

## APPENDIX C

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**RESOLUTION (FY 2009-2)**  
**OF THE POLICY COMMITTEE OF THE**  
**ASHLAND AREA METROPOLITAN PLANNING ORGANIZATION**  
**CONCERNING**  
**THE 2009-2013 TRANSPORTATION IMPROVEMENT PROGRAM**  
**AND**  
**2009-2035 ASHLAND AREA METROPOLITAN TRANSPORTATION PLAN**

**Whereas**, the Policy Committee is designated as the Metropolitan Planning Organization ("MPO") by the Governor of Kentucky acting through the Kentucky Transportation Cabinet and in cooperation with locally elected officials for the counties of Boyd and Greenup in the Commonwealth of Kentucky; and

**Whereas**, consistent with federal and state mandates, state environmental requirements, Ashland Area MPO/FIVCO ADD Participation Plan, dated February 2007, and other operating procedures, the MPO has through its staff at FIVCO Area Development District, worked with local, state, and federal jurisdictions and agencies in a continuing, cooperative and comprehensive planning process and has developed the Ashland Area 2009-2013 Transportation Improvement Program (TIP), and the 2009-2035 Ashland Area Metropolitan Transportation Plan (MTP); and

**Whereas**, Boyd County is in nonattainment for the 8-hour ozone National Ambient Air Quality Standard (NAAQS), and Boyd County and a portion of Lawrence County are in nonattainment for the PM<sub>2.5</sub> NAAQS; and

**Whereas**, Boyd County Kentucky is part of a larger 8-hour ozone nonattainment area that includes counties in West Virginia, and a portion of Lawrence County, Kentucky and are part of a larger PM<sub>2.5</sub> nonattainment area that includes counties or portions of counties in West Virginia and Ohio; and

**Whereas**, the designated 8-hour ozone and the PM<sub>2.5</sub> nonattainment areas are subject to transportation conformity requirements; and

**Whereas**, all metropolitan 8-hour ozone nonattainment areas were initially required to demonstrate conformity to the 8-hour ozone standard by June 15, 2005, and all metropolitan PM<sub>2.5</sub> nonattainment areas are required to demonstrate conformity to the PM<sub>2.5</sub> standard by April 5, 2006; and

**Whereas**, transportation plans and improvement programs in nonattainment areas are subject to the transportation conformity rules for 8-hour ozone and PM<sub>2.5</sub> nonattainment areas as contained in 40 CFR Part 93 (revised July 2004, May 2005 and effectively revised with the passing of SAFETEA-LU; and

**Whereas**, the Ashland Area MPO/FIVCO ADD in cooperation with the Kentucky Transportation Cabinet, has conducted a detailed analysis to establish the air quality conformity for the 8-hour ozone and PM<sub>2.5</sub> standards for the Ashland Area 2009-2035 MTP and for the Ashland Area Fiscal Years 2009-2013 TIP, as a direct subset of the 2009-2035 MTP using guidelines issued

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by the United States Environmental Protection Agency and the United States Department of Transportation; and

Whereas, the Ashland MPO/FIVCO ADD in cooperation with the Kentucky Transportation Cabinet has determined that there is conformity between the Ashland Area 2009-2035 MTP and for the Ashland Area Fiscal Years 2009-2013 TIP for the 8-hour ozone NAAQS with the Kentucky State Implementation Plan (SIP); and

Whereas, the Ashland Area MPO/FIVCO ADD in cooperation with the Kentucky Transportation Cabinet, Ohio Department of Transportation, West Virginia Department of Transportation, and KYOVA Interstate Planning Commission has determined that there is conformity between the Ashland Area 2009-2035 MTP and for the Ashland Area Fiscal Years 2009-2013 TIP for the PM<sub>2.5</sub> NAAQS with the Kentucky, Ohio, and West Virginia SIPs; and

Whereas, KYOVA in cooperation with the Ohio Department of Transportation, West Virginia Department of Transportation, the Kentucky Transportation Cabinet, and the Ashland Area MPO/FIVCO ADD is determining through a separate action that the transportation planning activities in the West Virginia and Ohio portions of this nonattainment area are in conformance for the PM<sub>2.5</sub> NAAQS with the Kentucky, Ohio, and West Virginia SIPs; and

NOW, THEREFORE BE IT RESOLVED:

1. That the Ashland Area MPO Policy Committee the Ashland Area 2009-2035 MTP; and that
2. The Ashland Area MPO adopts the Ashland Area 2009-2013 TIP for the counties of Boyd and Greenup in the Commonwealth of Kentucky; and
3. The Ashland Area MPO adopts the PM<sub>2.5</sub> Conformity Analysis Determination for the Huntington-Ashland (KY-OH-WV) area; and
4. Recommends that its members incorporate these improvements into their planning for transportation improvements in their governmental units; and
5. That the MPO Policy Committee hereby affirms conformity for both the 8-hour ozone and PM<sub>2.5</sub> standards for the Ashland Area 2009-2035 MTP and for the Ashland Area 2009-2013 TIP and the Kentucky SIP.

So, resolved this 19th day of March 2009.

  
Robert W. Carpenter, Chairman





U.S. Department of Transportation

**Federal Highway Administration**  
Kentucky Division  
330 W. Broadway  
Frankfort, KY 40601

**Federal Transit Administration**  
Region IV  
61 Forsyth St., SW, Suite 17T50  
Atlanta, GA 30303

June 11, 2009

Ms. Sherry McDavid, Executive Director  
Ashland Area Metropolitan Planning Organization  
c/o FIVCO Area Development District  
32 FIVCO Court  
Grayson, KY 41143

Ms. Michelle Craig, Director  
KYOVA Interstate Planning Commission  
720 Fourth Avenue  
Huntington, WV 25701

Dear Madams:

The Kentucky Division of the Federal Highway Administration (FHWA), and Region 4 of the Federal Transit Administration (FTA), in consultation with the Ohio and West Virginia Divisions of FHWA, Regions 3 and 5 of FTA, and Regions 3, 4, and 5 of the United States Environmental Protection Agency (EPA), have reviewed the following documents for air quality conformity to the *8-hr Ozone standard*.

**2009 - 2013 Transportation Improvement Program (TIP) and the  
2009 - 2035 Metropolitan Transportation Plan (MTP) for the  
Ashland Area Metropolitan Planning Organization  
(MPO Policy Board Resolution approval date of March 19, 2009)**

The following documents were also reviewed for air quality conformity to the *PM<sub>2.5</sub> standard*.

**2009 - 2013 Transportation Improvement Program (TIP) and the  
2009 - 2035 Metropolitan Transportation Plan (MTP) for the  
Ashland Area Metropolitan Planning Organization  
(MPO Policy Board Resolution approval date of March 19, 2009)**

and

**2010 - 2013 Transportation Improvement Program (TIP) and the  
2010 - 2035 Metropolitan Transportation Plan (MTP) for the  
KYOVA Interstate Planning Commission  
(MPO Policy Board Resolution approval date of March 6, 2009)**



The Kentucky Environmental and Public Protection Cabinet's Division for Air Quality, the West Virginia Department of Environmental Protection, the Ohio EPA, the Kentucky Transportation Cabinet's Division of Planning, the West Virginia Department of Transportation, the Ohio Department of Transportation, the Kentucky Transportation Cabinet's Office of Transportation Delivery, the West Virginia Division of Public Transit, the Ohio Office of Transit, the Ashland Bus System, and the TriState Transit Authority also had an opportunity to review and comment on the above-mentioned documents.

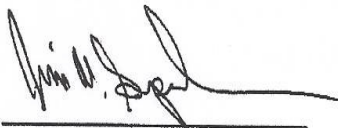
We found that these documents met the primary criteria of the Transportation Conformity Rule (40 CFR 93 / 62 FR 43779, August 15, 1997)

- use of the latest planning assumptions,
- use of the latest emissions estimation model,
- use of appropriate consultation procedures,
- consistent with the mobile vehicle emission budgets in the State Implementation Plan (SIP), and
- provisions for timely implementation of transportation control measures in the SIP.

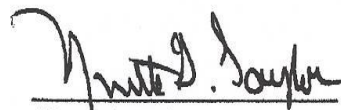
We also found that these documents met the criteria outlined in the

- Transportation Conformity Rule Revision for the 8-hour Ozone and PM<sub>2.5</sub> Standards (69 FR 40004, July 1, 2004) and
- Transportation Conformity Rule Revision for PM<sub>2.5</sub> (70 FR 24280, May 6, 2005).

**We find that the aforementioned documents conform to NAAQS standards as described and therefore make a positive conformity determination.**



José M. Sepúlveda  
Division Administrator  
Federal Highway Administration



Yvette G. Taylor  
Regional Administrator  
Federal Transit Administration

c: Terri Sicking, Ashland Area MPO  
Saleem Salameh, KYOVA

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Patrick Bauer, FHWA-OH  
Thomas Smith, FHWA-WV  
Joe Praher, KYTC-Administration  
Ron Rigney, KYTC-Program Management  
Keith Damron, KYTC-Planning  
James Beasley, ODOT  
Paul Mattox, WVDOT

Richard Schutt, EPA-R4  
Jay Bortzer, EPA-R5  
Judith Katz, EPA-R3  
John Lyons, KYDAQ  
Robert Hodanbosi, OHEPA  
W. Fred Durham, WVDEP

Marisol Simon, FTA-R5  
Letitia Thompson, FTA-R3  
Vickie Bourne, KY Office of Transportation Delivery  
Juana Hostin, OH Office of Transit  
Susan O'Connell, WV Division of Public Transit  
Michael Rogers, ABS  
Paul Davis, TTA

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## Air Quality Conformity Documentation

### **Executive Summary: PM<sub>2.5</sub> Joint Conformity for Huntington-Ashland (WV-OH-KY) – January 2009**

#### **EXECUTIVE SUMMARY**

Both the Ashland Area MPO (FIVCO) and the West Virginia/Ohio MPO (KYOVA) are developing new (2035) Metropolitan Transportation Plans. As described in more detail later in this document, any action requiring a conformity determination for any portion of the Huntington-Ashland, WV-KY-OH PM<sub>2.5</sub> nonattainment area requires a unified PM<sub>2.5</sub> conformity determination request. Both FIVCO and KYOVA have conducted a regional emissions analysis based on the respective draft plans. The Ashland Area MPO has summarized the regional emissions analyses from FIVCO and KYOVA and submitted a unified PM<sub>2.5</sub> conformity determination request to the Federal Highway Administration (FHWA) Kentucky for the entire Tri-State PM<sub>2.5</sub> nonattainment area. A summary of results is shown below. Based on these results, a positive PM<sub>2.5</sub> conformity finding for the Huntington-Ashland, WV-KY-OH nonattainment area is requested.

Both FIVCO and KYOVA must demonstrate conformity of their new plans to the 8-hour ozone NAAQS as well. Since the FIVCO and KYOVA have separate ozone budgets, the 8-hour ozone conformity documents will be submitted and approved separately and independently in each area.

#### **PM<sub>2.5</sub> Conformity Summary Table for the Huntington-Ashland, WV- KY-OH area**

<b>MOBILE Direct PM<sub>2.5</sub> EMISSIONS</b>				<b>MOBILE NOx EMISSIONS</b>			
<b>YEAR</b>	<b>COUNTY</b>	<b>Analysis Year Emissions</b>	<b>2002 Base Year Emissions</b>	<b>NET</b>	<b>Analysis Year Emissions</b>	<b>2002 Base Year Emissions</b>	<b>NET</b>
<b>2009</b>	FIVCO	0.051	0.082	-0.031	2.491	4.254	-1.763
	KYOVA	1.000	1.670	-0.670	1.320	1.390	-0.070
	COMBINED	1.051	1.752	-0.701	3.811	5.644	-1.833
<b>2018</b>	FIVCO	0.032	0.082	-0.050	1.123	4.254	-3.131
	KYOVA	0.660	1.670	-1.010	0.830	1.390	-0.560
	COMBINED	0.692	1.752	-1.060	1.953	5.644	-3.691
<b>2025</b>	FIVCO	0.032	0.082	-0.050	0.846	4.254	-3.408
	KYOVA	0.410	1.670	-1.260	0.370	1.390	-1.020
	COMBINED	0.442	1.752	-1.310	1.216	5.644	-4.428
<b>2035</b>	FIVCO	0.036	0.082	-0.046	0.822	4.254	-3.432
	KYOVA	0.380	1.670	-1.290	0.310	1.390	-1.080
	COMBINED	0.416	1.752	-1.336	1.132	5.644	-4.512
<b>NET = + OVER 2002 EMISSIONS</b>							
<b>NET = - UNDER 2002 EMISSIONS</b>							

**EMISSIONS TONS/DAY****BACKGROUND**

Effective April 5, 2005, a tri-state area, including counties, and partial counties, in Kentucky, Ohio, and West Virginia was designated as nonattainment for the new PM<sub>2.5</sub> National Ambient Air Quality Standard (NAAQS). The designated area (the Huntington-Ashland, WV-KY-OH area) consists of portions of the Metropolitan Planning Organizations (MPOs) of KYOVA (West Virginia/Ohio) and FIVCO (Kentucky) and “donut” areas outside the MPO boundaries.

The following table summarizes the counties in the PM<sub>2.5</sub> nonattainment area. In the table, (P) indicates there is only a portion of the county designated nonattainment for the PM<sub>2.5</sub> standard. The MPO the county is in is indicated if applicable.

<b>State</b>	<b>Counties in Nonattainment Areas</b>	<b>Noncontiguous Portions</b>
Kentucky	Boyd (FIVCO) Lawrence (P)	c C
Ohio	Adams (P) Gallia (P) Lawrence (KYOVA) Scioto	Adams (P) Gallia (P) C C
West Virginia	Cabell (KYOVA) Wayne (KYOVA) Mason (P)	C C Mason (P)

Both the Ashland Area MPO (FIVCO) and the West Virginia/Ohio MPO (KYOVA) are developing new (2035) Metropolitan Transportation Plans. Both have conducted a regional emissions analysis based on the respective draft plans. Per the July 1, 2004 Conformity Rule<sup>1</sup>, an MPO must consider the emissions of any associated donut areas in its regional emissions analysis. The FIVCO emissions analysis included the donut area of Lawrence County, Kentucky. The KYOVA emissions analysis included the donut areas in West Virginia and Ohio. The tri-state nonattainment area spans EPA regions 3, 4, and 5 and FTA regions 3, 4, and 5. An interagency consultation team (IAC) consisting of representation from EPA regions 3, 4, and 5 and FTA regions 3, 4, and 5 and from all the respective federal, state, and local partners held meetings to determine schedules and planning assumptions. The planning assumptions are described in more detail below and were agreed to by the IAC. All decisions made by the IAC are documented in the minutes included in Appendix B. The pollutants analyzed were direct PM<sub>2.5</sub> from exhaust and brake and tire wear and NO<sub>x</sub>. Further, until state motor vehicle emission budgets (MVEBs) are established, the area is required to demonstrate conformity in unison (see below for more details).

<sup>1</sup> 40 CFR Part 93 Transportation Conformity Rule Amendments for the New 8-hour Ozone and PM<sub>2.5</sub> National Ambient Air Quality Standards and Miscellaneous Revisions for Existing Areas; Transportation Conformity Rule Amendments: Response to Court Decision and Additional Rule Changes; Final Rule

The rationale for selecting these pollutants and further detail regarding all the planning assumptions are described later in this document.

### **CONFORMITY PROCESS**

Both the Ashland Area MPO (FIVCO) and the West Virginia/Ohio MPO (KYOVA) are developing new (2035) Metropolitan Transportation Plans. Both have conducted a regional emissions analysis based on the respective draft plans. Per the July 1, 2004 Conformity Rule an MPO must consider the emissions of any associated donut areas in its regional emissions analysis. The FIVCO emissions analysis included the donut area of Lawrence County, Kentucky. The KYOVA emissions analysis included the donut areas in West Virginia and Ohio. In EPA's July 1, 2004 Conformity Rule Companion Guidance<sup>2</sup>, details are provided for the interim tests to consider and for how coordination should be achieved for PM<sub>2.5</sub> nonattainment areas prior to SIPs with MVEBs being submitted for EPA approval. Specifically, the portion of this document entitled "*Part 2: Conformity Determinations and Regional Emissions Analyses Before SIP Budgets Are Adequate or Approved*" explains that the interim tests for PM<sub>2.5</sub> nonattainment areas to consider are the build/no build test or the 2002 baseline year test; and that the direction on how the regional emissions must be done prior to the availability of MVEBs is provided in 93.119 of the Transportation Conformity Rule. In this section of the guidance, specifically under question number 3, EPA indicates that multi-state areas, even those who implement transportation conformity requirements independently for the ozone standard, must work in unison to implement transportation conformity requirements for the PM<sub>2.5</sub> standard until state MVEBs, if elected, are found adequate or approved by EPA. A citation from the rule guidance that expresses EPA's intent for implementing transportation conformity in PM<sub>2.5</sub> nonattainment areas prior to the availability of adequate or approved MVEBs is as follows: "*EPA believes that it is necessary for the conformity determinations and regional emissions analysis to include the entire nonattainment area when there are no SIP budgets to ensure that the requirements of the Clean Air Act section 176(c) are met. That is, before SIP budgets are available, in order to determine that transportation activities will not cause a new air quality violation, increase the frequency or severity of a violation, or delay timely attainment or any other milestone in the nonattainment area, it is necessary to consider emissions from the entire area in one regional emissions analysis, and for DOT to make all plan/TIP conformity determinations at the same time.*" While separate reports can be generated for each state individually and submitted together, the entire area must consult on analysis years, the interim test and the planning assumptions for the conformity determination(s). Additionally, U.S. DOT will need to consider all the analysis from each state prior to making a conformity finding for any state in the nonattainment area. Thus, since no MVEBs have been approved or found adequate, the area is required to demonstrate conformity in unison.

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<sup>2</sup> Companion Guidance for the July 1, 2004, Final Transportation Conformity Rule --- Conformity Implementation in Multi-Jurisdictional Nonattainment and Maintenance Areas for Existing and New Air Quality Standards

## GENERAL PM<sub>2.5</sub> PLANNING ASSUMPTIONS

*FIVCO and KYOVA have completed their respective processes for developing their 2009-2035 project lists.*

Per the July 1, 2004 Conformity Rule and Companion Guidance, certain planning assumptions are required to be consistent for the entire nonattainment area. First, the entire area must use the same comparison emissions test. And, since there are no budgets, per the Companion Guidance, an interim test of “build vs. no-build” or “no-greater-than-2002 baseline year” must be used. The IAC agreed to demonstrate conformity based on the “no-greater-than-2002 baseline year” test. Second, per the guidance, all areas must analyze the same pollutants. The May 6, 2005 conformity amendments<sup>3</sup> require that direct PM<sub>2.5</sub> from exhaust and brake and tire wear and NO<sub>x</sub> must be analyzed, but other pollutants need be analyzed only if the state air agency and EPA determine them to be “of significance”. No other pollutants were determined to be of significance. Therefore, the pollutants analyzed were direct PM<sub>2.5</sub> from exhaust and brake and tire wear and NO<sub>x</sub>. The August 2005 guidance<sup>4</sup> describes four possible methods for developing PM<sub>2.5</sub> inventories. They are annual, semi-annual, seasonal, and monthly. The Kentucky Division for Air Quality analyzed the various possible MOBILE 6.2 scenarios and found no significant differences between the scenarios. Based on this analysis, the IAC agreed to use the one run, or annual, approach using July as the MOBILE 6.2 evaluation month.

Finally, the analysis years must be the same across the area. The IAC agreed on 2009, 2018, 2025 and 2035. As required by the Transportation Conformity Rule 40 CRF 93.118 (d) (2), these analysis years were chosen as follows: 2009 and 2018 are ozone budget years for KYOVA and are convenient to choose for PM<sub>2.5</sub> as well. 2035 is the final year of the plan for both KYOVA and FIVCO. The selection of analysis year 2025 and completes the requirement that analysis years be no more than ten years apart. The analysis years and requirements are summarized below.

Analysis Year	Conformity Test	Which Requirement Fulfilled	Analysis or Interpolation
2009	Baseline (2002) Year Test	KYOVA Ozone budget year §93.118(d)(2)	Analysis
2018	Baseline (2002) Year Test	KYOVA and FIVCO Ozone budget year §93.118(d)(2)	Analysis
2025	Baseline (2002) Year Test	Intermediate Year (No more than 10 years between analysis years) §93.118(d)(2)	Analysis
2035	Baseline (2002) Year Test	Last Year of LRTP §93.118(d)(2)	Analysis

The IAC agreed to use the average July minimum and maximum ambient daily temperatures of 67.0 and 93.0 degrees Fahrenheit. The IAC agreed to use Fuel RVP of

<sup>3</sup> 40 CFR Part 93 Transportation Conformity Rule Amendments for the New PM<sub>2.5</sub> National Ambient Air Quality Standard: PM<sub>2.5</sub> Precursors; Final Rule

<sup>4</sup> August 2005 Guidance for Creating Annual On-Road Mobile Source Emissions Inventories for PM<sub>2.5</sub> Nonattainment Areas for Use in SIPs and Conformity

9.0 pounds per square inch (psi). Having no data to indicate otherwise, the Ashland Area will use the MOBILE 6.2 default of 75 grains/lb. for absolute humidity. KYOVA will use 83 grains/lb.

Both Ashland Area MPO and KYOVA determined speeds for each HPMS highway functional class for each analysis year. The IAC discussed and compared ASHLAND AREA MPO proposed speeds with KYOVA speeds and agreed that there was enough consistency. The MOBILE 6.2 default speed of 12.9 mph was used for the urban local speed. Speeds are discussed further in the ASHLAND AREA MPO and KYOVA PM<sub>2.5</sub> conformity documents attached. VMTs were determined by regional travel demand models where available. Outside the modeled areas, HPMS historical data and statewide growth factors were used to develop the speeds. This is discussed further in the attached conformity documents.

MOBILE 6.2 default values were used for all other parameters.

There is no Inspection/Maintenance program in this area. There are no Transportation Control Measures (TCM's) in the SIP (there is no PM<sub>2.5</sub> SIP) so implementation of the projects in the STIP will not interfere with timely implementation of TCM's. In the event that TCM's are introduced in the SIP later, implementation of those measures will not be impacted. All regionally significant projects, even those that are not federally funded, are included in the regional emissions analysis. These projects are listed in ASHLAND AREA MPO and KYOVA PM<sub>2.5</sub> conformity documents attached. As a note, the only new capacity adding project in the Ashland Area is project 09-8400 to widen US-60 from 2 to 4 lanes from the I-64 at interchange 181 northerly to KY-180 at Cannonsburg. The project is slightly less than 4 miles in length and has been included in the travel demand model.

The fiscal constraint is demonstrated and documented in the Ashland Area MPO and KYOVA PM<sub>2.5</sub> conformity documents attached.

Finally, as discussed above, the area is required to demonstrate PM<sub>2.5</sub> conformity in unison.

### **EMISSION CALCULATIONS**

Emission factors were determined using MOBILE 6.2 and the defaults and assumptions as described previously. The MOBILE 6.2 input and output data as well as emission inventory calculation spreadsheets are found in the accompanying conformity documentation. Emission inventory calculation summary data is listed in the EXECUTIVE SUMMARY above.

## **INTERAGENCY CONSULTATION**

The models, methodology and procedures for this conformity analysis were determined through an interagency consultation process which involved representatives from the KYOVA Interstate Planning Commission, Ashland Areas MPO the West Virginia Department of Transportation (WVDOT), the West Virginia Division of Air Quality (DAQ), the Federal Highway Administration (FHWA), the United States Environmental Protection Agency (USEPA), the Ohio Department of Transportation (ODOT) and Kentucky Transportation Cabinet.

## **PUBLIC PARTICIPATION PROCESS**

The public participation process used by Ashland Area MPO and KYOVA conforms to the adopted public involvement process of each agency. The Public Involvement Process documentation is available from each agency upon request. Any comments specific to the PM<sub>2.5</sub> analysis are included in the conformity documentation.

## **RESULTS**

As result, Ashland Area MPO is requesting a conformity determination on the total report from FHWA - KY/FTA Region 4. FHWA-KY will send out a request for comments (30 days) to the entire IAC. FHWA-WV and FHWA-OH hopefully will be able to provide letters of support for a positive conformity determination to FHWA-KY. A conformity determination will be issued by FHWA-KY/FTA-R4.