

**Clarksville Urbanized Area Metropolitan Planning
Organization's**

**Draft Transportation Conformity Determination
Report for the 1997 ozone NAAQS**

**Associated with the
FY2026-FY2029 Transportation Improvement
Program**

Adopt October 9, 2025

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Acknowledgement

The Clarksville Urbanized Area Metropolitan Planning Organization (CUAMPO) prepared this Transportation Conformity Determination Report (CDR) for the FY2026-2029 Transportation Improvement Program (TIP). Individuals from the following agencies contributed their efforts towards the completion of the CDR. They include:

Federal Highway Administration, TN and KY Divisions

Federal Transit Administration, Region 4

Environmental Protection Agency, Region 4

Tennessee Department of Transportation (TDOT)

Kentucky Transportation Cabinet (KYTC)

TN Department of Environment & Conservation

Kentucky Energy & Environment Cabinet

TDOT and KYTC Multimodal

Clarksville Transit System

Executive Summary

As part of its transportation planning process, the CUAMPO completed the transportation conformity process for the 2050 MTP on January 11, 2024 and the FY2026-2029 TIP adopted by the CUAMPO Executive Board on October 9, 2025 (see Appendix A for associated resolution). This report documents that the FY2026-2029 TIP 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 Clarksville Metropolitan Planning Area (MPA) 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 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, and EPA’s *Transportation Conformity Guidance for the South Coast II Court Decision* issued on November 29, 2018.

1.0 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 were 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, 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.

On June 15, 2004, EPA designated both Montgomery and Christian Counties under subpart 1 of the CAA and as such is referred to as a “Basic” 8-hour ozone nonattainment area for the 1997 8-hour ozone NAAQS. Basic 8-hour ozone nonattainment areas had attained the 8-hour ozone standard no later than June 15, 2009. On November 21, 2005, Montgomery County was re-designated as attainment with a maintenance plan. On February 24, 2006, Christian County was re-designated as attainment with a maintenance plan. Both counties maintained the 1997 8-hour ozone NAAQS and continue to be in compliance with the 2008 and 2015, 8-hour ozone NAAQS.

CUAMPO’s planning boundary includes all of Montgomery County, Tennessee and the southernmost portion of Christian County, Kentucky including the City of Oak Grove. The remaining portion of Christian County which is outside the planning boundary is considered the “donut” area for the purposes of implementing transportation conformity.

2.0 2050 Metropolitan Transportation Plan (MTP)

The updated 2050 MTP is the long-range transportation plan for the Clarksville Metropolitan Planning Area (MPA) and replaces the 2045 MTP. The 2050 MTP and the associated CDR for KY and TN were adopted on January 11, 2024. A performance-based

approach to metropolitan transportation planning was utilized in the development of 2050 MTP. The 2050 MTP sets a regional vision and course of action for addressing the transportation needs of the Clarksville MPA over the next twenty-seven years. The 2050 MTP is available on the web at: www.CUAMPO.com.

3.0 FY2026-2029 Transportation Improvement Program (TIP)

The updated FY2026-FY2029 (October 1, 2025 through September 30, 2029) Transportation Improvement Program (TIP) is a subset of the adopted 2050 MTP. All of the projects in the FY2026-FY2029 TIP are in the 2050 MTP. The FY2026- FY2029 TIP replaces the FY2023– FY2026 TIP for the Clarksville area.

Under federal law, the TIP:

- Is developed by the MPO in cooperation with the States and public transit operators,
- Must be consistent on a project level with the approved 2050 MTP,
- Must include all regionally significant projects and those funded with federal transportation funds,
- Must include a financial plan demonstrating how the approved TIP can be implemented with existing and anticipated revenue,
- Must be incorporated directly, without change, into the Statewide Transportation Improvement Program (STIP), and
- Must include performance measures and the anticipated effects of the TIP on achieving those targets.

The FY2026-FY2029 TIP is a product of the ongoing transportation planning process of the Clarksville MPO. The TIP identifies the timing and funding of all highway, bridge, transit, bicycle, pedestrian and other surface transportation projects scheduled for implementation over the next four years. This document identifies planned transportation projects and projected revenues during the time period of FY2026 to FY2029 and ensures coordination of transportation improvements by local, state, and federal agencies. The draft TIP is available on the website:

http://www.cuampo.com/wp-content/uploads/2025/08/Draft-FY2026_FY2029-TIP.pdf and the draft resolution, for adoption by the MPO Executive Board, is in Appendix A.

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 EPA¹ for certain transportation activities, including updated or amended metropolitan MTPs and TIPs. US

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.

DOT made its 1997 ozone NAAQS conformity determination for the 2050 MTP on March 7, 2024 and on January 27, 2023 for the FY2023-FY2026 TIP. Transportation conformity will be required no less frequently than every four years. This conformity determination report will address transportation conformity for the FY2026– FY2029 TIP.

5.0 Transportation Conformity Requirements

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).

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, or TCMs (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 decision 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 Clarksville Area MPO’s TIP 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)

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

- Transportation Control Measures (93.113) and
- Fiscal constraint (93.108)

5.1 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. There are no TCMs in the Tennessee or Kentucky SIP for the Clarksville Area, meaning that the implementation of projects in the Transportation Improvement Program (TIP) will not interfere with timely implementation of TCMs.

5.2 Consultation Requirements

The consultation requirements in 40 CFR 93.112 were addressed both for interagency consultation and public consultation. Interagency consultation was conducted with Federal Highway Administration, TN and KY Divisions, Tennessee Department of Transportation (TDOT), Kentucky Transportation Cabinet (KYTC), Environmental Protection Agency Region 4, TN Department of Environment & Conservation, Kentucky Energy & Environment Cabinet, Federal Transit Administration Region 4, TDOT and KYTC Multimodal, and the Clarksville Transit System. The IAC utilized a series of phone conferences to discuss the review of the FY2026–FY2029 TIP and this CDR. The interagency consultation meeting minutes and comments are included in Appendix B. Interagency consultation was conducted consistent with the Tennessee Conformity SIP and the Kentucky Conformity SIP.

Public consultation was conducted consistent with planning rule requirements in 23 CFR 450. In addition, as per CUAMPOs Participation Plan (PP) all guidelines were followed. The PP is available on the web at www.CUAMPO.com. The public involvement notices, comments and responses to comments are included in Appendix C. The 14-day public comment period opened on September 24, 2025 and closed on October 8, 2025. There were no public comments received.

5.3 Timely Implementation of TCMs

Since neither the Tennessee nor Kentucky SIP include TCMs for the Clarksville MPA, timely implementation of TCMs is satisfied.

5.4 Fiscal Constraint

Transportation conformity requirements in 40 CFR 93.108 states that transportation plans and TIPs must be fiscally constrained consistent with DOT's metropolitan planning

regulations at 23 CFR part 450. As demonstrated in 2050 MTP Main Report, pages 36 – 42 of the 2050 MTP and in Section 2, pages 40 – 45 of the FY2026 – FY2029 TIP, these documents are fiscally constrained.

Conclusion

This conformity demonstration process completed for the FY2026-FY2029 TIP demonstrates that this planning document meets the Clean Air Act and Transportation Conformity rule requirements for the 1997 8-hour ozone NAAQS.

APPENDIX A: Resolution 2025-19

RESOLUTION 2025-19

APPROVING THE FINAL FY2026-2029 TRANSPORTATION IMPROVEMENT PROGRAM AND ASSOCIATED CONFORMITY DETERMINATION REPORT OF THE CLARKSVILLE URBANIZED AREA METROPOLITAN PLANNING ORGANIZATION (MPO)

WHEREAS, the Transportation Improvement Program is prepared on a four-year basis, with amendments prepared on an as needed basis. This process is in place to document the cooperatively developed program of projects recommended by the Technical Coordinating Committee for selection by the Executive Board to be advanced during the program period; and

WHEREAS, a proposed Final Transportation Improvement Program for FY2026-FY2029 and the associated Conformity Determination Report (CDR) consisting of federally funded and/or regionally significant transportation improvement projects within the metropolitan area has been prepared and distributed to the general public, participating State and Federal Agencies, members of the Technical Coordinating Committee and Executive Board; and

WHEREAS, the locally developed Participation Plan has been followed in the development of the Transportation Improvement Program. This 14-day public review period began on September 24, 2025 and ended October 8, 2025. Said document was made available for review; and

WHEREAS, members of the Technical Coordinating Committee did recommend approval of the Final FY2026-FY2029 TIP and the associated CDR to the Executive Board;

NOW, THEREFORE, BE IT RESOLVED, that the Clarksville Urbanized Area Metropolitan Planning Organization's Executive Board recommends approval of the Final FY2026-FY2029 Transportation Improvement Program and the associated Conformity Determination Report of the Clarksville Urbanized Area Transportation Study.

Resolution Approval Date: October 9, 2025

Mayor Wes Golden, Chairman
Clarksville Urbanized Area MPO

Appendix B: IAC Meeting Minutes/Comments:

IAC AGENDA
FOR THE FY2026-FY2029 TIP's ASSOCIATED CDR:
July 7th at 2:00-3:00 pm by virtual GO TO MEET link below:
<https://meet.goto.com/540349621>

1. Attendee Roll Call:

- a. Jill Hall (MPO)
- b. Tonya Higdon (FHWA-KY)
- c. Dasha McGinnis (KYTC)
- d. Camille Robinson (FHWA)
- e. Blake Borwig (KYTC)
- f. Weston Freund (EPA)
- g. Sunday Gotvald (EPA)
- h. Sonya Baker (FHWA TN)
- i. Simone Jarvis (EPA)
- j. Emma Moreo (KYTC)
- k. Marc Corrigan, (TDEC)
- l. Zach Madden (MPO)
- m. Jayalakshmi Balaji (KYTC)
- n. Michael Ziarnek (MPO)

2. Review of the TIP projects and associated CDR:

Mr. Corrigan asked about the two new transit projects being adopted into the current TIP. Ms. Hall responded that the CMAQ funds would be flexed from FHWA to FTA. The projects are in the new draft TIP, but the funding will have to be added once the TIP is adopted.

3. Discussion of the new TIP project that is not exempt: Widening of Hazelwood Road from a 2-lane to a 3- lane roadway. It's in the 2050 MTP (Table 7, page 37; MTP ID# 312) under Stage 2 (2027-2030).

There were no comments on the Hazelwood Road project.

4. Discussion if the TIP requires a regional emissions analysis (MOVES)

Mr. Corrigan said there was no regional analysis required due to the South Coast court decision.

5. Discussion on the TN side being out of Conformity in November 2025 and KY side being out of Conformity in February 2026.

Mr. Corrigan said that he had asked EPA that question several months ago, but now that it's getting closer there should be a discussion with EPA. Ms. Jarvis said that the dates were correct and that she would discuss this matter with others within EPA and get back with us on the decision. She said that she is now the main point of contact for EPA since Dianna Meyers retired on June 13, 2025

6. Other comments or remarks from the IAC

Mr. Corrigan asked about Tonya Higdon's email concerning the two transit projects to be amended in the current TIP at the July 10th meeting. Ms. Higdon said that the projects should be able to go in a grouping category. Ms. Hall explained that TDOT doesn't have a grouping for Transit and with the funds being flexed it would need to stay as an individual TIP project.

Ms. Baker asked if the IAC could give their concurrence to the two transit projects to be amended in the current TIP. She said both were exempt from conformity. Ms. Hall thanked her for her concurrence and said she would have it in the resolution that the IAC concurred the projects were exempt from air quality.

Ms. Hall said she would schedule another IAC meeting/call if the comments from KYTC and TDOT had major changes to the TIP projects.

There were no other comments.

7. Adjourned

Appendix C: Public Comments

No Public Comments were received.