

# ***Anderson MPO***

***Madison County Council of Governments (MCCOG)***

2050 inMotion  
Metropolitan Transportation Plan

2022-2026 Transportation  
Improvement Program

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July 2022

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## Acknowledgements

This *Transportation Conformity Report* for the 2050 inMotion Metropolitan Transportation Plan (MTP) and 2022-2026 Transportation Improvement Program (TIP) was prepared by the Madison County Council of Governments (MCCOG). Individuals from the following agencies contributed their efforts towards the completion of the Transportation Conformity Determination Report. They include:

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## Executive Summary

As part of its transportation planning process, the Madison County Council of Governments (MCCOG), completed the transportation conformity process for the 2050 InMotion MTP and 2022-2026 TIP. This report documents that the 2050 InMotion MTP and 2022-2026 TIP meet 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ozone national ambient air quality standard (NAAQS) and attainment for the 2008 ozone NAAQS when the 1997 ozone NAAQS was revoked.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 [insert name of 1997 ozone NAAQS area] was [insert “nonattainment” or “maintenance” as applicable to the area] at the time of the 1997 ozone NAAQS revocation on April 6, 2015 and was also designated attainment for the 2008 ozone NAAQS on May 21, 2012. Therefore, per the *South Coast II* decision, this conformity determination is being made for the 1997 ozone NAAQS on the MTP and TIP.

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

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

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

The Madison County Council of Governments (MCCOG) is included in the **9-County Central Indiana 1997 NAAQS Region**, which includes Boone, Hamilton, Hendricks, Marion, Hancock, Morgan, Johnson, and Shelby Counties, in addition to Madison County. This area includes consideration of impacts for the following Metropolitan Planning Areas:

- *Madison County Council of Governments* (MCCOG) for Anderson Urbanized Area (Madison County and portions of Hancock and Delaware Counties)
- *Indianapolis Metropolitan Planning Organization* (MPO) for the Indianapolis Urbanized Area (Marion and portions of Boone, Hamilton, Hendricks, Hancock, Morgan, Johnson, and Shelby Counties)
- *Columbus Area Metropolitan Planning Organization* (MPO) for the Columbus Urbanized Area (Bartholomew and portions of Johnson and Shelby Counties)

Additionally, because the Metropolitan Planning Area (MPA) for the Madison County Council of Governments (MCCOG) also includes portions of Delaware County, the **Delaware County Indiana 1997 NAAQS Region** may also be impacted and therefore, coordination with the *Delaware-Muncie Metropolitan Plan Commission* (Muncie MPO) is also required.

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. Each of the NAAQS regions described above were in nonattainment 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 and as attainment for the 2015 ozone NAAQS.



## **2.0 2050 InMotion Metropolitan Transportation Plan (MTP)**

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The 2050 InMotion Metropolitan Transportation Plan (MTP) will be adopted by the MCOG Policy Board on Thursday, February 3, 2022 for the Anderson Metropolitan Planning Area (MPA). The plan was developed using the latest planning assumptions, which are laid out in Section 2.4 of EPA's guidance discussed later in this document.

**This action is seeking Transportation Conformity for the 2050 InMotion Metropolitan Transportation Plan (MTP).**

**The 2050 InMotion Metropolitan Transportation Plan (MTP) can be found at the following link:**

- [https://irp.cdn-website.com/65a760a0/files/uploaded/2050inMotion\\_Draft.pdf](https://irp.cdn-website.com/65a760a0/files/uploaded/2050inMotion_Draft.pdf)

**A full listing of the non-exempt projects included in the TIP and MTP for MCOG (Anderson MPO) can be found in the appendix of this document.**

**A full listing of the non-exempt projects included in the TIP and MTP for the Indianapolis MPO can be found in the appendix of this document.**

**A full listing of the non-exempt projects in the Central Indiana Airshed, yet outside of the MPA for the Indianapolis MPO (i.e., donut projects) can be found at the following link:**

- <https://d16db69sqbolil.cloudfront.net/mpo-website/downloads/LRTP/LRTP-2045/INDOT-Donut-Projects-v2021-10-13.pdf>

**Currently there are no non-exempt projects included in the TIP and MTP for the Delaware-Muncie Metropolitan Plan Commission (Muncie MPO), therefore there is no listing included in the appendix of this document.**



## **3.0 2022-2026 Transportation Improvement Program (TIP)**

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The 2022-2026 Transportation Improvement Plan (TIP) is one part of the MPO's transportation planning process. The planning process includes the development of a Metropolitan Transportation Plan (MTP), formerly called the long-range transportation plan. As projects in these long-range plans advance to implementation, they are programmed in the TIP for study, design, and construction, provided they attain environmental permits and other necessary clearances.

Every two years, the Anderson MPO enacts a process that assists in the development of a revised *Transportation Improvement Program* (TIP) Document to reflect federal transportation funding that will be expended over a period of four (4) years. While the process begins in January, the final document is not completed until late spring, but the *TIP Development Process* is generally a continuous one. Most importantly, the process includes input from a variety of sources representative of the *Metropolitan Planning Area* (MPA) including the *Anderson MPO Policy Committee*, the *Anderson*

*MPO Technical Advisory Committee (TAC), the general public, elected officials, community leaders, public & private transportation providers, INDOT Greenfield District, and INDOT Central Office.*

The purpose of the TIP is to set forth the MPO's short-term program for transportation projects. The TIP is prepared according to the MPO's procedures. An MPO Committee works with the State DOT and the appropriate transit operators in soliciting project proposals from the public and cities and towns, and in developing a draft TIP. Following public and agency review, the draft TIP is approved by the MPO, forwarded to the State DOT, then on to federal funding agencies—the Federal Highway Administration, and the Federal Transit Administration.

**This action is for an amendment of a new non-exempt project into the 2022-2026 Transportation Improvement Plan (TIP).**

**The 2022-2026 Transportation Improvement Plan (TIP) can be found at the following link:**

- <https://irp.cdn-website.com/65a760a0/files/uploaded/TIP%20Document%20-%202022-2026%20-%20final%20adopted%20document%20with%20TC%20approval%20updated%207-14-21%20fixed.pdf>

More specifically, the amendments include the following projects:

- SR 9/SR 67, US 36 North Junction to Huntsville Road (Pendleton), Added Travel Lanes (Des. #1802854)
  - This project is a partner project to a project already amended into the TIP and MTP (Des. #1709236) that continues the added travel lanes south of the US 36 North Junction along the US 36 Corridor when it joins SR 9/SR 67 to Madison Avenue/Angle Road/Lick Creek Pike.
- CR 800 S (136th Street) Corridor Improvement Project: Phase 1, Evening Drive to SR 13 (CR 900 W/Madison Street), Added Travel Lanes (Des. #2100092)
  - This project was originally listed as a single project in the TIP and MTP (Des. #2100092) but was split into four (4) phases in the event the project phases needed to move to the RW or CN Phases independently of one another because of unforeseen issues with RW Acquisition, the ability for the MPO to provide an adequate funding award, or the LPA to have the available matching funds for the project.
- CR 800 S (136th Street) Corridor Improvement Project: Phase 2, Intersection Improvement with Roundabout @ Evening Drive, Intersection Improvement, Roundabout (Des. #2101290)
  - This project was originally listed as a single project in the TIP and MTP (Des. #2100092) but was split into four (4) phases in the event

the project phases needed to move to the RW or CN Phases independently of one another because of unforeseen issues with RW Acquisition, the ability for the MPO to provide an adequate funding award, or the LPA to have the available matching funds for the project.

- CR 800 S (136th Street) Corridor Improvement Project: Phase 3, Atlantic Road (E. CR 168 - Hamilton-Madison County Line) to Evening Drive, Added Travel Lanes (Des. #2101291)
  - This project was originally listed as a single project in the TIP and MTP (Des. #2100092) but was split into four (4) phases in the event the project phases needed to move to the RW or CN Phases independently of one another because of unforeseen issues with RW Acquisition, the ability for the MPO to provide an adequate funding award, or the LPA to have the available matching funds for the project.
- CR 800 S (136th Street) Corridor Improvement Project: Phase 4, Intersection Improvement with Roundabout @ Atlantic Road, Intersection Improvement, Roundabout (Des. #2101292)
  - This project was originally listed as a single project in the TIP and MTP (Des. #2100092) but was split into four (4) phases in the event the project phases needed to move to the RW or CN Phases independently of one another because of unforeseen issues with RW Acquisition, the ability for the MPO to provide an adequate funding award, or the LPA to have the available matching funds for the project.

**A full listing of the non-exempt projects included in the TIP and MTP for *MCCOG* (Anderson MPO) can be found in the appendix of this document.**

**A full listing of the non-exempt projects included in the TIP and MTP for the *Indianapolis MPO* can be found in the appendix of this document.**

**A full listing of the non-exempt projects in the Central Indiana Airshed, yet outside of the MPA for the *Indianapolis MPO* (i.e., donut projects) can be found at the following link:**

- <https://d16db69sqbolil.cloudfront.net/mpo-website/downloads/MTP-LRTP/MTP-2050/Conformity/INDOT-Donut-Projects-v2022-03-18.pdf>

**Currently there are no non-exempt projects included in the TIP and MTP for the *Delaware-Muncie Metropolitan Plan Commission* (Muncie MPO), therefore there is no listing included in the appendix of this document.**

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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 metropolitan MTPs and TIPs. Once US DOT makes its 1997 ozone NAAQS conformity determination for the 2050 InMotion MTP and 2022-2026 TIP, conformity will be required no less frequently than every four years. This conformity determination report will address transportation conformity for the 2050 InMotion MTP and 2022-2026 TIP.

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<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) .

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## 50 Transportation Conformity Requirements

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### 51 Overview

On November 29, 2018, EPA issued **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 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 the latest planning assumptions (93.110), latest emissions model (93.111), consultation (93.112), transportation control measures (93.113(b) and (c), and emissions budget and/or interim emissions (93.118 and/or 93.119).

For the 1997 ozone NAAQS areas, transportation conformity for MTPs and TIPs for the 1997 ozone NAAQS can be demonstrated without a regional emissions analysis, per 40 CFR 93.109(c). This provision states that the regional emissions analysis requirement applies one year after the effective date of EPA's nonattainment designation for a NAAQS and until the effective date of revocation of such NAAQS for an area. The 1997 ozone NAAQS revocation was effective on April 6, 2015, and the *South Coast II* court upheld the revocation. As no regional emission analysis is required for this conformity determination, there is no requirement to use the latest emissions model, or budget or interim emissions tests.

Therefore, transportation conformity for the 1997 ozone NAAQS for the 2050 InMotion MTP, 2022-2026 TIP for the Madison County Council of Governments (MCCOG) for the Anderson Metropolitan Planning Area (MPA) can be demonstrated by showing the remaining requirements in Table 1 in 40 CFR 93.109 have been met. These requirements, which are laid out in Section 2.4 of EPA's guidance and addressed below, include:

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

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

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## 52 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.

On January 16, 2019, as part of a previous LRTP/MTP amendment, an email was sent to ICG members stating that there are no TCMs in the Indiana SIP for the 9-county Central Indiana NAAQS Region nor the Delaware County Indiana 1997 NAAQS Region. (see also Section 5.4)

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## 53 Consultation Requirements

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

Interagency consultation was conducted with the *Indianapolis Metropolitan Planning Organization (IMPO)*, *Columbus Area Metropolitan Planning Organization (CAMPO)*, *Delaware-Muncie Metropolitan Plan Commission*, *City of Anderson Transit System (CATS)*, FHWA, FTA, and EPA.

The interagency consultation group (ICG) received an email on August 25, 2021 and December 14, 2021 which included a list of projects under consideration for amendment into 2022-2026 TIP and a projected timeline for the amendment processes. ICG members were asked to provide questions, comments, or their concurrence by Friday, September 10, 2021 and Friday, March 18, 2022, respectively. The draft consultation document was made available for ICG review and comment between Wednesday, July 13, 2022 and Monday, August 3, 2022.

Public consultation was conducted consistent with planning rule requirements in 23 CFR 450. This conformity determination report, as well as the applicable LRTP/MTP/TIP amendments, were made available for public review and comment between Monday, July 18, 2022 to Monday, August 3, 2022 followed by a public hearing on Monday, August 3, 2022. Both resolutions containing these amendments were adopted on Thursday, September 28, 2022 and Thursday, March 3, 2022 by the Anderson MPO Policy Board.

A summary of any comments received are included in the Appendix of this document.

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**54 Timely Implementation of TCMs**

The Indiana SIP does not include any Transportation Control Measures (TCMs) for the 9-County Central Indiana 1997 NAAQS Region nor the Delaware County Indiana 1997 NAAQS Region.

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**55 Fiscal Constraint**

Transportation conformity requirements in 40 CFR 93.108 state that transportation plans and TIPs must be fiscally constrained consistent with DOT's metropolitan planning regulations at 23 CFR part 450. The 2050 InMotion MTP and 2022-2026 TIP are fiscally constrained, as demonstrated on pages 116-117 and the fiscally constrained project list, as demonstrated on pages 125-128 of the 2050 InMotion MTP and on page 9 of the 2022-2026 TIP.

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## **Conclusion**

The conformity determination process completed for the 2050 InMotion MTP and 2022-2026 TIP demonstrates that these planning documents meet the Clean Air Act and Transportation Conformity rule requirements for the 1997 ozone NAAQS.

# APPENDIX







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39 transportation project(s) found for Exempt Status: "NON-EXEMPT"

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ID	Lead Agency	Title	Project Category	Total Cost	Fed Funds - Info
<a href="#">1901763</a>	Avon	Dan Jones Widening Phase 2 - CR 100 S to CR 150 S	Road	\$7,637,170	STBG
<a href="#">1801463</a>	Avon	Dan Jones Rd. Widening from CR 100 S to Main Rd.	Road	\$4,578,965	STBG
<a href="#">2202FFE</a>	Avon	Dan Jones Widening Phase 3 - US 36 to CR 100 N	Road	\$11,669,500	
<a href="#">1401647</a>	Brownsburg	East Northfield Drive (CR 300 North to CR 400 North)	Road	\$8,233,400	* PYB STBG STBG
<a href="#">1592348</a>	Fishers	141st Street & SR 37 Intersection Improvement	Intersection	\$21,201,000	State STBG
<a href="#">1401610</a>	Greenwood	Worthsville Road Reconstruction - Section 3	Road	\$12,425,706	STBG
<a href="#">1801421</a>	Hamilton County	146th & Allisonville Grade Separated Interchange	Intersection	\$42,557,000	CMAQ STBG
<a href="#">1401702</a>	Hamilton County	146th St. Phase III Towne Road to Shelborne Road	Road	\$10,522,889	STBG
<a href="#">1902783</a>	Hancock County	Stinemyer Rd Connection	Road	\$3,164,750	STBG Group IV
<a href="#">1702756</a>	Hancock County	600 W from 400 N to 550 N	Road	\$23,937,500	STBG Group IV
<a href="#">2003034</a>	Hancock County	CR 300 N Widening between CR 600 W and CR 700 W	Road	\$9,580,380	STBG Group IV
<a href="#">1600633</a>	Hancock County	600W from 300N to CR400N (Segment A)	Road	\$7,263,131	STBG STBG Group IV
<a href="#">1602280</a>	Hendricks County	Ronald Reagan Pkwy from CR 600 N to I-65	Road	\$123,893,173	
<a href="#">1702976</a>	Indianapolis DPW	Emerson Avenue Widening (Stop 11 to Southport Crossing)	Road	\$15,632,533	NHS STBG
<a href="#">1801448</a>	Indianapolis DPW	Emerson Avenue Widening from Co Line to Stop 11	Road	\$14,901,875	STBG
<a href="#">2002553</a>	Indianapolis DPW	County Line Rd. Widening from SR 37 to Morgantown Rd	Road	\$39,590,000	
<a href="#">1400075</a>	INDOT	I-69 & I-465 Interchange Modification	Interchange	\$313,204,742	* State STP Earmark NHPP
<a href="#">1600808</a>	INDOT	North Split Interchange Modification	Interchange	\$387,638,000	IM
<a href="#">1800082</a>	INDOT	US 31 from Hospital Rd to Cedar Ln	Road	\$46,004,096	NHPP
<a href="#">1800033</a>	INDOT	SR 135 (Meridian St.) Widening from Stones Crossing to Whiteland Rd.	Road	\$16,998,941	NHPP
<a href="#">1600854</a>	INDOT	I-465 NW ATL project	Road	\$315,650,703	NHPP
<a href="#">0300382</a>	INDOT	I-69 Section 6 - SR 39 to I-465	Road	\$1,427,636,953	NHPP
<a href="#">2002959</a>	INDOT	I-70 Added Travel Lanes 0.76 mi W of SR 39 to SR 267- <b>FUTURE PROJECT</b>	Road	\$178,760,000	NHPP
<a href="#">1702919</a>	INDOT	I-70 Added Travel Lanes from 1.0 mi west of Mt Comfort Rd to 1.2 mi east of SR 9	Road Recons/Rehab/Resurf	\$75,279,000	NHPP
<a href="#">1400071</a>	INDOT	I-65/SR 267 Interchange Modification	Interchange	\$33,864,611	NHPP
<a href="#">1400073</a>	INDOT	I-65 Safety & Efficiency Project	Road	\$38,306,031	NHPP
<a href="#">2002592</a>	INDOT	I-69/I-465 Added Travel Lanes	Interchange	\$206,076,097	NHPP
<a href="#">2000158</a>	INDOT	SR 32 Added Travel Lanes from East Street to Mensa Road	Road	\$38,300,000	State STBG
<a href="#">1800203</a>	INDOT	US 36 Added Travel Lanes from Shiloh Crossing to Avon Ave	Road	\$42,086,960	State STBG
<a href="#">1800035</a>	INDOT	US 36 Added Travel Lanes, Raceway Rd. to Transfer Dr.	Road	\$20,106,813	State STBG
<a href="#">1900173</a>	INDOT	SR 32 from 19th St to Presley Dr	Road	\$4,182,676	State STBG
<a href="#">1702149</a>	INDOT	US 31 at 236th St. Interchange	Interchange	\$22,589,885	State STBG
<a href="#">1801414</a>	IndyGo	Purple Line	Transit	\$161,950,000	CMAQ Sect. 5307 Sect. 5309
<a href="#">1600609</a>	IndyGo	Red Line BRT - Marion Co.	Transit	\$146,423,258	CMAQ Sect. 5307 Sect. 5309

<b>1801413</b>	IndyGo	Blue Line	Transit	\$200,480,000	Sect. 5307 Sect. 5309
<b>2200170</b>	Johnson County	Smith Valley Road from Mullinix Rd to Peterman Rd	Road	\$51,652,220	STBG Group III
<b>2216FFE</b>	Noblesville	Pleasant Street - Phase I (River Road to 10th Street)	Road	\$53,613,445	
<b>1700728</b>	Westfield	East Street North Extension (196th to SR 38)	Road	\$11,681,863	CRRSAA STBG
<b>1801731</b>	Westfield	SR 32 Reconstruction from Poplar to East St.	Road	\$15,000,000	

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