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# Transportation Conformity Determination Report for the 1997 Ozone NAAQS

## Kalamazoo – Battle Creek Limited Orphan Maintenance Area (Calhoun, Kalamazoo, and Van Buren Counties)

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January 31, 2024

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## EXECUTIVE SUMMARY

As part of its transportation planning process, the Kalamazoo Area Transportation Study (KATS), the Battle Creek Area Transportation Study (BCATS), and relevant portions of the State Transportation Improvement Plan (STIP) completed the transportation conformity process for the 2023-2026 Transportation Improvement Programs (TIPs) as well as the KATS 2050 Metropolitan Transportation Plan (MTP), and BCATS 2045 Metropolitan Transportation Plan (MTP). This conformity report was triggered by a non-exempt project included in KATS TIP Amendment #11.

The conformity report documents that the KATS 2050 MTP, BCATS 2045 MTP, and both associated 2023-2026 TIPs, as well as the STIP in Calhoun and Van Buren County meet the federal transportation conformity requirements in 40 CFR Part 93 Subpart A.

Clean Air Act (CAA) section 176(c) (42 U.S.C. 7506(c)) requires 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 national ambient air quality standard (NAAQS) or any interim milestones. 42 U.S.C. 7506(c)(1). United States Environmental Protection Agency’s (EPA) transportation conformity rules establish the criteria and procedures for determining whether the MTPs, TIPs, and federally supported highway and transit projects conform to the SIP, 40 CFR Parts 51.390 and 93 Subpart A.

On February 16, 2018, the United States Court of Appeals for 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nonattainment or maintenance for the 1997 ozone NAAQS and attainment for the 2008 ozone NAAQS when the 1997 ozone NAAQS was revoked. These conformity determinations were required in these areas after February 16, 2019. The Kalamazoo - Battle Creek area (Calhoun, Kalamazoo and Van Buren counties) was in 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. It was also

designated attainment for the 2015 ozone NAAQS on January 16 and August 3, 2018. Therefore, per the *South Coast II* decision, this conformity determination is being made for the 1997 ozone NAAQS on the LRTPs and TIPs.

This conformity determination was completed consistent with CAA requirements, existing associated regulations at 40 CFR Parts 51.390 and 93 Subpart A, 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.

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## 1.0 BACKGROUND

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### 1.1 TRANSPORTATION CONFORMITY PROCESS

The concept of transportation conformity was introduced in the CAA of 1977, which included a provision to ensure that transportation investments conform to a 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 LRTPs, TIPs, 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.

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## 1.2 CONFORMITY AREA

The conformity area consists of three counties: Calhoun, Kalamazoo and Van Buren. Within the boundary are the metropolitan planning organizations (MPOs) of KATS and BCATS as well as the rural projects contained in the STIP in Calhoun and Van Buren County.

Findings of the transportation conformity report are for transportation activities contained within the conformity area.

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## 1.3 ATTAINMENT STATUS

On April 15, 2004, the EPA issued final designations of areas not attaining the 1997 ozone NAAQS. Calhoun, Kalamazoo and Van Buren counties were designated a nonattainment area.

On May 16, 2007, the EPA redesignated the area attainment, approving and finding adequate motor vehicle emissions budgets for volatile organic compounds (VOC) and nitrogen oxides (NO<sub>x</sub>) for the year 2018. The area was placed into maintenance; this requires conformity emissions to be compared to the motor vehicle emission budgets contained in the SIP.

On July 20, 2012, the EPA designated all of Michigan as attainment for the strengthened 2008 ozone NAAQS.

On July 20, 2013, the EPA partially revoked the 1997 ozone NAAQS, revoking the requirement to do transportation conformity for areas that were in maintenance.

On April 6, 2015, the EPA completely revoked the 1997 ozone NAAQS, which resulted in removal of all transportation conformity requirements.

On April 23, 2018, FHWA began requiring areas in the country to conduct conformity if they were a maintenance area for the 1997

ozone NAAQS and attainment for the 2008 ozone NAAQS when the 1997 ozone NAAQS was revoked. This was to comply with the court's decision in *South Coast II*. The Kalamazoo - Battle Creek conformity area was one of these areas. Later, this was amended to require MPOs to have a conformity in place on February 16, 2019 and conduct conformity going forward.

Calhoun County was designated Jan. 16. 2018 as attainment for the 2015 ozone standard. On August 3, 2018, the EPA designated both Kalamazoo and Van Buren counties as attainment for the strengthened 2015 ozone NAAQS.

On December 4, 2019, the EPA proposed a rule that the Kalamazoo - Battle Creek 1997 ozone maintenance area be considered for a limited maintenance plan for the area's second maintenance period. To be considered for a limited maintenance plan, the area must show the design value to be well below the NAAQS and the area's levels of air quality are unlikely to violate the NAAQS in the future. Areas with limited maintenance plans are not required to conduct emission modeling for conformity.

On April 6, 2020, the limited (second) maintenance plan for the Kalamazoo - Battle Creek 1997 ozone NAAQS took effect (85 FR 13057.)

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## **2.0 LONG-RANGE TRANSPORTATION PLAN OR METROPOLITAN TRANSPORTATION PLAN**

The Long-Range Transportation Plan (LRTP), also referred to as an MTP, is developed by the MPO to establish a long-term transportation plan. An LRTP is federally required for MPOs to receive federal funding and must provide a 20-year (or longer) horizon. Plans are required to be updated every four to five years. The purpose of an LRTP is to assess future needs of the area's transportation system and set goals to meet those needs. The planning process can enhance quality of life by fostering the mobility of people and freight in an effective and safe method.

Findings of the transportation conformity report are for transportation activities contained within the conformity area.

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### **3.0 TRANSPORTATION IMPROVEMENT PROGRAM**

The TIP is a financially constrained four-year program covering the most immediate implementation priorities for transportation projects and strategies from the LRTP.

The TIP identifies proposed projects developed by local agencies in accordance with the joint regulations of the FHWA and the FTA. These regulations establish the TIP as the programming phase of the overall continuing, comprehensive, and cooperative planning process. This planning process includes local jurisdictions, transit agencies, and state and federal transportation officials.

Findings of this transportation conformity report are for transportation activities contained within the conformity area. The KATS, BCATS, and the rural STIP developed new 2023 to 2026 TIPs in 2022. This conformity report was triggered by an amendment in the KATS MPO area with a non-exempt project. The conformity report ensures that the TIPs in the maintenance area satisfy their obligation to the CAA. This analysis also includes both areas' MTPs. This report evaluates transportation activities contained in:

- KATS 2050 MTP,
- KATS 2023-2026 TIP,
- BCATS 2045 MTP,
- BCATS 2023-2026 TIP, and
- STIP projects in Calhoun and Van Buren County



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## 4.0 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 EPA<sup>1</sup> for certain transportation activities, including updated or amended MTPs and TIPs. FHWA/FTA made its 1997 ozone NAAQS conformity determination for the 2040 LRTPs and 2017 -2020 TIPs on May 30, 2019. Conformity will now be required no less frequently than every four years. This conformity determination report will address transportation conformity for the new 2023-2026 TIPs and rural STIP, as well as the 2045 MTP for BCATS and KATS 2050 MTP. This conformity report was triggered by an amendment in the KATS MPO area with a non-exempt project.

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## 5.0 TRANSPORTATION CONFORMITY REQUIREMENTS

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### 5.1 OVERVIEW

On November 29, 2018, EPA issued the **Transportation Conformity Guidance for the South Coast II Court Decision**<sup>2</sup> (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). The area was designated attainment for the 2008 ozone NAAQS on May 21, 2012, and January 16 and August 3, 2018, for the 2015 ozone NAAQS.

<sup>1</sup> 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](http://www.epa.gov/state-and-local-transportation/policy-and-technical-guidance-state-and-local-transportation).

<sup>2</sup> 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 includes: 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 an 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 KATS 2050 MTP, BCATS 2045 MTP, both 2023-2026 TIPs, and the rural STIP in Calhoun and Van Buren County 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), and
- Fiscal constraint (93.108).

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## 5.2 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 the latest planning assumptions requirement applies to assumptions about transportation control measures (TCMs) in an approved SIP.

The Michigan SIP does not include any TCMs (see also Section 5.4).

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## 5.3 CONSULTATION REQUIREMENTS

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

Interagency consultation was conducted with KATS, BCATS, the Michigan Department of Transportation (MDOT), the Michigan Department of Environment, Great Lakes, and Energy (EGLE), FHWA, FTA, and EPA. A summary of the Michigan Transportation Interagency Workgroup (MITC-IAWG) meeting November 29, 2023 and relevant interagency consultation correspondence related to this conformity is in Appendix A. Interagency consultation was conducted consistent with Michigan's conformity SIP.

Public consultation was conducted consistent with planning rule requirements in 23 CFR 450. The Public Participation Plan adopted by the MPO Policy Committee establishes the procedures by which the MPOs reach affected public agencies and the public. The same procedures were followed for this document, ensuring the public has an opportunity to review and comment before the MPOs make a determination

A formal public comment period for the new conformity report will be held from December 29, 2023 through January 31, 2024 for the KATS.

Any public comments received and responses to those comments can be found in Appendix C.

The KATS Policy Committee will make a conformity determination through meeting minutes at the KATS Policy Committee Meeting on January 31, 2024, pending any comments.

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#### **5.4 TIMELY IMPLEMENTATION OF TRANSPORTATION CONTROL MEASURES**

The Michigan SIP does not include any TCMs.

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#### **5.5 FISCAL CONSTRAINT**

Transportation conformity requirements in 40 CFR 93.108 state that transportation plans and TIPs must be fiscally constrained consistent with the metropolitan planning regulations at 23 CFR part 450. The LRTPs and 2023-2026 TIPs are fiscally constrained, as demonstrated in:

- BCATS 2045 MTP, Chapter 15 Financial Plan,
- BCATS 2023-2026 TIP, Financial Plan,
- KATS 2050 MTP, Chapter 10 Moving Forward,
- KATS 2023-2026 TIP, Financial Plan, and
- 2023-2026 STIP for Calhoun and VanBuren County.

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## **6.0 CONCLUSION**

The conformity determination process completed for the KATS 2050 MTP, BCATS 2045 MTP, both 2023-2026 TIPs, and the 2023-2026 STIP for Calhoun and Van Buren County demonstrates that these planning documents meet the CAA and Transportation Conformity rule requirements for the 1997 ozone NAAQS.

## **Appendix A: Meeting Summary of Interagency Workgroups**

### **Summary of Email Meeting**

**Michigan Transportation Conformity Interagency Workgroups**

**Kalamazoo - Battle Creek 1997 Ozone Orphan Maintenance Area**

**(Calhoun, Kalamazoo and Van Buren counties)**

**For FY 2023-2036 Transportation Improvement Program Amendment #11**

**Wednesday, November 29, 2023**

An email was sent out on November 29, 2023 to the MITC-IAWG Members and Partners, listed as “in attendance” on pages 14 and 15, to conduct the meeting. The email read,

“All,

Please see the attached December 2023 Proposed TIP Amendments.

KATS Staff believes all the projects, with the exception of JN 212745, are exempt per the adopted guidelines.

KATS Staff has identified JN 212745 as being non-exempt. The project will add additional capacity to the interchange of US-131 and US-131BR. It will complete the interchange, adding southbound movements by adding two additional large ramps to connect the roadways.

If the IAWG concurs with KATS Staff (all projects exempt, except JN 212745), KATS will work to update our Air Quality Conformity Report for the TIP. If anyone has any questions, or would like a brief virtual meeting to discuss, please let me know.

IAWG members are requested to "concur" or "do not concur." Only one response from each member agency of the IAWG is required.”

Proposed projects for TIP Amendment #11 were included in the email. The list of the proposed projects is included in Appendix D.

<u>Name</u>	<u>Agency</u>
<b>In attendance:</b>	
Jeff Franklin	Battle Creek Area Transportation Study (BCATS)
Pat Karr	BCATS
Andy Tilma	BCATS
Michael Leslie	Environmental Protection Agency (EPA)
Christina Ignasiak	Federal Highway Administration (FHWA)
Andrew Sibold	FHWA
Jenny Staroska	FHWA
Kathleen Russell	Federal Transit Administration (FTA)
Susan Weber	FTA
Breanna Bukowski	Michigan Department of Environment, Great Lakes, and Energy (EGLE)
Heather Bowden	Michigan Department of Transportation (MDOT)
Fred Featherly	MDOT
Ryan Gladding	MDOT
Joshua Grab	MDOT
Mark Kloha	MDOT
Lane Masoud	MDOT

Don Mayle	MDOT
Daniela Khavajian	MDOT
Brad Peterson	MDOT
Donna Wittl	MDOT
Megan Mickelson	KATS
Steve Stepek	KATS
Ali Townsend	KATS

Projects for the KATS Transportation Improvement Program Amendment #11 were reviewed. All projects were deemed exempt except for one. Projects for the amendment are included in Appendix D.

Members and partners of MITC-IAWG for Kalamazoo-Battle Creek Limited Orphan Maintenance Area were asked to review the projects and reply to the email with “concur” if they agreed with the recommendations.

Agency	Name	Concur	No response
<i>Required one response per agency</i>			
EPA	Michael Leslie		X
FHWA	Andrew Sibold Christina Nicholaides Jenny Staroska	X	
FTA	Susan Weber Kathleen Russell	X	
EGLE	Breanna Bukowski	X	
MDOT	Donna Wittl		X
MDOT	Heather Bowden	X	
MDOT	Don Mayle		X
MPO	Steve Stepek Megan Mickelson Ali Townsend	X	
MPO	Pat Karr Jeff Franklin Andy Tilma	X	
MDOT	Mark Kloha		X
MDOT-Region	Josh Grab		X
MDOT	Brad Peterson Lane Masoud		X
MDOT	Daniela Khavajian		X
MDOT	Ryan Gladding		X
MDOT-OPT	Fred Featherly		X

Before members and partners of MITC-IAWG for Kalamazoo-Battle Creek Limited Orphan Maintenance Area sent their email responses of concurrence, there was discussion

regarding project JN 220182 and JN 212745. Attached below is the email chain of the meeting summary prior to responses of concurrence.

**Wittl, Donna (MDOT)**

Nov 29, 2023, 1:35 PM ☆ ↶

to me, tilmaa, Joshua, Christina, Heather, BCATS, Breanna, Daniela, Megan, Fred, Mike, Jenny, Ryan, Steve, Andrew, Jeff, Don, Kathleen, Susan, Lane, Mark, karrp, Brad ▾

Greetings Ali,

Could more information be provided for job number 220182, CON phase, adding a 6.3 mile center turn lane. As listed the project would be non-exempt. Also, the CON phase of Job number 212745 is non-exempt but the Row phase of the project is exempt. The air quality field in the spreadsheet provided was blank; it would be useful to add status when all the jobs are not exempt and when providing list with the new conformity report.

Thanks,

Donna Wittl  
Air Quality Conformity Specialist  
Statewide & Urban Travel Analysis Section  
Michigan Department of Transportation  
517-335-4620  
[WittlD@Michigan.gov](mailto:WittlD@Michigan.gov)

**Steve Stepek**

Nov 29, 2023, 3:46 PM ☆ ↶ ⋮

to Donna, me, tilmaa, Joshua, Christina, Heather, BCATS, Breanna, Daniela, Megan, Fred, Mike, Jenny, Ryan, Andrew, Jeff, Don, Kathleen, Susan, Lane, Mark, karrp, Brad ▾

Donna,

Since JN 220182 is funded with HSIP, and HSIP implementation is exempt, KATS' assumption is that the project will "correct, improve, or eliminate a hazardous location or feature." If the group would prefer that it be listed as non-exempt, we can make that change.

The Air Quality field on the spreadsheet is blank since no determination from this group has been documented on the projects and therefore not identified in JobNet. Once we have the documentation from this group, the listing will be updated within the LOMA document (exempt, non-exempt). In the future we'd be happy to highlight any additional non-exempt projects so they are easier to find on the spreadsheet.

Regards,

Steve

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--  
Steve Stepek, AICP  
Executive Director  
Kalamazoo Area Transportation Study

**Wittl, Donna (MDOT)**

Nov 29, 2023, 4:33 PM ☆ ↶ ⋮

to Steve, me, tilmaa, Joshua, Christina, Heather, BCATS, Breanna, Daniela, Megan, Fred, Mike, Jenny, Ryan, Andrew, Jeff, Don, Kathleen, Susan, Lane, Mark, karrp, Brad ▾

Hi Steve,

Could you point to the regulation that shows that HSIP funded projects are exempt? The IAWG has not used that regulation before. Appreciate the clarification on the other questions.

Thanks,

Donna



Steve Stepek

to Donna, me, tilmaa, Joshua, Christina, Heather, BCATS, Breanna, Daniela, Megan, Fred, Mike, Jenny, Ryan, Andrew, Jeff, Don, Kathleen, Susan, Lane, Mark, karrp, Brad

Nov 29, 2023, 4:50 PM ☆ ↶ ⋮

Donna,

I'm going based off 40 CFR 93.126. Excerpt is below. This was also discussed during some of our Jobnet development in regards to roundabouts, etc. Like I said, if this isn't the correct interpretation, or the group would prefer it be non-exempt, we're happy to make the change. This was just our thought process on including it as exempt.

## Table 2—Exempt Projects

### Safety

Railroad/highway crossing.

Projects that correct, improve, or eliminate a hazardous location or feature.

Safer non-Federal-aid system roads.

Shoulder improvements.

Increasing sight distance.

Highway Safety Improvement Program implementation.

Traffic control devices and operating assistance other than signalization projects.

Railroad/highway crossing warning devices.

Guardrails, median barriers, crash cushions.

Pavement resurfacing and/or rehabilitation.

Pavement marking.

Emergency relief ([23 U.S.C. 125](#)).

Fencing.

Skid treatments.

Safety roadside rest areas.

Adding medians.

Truck climbing lanes outside the urbanized area.

Lighting improvements.

Widening narrow pavements or reconstructing bridges (no additional travel lanes).

Emergency truck pullovers.

Jeff Franklin

Nov 29, 2023, 4:58 PM ☆ ↶ ⋮

to Steve, Donna, me, tilmaa, Joshua, Christina, Heather, bcats, Breanna, Daniela, Megan, Fred, Mike, Jenny, Ryan, Andrew, Don, Kathleen, Susan, Lane, Mark, karrp, Brad

Should it add to the discussion, rather than detract:

The job 220182 reads as non-continuous left turn lane construction over 5 intersections – intersection only center left lane would fit my understanding of HSIP typical safety improvement; (and the overall budget of this CON phase fits more with intersection widening than it would a continuous 6.3 mile left turn lane).

I particularly like the safety improvement of a center left lane on G Avenue at 32<sup>nd</sup> and 35<sup>th</sup>. 😊

Location (Report)M-343 to 38th Street

### Work Description

Work (Report)Construct Center Left Turn Lane

Work (Detailed)Construct Center Left Turn Lane at 5 intersections: 28th, 31st, 32nd, 35th, and 38th

Jeff Franklin

Executive Director

Battle Creek Area Transportation Study

601 Avenue A, Springfield, MI 49037

269-963-1158

[bcats@bcatsmpo.org](mailto:bcats@bcatsmpo.org)

...

Wittl, Donna (MDOT)

Nov 30, 2023, 8:29 AM ☆ ↶ ⋮

to Jeff, Steve, me, tilmaa, Joshua, Christina, Heather, bcats, Breanna, Daniela, Megan, Fred, Mike, Jenny, Ryan, Andrew, Don, Kathleen, Susan, Lane, Mark, karrp, Brad

All-

Jeff thanks for clarification on job 220182. If the description is changed to reflect a non-continuous left turn lane – intersection only center left turn lanes at 5 intersections: 28th, 31st, 32nd, 35th, and 38<sup>th</sup>. That would fit the group's current policies for an exempt project.

Steve – if you would like to have the project be exempt because it is being funded through a Highway Safety Improvement Program. The group should have discussions because in the past a member of the group had an issue with saying all HSIP projects were exempt. Things have changed over the years and revisiting this might be a good idea.

Thanks,

Donna

**Steve Stepek, AICP**

Nov 30, 2023, 8:40 AM ☆ ↶ ⋮

to Donna, Jeff, me, tilmaa, Joshua, Christina, Heather, bcats, Breanna, Daniela, Megan, Fred, Mike, Jenny, Ryan, Andrew, Don, Kathleen, Susan, Lane, Mark, karrp, Brad ▾

Donna,

I'm all for exemption for HSIP, since to me, that is what the CFR says. Since this email chain is our meeting, I'd ask everyone to send their opinion with their response to the original email.

I'll get a hold of the MDOT safety person that programmed the job and try to have them clean up the description.

I appreciate all the discussion.

Regards,  
Steve

The email chain in response to the original email is attached below.

**Jeff Franklin**

Nov 30, 2023, 11:24 AM ☆ ↶ ⋮

to me, tilmaa, Josh, Christina, Heather, bcats, Breanna, Daniela, Megan, Fred, Mike, Jenny, Ryan, Steve, Donna, Andrew, Don, Kathleen, Susan, Lane, Mark, karrp, Brad ▾

BCATS concurs. (212745 CON is non-exempt, as KATS staff identified. 220182 is exempt, as a typical HSIP eligible safety project).

Regarding the 'policy matter' of whether HSIP funded projects ought to always be determined AQ conformity Exempt –

BCATS appreciates a case-by-case IAWG discussion of these potential projects, as sometimes HSIP funding is applied to something atypical of the thought of eligible safety project. We've proven today that allowing IAWG discussion on such projects is worthwhile. BCATS would likely support HSIP projects as generally AQ conformity Exempt, per 40 CFR 93.126, however would reserve the right to challenge during our IAWG discussion.

**Jeff Franklin**

Executive Director  
Battle Creek Area Transportation Study  
601 Avenue A, Springfield, MI 49037  
269-963-1158  
[bcats@bcatsmpo.org](mailto:bcats@bcatsmpo.org)

**Bowden, Heather (MDOT)**

Nov 30, 2023, 12:50 PM ☆ ↶ ⋮

to Breanna, me, tilmaa, Joshua, Christina, BCATS, Daniela, Megan, Fred, Mike, Jenny, Ryan, Steve, Donna, Andrew, Jeff, Don, Kathleen, Susan, Lane, Mark, karrp, Brad ▾

Concur and I also appreciate the discussion.

I checked the MITC-IAWG Policies for Reviewing Projects for Kalamazoo-Battle Creek Limited Orphan Maintenance Area (Kalamazoo, Calhoun, and Van Buren Counties) and I would concur that project 220182 meets:

General Policies #6 on Page 1 - Adding a center turn lane of 1 mile or less: exempt; projects that correct, improve, or eliminate a hazardous feature.

Thanks,  
Heather

**Steve Stepek**

Fri, Dec 1, 8:09 AM ☆ ↶ ⋮

to Breanna, Jeff, me, tilmaa, Josh, Christina, Heather, bcats, Daniela, Megan, Fred, Mike, Jenny, Ryan, Donna, Andrew, Don, Kathleen, Susan, Lane, Mark, karrp, Brad ▾

All,

As an update, MDOT safety has updated the description of 220182 to state it is a non-continuous left turn lane.

Reminder to please get your comments (concur/non-concur) to KATS by Wednesday the 6th.

Regards,  
Steve

\*\*\*

--

Steve Stepek, AICP  
Executive Director  
Kalamazoo Area Transportation Study

**Bukowski, Breanna (EGLE)**

Mon, Dec 4, 2:41 PM ☆ ↶ ⋮

to Steve, Jeff, me, tilmaa, Joshua, Christina, Heather, bcats, Daniela, Megan, Fred, Mike, Jenny, Ryan, Donna, Andrew, Don, Kathleen, Susan, Lane, Mark, karrp, Brad ▾

I concur.

Thanks,  
Breanna

**Staroska, Jenny (FHWA)**

Mon, Dec 4, 4:17 PM ☆ ↩ ⋮

to Kathleen, me, Andy, Josh, Christina, Heather, BCATS, Breanna, Daniela, Megan, Fred, Mike, Ryan, Steven, Donna, Andrew, Jeff, Don, Susan, Lane, Mark, karrp, Brad ▾

FHWA concurs.

Thanks for facilitating the project description update for 220182, Steve.

For reference, 40 CFR 93.126 specifies:

"A particular action of the type listed in table 2 of this section is not exempt if the MPO in consultation with other agencies (see [§ 93.105\(c\)\(1\)\(iii\)](#)), the EPA, and the FHWA (in the case of a highway project) or the FTA (in the case of a transit project) concur that it has potentially adverse emissions impacts for any reason."

Thank you,

**Jenny Staroska**, Community Planner, PLA, LEED AP, (she)

Federal Highway Administration, Michigan Division [Call me on Teams](#)

**Russell, Kathleen (FTA)**

Dec 5, 2023, 3:03 PM ☆ ↩

to me, Andy, Josh, Christina, Heather, BCATS, Breanna, Daniela, Megan, Fred, Mike, Jenny, Ryan, Steven, Donna, Andrew, Jeff, Don, Susan, Lane, Mark, karrp, Brad ▾

FTA concurs.

Best,

Kathleen

**Kathleen Russell, AICP**

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## Appendix B: MITC-IAWG Policies for Reviewing Projects

### MITC-IAWG Policies for Reviewing Projects for

#### Kalamazoo-Battle Creek Limited Orphan Maintenance Area (Kalamazoo, Calhoun, and Van Buren Counties)

Policies were reviewed and agreed to by the Michigan Transportation Conformity Interagency Workgroup (MITC-IAWG) for the above areas at the September 15, 2021 meeting.

The Transportation Conformity State Implementation Plan Memorandum of Agreement defines roles, responsibilities, and regulations for interagency workgroups in Michigan.

#### General Policies:

1. Definition of an air quality regionally significant project:  
A transportation project on a facility that serves regional transportation needs (access to and from the areas) from outside the region, access to major activity centers (and new centers of activity malls, sporting, and transportation terminals), and would normally be included in the travel demand model. At a minimum, includes principal arterials (national functional classification 1, 2, and 3) and fixed guideway transit that offer an alternative to regional highway travel.
2. Traffic circles and roundabouts: exempt; intersection channelization project.
3. Auxiliary lanes if 1 mile or less: exempt; projects that correct, improve, or eliminate a hazardous location or feature. EPA/FHWA policy November 2017.
4. Ramp metering: exempt; projects that correct, improve, or eliminate a hazardous location or feature. EPA/FHWA policy November 2017.

5. Addition of right-turn lane or left-turn lane at an intersection, individual lane length less than half a mile: exempt; projects that correct, improve, or eliminate a hazardous feature; or notable to be modeled with the travel demand model.
6. Adding a center turn lane of 1 mile or less: exempt; projects that correct, improve, or eliminate a hazardous feature.
7. Adding a through lane of less than half a mile: exempt; projects that correct, improve, or eliminate a hazardous feature.
8. Road diets:
  - a. Four to three lanes: four through-lanes to two through-lanes with dual center left-turn lane if length is 1 mile or less: exempt; projects that correct, improve, or eliminate a hazardous location or feature.
  - b. Other types of road diets must provide information on the Road Diet Questionnaire to be considered for exempt status. If information is not provided road diet will be considered non- exempt.

i. Road diet questionnaire process:

1. Road Diet Questionnaire will be filled out either by local road agency or MPO staff.
2. The road diet will be identified in project list and the road diet questionnaire sent to the MITC-IAWG.
3. MITC-IAWG members reply via email if they consider the project exempt.
4. If no objection to the project as exempt is received, no further action is required.
5. If a member believes the project is non-exempt, a conference call will be held to discuss the project.

9. For amendments to only change the cost of a project or projects, the previous air quality status (exempt or non-exempt) will remain for each project. The MITC-IAWG will not need to review the project again. The MPO for TIP projects and MDOT for rural STIP projects will be responsible for ensuring that only cost changed. A statement attached to the amendment when submitted will state only costs have changed. The statement will also list when the last time each project was reviewed by the MITC-IAWG.

10. Projects included in a General Project Account (GPA) have to be exempt. GPAs should be reviewed by MITC-IAWG to confirm exempt status.

**Specific Policies:**

**Nonattainment Areas:**

1. If a non-exempt project is part of an amendment, a conference call MITC-IAWG is required.

2. If all projects in the amendment are exempt, an MITC-IAWG can be conducted by e-mail.
  - a. Process to conduct a MITC-IAWG through e-mail:
    - i. The MPO will e-mail the IAWG requesting concurrence that all projects are exempt.
    - ii. The list of projects is attached to the email. Spreadsheet should include fields required for MITC-IAWG review.
    - iii. The IAWG members will have five business days, starting the day after the e-mail project list is sent to review. IAWG members are requested to respond “concur” or “do not concur.” Only one response from each member agency of the IAWG is required. Others are encouraged to respond since they have knowledge that is important to the group.
    - iv. The date of the IAWG will be the date the e-mail request is sent.
    - v. The meeting summary will be sent to the MITC-IAWG. A basic e-mail format has been established.
3. Projects are grouped into analysis years based on the year the project will be open to traffic.
4. Moving a non-exempt project within an analysis year group can be done as part of an e-mail IAWG. The situation should be explained in the air quality comment field.
5. All projects that can be modeled in the travel demand model will be modeled regardless of exempt status when a new conformity analysis is conducted.

**Limited Orphan Maintenance Area (LOMA) or Orphan Maintenance Area (OMA):**

1. All MITC-IAWGs can be conducted by e-mail.
2. Process to conduct a MITC-IAWG through e-mail:
  1. The MPO will e-mail the IAWG requesting concurrence of projects for TIP and MDOT will email for rural STIP.
  2. The list of projects for review should be attached in a spreadsheet which includes fields needed by the MITC-IAWG to make decisions.
  3. The IAWG members will have five business days, starting the day after the e-mail project list is sent to review. IAWG members are requested to respond “concur” or “do not concur.” Only one response from each member agency of the IAWG is required. Others are encouraged to respond since they have knowledge that is important to the group.
  4. The date of the IAWG will be the date the e-mail request is sent.
  5. A meeting summary will be sent to the MITC-IAWG.
  6. If an amendment contains a non-exempt project a new conformity report will be needed.

# Appendix C: Comments and Responses

## **Appendix D: Projects Evaluated for Conformity**

All previously evaluated projects' information can be found in their respective documents: BCATS 2045 MTP; BCATS 2023-2026 TIP; KATS 2050 MTP; KATS 2023-2026 TIP; or 2023-2026 STIP for Calhoun and Van Buren County.

Beginning on page 25, all the projects evaluated via an MITC-IAWG email meeting on November 29, 2023 are attached.



Kalamazoo Area Transportation Study  
 FY 2023-2026 Transportation Improvement Program  
 December 2023 Amendments (12/20/23)

Fiscal Year	Job Number	Phase	Responsible Agency	Project Name	Limits	Project Mileage	Primary Work Type	Project Description	Federal Cost	State Cost	Local Cost	Total Phase Cost	GPA	Comments	Total Project Cost	AQ Determination
2024	220121	CON	Kalamazoo	Citywide	Various Locations - City of Kalamazoo	1.476	Traffic Safety	Safety Improvements for VRU - RRFB's	\$256,816	\$0	\$217,374	\$474,190	Not Applicable		\$592,738	Exempt
2024	220122	CON	Kalamazoo	Citywide	Various Locations - City of Kalamazoo	2.111	Traffic Safety	Safety Improvements for VRU - RRFB's	\$517,262	\$0	\$129,315	\$646,577	Not Applicable		\$808,222	Exempt
2026	215034	CON	MDOT	I-94	under Sprinkle Road, Kalamazoo County	0	Bridge CSM	Healer Sealer, Reseal Joints, Bridge Rail Repair	\$84,600	\$9,400	\$0	\$94,000	Not Applicable		\$110,000	Exempt
2025	220182	CON	Kalamazoo County	E G Ave	M-343 to 38th Street	6.394	Traffic Safety	Construct non-continuous center left turn lane - only center left turn lanes at 5 intersections: 28th, 31st, 32nd, 35th, and 38th	\$750,000	\$0	\$248,000	\$998,000	Not Applicable		\$1,247,500	Exempt
2025	220184	CON	Kalamazoo County	Sprinkle Rd	from 0.11 miles north of Lake Street to I-94-BL	0.993	Traffic Safety	rumble strips	\$750,000	\$0	\$365,000	\$1,115,000	Not Applicable		\$1,393,750	Exempt
2024	219289	PE	MDOT	I-94 E	I-94 Van Buren and Kalamazoo County	7.209	Road Capital Preventive Maintenance	Concrete Pavement Repairs	\$49,500	\$5,500	\$0	\$80,000	Not Applicable		\$1,214,054	Exempt
2025	220115	CON	Kalamazoo	Citywide	Safety Improvement at 6 Locations on Park	2.855	Traffic Safety	Safety Improvements for VRU - RRFB's	\$461,722	\$0	\$51,302	\$513,024	Not Applicable		\$628,454	Exempt
2024	219289	CON	MDOT	I-94 E	I-94 Van Buren and Kalamazoo County	7.209	Road Capital Preventive Maintenance	Concrete Pavement Repairs	\$711,312	\$79,035	\$0	\$1,134,054	Not Applicable		\$1,214,054	Exempt
2024	219294	PE	MDOT	Regionwide	I-94 and US-131 locations in KATS	55.333	Road Capital Preventive Maintenance	Crack Seal	\$22,509	\$4,991	\$0	\$75,000	Not Applicable		\$1,175,000	Exempt
2024	212745	ROW	MDOT	US-131	At US-131BS in Oshtemo Township, Kalamazoo County.	3.534	Major Widening	Construct interchange ramps on US-131 at US-131BR.	\$0	\$0	\$150,000	\$150,000	Not Applicable		\$28,700,000	Exempt
2024	218749	PE	MDOT	M-43	M-40, M-43	87.815	Traffic Safety	Sign project to upgrade intersections to SIGN-145-A Detail	\$6,210	\$690	\$0	\$21,323	Not Applicable		\$507,495	Exempt
2025	219294	CON	MDOT	Regionwide	I-94 and US-131 Locations	55.333	Road Capital Preventive Maintenance	Crack Seal	\$333,130	\$73,871	\$0	\$1,100,000	Not Applicable		\$1,175,000	Exempt
2025	212745	CON	MDOT	US-131	At US-131BS in Oshtemo Township, Kalamazoo County.	3.534	Major Widening	Construct interchange ramps on US-131 at US-131BR.	\$0	\$0	\$26,750,000	\$26,750,000	Not Applicable		\$28,700,000	Non-exempt
2025	220102	CON	Kalamazoo	Citywide	8 Locations on Park Street in the City of Kalamazoo	1.199	Traffic Safety	Safety Improvements for VRU - RRFB's	\$264,201	\$0	\$29,356	\$293,557	Not Applicable		\$366,947	Exempt
2024	218784	ROW	MDOT	Regionwide	West Main (Old M-43)	1.446	Traffic Safety	Installation of Pedestrian Crosswalk Improvements	\$1,800	\$175	\$25	\$12,000	Not Applicable		\$1,286,321	Exempt

FY 2023-2026 Transportation Improvement Program

December 2023 Amendments (12/20/23)

Fiscal Year	Job Number	Phase	Responsible Agency	Project Name	Limits	Project Mileage	Primary Work Type	Project Description	Federal Cost	State Cost	Local Cost	Total Phase Cost	GPA	Comments	Total Project Cost	AQ Determination
2024	218749	CON	MDOT	M-43	M-40, M-43	87.815	Traffic Safety	Sign project to upgrade intersections to SIGN-145-A Detail	\$141,584	\$15,732	\$0	\$486,172	Not Applicable		\$507,495	Exempt
2025	211815	CON	MDOT	M-51	M-43, M-51	62.283	Traffic Safety	Durable all-weather markings with centerline and shoulder corrugations	\$143,442	\$15,938	\$0	\$578,000	Not Applicable		\$583,000	Exempt