

KENTUCKY

STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM (STIP) For FY 2021-2024

ADMINISTRATIVE MODIFICATION #2021.168

I. Proposed Action:

Modify the FY 2021-2024 Statewide Transportation Improvement Program (STIP) to include Amendment #18 to the Ohio-Kentucky-Indiana Regional Council of Governments (OKI) FY 2021-2024 Transportation Improvement Program (TIP).

Location:

Cincinnati-Northern Kentucky Metropolitan Planning Organization Area

II. Scope of Activity:

See the attachments for detail information.

III. Additional Remarks:

This modification to the STIP will become part of the 2021 STIP end of Federal Fiscal Year 2023 “fiscal constraint” recalculations.

IV. Administrative Modification Approval:

Modification Recommended for Approval:

Approval of Modification:

Jill Lamb for Ron Rigney 3/7/2023
Kentucky Transportation Cabinet Date
Ronald B. Rigney, Director
Division of Program Management

Federal Highway Administration Date

NA

Recommended by Date

Air Quality Conformity Report for **Amendment #18** to the OKI FY 2021-2024 TIP –
Reliance on Previous Regional Emissions Analysis: **February 2023**

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 January 13, 2022 (USDOT conformity approval 2/16/22) are in conformance with the State Implementation Plans (SIPs) of Indiana, Kentucky and Ohio and complies with the Clean Air Act. The amended TIP, comprised of only Ohio projects, is relying on a previous regional emissions analysis per 40 CFR 93.122.

On June 9, 2022, the U.S. Environmental Protection Agency (EPA) found that the Cincinnati, Ohio area had attained the 2015 ozone National Ambient Air Quality Standard (NAAQS) and acted in accordance with a request from the Ohio EPA to redesignate the Ohio portion of the area to attainment. On October 7, 2022 EPA made a determination that the Kentucky portion of the region failed to attain the NAAQS by the attainment date. The 2015 Cincinnati ozone area includes portions of the Ohio counties of Butler, Clermont, Hamilton, and Warren; and the Kentucky counties of Boone, Campbell, and Kenton. The most recent regional emissions analysis of January 2022 utilized Northern Kentucky emission budgets created for use in demonstrating attainment for the 2008 standard. These are the most current budgets for Northern Kentucky available to 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.

In February 2018, the U.S. Court of Appeals for the D.C. Circuit issued a decision in *South Coast Air Quality Management District v. EPA*. The decision impacts the Kentucky portion of the Cincinnati area that was formerly nonattainment under the 1997 ozone standard but is now in attainment for all other standards (Figure 3). This "orphan area" includes the more rural southern tier of Boone, Campbell, and Kenton counties. This area has not been subject to conformity since the 1997 ozone standard was vacated. In June 2018, OKI redemonstrated conformity with the 1997 ozone standard. U.S. DOT approval of the conformity determination occurred on September 6, 2018. Per recent guidance, OKI will continue to qualitatively demonstrate Kentucky's conformity with the 1997 standards for future MTP and TIP amendments.

The amended TIP is a direct subset of the OKI MTP. The OKI MTP and TIP contain all projects which must be started in OKI's MTP and TIP's timeframes in order to achieve the highway and transit system envisioned by the OKI MTP. The previous regional emissions analysis was approved by OKI on November 10, 2022 to support the Amendment #16B of the OKI FY21-24 TIP and OKI MTP. The federal conformity determination for the previous regional emissions analysis was approved on December 23, 2022. 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 #18 includes cost adjustments to one non-exempt project in Ohio. The Ohio project is the widening of SR 48 in Warren County. The amendment does not alter the design concept, scope, or significantly alter the timing of the non-exempt project as previously evaluated. The results of the previous emission analysis are shown in the table below. The emissions of ozone precursors, VOC and NO_x, do not exceed the established VOC or NO_x budgets for the Ohio portion of the region.

Previous Regional Emissions Analysis - Quantitative Conformity Findings of Ozone-forming Emissions (tons per day) for the Ohio Portion* of the 2015 Ozone NAAQS Maintenance Area

	<u>2026</u>	<u>2035</u>	<u>2040</u>	<u>2050</u>
Ohio VOC Budget	14.15	10.58	10.58	10.58
Ohio VOC Emissions	12.58	9.35	6.60	6.35
Ohio NO _x Budget	25.30	18.98	18.98	18.98
Ohio NO _x Emissions	21.06	15.28	14.24	14.20
<i>*Includes the Counties of Butler, Clermont, Hamilton, and Warren in Ohio.</i>				

Amendment #18 also includes the addition of two non-exempt projects in Kentucky. The amendment adds the Camp Ernst Road widening project in Boone County and the reconstruction and widening of KY 536 in Kenton County. Both projects were included in OKI’s Metropolitan Transportation Plan. The results of the previous emission analysis are shown in the tables below. The emissions of ozone precursors, VOC and NO_x, do not exceed the established VOC or NO_x budgets for the Kentucky portion of the region.

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	3.36	1.52	1.23	1.25
N. Kentucky NO _x Budget	9.03	5.19	5.19	5.19
N. Kentucky NO _x Emissions	5.55	2.25	1.64	1.75
<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. Furthermore, the Kentucky "orphan area" subject to the South Coast AQMD decision continues to meet conformity requirements. 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 February 9, 2023. OKI initiated interagency consultation (IAC) on January 26, 2023. Concurrence with OKI's approach was received from FHWA-Ohio. No public comments were received.

RESOLUTION

**OF THE EXECUTIVE COMMITTEE OF THE
OHIO-KENTUCKY-INDIANA REGIONAL COUNCIL OF GOVERNMENTS**

**CONCERNING AMENDMENT #18 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 amended on January 13, 2022 and the OKI Regional ITS Architecture adopted on September 8, 2022; and

WHEREAS, the Cincinnati ozone maintenance area consists of the Ohio counties of Butler, Clermont, Hamilton and Warren; and the ozone nonattainment area consists of 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 18 – Fiscal Years 2021-2024 Transportation Improvement Program* includes three projects subject to transportation conformity requirements and the projects have 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

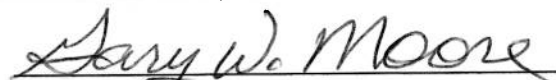
WHEREAS, the amended OKI FY 2021-2024 TIP conforms with all applicable U.S. Environmental Protection Agency (EPA) approved State Implementation Plans for air quality; and

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 February 9, 2023 hereby amends the Fiscal Years 2021 – 2024 Transportation Improvement Program as shown in the attached Amendment #18 project tables:


GARY MOORE, PRESIDENT

PROPOSED ACTIONS - Amendment #18 February 9, 2023

TIP ID	MTP ID	Facility	Location	Description	AQ conformity			Sponsor	Award/ Let Date
					Programmed costs				
					FY 21	FY 22	FY 23	FY 24	FUTR

Ohio

Warren County

112909	3740	WAR SR 48 6.37	Nunner Road to north of Ridgeview Lane/Saddle Creek Lane	Add one lane each direction. southbound SR 48 left turn lane onto eastbound US 22/SR 3	Add second Non-exempt	Warren County	4Q23	
			OKI-STBG	RW	0	505,000	0	0
			Local	RW	0	216,429	0	0
			HSIP	CO	0	0	722,250	0
			OKI-STBG	CO	0	0	6,095,000	0
			State	CO	0	0	169,112	0
			Local	CO	0	0	9,463,532	0

Adjust amounts and Increase local share for new waterworks improvements. No change in OKI contribution.

previously \$974,007

previously \$108,223

previously \$2,612,142

Kentucky

Boone County

6-80100	9869	Turfway Rd(KY 1017) and Thoroughbred Blvd(KY 1017)	Turfway Rd and Thoroughbred Blvd	Convert Turfway Rd. and Thoroughbred Blvd. from 2-way to one way and modify I-71/I-75 access	Exempt	KYTC	FY27	
			STBG	D	0	0	2,000,000	0
			State	D	0	0	500,000	0
			STBG	RW	0	0	0	8,800,000
			State	RW	0	0	0	2,200,000
			STBG	UT	0	0	0	1,200,000
			State	UT	0	0	0	300,000
			STBG	CO	0	0	0	20,000,000
			State	CO	0	0	0	5,000,000

Add Project

6-80207	9584	CR 1001 (Camp Ernst Rd)	KY 536 to Longbranch Rd	Improve safety and mobility, reduce congestion and address geometric deficiencies	Non-exempt	KYTC	UNSC	
			STBG	D	0	0	1,688,000	0
			State	D	0	0	422,000	0
			Uncommitted	C	0	0	0	16,000,000

Add Project

Kenton County

6-376	O/M	KY 371 (Amsterdam Rd)	Amsterdam/Collins Road Intersection	Conversion to fully signalized intersection with new turn lanes, pedestrian crossing, new sidewalks and stormwater improvements	Exempt	City of Villa Hills	FY26	
			OKI-SNK	D-SF	0	0	30,000	0
			State	D-SF	0	0	7,500	0
			OKI-SNK	RW	0	0	0	212,000
			Local	RW	0	0	0	53,000
			OKI-SNK	UT	0	0	0	0
			Local	UT	0	0	0	0
			OKI-SNK	CO	0	0	0	0
			Local	CO	0	0	0	0

Add Project

6-80203	9905	KY 536	KY 16 to Campbell County Line	Reconstruct to a 4-lane urban section	Non-exempt	KYTC	UNSC	
			NH	D	0	0	2,400,000	0
			State	D	0	0	600,000	0
			Uncommitted	CO	0	0	0	0

Add Project

Indiana

Dearborn County

2300015		UPWP-OKI Planning FY24	OKI	For Planning Purposes, PL and STBG	Exempt	OKI	1Q24	
			PL	PL	0	0	0	30,000
			OKI-STBG	PL	0	0	0	30,000
			Local	PL	0	0	0	15,000

Add Project

TRANSIT - PROPOSED ACTIONS - Amendment #18 February 9, 2023

Project Description

FY	TIP ID	FTA ALI Code	Type	Project Name	Quantity	Air Quality	Fund Type	Programmed cost
Clermont Transportation Connection								
2023	118745	11.41.03	Capital	CTC Facility Design		Exempt	Planning and Design: Facility Design	
Add Project with FTA Covid Relief Funds (CRSSA)							CRRSAA (100% Fed)	2,801,666
Total Project Cost:								\$2,801,666



U.S. Department
of Transportation

Federal Transit Administration
Region V
200 West Adams St., Suite 320
Chicago, IL 60606-5253
312-353-2789
312-886-0351 (fax)

Federal Highway Administration
OH Division
200 North High St., Room 328
Columbus, OH 43215

In Reply Refer To:
HDA-OH

ELECTRONIC CORRESPONDENCE ONLY

Jack Marchbanks, Ph.D.
Director
Ohio Department of Transportation
1980 West Broad Street
Columbus, OH 43223

Dear Director Marchbanks:

This is in response to your letter dated February 10, 2023 regarding a request for a USDOT conformity determination for the Ohio-Kentucky-Indiana Regional Council of Governments (OKI) FY2021-2024 Transportation Improvement Program (TIP), as amended. We have completed our review of the conformity documentation to support adoption of the TIP. The conformity analysis includes documentation to demonstrate conformity for applicable standards within the Cincinnati air quality area.

Based on our review, in consultation with the United States Environmental Protection Agency, we find the OKI TIP conforms to the applicable state implementation plan in accordance with the provisions of the EPA's Transportation Conformity Rule (40 CFR Parts 51 and 93).

If you have any questions or comments, please contact Mr. Andy Johns at (614) 280-6850 or andy.johns@dot.gov.

**KELLEY
BROOKINS** Digitally signed by
KELLEY BROOKINS
Date: 2023.03.01
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Kelley Brookins
Regional Administrator
Federal Transit Administration

Sincerely,
**TIMOTHY
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LONG** Digitally signed by
TIMOTHY MICHAEL
LONG
Date: 2023.03.02
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For: Laura S. Leffler
Division Administrator
Federal Highway Administration