozone NAAQS when the 1997 ozone NAAQS was revoked, but were designated attainment for the 2008 ozone NAAQS in EPA’s original designations for this NAAQS (May 21, 2012).

¹ The areas identified can be found in EPA’s “Transportation Conformity Guidance for the South Coast II Court Decision, EPA-420-B-18-050, available on the web at: www.epa.gov/state-and-local-transportation/policy-and-technical-guidance-state-and-local-transportation .

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

The transportation conformity regulation at 40 CFR 93.109 sets forth the criteria and procedures for determining conformity. The conformity criteria for MTPs and TIPs include: latest planning assumptions (93.110), latest emissions model (93.111), consultation (93.112), transportation control measures (93.113(b) and (c), and emissions budget and/or interim emissions (93.118 and/or 93.119). For the 1997 ozone NAAQS areas, transportation conformity for MTPs and TIPs for the 1997 ozone NAAQS can be demonstrated without a regional emissions analysis, per 40 CFR 93.109(c). This provision states that the regional emissions analysis requirement applies one year after the effective date of EPA's nonattainment designation for a NAAQS and until the effective date of revocation of such NAAQS for an area. The 1997 ozone NAAQS revocation was effective on April 6, 2015, and the *South Coast II* court upheld the revocation. As no regional emission analysis is required for this conformity determination, there is no requirement to use the latest emissions model, or budget or interim emissions tests.

Therefore, transportation conformity for the 1997 ozone NAAQS for the **2040 Long Range Transportation Plan** can be demonstrated by showing the remaining requirements in Table 1 in 40 CFR 93.109 have been met. These requirements, which are laid out in Section 2.4 of EPA's guidance and addressed below, include:

- Latest planning assumptions (93.110)
- Consultation (93.112)
- Transportation Control Measures (93.113)
- Fiscal constraint (93.108)

5.0 Latest Planning Assumptions

The use of latest planning assumptions in 40 CFR 93.110 of the conformity rule generally apply to regional emissions analysis. In the 1997 ozone NAAQS areas, the use of latest planning assumptions requirement applies to assumptions about transportation control measures (TCMs) in an approved SIP.

The Ohio SIP does not include any TCMs, see also Section 5.4.

51 Consultation Requirements

The consultation requirements in 40 CFR 93.112 were addressed both for interagency consultation and public consultation.

Interagency consultation was conducted with OEPA, ODOT, FHWA, FTA, and EPA. ODOT and LACRPC initiated transportation conformity interagency consultation of the current Long-Range Transportation Plan (LRTP). Interagency consultation was accomplished via a series of email streams and conference calls (as necessary).

ODOT and LACRPC requested interagency consultation email review of the 1997 Ozone Orphan Area Conformity Summary and requested responses with questions, comments, or confirmation that the 1997 Ozone Standard MPO can advance qualitative LRTP conformity determinations.

Interagency consultation was conducted consistent with the Ohio Conformity SIP.

Public consultation was conducted consistent with planning rule requirements in 23 CFR 450. LACRPC staff presented the Transportation Conformity Report to the agency's Transportation Advisory Committee (TAC), Transportation Coordinating Committee (TCC), and Citizens Advisory Committee (CAC). The Transportation Conformity Report was made available on agency social media outlets such as Facebook, Twitter, and LACRPC's website.

52 Timely Implementation of TCMs

The Ohio SIP does not include any TCMs.

53 Fiscal Constraint

Transportation conformity requirements in 40 CFR 93.108 state that transportation plans and TIPs must be fiscally constrained consistent with DOT's metropolitan planning regulations at 23 CFR part 450. The 2040 Long Range Transportation Plan is fiscally constrained, as demonstrated in Table 6-2 (p. 6-1) of the 2040 Long Range Transportation Plan.

Conclusion

The conformity determination process completed for the **2040 Long Range Transportation Plan** demonstrates that these planning documents meet the Clean Air Act and Transportation Conformity rule requirements for the 1997 ozone NAAQS.

APPENDIX

Public Involvement and Interagency Consultation

The Lima Allen County Regional Planning Commission (LACRPC), as a metropolitan planning organization (MPO), must execute a formal process, in compliance with Federal requirements, to integrate public participation and input into not only the transportation planning process, but the development of all long- and short-range transportation plans. The local MPO recognizes that a public participation plan (PPP) is intended to provide methods, strategies, and desired outcomes for public involvement. The Plan provides for outreach to a broadly defined audience of affected parties as identified in Federal guidance.

Public consultation was conducted consistent with planning rule requirements in 23 CFR 450. LACRPC staff presented the Transportation Conformity Report to the agency's Transportation Advisory Committee (TAC), Transportation Coordinating Committee (TCC), and Citizens Advisory Committee (CAC). The Transportation Conformity Report was made available on agency social media outlets such as Facebook, Twitter, and LACRPC's website.

MPO Resolution