

# Transportation Conformity Determination Statement (1997 Poughkeepsie Ozone Non-attainment Area)

---

**Summer 2023**

**Dutchess County Transportation Council (DCTC)**

85 Civic Center Plaza, Suite 107

Poughkeepsie, NY 12601

Phone: (845) 486-3600 | Email: [dctc@dutchessny.gov](mailto:dctc@dutchessny.gov)

Web: [www.dutchessny.gov/dctc](http://www.dutchessny.gov/dctc)

**New York Metropolitan Transportation Council (NYMTC)**

25 Beaver Street, Suite 201

New York, NY 10004

Phone: (212) 383-7200 | Email: [NYMTC-Web@dot.ny.gov](mailto:NYMTC-Web@dot.ny.gov)

Web: <http://www.nymtc.org>

**Orange County Transportation Council (OCTC)**

124 Main Street

Goshen, NY 10924

Phone: (845) 615-3840 | Email: [octc@orangecountygov.com](mailto:octc@orangecountygov.com)

Web: <https://www.orangecountygov.com/961/Transportation-Council>

The preparation of this report has been financed in part through grant[s] from the Federal Highway Administration and Federal Transit Administration, U.S. Department of Transportation, under the State Planning and Research Program, Section 505 [or Metropolitan Planning Program, Section 104(f)] of Title 23, U.S. Code. The contents of this report do not necessarily reflect the official views or policy of the U.S. Department of Transportation.

## ***Transportation Conformity Determination Statement (1997 Poughkeepsie Ozone Nonattainment Area)***

---

### **About the DCTC, OCTC, & NYMTC**

The Dutchess County Transportation Council (DCTC), Orange County Transportation Council (OCTC), and New York Metropolitan Transportation Council (NYMTC), serve as the designated Metropolitan Planning Organizations (MPOs) for Dutchess, Orange, and Putnam Counties. In accordance with the provisions set forth in the current federal transportation law – the [Infrastructure Investment and Jobs Act \(IIJA\)](#) (PL 117-58) – and 23 U.S.C. 134 and 49 U.S.C. 5303, the DCTC, OCTC, and NYMTC are tasked with carrying out a cooperative and comprehensive multimodal transportation planning process in their respective metropolitan planning areas. Federal transportation law requires that a U.S. Census-designated Urbanized Area be represented by an MPO, which is responsible for ensuring that federal highway and transit funds are committed through a locally driven, comprehensive planning process.

### **Purpose**

This Transportation Conformity Determination Statement for the DCTC, OCTC, and NYMTC Metropolitan/Regional Transportation Plans (MTPs/RTPs) and Transportation Improvement Programs (TIPs) was prepared jointly by the DCTC, OCTC, and NYMTC, with the following agencies contributing towards its completion:

- Federal Highway Administration (FHWA)
- Federal Transit Administration (FTA)
- Environmental Protection Agency (EPA)

- NYS Department of Environmental Conservation (NYSDEC)
- NYSDOT-Environmental Science Bureau
- NYSDOT-Region 8 (Hudson Valley)

### **Executive Summary**

As part of their transportation planning processes, the DCTC, OCTC, and NYMTC completed the transportation conformity process for their MTPs/RTPs and TIPs, which was prompted by the adoption of a new MTP by OCTC and TIP Amendments by NYMTC. This report documents that the current/proposed MTPs/RTPs and current/proposed TIPs of the three MPOs 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 National Ambient Air Quality Standards (NAAQS) or any interim milestones. 42 U.S.C. 7506(c)(1), the EPA’s transportation conformity rule, establishes the criteria and procedures for determining whether MTPs, TIPs, and federally supported highway and transit projects conform to the SIP and 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*

## **Transportation Conformity Determination Statement (1997 Poughkeepsie Ozone Nonattainment Area)**

---

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 are required in these areas after February 16, 2019. The Poughkeepsie Ozone Nonattainment Area was in an attainment status 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.

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.

### **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 detailed implementation of the CAA requirements were first issued in November 1993, and have been amended several times since

then. 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 FHWA and 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.

### **Poughkeepsie Ozone Nonattainment Area**

Effective June 15, 2004, the EPA designated Dutchess, Orange, and Putnam County to be a nonattainment area under the 8-hour ozone standard. Based on 2001-2003 data, the 8-hour ozone design value for the Poughkeepsie Ozone Nonattainment Area was 0.094 ppm. Dutchess, Orange, and Putnam County were therefore classified as a Moderate Ozone Nonattainment Area under the 8-hour ozone standard.<sup>i</sup> On May 21, 2012, the EPA issued its air quality designations

## **Transportation Conformity Determination Statement (1997 Poughkeepsie Ozone Nonattainment Area)**

---

for the 2008 ozone NAAQS. With an effective date of July 20, 2012, the EPA designated the Poughkeepsie Area (i.e., Dutchess, Orange, and Putnam County) as being in attainment for the 2008 ozone NAAQS of 0.075 ppm.<sup>ii</sup>

On June 4, 2018, the EPA issued its air quality designations for the 2015 ozone NAAQS of 0.070 ppm. Effective August 3, 2018, the EPA designated the Poughkeepsie Area (i.e., Dutchess, Orange, Putnam, and Ulster County) as being in attainment for the stricter 2015 ozone standard.<sup>iii</sup>

Air quality data from the most recent three years (2020-2022) indicates that the Poughkeepsie Area has maintained a 3-year ozone design value of 0.061 ppm for the 4<sup>th</sup> highest 8-hour average, which continues to meet the 2008 and 2015 NAAQS.<sup>iv</sup>

### **Metropolitan/Regional Transportation Plans (MTPs/RTPs)**

The MTP/RTP serves as the strategic, long-range multimodal transportation plan for a Metropolitan Planning Area. Spanning no less than a 20-year horizon, these plans must address the ten planning factors in the FAST Act and be fiscally constrained. In attainment areas, the plan is updated every five years, while in nonattainment areas it is updated every four years. Below is a summary of the three plans that cover the Poughkeepsie 1997 Ozone Nonattainment Area.

#### ***Dutchess County Transportation Council MTP***

The DCTC's MTP, *Moving Dutchess Forward*, was adopted on July 27, 2021. The MTP has a 2045 planning horizon and

focuses on four key goals: 1) Preparing a transportation system that can anticipate and adapt to changes, 2) Providing safe and convenient access for all people, 3) Promoting smart transportation and land use policies, and 4) Making transformative investments. The MTP includes an analysis of future trends and their influence on transportation (e.g., demographic and economic changes, climate change, technology, etc.), and an assessment of barriers to safety, reliability, and access to basic needs. The MTP relied on extensive outreach and was informed by feedback from the public. To focus its investment on addressing identified barriers, the MTP recommends specific transformative projects and a series of transformative packages – though the focus is on system preservation. The MTP recommendations support the projects pursued in the TIP and planning studies supported in the annual Unified Planning Work Program (UPWP).

#### ***Orange County Transportation Council MTP***

The OCTC's proposed MTP, *LRTP 2050*, is expected to be adopted in late 2023, and uses a 2050 planning horizon year. The MTP incorporates a technical analysis of demographic and transportation data, a regional vision established by the Orange County Comprehensive Plan update, and specific performance targets. It was supported by an extensive public outreach process, along with transportation agency input to create its goals, objectives, and strategies. The MTP also outlines agency planning and funding outlooks (especially for federal funding) and lays out the OCTC goals and recommendations for the next 25 years. The MTP includes a

## **Transportation Conformity Determination Statement (1997 Poughkeepsie Ozone Nonattainment Area)**

---

fiscally constrained investment plan to preserve and improve the transportation system in the near and long term. *L RTP 2050* also supports the projects pursued in the near-term TIP period, the post TIP period, and the planning studies supported in the UPWP.

### *New York Metropolitan Transportation Council RTP*

NYMTC's RTP, *Moving Forward-Your Region, Connected*, was adopted in 2021. The new RTP covers all modes of ground transportation including highways, roads and bridges, streets, rail and bus transit, bicycle and pedestrian facilities, movement of goods, and special needs transportation. In addition, it addresses key transportation activities such as operations and management of the transportation system, safety, security, and regional finances. The RTP serves as a blueprint to help support sustainable growth and guide federal funding for transportation investment in the greater New York City region. The RTP was developed collaboratively with NYMTC member agencies, other stakeholders, and members of the public. As with the DCTC and OCTC, NYMTC's RTP supports the projects pursued in its TIP and the planning studies supported in its UPWP.

### Transportation Improvement Programs (TIPs)

The three TIPs of the DCTC, OCTC, and NYMTC serve as the prioritized listings of federally funded transportation projects in Dutchess, Orange, and Putnam County, and they are developed and adopted by each MPO as part of their metropolitan transportation planning process. The TIPs

identify capital and non-capital surface transportation projects or project phases that are proposed for funding under 23 U.S.C. and 49 U.S.C. Chapter 53. At a minimum, each TIP must be updated at least once every four years and approved by the MPO and Governor. In New York, the TIP update cycle coincides with the update cycle for the Statewide Transportation Improvement Program (STIP), which is typically done every three years. The last major update occurred in 2022.

The Infrastructure Act requires that MPOs develop their TIPs in cooperation with the State and all affected public transportation operators. The TIPs must contain projects that are consistent with current MTPs/RTPs and reflect the investment priorities established by each MPO. Each TIP must also include, to the maximum extent practicable, a description of the anticipated effect of the TIP on achieving the performance targets established in the MTPs/RTPs, linking investment priorities to those performance targets.

### **Transportation Conformity Determination**

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 for certain transportation activities, including updated or amended metropolitan MTPs/RTPs and TIPs. The EPA, FHWA, and FTA issued their most recent 1997 ozone NAAQS conformity concurrence for the DCTC, OCTC, and NYMTC MTPs and TIPs on November 1, 2022.

## **Transportation Conformity Determination Statement (1997 Poughkeepsie Ozone Nonattainment Area)**

---

### Overview

On November 29, 2018, EPA issued Transportation Conformity Guidance for the South Coast II Court Decision (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 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/RTPs and TIPs include the following: 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, budget, or interim emissions tests.

Therefore, transportation conformity for the 1997 ozone NAAQS for the MTPs/RTPs and TIPs can be demonstrated by showing the remaining requirements in Table 1 in 40 CFR 93.109 have been met. These include the following requirements that are addressed in Section 2.4 of EPA's guidance:

1. Latest planning assumptions (93.110)
2. Consultation (93.112)
3. Transportation Control Measures (93.113)
4. Fiscal constraint (93.108)

#### 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.

As per previous ICG guidance, and as documented in previous conformity determination statements for the Poughkeepsie Ozone Nonattainment Area, no TCMs are identified for Dutchess, Orange, or Putnam County as part of the applicable State Implementation Plan (SIP). Therefore, the TCM implementation conformity criterion does not apply to these MPOs. In addition, no recommendations in the new or current MTPs/RTPs, or current TIPs, of the DCTC, OCTC, and NYMTC

## **Transportation Conformity Determination Statement (1997 Poughkeepsie Ozone Nonattainment Area)**

---

will interfere with the timely implementation of TCMs in other areas.

### **2. Consultation Requirements**

The consultation requirements in 40 CFR 93.112 were addressed both for interagency consultation and public consultation. As per Regulations (6 NYCRR) Part 240, interagency consultation was conducted with the NYSDEC, NYSDOT, FHWA, FTA and USEPA. Representatives of these agencies comprise the Interagency Consultation Group (ICG) for air quality conformity in New York State.

The statewide process for addressing the South Coast II decision began with a conference call December 20, 2018 that included federal, state, and MPO representatives. Interagency consultation was conducted consistent with the New York State Transportation Conformity SIP, as codified in Chapter 6 of the New York Codes Rules.

To assess the possible air quality impacts of projects programmed in their MTPs/RTPs and TIPs, the DCTC, OCTC, and NYMTC identified those projects that could be classified as 'non-exempt' (i.e., may have positive or negative emissions impacts). These are typically road projects that change capacity by at least one travel lane, or transit projects that change capacity on a fixed route system. These types of projects require close monitoring to ensure that they do not worsen regional air quality. For the proposed OCTC MTP and NYMTC TIP Amendment, the ICG concurred with the exempt and non-exempt classifications of proposed projects. This

occurred on a rolling basis through the summer of 2023, as NYMTC and OCTC submitted draft project listings for ICG review. Upon reviewing the MTPs/RTPs and TIPs for Dutchess, Orange, and Putnam counties. The following project is classified as 'non-exempt' for air quality conformity purposes: PIN 8756.89: Stoneleigh Ave/Drewville Rd intersection improvement (Putnam County) (FFY 2024).

This conformity document was reviewed by the ICG in August 2023 and includes their suggested edits. It follows the same format and process used for previous conformity determinations that have been done for the DCTC, OCTC, and NYMTC for the Poughkeepsie Ozone Nonattainment Area, since the South Coast II decision and its resulting federal guidance.

Public consultation was conducted consistent with planning rule requirements in 23 CFR 450. As per their bylaws/procedures, the DCTC, OCTC, and NYMTC held public comment periods for this transportation conformity statement, in conjunction with public comment periods for their respective planning actions. The public was provided an opportunity to review and comment on the draft conformity determination and supporting documentation during each MPO comment period.

The DCTC held its comment period from August 16-August 30, 2023, while OCTC held its comment period from August 17-September 15, 2023, and NYMTC from August 7-September 5, 2023. Comments and responses are included in Appendix A.



## **Transportation Conformity Determination Statement (1997 Poughkeepsie Ozone Nonattainment Area)**

---

### 1. Timely Implementation of TCMs

There are no TCMs in the SIP for the Poughkeepsie, NY 1997 ozone nonattainment area.

### 2. Fiscal Constraint

Transportation conformity requirements in 40 CFR 93.108 state that MTPs/RTPs and TIPs must be fiscally constrained consistent with USDOT's metropolitan planning regulations in 23 CFR part 450. The DCTC, NYMTC, and OCTC certify that their MTPs/RTPs and proposed TIPs are fiscally constrained, as demonstrated in each respective document.

### Conclusion

The conformity determination process completed for the MTPs/RTPs and TIPs of the DCTC, OCTC, and NYMTC demonstrates that they meet the Clean Air Act and Transportation Conformity rule requirements for the 1997 ozone NAAQS. The signed resolutions adopting this conformity determination are included in Appendix B.

---

<sup>i</sup> "Final Rule to Implement the 8-Hour Ozone National Ambient Air Quality Standard-Phase 1," 69 Federal Register 84 (30 April 2004), pp. 23951-24000.

<sup>ii</sup> "Air Quality Designations for the 2008 Ozone National Ambient Air Quality Standards," 77 Federal Register 98 (21 May 2012), p. 301137.

<sup>iii</sup> "Additional Air Quality Designations for the 2015 Ozone National Ambient Air Quality Standards," 83 Federal Register 107 (4 June 2018), p. 25821.

<sup>iv</sup> NYSDEC. (2022). *High Ozone Values During 2021*, Retrieved from <http://www.dec.ny.gov/chemical/38377.html>

APPENDIX A  
(Public Comment)

In accordance with their bylaws and/or public participation procedures, the DCTC, OCTC, and NYMTC each held public comment periods for the Draft Summer 2023 Air Quality Conformity Determination Statement for the 1997 Poughkeepsie Ozone Non-Attainment Area. The DCTC held its comment period from August 16-August 30, 2023, while OCTC held its comment period from August 17-September 15, 2023, and NYMTC from August 7-September 5, 2023. One comment was received by OCTC and is included in this appendix with a response.

APPENDIX A – PUBLIC COMMENT

The Orange County Transportation Council (OCTC) held a 30-day public comment period from August 17, 2023 through September 15, 2023 for the draft Air Quality/Transportation Conformity Determination. One public comment was received.

Name:	Burt Thelander
Email:	bthelander@hvc.rr.com
Submission Date:	Tuesday, September 12, 2023
Comment:	<p>Good afternoon.</p> <p>I am a member of the Pathways Committee of Vision Hudson Valley, and have frequently participated in OCTC mtgs.</p> <p>I reviewed the above document/Determination, and am grateful for the opportunity to provide comment/suggestions.</p> <p>The Long Range Transportation Plan was addressed on Page 15, as was the Unified Planning Work Program. Several bullets describe efforts to promote replacement, rehabilitation, alternative travel modes, and increased efficiency of the transportation system.</p> <p>This section is silent on the value of non motorized transportation options such as trails, use of railroad grades to develop trails and create alternative transportation options that do not require use of fossil fuels, and the economic value such developments bring to Orange County. This section is also silent about the recent Bikeway Vision proposal by the Planning Department.</p> <p>I suggest these alternative transportation options that Planning and OCTC have actively considered should be identified in the Conformity Determination.</p> <p>Thank you.</p>
Response:	<p>Dear Mr. Thelander</p> <p>Thank you for your comment. The OCTC recognizes the importance of a non-motorized transportation network in Orange County and surrounding counties to mitigate congestion and reduce the negative impacts of mobile-source pollution; outlined in the goals, strategies, and objectives on the following policy documents: Long Range Transportation Plan, 2023-2027 TIP Narrative, and the Mid-Hudson Valley Transportation Management Area (TMA) Congestion Management Process (CMP). The OCTC has not formally adopted the Bikeway Vision at this time.</p> <p>Please note, the purpose of the Air Quality/Transportation Conformity Determination document is to ensure that transportation projects in OCTC’s 2023-2027 Transportation Improvement Program (TIP) and 2050 Long Range Transportation Plan (LRTP) do not affect an area’s ability to reach its EPA clean air goals in Orange County’s portion of the Poughkeepsie-Newburgh Ozone Non-Attainment Area and the Maintenance Area for Fine Particulate Matter (PM 2.5).</p> <p>The results of the regional emissions analysis demonstrate that the OCTC 2023-2027 Transportation Improvement Program (TIP) and Long Range Transportation Plan (LRTP) 2050 conform to the New York State Implementation Plan (SIP) for air quality, as is stated in the Conformity Statement on page 18 of this document.</p>

APPENDIX B  
(MPO Resolutions)

**ADOPTION OF THE SUMMER 2023 AIR QUALITY CONFORMITY DETERMINATION STATEMENT FOR THE 1997 POUGHKEEPSIE OZONE NON-ATTAINMENT AREA**

**WHEREAS**, the Dutchess County Transportation Council (DCTC) has been designated by the Governor of the State of New York as the Metropolitan Planning Organization (MPO) responsible, together with the State, for the comprehensive, continuing, and cooperative transportation planning process for the Dutchess County portions of the Poughkeepsie-Newburgh NY-NJ and New York-Newark NY-NJ-CT Urbanized Areas; and

**WHEREAS**, the federal surface transportation programs that are the responsibility of the DCTC is authorized by the Infrastructure Investment and Jobs Act (IIJA or 'Infrastructure Act') (PL 117-58, November 15, 2021); and

**WHEREAS**, the Federal Highway Administration and Federal Transit Administration issued a Final Rule (Federal Register Vol. 81, No. 103) on May 27, 2016 that implemented the provisions of Title 23 U.S.C. 134 and 135, and Title 49 U.S.C. 5303 and 5304; and

**WHEREAS**, Title 23 U.S.C. Section 134 (Metropolitan Transportation Planning) requires that a Metropolitan Planning Organization, in cooperation with the state, develop a Transportation Improvement Program (TIP) for the Metropolitan Planning Area; and

**WHEREAS**, 23 CFR Parts 450 (Planning Assistance and Standards) and 500 (Management and Monitoring Systems), and 49 CFR Part 613 (Metropolitan and Statewide Planning) set forth the national policy on the metropolitan transportation planning process, including the development of a Metropolitan Transportation Plan (MTP) and TIP that comply with the transportation conformity rule set forth in 40 CFR Part 93 (Determining Conformity of Federal Actions to State or Federal Implementation Plans); and

**WHEREAS**, in November 2018 the United States Environmental Protection Agency (EPA) promulgated guidance to assist MPO's with implementing the February 16, 2018 decision from the United States Court of Appeals for the District of Columbia Circuit in South Coast Air Quality Management District v. EPA ("South Coast II," 882 F.3d 1138); and

**WHEREAS**, said guidance provided the requirements to demonstrate transportation conformity for areas that were in a nonattainment or maintenance status for the 1997 ozone NAAQS, but designated attainment for the stricter 2008 ozone NAAQS, referred to as 'orphan areas;' and

**WHEREAS**, the Dutchess County Transportation Council falls into this 'orphan area' category, known locally as the 1997 Poughkeepsie Ozone Non-attainment Area, which includes Orange and Putnam counties; and

**WHEREAS**, the Dutchess County Transportation Council, Orange County Transportation Council, and New York Metropolitan Transportation Council subsequently completed a joint transportation conformity determination statement for their MTPs and TIPs; and

**WHEREAS**, the transportation conformity determination process completed for the Orange County Transportation Council's new MTP and the New York Metropolitan Transportation Council's TIP Amendments demonstrates that they meet the Clean Air Act and Transportation Conformity rule requirements for the 1997 ozone NAAQS; and

**WHEREAS**, the Dutchess County Transportation Council held a 15-day public comment period for the transportation conformity determination statement starting August 16, 2023 and ending August 30, 2023; now therefore be it

**RESOLVED**, that the Dutchess County Transportation Council adopts the attached air quality conformity determination statement for the 1997 Poughkeepsie Ozone Non-attainment Area; and be it further resolved

**RESOLVED**, that the Dutchess County Transportation Council acknowledges that federal and state approval of the conformity determination statement is contingent upon formal approval of the statement by the Orange County Transportation Council and New York Metropolitan Transportation Council, besides the Dutchess County Transportation Council.

**CERTIFICATE**, the undersigned, duly qualified and Secretary of the Dutchess County Transportation Council, certifies that the foregoing is a true and correct copy of a resolution adopted at a meeting on September 19, 2023.

9/19/23  
Date

By   
Lance MacMillan, P.E., Secretary  
Dutchess County Transportation Council

# OCTC

---

ORANGE COUNTY TRANSPORTATION COUNCIL

**Resolution 2023-09**

**Adoption of the Air Quality/Transportation Conformity Determination for the Orange County Portion of the NY-NJ-CT PM<sup>2.5</sup> Maintenance Area and the 1997 Poughkeepsie Ozone Nonattainment Area**

**WHEREAS**, the Orange County Transportation Council (OCTC) has been designated by the Governor of the State of New York as the Metropolitan Planning Organization (MPO) responsible, together with the State, for the comprehensive, continuing, and cooperative transportation planning process for Orange County; and,

**WHEREAS**, OCTC is required to submit a Transportation/Air Quality Conformity Determination to the U.S. Federal Highway Administration (FHWA) and to the U.S. Environmental Protection Agency (EPA) in accordance with the final conformity rule promulgated by EPA (40 CFR 51 and 93) when an MPO, or another MPO in the same non-attainment or maintenance area, makes significant revisions to transportation projects in its Transportation Improvement Program (TIP) and/or Long-Range Transportation Plan (LRTP); and,

**WHEREAS**, Orange County has been designated to be a part of the New York, New Jersey, Connecticut air quality maintenance area for fine particulate matter (PM<sub>2.5</sub>) along with New York City, Long Island, Westchester and Rockland Counties; and,

**WHEREAS**, Orange County is also part of the 1997 Poughkeepsie Ozone Nonattainment Area comprised of Dutchess, Orange and Putnam Counties; and,

**WHEREAS**, changes to transportation projects in the New York Metropolitan Transportation Council (NYMTC) FFY 2023-2027 TIP and OCTC LRTP 2050 necessitate the need to reevaluate transportation/air quality conformity for the 1997 Poughkeepsie Ozone Nonattainment Area and the NY portion of the NY-NJ-CT PM<sub>2.5</sub> Non-Attainment Area; and,

**WHEREAS**, OCTC has coordinated with DCTC and NYMTC on the transportation conformity determination and the regional emissions analyses as required; and,

**WHEREAS**, the transportation conformity determination process completed for the FFY 2023-2027 TIPs and LRTPs of the OCTC, DCTC, and NYMTC demonstrates that they meet the Clean Air Act and Transportation Conformity rule requirements for the 1997 ozone NAAQS and the emissions budgets for PM<sub>2.5</sub>; and,


**WHEREAS**, a 30-day public comment period on the conformity determination and accompanying OCTC FFY 2023-2027 TIP beginning August 17, 2023 and ending September 15, 2023 resulted in one comment; and



**NOW, THEREFORE, BE IT RESOLVED** that the Orange County Transportation Council adopts the attached conformity determination for the Orange County portion of the NY-NJ-CT PM2.5 Maintenance Area and the 1997 Poughkeepsie Ozone Nonattainment Area.

**CERTIFICATE:** The undersigned duly qualified Secretary of the Orange County Transportation Council certifies that the foregoing is a true and correct copy of a resolution adopted by the voting members of the Council on September 20, 2023.

Date: 9/20/23

By:   
Lance MacMillan, P.E., Secretary  
Orange County Transportation Council



Adam S. Levine, P.E., AICP  
Executive Director

**PROGRAM, FINANCE AND ADMINISTRATION COMMITTEE (PFAC)**

**RESOLUTION #565**

**TRANSPORTATION CONFORMITY DETERMINATION FOR THE FEDERAL FISCAL YEARS (FFYs) 2023-2027  
TRANSPORTATION IMPROVEMENT PROGRAM (TIP) AND FFYs 2022-2050 REGIONAL TRANSPORTATION  
PLAN, AS AMENDED**

**WHEREAS**, the New York Metropolitan Transportation Council (NYMTC) is a regional council of governments which is the metropolitan planning organization for New York City, Long Island and the lower Hudson Valley; and

**WHEREAS**, NYMTC’s planning area is included in whole or in part in several non-attainment areas for various pollutants as determined under the Clean Air Act Amendments of 1990; and

**WHEREAS**, as required for non-attainment areas by the Clean Air Act Amendments of 1990 and in consultation with relevant local, state, and federal transportation and environmental agencies, NYMTC must complete a regional emission analysis for mobile sources of various pollutants each time a TIP or Plan is adopted or amendments to the TIP and Plan meet specific thresholds; and

**WHEREAS**, NYMTC has coordinated this regional emissions analysis with the Orange County Transportation Council as required for both the Poughkeepsie Ozone Non-Attainment Area and the New York-New Jersey-Connecticut Fine Particulate Matter (PM 2.5) Non-Attainment Area; and

**WHEREAS**, the regional emissions analysis demonstrates that the transportation improvements identified in the FFYs 2023-2027 TIP and the fiscally constrained element of the FFYs 2022-2050 Regional Transportation Plan, as amended, have met all applicable mobile source emissions tests for pollutants and analysis years as specified in the New York State Implementation Plan for Air Quality (SIP) and therefore conforms to the mobile source emissions milestones set forth in the SIP; and

**WHEREAS**, the documentation and supporting analyses contained in the attached Transportation Conformity Determination demonstrate NYMTC’s compliance with the appropriate federal air quality requirements under the Clean Air Act Amendments of 1990; and

**WHEREAS**, the attached Transportation Conformity Determination has been publicly reviewed along with the draft FFYs 2023-2027 TIP and all comments received have been addressed and are incorporated in this documentation.

**NOW, THEREFORE, BE IT RESOLVED**, that PFAC adopts the attached Transportation Conformity Determination for the FFYs 2023-2027 TIP and the FFYs 2022-2050 Regional Transportation Plan, as amended, in order to demonstrate conformity with the mobile source emissions milestones set forth in the SIP.

This resolution shall take effect on the twenty first day of September two thousand and twenty-three.

**ADOPTED: September 21, 2023**

**“I hereby certify that the above is a true copy of Resolution #565, Transportation Conformity Determination for the Federal Fiscal Years (FFYs) 2023-2027 Transportation Improvement Program (TIP) And FFYs 2022-2050 Regional Transportation Plan, As Amended, and was moved by Christopher Chatterton, representing the Nassau/Suffolk Transportation Coordinating Committee, and seconded by Yogesh Sanghvi, representing the New York City Transportation Coordinating Committee. This Resolution was adopted and passed unanimously.”**

*Debra A. Nelson*

**Debra Nelson, PFAC Chair**