

Resolution 2019-10

Adopt the Transportation/Air Quality Conformity Determination for the Orange County Portion of the NY-NJ-CT PM2.5 Maintenance Area and the 1997 Poughkeepsie, NY Ozone Non-Attainment 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 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 (PM2.5) along with New York City, Long Island, Westchester and Rockland Counties; and,

WHEREAS, Orange County is also part of the Poughkeepsie, NY 1997 ozone nonattainment comprised of Dutchess, Orange and Putnam Counties; and,

WHEREAS, changes to transportation projects in the OCTC, Dutchess County Transportation Council (DCTC), and New York Metropolitan Transportation Council (NYMTC) FFY 2020-2024 TIPs necessitate the need to reevaluate transportation/air quality conformity for the 1997 Poughkeepsie NY Ozone Non-Attainment Area and the NY portion of the NY-NJ-CT PM2.5 Non-Attainment Area; and,

WHEREAS, OCTC has coordinated with DCTC and NYMTC on the transportation/air quality conformity and the regional emissions analyses as required; and,

WHEREAS, the transportation conformity determination process completed for the FFY 2020-2024 TIPs 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 PM2.5; and,

WHEREAS, a 30-day public comment period on the conformity determination and accompanying OCTC FFY 2020-2024 TIP beginning June 24, 2019 and ending July 23, 2019 resulted in no comments; and

NOW, THEREFORE, BE IT RESOLVED that the Orange County Transportation Council adopts the attached air quality conformity determination statement for the

Orange County portion of the NY-NJ-CT PM2.5 Maintenance Area and the 1997 Poughkeepsie Ozone Non-attainment 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 August 20, 2019.

Date: _____

By: _____

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

Draft Transportation/Air Quality Conformity Determination for the Orange County Portion of the NY-NJ-CT PM_{2.5} Maintenance Area and the Poughkeepsie, NY Ozone Non-Attainment Area

June 24, 2019

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1.0 Introduction

The US Environmental Protection Agency (EPA) requires that transportation/air quality conformity be demonstrated by metropolitan planning organizations (MPOs) in air quality non-attainment and maintenance areas whenever transportation projects that may significantly impact air quality are planned and programmed. The Orange County Transportation Council (OCTC) is the MPO for Orange County responsible for ensuring that federal transportation funding (highway and transit) is programmed through a locally-driven, comprehensive planning process, involving the development of a 25-year Long-Range Transportation Plan (LRTP), a Transportation Improvement Program (TIP), and a Unified Planning Work Program (UPWP). Orange County is part of the NY-NJ-CT air quality maintenance area for fine particulate matter (PM_{2.5}) along with New York City, Long Island, Westchester and Rockland Counties. Those areas are part of the New York Metropolitan Transportation Council (NYMTC), which is the MPO for New York City, Long-Island, Westchester, Rockland and Putnam Counties. Orange County is also part of the Poughkeepsie, NY 1997 ozone nonattainment comprised of Dutchess, Orange and Putnam Counties. Dutchess County is the planning boundary of the Dutchess County Transportation Council (DCTC), which is the MPO for Dutchess County.

All air quality non-attainment and maintenance areas are subject to the transportation conformity process, which requires transportation and air quality officials to coordinate and ensure that transportation projects do not affect an area's ability to reach its EPA clean air goals. EPA regulations require transportation conformity to be demonstrated for the entire nonattainment or maintenance area whenever significant changes occur to transportation projects and/or transportation plans that might significantly affect air quality. OCTC is issuing this conformity determination in response to the development of new OCTC, DCTC and NYMTC TIPs and associated LRTP amendments. These actions necessitate the need to reevaluate transportation/air quality conformity for the entire New York portion of the NY-NJ-CT PM_{2.5} maintenance area and the Poughkeepsie, NY Ozone Nonattainment Area (PONA) in accordance with the EPA regulation 40 CFR Part 93 Subpart A.

Section 93.122(g) of EPA's transportation conformity regulation allows an agency to rely on a previous regional emissions analysis to demonstrate conformity for the update of a LRTP and/or TIP whenever the nonexempt transportation projects therein have not changed significantly in design, scope or schedule from the previous conformity determination. Specifically, the following requirements must be demonstrated to utilize this section of EPA regulations:

- The new or updated LRTP and/or TIP contain all transportation projects in order to achieve the highway and transit system envisioned in the transportation plan's timeframe.
- All LRTP and TIP projects which are regionally significant are included in the transportation plan with design concept and scope adequate to determine their contribution to the transportation plan's and/or TIP's regional emissions at the time of the previous conformity determination;

- The design concept and scope of each regionally significant project in the new LRTP and/or TIP are not significantly different from that described in the previous LRTP or TIP; and
- The previous regional emissions analysis is consistent with all EPA Transportation Conformity regulations, including the demonstration of conformity to all applicable vehicle emissions budgets.

There have been no changes to the nonexempt transportation projects in the new OCTC TIP and LRTP, as amended. Therefore, OCTC is demonstrating conformity for its portion of the the PM_{2.5} Maintenance Area by relying on the previous regional emissions analysis for the OCTC TIP and LRTP. Documentation of how the OCTC met the conformity requirements for PM_{2.5} is described in Sections 3-13 of this document.

For the PONA non-attainment area of 1997 ozone NAAQS, transportation conformity can be demonstrated without a regional emissions analysis per Section 93.109(c) of EPA's transportation conformity regulation. This provision states that the regional emissions analysis requirement applies one year after the effective date of USEPA'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. The conformity determination process completed for the DCTC, OCTC, and NYMTC Plans and new 2020-2024 TIPs demonstrates compliance with the transportation conformity rule requirements for the 1997 ozone NAAQS. The transportation conformity documentation for the PONA is in Appendix A.

2.0 Background

Fine Particulate Matter: Fine particulate matter is a mixture of microscopic solids and liquid droplets suspended in the air equal to or less than 2.5 micrometers (about one-thirtieth the diameter of a human hair) in size. This fine particulate matter, also called PM_{2.5}, can be emitted directly (such as smoke from a fire, or as a component of automobile exhaust) or be formed indirectly in the air from power plant, industrial and mobile source gas emissions such as sulfur dioxide and nitrogen oxides.

The health effects associated with exposure to fine particulate matter may be significant. Scientific studies have shown a strong relationship between elevated fine particulate matter and decreased lung function, asthma attacks, as well as certain cardiovascular problems such as heart attacks and cardiac arrhythmia (as indicated by increased hospital admissions, emergency room visits, absences from school or work, and restricted activity days). While fine particulate matter is unhealthy for anyone to breathe, people with already compromised heart or lung function, as well as older adults and children, are particularly at risk.

In 1997, EPA issued National Ambient Air Quality Standards (NAAQS) for fine particulate matter (PM_{2.5}) to protect the public from exposure to levels of PM_{2.5} that may cause health problems. The 24-hour standard for PM_{2.5} was set at 65 micrograms per cubic meter (µg/m³) and

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the annual standard was set at 15 µg/m³. The 24-hour PM_{2.5} standard was lowered to 35 µg/m³ in 2006. In 2012, EPA revised the PM_{2.5} NAAQS again by revising the primary annual PM_{2.5} standard to 12 µg/m³. Regions not meeting PM_{2.5} NAAQS or that contribute to violations of the standard in other regions are deemed to be part of non-attainment areas by the EPA.

On April 5th, 2005, the EPA designated Orange County (OC) to be nonattainment for the 1997 annual PM_{2.5} standard as part of the NY-NJ-CT PM_{2.5} Non-Attainment Area that includes New York City, Rockland and Westchester Counties, Long Island, Northern New Jersey and Southwestern Connecticut. As a result of this designation, OC and all the metropolitan planning organizations (MPOs) responsible for planning transportation improvements for these areas are required to demonstrate compliance with the EPA Transportation Conformity Regulations.

On December 14, 2009, the NY-NJ-CT metropolitan area was designated non-attainment for the 2006 24-hour PM_{2.5} standard of 35 µg/m³. The boundary of the non-attainment area for the 2006 24-hour PM_{2.5} standard is identical to the boundary of the 1997 annual PM_{2.5} non-attainment area. Thus, NYMTC and OCTC are jointly required to demonstrate conformity to both the 2006 24-hour and 1997 annual PM_{2.5} standards.

Effective April 18, 2014, EPA approved New York State's request to redesignate the New York portion of the NY-NJ-CT PM_{2.5} nonattainment area to attainment for the 1997 annual and 2006 24-hour PM_{2.5} standard. As part of the redesignation to attainment, EPA also approved to the New York State air quality "Maintenance Plan" for PM_{2.5}. Thus, for air quality and transportation planning purposes, the area is referred to as a PM_{2.5} Maintenance Area.

The NY-NJ-CT metropolitan area is classified attainment for the 2012 PM_{2.5} NAAQS. However, the air quality maintenance plan for the 1997 and 2006 particulate matter standards is still in place. Thus, both OCTC and NYMTC remain subject to the transportation/air quality conformity requirements.

The motor vehicle emissions budgets for the New York State portion of the NY-NJ-CT PM_{2.5} area, including Orange County and all NYMTC counties (except Putnam), were found adequate by USEPA on September 18, 2013. These motor vehicle budgets were officially approved as part of the above-referenced air quality maintenance plan on April 18, 2014. As shown in Section 12, Table 4 of this document, the combined OCTC and NYMTC regional emissions analysis demonstrate conformity to the approved motor vehicle emissions budgets.

Ozone: In 1997 EPA issued new NAAQS for ozone. The 8-hour standard for ozone was set at 0.08 parts per million. Effective June 15, 2004, the EPA designated Dutchess, Orange, and Putnam counties nonattainment under the 8-hour ozone standard. Based on 2001-2003 data, the 8-hour ozone design value for the three county area was 0.094 ppm. Dutchess, Orange and Putnam counties were therefore classified as a "moderate" ozone non-attainment area under the 8-hour ozone standard.

On May 21, 2012, USEPA issued air quality designations for the 2008 ozone NAAQS. With an effective date of July 20, 2012, USEPA designated PONA as being in attainment for the 2008

ozone NAAQS of 0.075 ppm. On June 4, 2018, the EPA issued its air quality designations for the 2015 ozone NAAQS of 0.070 ppm. Effective August 3, 2018, USEPA designated PONA as being in attainment for the stricter 2015 ozone standard.

On November 29, 2018, USEPA issued guidance (EPA-420-B-18-050, November 2018) for the *South Coast II* Court Decision that addresses how transportation conformity determinations can be made in areas that were non-attainment 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).

As noted previously, the Sections below document compliance with the conformity requirements for the Orange County and New York State portion of the NY-NJ-CT PM_{2.5} area. The transportation conformity documentation for the PONA is in Appendix C.

3.0 Interagency Consultation & Coordination

As part of EPA's Transportation Conformity Regulations, interagency consultation and coordination are required. The NYS Interagency Consultation Group (ICG) is comprised of representatives from the U.S. Department of Transportation (Federal Highway and Transit Administrations), EPA – Region 2, NYS Department of Environmental Conservation (NYSDEC), the NYS Department of Transportation-Environmental Science Bureau (NYSDOT-ESB), OCTC and NYMTC. The group provides multi-agency guidance concerning the conformity process, as well as concurrence on the assumptions and methodology used to forecast vehicle miles traveled (VMT) and vehicular speeds with the OCTC Travel Demand Model.

Generally, these outputs (VMT and vehicular speeds) form the basis for the “regional emissions analysis” using the most current version of EPA's Motor Vehicle Emissions Simulator (MOVES), version 2014a, to calculate vehicle emissions and the air quality impact of nonexempt projects in the OCTC Transportation Improvement Program (TIP) for Federal Fiscal Years (FFY) 2017-2021.

4.0 Format

The format of this conformity determination follows the required subject matter that must be addressed pursuant to EPA transportation conformity regulations.

- 5.0 Latest Planning Assumptions**
- 6.0 Latest Emissions Model**
- 7.0 Consistency with each Metropolitan Transportation Plan**
- 8.0 Identification of Exempt/Non-Exempt & Regionally Significant Projects**
- 9.0 Timely Implementation of Transportation Control Measures (TCM)**
- 10.0 Documentation of Interagency Consultation Requirements**
- 11.0 Public Involvement**
- 12.0 Results of Emissions Analysis**
- 13.0 Evidence of MPO resolutions**

5.0 Latest Planning Assumptions

Federal and State regulations require that a conformity determination be based on the latest planning assumptions available at the time the regional emissions analysis begins. Specifically, information on demographic data, transit operating

Vehicle Miles Traveled:

measures vehicular travel in miles regardless of the number of persons in the vehicle.

policies, transit service levels, transportation control measures and other key assumptions used to forecast vehicle miles traveled (VMT) and vehicular speeds by functional classification must be the latest information that is available. The VMT forecasts for Orange County are calculated with *PTV Visum* modeling software based on assumptions involving future housing and employment in OC, the vehicular trips generated therefrom and future transportation improvements planned.

- 5.1 Population, Housing, Employment and Travel Data.** In order to accurately depict existing traffic conditions and forecast future VMT, travel demand models rely on population, housing, employment and travel data to measure how the transportation system envisioned in a Transportation Improvement Program and/or Metropolitan Transportation Plan will operate in the future. The OCTC Travel Demand Model does this by first incorporating important characteristics of the existing transportation system such as road network, intersection and road capacities, traffic control devices, posted speeds and functional classification. Then housing and employment data are incorporated along with trip generation rates and trip length frequency parameters to model current travel patterns. These travel characteristics are used to forecast future traffic conditions and future travel demand based upon increases in housing, employment, vehicular trips and the likely routes people will take from place to place.

Housing and employment projections were made for each analysis year being evaluated (i.e. 2020, 2025, 2035, 2040, 2045) as part of PM_{2.5} Conformity based on historic growth trends in the county. These projections are used to forecast future VMT in the OC Travel Demand Model. Overall, the projections used to demonstrate conformity are consistent with 2010 Census population and housing for OC and most recent forecasts made by NYMTC. Table 1 below shows the projections for Orange County.

- 5.1.1 Population.** Source: Census 2010. Population and housing information from the 2010 Census together with building permit data and population growth trends over the past 20 years were used as the basis for determining the population and housing forecasts in the OC Travel Demand Model for future analysis years.
- 5.1.2 Employment.** Source: NYS Department of Labor. Employment information indicating the type, location and employment levels of all businesses in OC was updated for this conformity determination. This information was separated into six categories (retail, mall, non-retail, office, school and institutional) and aggregated by type and location to determine peak hour trips for each Traffic Analysis Zone (TAZ) in the OCTC Travel Demand Model. employment projections were based upon expected employment from approved development

projects since the year 2009, as well as average growth rates in commerce throughout OC. The basic underlying premise is that future employment levels will be directly related to the influx of new people and increased demand for products and services created by the future growth in population.

5.1.3 Housing Units. Source: NYS Office for Real Property Services (ORPS) land use information for each parcel in OC was obtained for the year 2010 and aggregated by type and location to determine peak hour trips generated for both single-family and multi-family housing in each TAZ of the OC Travel Demand Model. Future single-family and multi-family housing units were projected based upon: proposed residential projects yet to be constructed in each TAZ, average growth rates in housing by municipality and the availability of sewer and water facilities.

5.1.4 Households. Source: Census 2010. Household information from the 2010 Census was used as a means of checking and verifying the housing data and occupancy information from the NYS Office of Real Property.

Table 1. Demographic Forecasts for Orange County

Orange	2010	2020	2025	2030	2035	2040	2045	% Annual Growth	% Total Growth
Population	372,813	396,147	415,158	434,162	453,181	472,212	491,252	0.79	32%
Employment	136,680	154,673	162,719	170,765	178,811	186,857	194,903	1.02	43%
Housing Units	135,562	150,967	158,211	165,454	172,702	179,954	187,210	0.93	38%
Households	124,379	114,576	145,160	151,805	158,455	165,109	171,766	0.93	38%

5.2 Transit Operating Policies. Coach USA/Shortline/Hudson Transit, MTA-MetroNorth Railroad, Newburgh-Beacon Bus Company, Middletown Transit, Monroe Bus Company, and the Village of Kiryas Joel provide the majority of mass transit services in Orange County along with eight municipal dial-a-bus operators. According to Census Journey-to-Work information from the 2008-2012 ACS 5-year estimates, 5.1% of work related travel in OC had a mass transit component, with a majority of this travel involving vehicular trips to and from OC park and ride lots. Thus, park and ride lots are included in the OC Travel Demand Model as trip generators. Regional and inter-municipal transit services are also incorporated into the OC Model through traffic analysis zone trip generation.

5.3 Transit Service Levels. The travel demand model does not incorporate significant changes in travel attributable to increased future transit service in Orange County. Significant changes in economic and/or environmental conditions together with steep increases in fuel costs that may significantly impact vehicular travel are also not forecast as part of future development scenarios.

5.4 Transportation Control Measures. No transportation control measures (TCMs) are identified for Orange County as part of the applicable NYS SIP. Therefore, the TCM implementation conformity criteria do not apply. There are also no transportation projects in the OCTC LRTP and TIP that will interfere with the timely implementation of TCMs in other areas.

5.5 Key Assumptions.

5.5.1 Demographics. For the purposes of transportation conformity, it is assumed that OC will experience near constant levels of growth over the next 30 years similar to those experienced over the past 30 years.

5.5.2 Transportation System. The OC Model further assumes that the regional transportation network will retain its ability to adjust to changes in travel demand with regard to vehicular traffic and mass transit services. This assumes that future transportation funding rates will be maintained and that technological advances in Intelligent Transportation Systems (ITS) will further improve the efficiency of the transportation system.

5.5.3 Transportation Projects.

5.5.3.1 NYS Rte 17 (Future I86) Exit 131 Reconstruction Project (PIN 800684):

Exit 131 is located at the intersection of New York State Route 17 and New York State Route 32. It is adjacent to the New York State Thruway System and provides the primary means of access and egress to area shopping malls, notably Woodbury Common, Harriman Commons, and Woodbury Centre. The purpose of the Exit 131 reconstruction project is to improve traffic conditions at the interchange and along NYS Route 32, while bringing NYS Route 17 up to interstate standards. NYSDOT Region 8 has completed the design process, environmental impact analysis and has received the necessary approvals from all involved agencies. Construction is underway and is scheduled to be completed in the year 2019. As a result, these improvements were included in the OC Travel Demand Model and this conformity determination for all years being analyzed.

5.5.3.2 NYS Rte 17 (Future I86) Exit 125 Reconstruction: Exit 125 is located in the Town of Goshen not far from Exit 124 and NYS Routes 207 and Rte 17A. As part of the plans to convert NYS Route 17 to I86, the eastbound ramps for this interchange were to be improved to interstate design standards, while the westbound ramps were to be closed. More recently, the Legoland, NY Theme Park was approved in the vicinity and is under construction. This caused the need to reconstruct this interchange ½ mile east of where it currently exists to accommodate the traffic generated by Legoland. The reconstructed interchange is anticipated to be completed in the year 2020. Given that that this interchange planned to be constructed completely with private funds, it is not listed in the OCTC FFY 2020-2024 TIP, but is included in the OC Travel Demand Model as

a planning assumption (as well as the trips generated) for each analysis year in this conformity determination.

- 5.5.4 Projects Evaluated with an “Off-model” Process.** Local emission factors generated by the Motor Vehicle Emissions Simulator (MOVES), version 2014a were applied to the averted trip VMT to estimate the total emissions reductions achieved by the program as indicated in the emissions calculations detailed in

the appendix of this document. The 2020-2024 TIP also includes funding for the **Newburgh Area Transit Service (PIN 875924)**. The effect of this project on travel and emissions was estimated based on planned transit revenue miles and projected ridership consistent with the plan developed as part of the OCTC Newburgh Area Transportation and Land Use Study.

Kiryas Joel Park & Ride Expansion (PIN 876142): Currently, a substantial number of people from Kiryas Joel commute to NYC using express bus service. Most of these commuters use the existing 165 space park and ride located near the intersection of Bakertown Rd and OC Road 105. As a result, the demand for parking exceeds capacity at this park and ride. Originally, this facility was planned to be expanded by 95 spaces, and was deemed to be exempt for transportation/air quality purposes. Due to the high demand for express bus services and associated parking, the number of parking spaces in the expansion was increased to 200. It now exceeds the regionally significant threshold for park and ride projects of 100 spaces indicated in the conformity regulation 6 NYCRR Part 240.6(h)(2). The reduction in emissions attributable to averted trips as a consequence of increased park and ride capacity was estimated with off-model MOVES2014a emissions factors. Similarly, given the increasing demand for park and ride facilities throughout OC, the reduction in emissions attributable to future park and ride construction and expansion was estimated with MOVES2014a off-model emissions factors for PIN 882347, the OC Park and Ride Lot Capacity Improvement Project listed in Table 3 of nonexempt projects of this conformity determination.

The results of the off-model emissions calculations were applied to the emissions totals of each future analysis year. They are listed in the appendix of this document for your reference.

- 5.5.5 Planning Assumptions “Lock-in” Date.** The Clean Air Act requires that transportation investments be based on the most recent information that is available in order to protect public health over the long-term. Therefore, conformity determinations must be based upon the most recent planning assumptions in force at the time the conformity analysis begins. OCTC began the regional emissions analysis on March 15th, 2017, the last year OCTC did not rely on a previous emissions analysis to demonstrate transportation conformity.

6.0 Latest Emissions Model

- 6.1 General.** The overall goal of transportation conformity is to ensure that transportation projects and the transportation system as a whole do not create new air quality violations or exacerbate existing violations. Travel demand modeling provides a means of quantifying vehicle miles traveled (VMT) and average vehicular speeds by functional classification of roadway. These outputs are utilized to calculate vehicular emissions using the Motor Vehicle Emissions Simulator (MOVES) Model, version 2014a developed by the EPA.
- 6.2 OCTC Travel Demand Model.** The traditional gravity modeling process incorporated within *PTV Visum* software was utilized to forecast future travel demand and the impact of transportation projects in the OCTC LRTP and TIP on air emissions. The OC Travel Demand Model incorporates housing, employment, highway, along with trip generation information to depict existing travel patterns. Trips are distributed and assigned to the least time travel paths between traffic analysis zones based primarily on the methodology recommended in National Cooperative Highway Research Program Report 365 (NCHRP 365), Travel Estimation Techniques for Urban Planning. Using the trip generation and trip length parameters of the calibrated base year model, future travel conditions, vehicle miles traveled (VMT) and vehicular emissions were forecasted using projected increases in housing, employment and vehicle trips therefrom in OC for each analysis year being evaluated.
- 6.2.1 Land Use Patterns & TAZs.** Traffic Analysis Zones (TAZ's) serve to divide an area geographically into units describing different land use types and intensities. Centroids are the points within TAZs where, for modeling purposes, trips commence and terminate based upon the land use activities therein. To accurately replicate base year traffic conditions, it is necessary to accurately describe the location of land use activities relative to where traffic actually enters and leaves the highway network. Not every driveway need be represented, however, only the significant local and collector roads channeling traffic to the roads and intersections being evaluated. The OCTC model incorporates a total of 550 TAZs, 515 internal zones and 35 external zones connecting OC with surrounding counties. The 515 internal TAZ's were created by first delineating limited access highways, rights-of-way (rail and power lines), state lands (Stewart Properties and Parks) and natural features (rivers and mountains) which divide OC by restricting directional traffic flow. These areas were then further subdivided into TAZs bounding residential neighborhoods and centers of activity (e.g. Malls and Central Business Districts) where vehicle trips tend to start and end.
- 6.2.2 Analysis Years.** Consistent with 40 CFR Part 93 and 6 NYCRR Part 240, VMT and vehicular speeds were forecasted by functional classification for the years 2020, 2025, 2035, 2040 and 2045, complying with the federal and New York State requirements for PM_{2.5} non-attainment and maintenance areas with motor

vehicle emissions budgets that: the first analysis year be no more than five years from the year in which the conformity determination is being made, that the attainment years and any air quality milestone years for the 2006 24-hour PM_{2.5} standard are analyzed, that consecutive analysis years be no more than ten years apart, and that the horizon year of each affected MPO's LRTP be incorporated into the regional emissions analysis. Analysis year 2020 meets the requirement that the first analysis year be no more than five years from the date the conformity determination is being made. The year 2025 is the final milestone year in the PM_{2.5} Maintenance Plan. Analysis year 2040 corresponds to the current horizon year of the OCTC LRTP and the year 2045 corresponds to the horizon year of NYMTC's LRTP. Lastly, the year 2035 was analyzed to satisfy the conformity requirement that consecutive analysis years be no more than ten years apart.

6.2.3 Trip Generation. Trip generation is the means of quantifying the number and type of trips to and from each TAZ in the OC Travel Demand Model based upon the type and amount of land use activity therein. Essentially, the purpose of trip generation is to have the model accurately reflect the average trip making characteristics of people within a specific timeframe. In this case, the average trip making characteristics of people in OC were determined for the PM peak hour, the time of day when traffic congestion tends to be the heaviest. Trips in the OC Travel Demand Model were first calculated for each TAZ and then separated into different types based upon purpose. The reason for separating trips by purpose is to account for variable trip lengths. Numerous travel surveys indicate that people are willing to drive farther between home and work than they are between home and shopping. Thus, the purpose of a trip determines its length. Trip length, together with the number of trips generated in a model, determine traffic volumes and vehicle miles traveled.

6.2.3.1 External Trips. External trips to and from areas outside OC were determined by the directional split of traffic on each major highway and road segment (external links) connecting Orange with the surrounding counties. Trips traveling through OC between external links were estimated using journey-to-work information from the Census 2008-2012 ACS Journey-to-Work Survey.

6.2.4 Trip Distribution. Trip distribution is the process by which trip origins are apportioned throughout a study area based on the number of trip destinations in each TAZ and the distance/travel time impedance between them. The underlying premise is that people tend to interact more when the time to do so is less. Thus, there are a greater number of trips between places that are densely developed and located near one another than those less densely developed miles apart. Accordingly, vehicles in the OC Travel Demand Model are routed on the shortest distance/time paths in the OC highway network between TAZs first, and then to other more circuitous routes as traffic congestion makes the shorter distance routes more time consuming.

6.2.5 Model Calibration. Generally, model calibration is the process by which the travel parameters of a model are adjusted to reflect actual base year traffic counts. Traffic volumes assigned by the model are compared to actual traffic counts through regression analysis. The differences between the counts and the assignment volumes are used to modify trip generation rates, trip length exponents and, in some instances, land use quantities where errors become evident. One or two variables are modified followed by a model run to determine the effect of such modifications. This is repeated, iteratively, until volumes assigned by the model meet acceptable error deviation levels as defined in National Cooperative Highway Research Report 255, Highway Traffic Data for Urbanized Area Project Planning and Design.

6.3 MOVES2014a. MOVES is the EPA's state of the science model for estimating emissions from all on-road vehicles including cars, trucks, motorcycles and buses. It incorporates substantial recent emissions test data and accounts for changes in vehicle technology and regulations as well as improved understanding of in-use emissions levels and the factors that influence mobile source emissions. Per the federal transportation conformity determination and associated EPA guidance, all regional emissions analyses in every State (except California) are required to be based on the MOVES model. EPA released the latest version, MOVES 2014a, in November 2016, MOVES 2014a was used in the OCTC regional emissions analysis.

MOVES can be run in either the inventory mode or the emission rate mode. The inventory mode calculates a total emissions inventory based on vehicle miles of travel and vehicle population data that are input by the user. The emission rate mode produces a look-up table of emission rates including emissions per unit of distance for running emissions, rate per profile for evaporative processes, and rate per vehicle for starts and extended idle processes.

Per EPA guidance, an MPO may select either method to conduct regional emissions analyses. OCTC chose to use the emissions inventory mode to analyze the OCTC travel demand model output for each conformity analysis year. The inventory mode was used because OCTC is only required to perform a limited number of MOVES runs and the OCTC planning boundary is limited to one county. Use of the inventory mode also requires substantially less post-processing of MOVES output data, instead relying on code and algorithms that are already built into the model by EPA.

As noted previously, the transportation network impact of the Newburgh Area Bus Expansion project and Park and Ride Lot SOV reduction were estimated with an "off-model" methodology using the EPA COMMUTER model and project-specific data. Accordingly, the emissions impact of these projects on the activity cycle of a limited number of passenger vehicles and transit buses were estimated using emission rates that were generated by the emission rate mode in MOVES2014a.

6.3.1 MOVES2014a Inputs. The specific MOVES2014a inputs and parameters used in the OCTC regional emissions analysis, both in the inventory mode and the emissions rate mode are described below:

- Domain/Scale: The county scale option was selected.
- Calculation Type: The “emissions inventory” calculation mode was used to evaluate the impact of the OCTC Travel Demand Model Output. The “emissions rate” mode was used to evaluate the impact of the Newburgh Area Bus Service Expansion and 2 park and ride projects
- Time Spans: The time aggregation level is set to “hour .”
- Geographic Bounds: The county scale option was selected.
- County Data Manager Inputs: The following county-specific MOVES input data bases as received from the NYSDEC on January 25, 2017 were used in the regional emissions analysis: AVFT, roadTypeDistribution, monthVMTFraction, dayVMTFraction, fuelSupply, hourVMTFraction, IMCoverage, rampFraction, sourceTypeAgeDistribution, sourceTypePopulation, fuelFormulation, and met data.
- OCTC-specific averageSpeedDistribution and hpmsVTypeVMT input data bases were developed as described below:

Table 2 – OCTC Annual HPMS VMT Data

HPMS Vehicle Type	HPMS VMT				
	2020	2025	2035	2040	2045
10	31,344,902	33,005,380	36,976,348	39,212,940	41,318,855
25	4,925,099,062	5,186,003,291	5,809,945,693	6,161,372,461	6,492,266,471
40	49,592,949	52,220,106	58,502,852	62,041,520	65,373,434
50	204,126,789	214,940,285	240,800,346	255,365,660	269,079,970
60	38,658,729	40,706,652	45,604,182	48,362,647	50,959,943
Grand Total	5,248,822,430	5,526,875,715	6,191,829,421	6,566,355,228	6,918,998,674

6.3.2 Population Data:

- Population data for 2017 was provided by NYSDOT.
- Population data for 2020, 2025, 2035, 2040, and 2045 was developed for each source type based on OCTC VMT data. The OCTC VMT for 2017 was carried over from Orange County 2016 TIP, and the OCTC VMT growth factors for 2020, 2025, 2035, 2040, and 2045 from OCTC VMT 2017 were applied to 2017 NYSDEC Source type population to obtain population data for years 2020, 2025, 2035, 2040, and 2045.

6.3.3 Inspection and Maintenance data/other Input files:

- Inspection and Maintenance files provided by NYSDOT for future years 2020, 2025, 2035, 2040, and 2045 were used.
- MOVES2014_NY_LEV database provided by NYSDOT was used for all scenario year runs.
- Fuelusagefraction: the MOVES defaults were used for fuelusagefraction in calendar (analysis) years 2020, 2025, 2035, 2040, and 2045.

6.3.4 Development of Data Specific Average Speed Distribution

- Average speed distribution data was developed for the years 2020, 2025, 2035, 2040, and 2045 based on the OCTC data. For each time period (AM, MD, PM, and NT) in each year, an avgSpeedDistribution table (Road Type, AvgSpeedBin, Vehicle Hours Travelled, Vehicle Hours Travelled Ratio) was summarized. Assuming all source types have the same avgSpeedFraction, and weekday and weekend also have the same avgSpeedFraction, AvgSpeedDistribution for each year was developed.

6.3.5 Development of the Highway Performance Monitoring System Vehicle Type by Year, (HPMSVTypeYear): MOVES requires that VMT data be consistent with data collected as part of the HPMS program. This was done using the following procedure:

- Total Base year VMT was calculated using the formula: Total BaseYearVMT (from Traffic Demand Model for each year) = Sum of all Months { [(Sum of AM Peak Hour VMT from Traffic Demand Model) * AM Period Factor + (Sum of MD Hourly VMT from Traffic Demand Model) * MD Period Factor + (Sum of PM Peak Hour VMT from Traffic Demand Model) * PM Period Factor + (Sum of NT Hourly VMT from Traffic Demand Model) * NT Period Factor] * Monthly Adjustment Factor*Days per Month}.
- Determine the Fraction of each MOVES Source Type using the formula: Fraction of each MOVES Source type = (VMT of each MOVES Source Type from NYSDEC default input data) / (Total VMT for all MOVES Source Types from NYSDEC default input data).
- Calculate the VMT of each MOVES Source type using the formula: VMT of each MOVES Source Type (from Traffic Demand Model data) = Total BaseYearVMT (from Traffic Demand Model, from step 1) * Fraction of each MOVES Source type (from NYSDEC default input data, from step 2).

- Calculate HPMS Base Year VMT using the formula: $HPMSBaseYearVMT = \text{sum of VMT of all MOVES source types (from Step 3) falling into the corresponding HPMS category.}$

6.3.5 MOVES2014a Results: The results of the MOVES2014a runs were summarized using the following formulas and procedures:

- Weekday/Weekend hourly emissions for each pollutant and each month = Sum of the raw hourly emissions (directly from MOVES output) for all source types, all road types, and all processes by pollutantID, by monthID, by dayID, and by hourID.
- Estimate the numbers of weekday/weekend days for each month.
- Total emissions of each pollutant at each hour for each month = Weekday /Weekend hourly emission of each pollutant for each month (from Step 1) * number of weekdays/weekend days for each month (from Step 2).
- Total emissions of each pollutant for each month = sum of total emissions of each pollutant for all 24 hours for both weekdays and weekends for each month (from Step 3).
- Total emissions of each pollutant for each year = sum of total emissions of each pollutant for each month for all 12 months (from Step 4).
- Emission rates per speed bin were developed for passenger vehicles and transit buses.

These model inputs include the latest existing and future emissions control programs included in NYSDEC's statewide mobile source emission inventory, and the latest MOVES2014a input assumptions for the existing and future vehicle fleets traveling on roadways in Orange County as of the date the regional emissions began on March 15, 2017. The MOVES inputs, outputs, run specs, and VMT and speed distribution files are available from the NYSDOT Environmental Science Bureau or OCTC staff.

7.0 Consistency with Long-Range Transportation Plans (LRTP)

The Transportation Improvement Program (TIP) is a requirement of Federal legislation promulgated by the US Department of Transportation. The most recent federal transportation legislation is entitled the Fixing America's Surface Transportation Act, or the FAST Act. In addition to the TIP, this legislation requires that MPOs produce a Long-Range Transportation Plan (LRTP), and a Unified Planning Work Program (UPWP). The transportation projects proposed in the OCTC 2020-2024 TIP adhere to the goals and objectives of the OCTC LRTP and FAST Act as listed below:

FAST Act

- Support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity and efficiency
- Increase the safety and security of the transportation system for motorized and non-motorized users
- Increase accessibility and mobility options available to people and for freight
- Protect and enhance the environment, promote energy conservation, and improve quality of life
- Promote consistency of transportation improvements and State and Local planned growth and economic patterns
- Enhance the integration and connectivity of the transportation system, across and between modes, for people and freight
- Promote efficient system management and operation; and
- Emphasize the preservation of the existing transportation system.
- Improve the resiliency and reliability of the transportation system and reduce or mitigate storm water impacts of surface transportation.
- Enhance travel and tourism.

Generally, the projects in the OCTC 2020-2024 TIP can be categorized into six areas: 1) replacement and rehabilitation of existing highway and transit infrastructure and facilities; 2) safety improvements; 3) mobility enhancements promoting alternative travel modes; 4) operations and systems management increasing the efficiency of the existing transportation system; 5) studies identifying potential transportation improvements and, lastly; 6) capacity projects expanding highway and transit infrastructure and services. Thus, the projects in the OCTC 2020-2024 TIP are consistent with the policies in OCTC LRTP, and FAST Act.

On August 10, 2005 the Safe, Accountable Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) was signed into law. SAFETEA-LU amended the State Implementation Plan (SIP) requirements for transportation conformity in CAA section 176(c)(4)(D). Consistent with SAFETEA-LU, USEPA revised 40 CFR 51.390 to only require state transportation conformity SIPs to address three sections of the USEPA Conformity Rule: 40 CFR Part 93.105 (consultation procedures); 40 CFR Part 93.122 (written commitments to implement control measures that are not contained in the transportation plan or Transportation Improvement Program (TIP)); and 40 CFR Part 93.125(c) (written commitments to implement mitigation measures).

On October 3, 2013 the New York State Department of Environmental Conservation submitted a SIP revision that addressed the three provisions of the USEPA Transportation Conformity Rule required by CAA section 176(c)(4)(D). The SIP revision was approved by USEPA, effective September 29, 2014.

8.0 Identification of Exempt, Non-exempt and Regionally Significant Projects

8.1 General. An important part of transportation conformity involves identifying transportation projects that may affect regional air quality. The transportation conformity regulations promulgated by the EPA provide guidance on classifying transportation projects as exempt, nonexempt or regionally significant. **Exempt** transportation projects are those that enhance the safety of the transportation system, promote existing ridesharing programs, improve bicycle and pedestrian modes of travel, and/or involve the operation/replacement of existing transit facilities. **Nonexempt** transportation projects are those, for the most part, that increase the capacity of the transportation system. Examples include the construction of new roads, highway interchanges and train stations, as well as the widening of existing roads and the expansion of transit services and facilities such as park and ride lots. **Regionally Significant** projects are those that serve regional transportation needs and that would normally be included in the modeling of a metropolitan area’s transportation network. They include all principal arterial highways and all fixed guideway transit facilities that offer an alternative to regional highway travel.

Project Listing. All of the projects in the draft OCTC 2020-2024 TIP were classified as exempt, nonexempt or regionally significant, and sent to the NYS ICG for review and concurrence on May 21st, 2019. The resulting nonexempt and regionally significant transportation projects indicated in Table 3 below are included in OCTC Regional Emissions Analysis.

Table 3. OCTC Nonexempt Transportation Projects

PIN	Project	Agency
806242	I-84 ITS: RT 17 - I-87	NYSDOT
806243	I-84 ITS: I-87 - RT 9	NYSDOT
875924	Newburgh Area Bus Service	Orange
882347	Orange Park & Ride Lots	NYSDOT
876142	Kiryas Joel Park & Ride Expansion	Local

9.0 Timely Implementation of TCMs

With respect to 40 CFR 93.122(a)(4)(ii) and 93.125(c), the SIP specifies in 6 NYCRR Subpart 240-3.1 that written commitments for control measures must be obtained prior to a positive conformity determination. There are no Transportation Control Measures specified in the New York State SIP for air quality and no emission reduction credit is claimed in the OCTC regional emissions analysis determination from any measure that is not in the TIP and Plan. Thus, the regional conformity criteria in 6 NYCRR Part 240-3 are met.

10.0 Documentation of Interagency Consultation Requirements

The approval of emissions budgets for both New Jersey and Connecticut relieved MPOs from these states the necessity of coordinating transportation conformity with each other as well as with OC and NYMTC. Essentially, the former Multi-State Interagency Consultation Group now consists of the agencies comprising the NYS-ICG (EPA, USDOT, NYSDOT-ESB, NYSDEC, NYMTC, OCTC). OCTC relied on a high degree of consultation and coordination among these agencies. During monthly conference calls, the ICG was informed of the status and methodologies used in the OCTC regional emissions analysis. 6 NYCRR Part 240-2 identifies the appropriate agencies, procedures and allocation of responsibilities for consultation and is consistent with 40 CFR Part 93.105. Those procedures were followed within the OCTC conformity determination process and are addressed in Sections 3 and 10 of this document. In summary, OCTC participated in several monthly and ad-hoc meetings with the Interagency Consultation Group for air quality conformity during the development of TIP amendments and this air quality conformity determination. This consultation ensured that OCTC used the latest emissions model and planning assumptions in its regional emissions analysis, appropriately addressed all non-exempt and regionally significant projects, and successfully passed all required emissions reductions tests to support an affirmative conformity determination. On December, 20 2018 the NYS-ICG concurred that the OCTC may rely on its current regional emissions analysis to demonstrate conformity in June 2018 as per [40 CFR Part 93.122\(g\)](#). Thus, the consultation criteria in 6 NYCRR Part 240-2 are met.

11.0 Public Involvement

Recognizing the importance of public involvement in the transportation planning process, OCTC Operating Procedures stipulate that private citizens, including public and private agencies, be afforded the opportunity to review and comment on an Air Quality Conformity Determination Statement prior to its adoption. Accordingly, OCTC will seek public input on this Conformity Statement from June 24th, 2018 through July 24th, 2019 by notification to all known interested parties and media outlets. Any comments received during the comment period will be addressed in the final OCTC Conformity Determination approved by the OCTC Policy Committee.

12.0 Results of Emissions Analyses

12.1 General. OCTC in cooperation with NYSDOT-ESB calculated PM_{2.5} emissions for nonexempt and regionally significant projects in the OCTC LRTP and TIP using MOVES2014a.

12.2 Methodology. The regional emissions analysis was based on the results of the emission inventory runs described in Section 6.3 above. The emissions impact of the Orange County Park and Ride Lots, and the Newburgh Area Transit Service expansion were based on annual average speed and source type specific emission factors

**Draft Orange County Conformity Determination for the NY-NJ-CT PM_{2.5} Maintenance Area
& Poughkeepsie NY Ozone Non-Attainment Area
Orange County Transportation Council
June 24, 2019**

generated by MOVES2014a. The final product calculated annual direct PM_{2.5} emissions and NO_x precursor emissions for the future analysis years of 2020, 2025, 2035, 2040 and 2045.

12.3 Regional Analysis. Table 4 summarizes the results of the regional emissions analysis for the OCTC and NYMTC portions of the NY-NJ-CT PM_{2.5} Non-Attainment Area. The analysis confirms that the required budget test is passed.

Table 4: Regional Emissions Analysis Summary (Motor Vehicle Emissions Budget Test)

Annual PM _{2.5}	New York Metropolitan PM _{2.5} Non-Attainment Area Emission Budget Test Results in Tons Per Year				
Analysis Year	2020	2025	2035	2040	2045
SIP Budget	3,897.70	3,291.10	3,291.10	3,291.10	3,291.10
OCTC Emissions	100.52	78.24	61.87	59.40	63.03
NYMTC Emissions	975.78	625.66	315.28	235.03	222.81
<i>TOTAL OCTC+NYMTC Emissions:</i>	1076.30	703.90	377.15	294.43	285.84
<i>Conclusion</i>	<i>Pass</i>	<i>Pass</i>	<i>Pass</i>	<i>Pass</i>	<i>Pass</i>

Annual Nox	New York Metropolitan PM _{2.5} Non-Attainment Area Emission Budget Test Results in Tons Per Year				
Analysis Year	2020	2025	2035	2040	2045
SIP Budget	68,362.70	51,260.80	51,260.80	51,260.80	51,260.80
OCTC Emissions	1,958.20	1,393.00	851.67	779.43	808.09
NYMTC Emissions	27,992.70	18,885.22	10,064.41	8,667.85	8,649.66
<i>TOTAL OCTC+NYMTC Emissions:</i>	29,950.90	20,278.22	10,916.08	9,447.28	9,457.75
<i>Conclusion</i>	<i>Pass</i>	<i>Pass</i>	<i>Pass</i>	<i>Pass</i>	<i>Pass</i>

12.4 Conclusions. The results of the combined OCTC and NYMTC regional emissions analyses indicate that on-road emissions associated with the update of the NYMTC TIP are less than the approved motor vehicle emissions budgets in the New York State Implementation Plan for PM_{2.5} in the New York Metropolitan Area.

Therefore, transportation conformity for the update of the NYMTC TIP has been demonstrated for the entire New York State portion of the NY-NJ-CT PM_{2.5} Non-Attainment Area in accordance with the EPA and NYSDEC transportation conformity regulations. Both the OCTC and NYMTC TIPs continue to conform to the existing New York State Implementation Plan for air quality (SIP).

13.0 Evidence of MPO Resolutions

The final MPO resolutions approving this conformity determination will be included in the final documentation after the satisfactory conclusion of the public comment period. Specific MPO actions included in this conformity analysis:

MPO Product	MPO Approval Date	FHWA/FTA Approval
NYMTC LRTP	June 29, 2017*	August 10, 2017*
NYMTC LRTP conformity update	September 15, 2019	September 30, 2019
NYMTC 2020-2024 TIP	September 15, 2019	September 30, 2019
OCTC LRTP	November 17, 2015	January 15, 2016
OCTC LRTP conformity update	August 20, 2019	September 30, 2019
OCTC 2020-2024 TIP	August 20, 2019*	September 30, 2019*

* anticipated approval dates

Conformity Determination Statement:

The results of the regional emissions analysis demonstrate that the **OCTC 2020-2024 Transportation Improvement Program and LRTP** conform to the New York State Implementation Plan for air quality.

Additional Information: The conformity document and regional emissions analysis for the OC portion of the NY-NJ-CT PM_{2.5} Non-Attainment Area can be found at the following Website:
www.orangecountygov.com/planning/octc

Appendix A

MOVES Emissions Calculations

Regional Emissions Analysis Results: OCTC 2020-2024 TIP & LRTP June, 2017 (without off-model results)

Data Source	Year	VMT	Pollutant pollutantID	NOx 3	PM2.5 - Total (X+B+T)	PM2.5 - Exhaust Total 110	PM2.5 - Brakewear 116	PM2.5 - Tirewear 117
Traffic Model	2020	5,248,822,430	grams/Year	1,776,748,403	91,238,477	71,081,233	12,907,715	7,249,530
			Tons/Year	1,959	101	78	14	8
	2025	5,526,875,715	grams/Year	1,263,760,403	71,011,556	48,570,121	14,532,758	7,908,676
			Tons/Year	1,393	78	54	16	9
	2035	6,191,829,421	grams/Year	772,717,532	56,164,607	28,201,953	18,670,397	9,292,258
			Tons/Year	852	62	31	21	10
	2040	6,566,355,228	grams/Year	707,160,661	53,916,742	22,515,028	21,417,434	9,984,280
			Tons/Year	780	59	25	24	11
	2045	6,918,998,674	grams/Year	733,155,210	57,209,062	21,859,648	24,752,696	10,596,717
			Tons/Year	808	63	24	27	12

Note: Tons = US Short Tons

Appendix B

Orange County Annual VMT

HPMS Vehicle Type	HPMS VMT				
	2020	2025	2035	2040	2045
10	31,344,902	33,005,380	36,976,348	39,212,940	41,318,855
25	4,925,099,062	5,186,003,291	5,809,945,693	6,161,372,461	6,492,266,471
40	49,592,949	52,220,106	58,502,852	62,041,520	65,373,434
50	204,126,789	214,940,285	240,800,346	255,365,660	269,079,970
60	38,658,729	40,706,652	45,604,182	48,362,647	50,959,943
Grand Total	5,248,822,430	5,526,875,715	6,191,829,421	6,566,355,228	6,918,998,674

Orange County Off-Model Emissions Results

Pollutant	Analysis Year – Total Emissions Change (tons per year)				
	2020	2025	2035	2040	2045
PM _{2.5}	-0.05	-0.04	-0.04	-0.04	-0.04
NO _x	-0.30	-0.06	-0.11	-0.08	-0.08

All detailed emissions files are available by request from the OC Department of Planning by calling Senior Planner Fred Budde at (845) 615-3840.

Appendix: C

Transportation Conformity Determination Statement

(1997 Poughkeepsie Ozone Non-attainment Area)

Summer 2019

Orange County Transportation Council (OCTC)

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About the OCTC, DCTC & NYMTC

The Orange County Transportation Council (OCTC), Dutchess County Transportation Council (DCTC), and New York Metropolitan Transportation Council (NYMTC), serve as the designated Metropolitan Planning Organizations (MPOs) for Orange, Dutchess and Putnam Counties. In accordance with the provisions set forth in the current federal transportation law – the Fixing America’s Surface Transportation (FAST) Act – and 23 U.S.C. 134 and 49 U.S.C. 5303, the OCTC, DCTC, and NYMTC are tasked with carrying out a cooperative and comprehensive multimodal transportation planning process in Dutchess County. 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 dollars are committed through a locally driven, comprehensive planning process.

Purpose

This Transportation Conformity Determination Statement for the FFY 2020-2024 Transportation Improvement Program (TIP) was prepared jointly by the OCTC, DCTC, and NYMTC, with the following agencies also 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 OCTC, DCTC, and NYMTC completed a modified transportation conformity process for their FFY 2020-2024 TIPs. This report documents that their FFY 2020-2024 TIPs 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 Metropolitan Transportation Plans (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 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 a nonattainment 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 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 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.¹

On May 21, 2012, the EPA issued its air quality designations 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.²

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.³

Air quality data from the most recent three years indicates that the Poughkeepsie area has maintained a 3-year ozone design value of 0.069 ppm for the 4th highest 8-hour average, which continues to meet the 2015 NAAQS.⁴

Metropolitan Transportation Plans (MTPs)

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

Dutchess County Transportation Council MTP

The DCTC's current MTP, *Moving Dutchess 2*, was adopted on March 24, 2016 and has a planning horizon year of 2040. The MTP includes over 170 recommendations to preserve and improve the transportation system over the next 20 years. The DCTC developed the MTP's recommendations through a review of existing guidance, input from state and local agencies, analysis of demographic and transportation data, and feedback from the public. The DCTC chose to identify specific projects to increase the value of the MTP to public agencies and communities, providing them greater detail on where to target investments.

Recommendations are divided into short-range, mid-range, and long-range time periods, which relate to a project's priority and

complexity, as well as funding availability. Since the DCTC determined that insufficient funding was expected to reach a true state of good repair, its MTP outlines a preservation-based approach to address transportation safety and mobility. 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 current MTP was first adopted on November 17, 2015 and subsequently revised on June 12, 2017. The OCTC MTP also uses a planning horizon year of 2040. The MTP inventories transportation systems in the county, describes travel patterns, discusses transportation issues, outlines agency planning and funding outlooks. It also describes the OCTC's goals, objectives and recommendations to preserve and improve the transportation system. These also support the projects pursued in the TIP and the planning studies supported in the UPWP. Recommendations are divided between the near-term TIP period and the post TIP period, and address both motorized and non-motorized transportation needs.

New York Metropolitan Transportation Council MTP

NYMTC's current MTP, *Plan 2045*, was adopted on June 29, 2017 and has a planning horizon year of 2045. The MTP uses a theme of "Maintaining the Vision for a Sustainable Region," and builds on the preceding MTP – *Plan 2040*. The MTP covers all major modes of transportation from a regional perspective, including roadways, public transportation, bicycles and pedestrian facilities, goods movement and special needs transportation. In addition, key transportation topics are addressed, such as transportation system management and operations, safety and security, resiliency, freight transportation, specialized transportation and congestion management. The MTP recommends a variety of major transportation projects, both highway and transit, that have projected total costs of over \$100 million. The recommendations are generally tied to five-year TIP periods through 2045. As with the DCTC and OCTC, NYMYC's MTP supports the projects pursued in its TIP and the planning studies supported in its UPWP.

Transportation Improvement Programs (TIPs)

The three TIPs of the OCTC, DCTC, and NYMTC serve as the prioritized listings of federally funded transportation projects in Orange, Dutchess 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 FAST 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 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, 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 and TIPs. Once USDOT makes its 1997 ozone NAAQS conformity determination for the DCTC, OCTC, and NYMTC TIPs, conformity will be required no less frequently than every four years. This conformity determination addresses transportation conformity for the 1997 Ozone Nonattainment standard for the FFY 2020-2024 TIPs of the DCTC, OCTC, and NYMTC.

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 and TIPs include: 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 FFY 2020-2024 TIP 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 MTPs or TIPs of the OCTC, NYMTC, and DCTC 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 the projects programmed in the three TIPs, the OCTC, DCTC, and NYMTC identified those projects that could be classified as ‘non-exempt’ (i.e. may have adverse 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.

Although most of the projects on the three TIPs are ‘exempt,’ the OCTC, DCTC and Putnam County portion of the NYMTC TIP include the following ‘non-exempt’ projects:

1. PIN 806242: I-84 ITS improvements from Route 17 to I-87 – NYSDOT (OCTC TIP).
2. PIN 806243: I-84 ITS improvements from I-87 to Route 9 – NYSDOT (OCTC TIP).
3. PIN 875924: Newburgh Area Bus Service Expansion – Orange County (OCTC TIP).
4. PIN 876142: Kiryas Joel Park & Ride Lot Expansion – Village of Kiryas Joel (OCTC TIP).
5. PIN 882347: Orange County Park & Ride Lot Expansions – NYSDOT (OCTC TIP).

This conformity document was provided in draft form to the ICG on May 22, 2019, undergoing interagency review concurrent with the public comment period.

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, concurrent with their TIP public comment periods. 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 May 24, 2019-June 24, 2019, OCTC and NYMTC from June 24, 2019-July 23, 2019. All comments received and responses to those comments will be included in the final conformity documentation.

6. Timely Implementation of TCMs

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

7. Fiscal Constraint

Transportation conformity requirements in 40 CFR 93.108 state that TIPs must be fiscally constrained consistent with USDOT's metropolitan planning regulations at 23 CFR part 450. The three FFY 2020-2024 TIPs are fiscally constrained, as demonstrated in their respective TIP narratives.

Conclusion

The conformity determination process completed for the current MTPs and FFY 2020-2024 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 will be included in the final documentation.

¹ "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.

² "Air Quality Designations for the 2008 Ozone National Ambient Air Quality Standards," 77 Federal Register 98 (21 May 2012), p. 301137.

³ "Additional Air Quality Designations for the 2015 Ozone National Ambient Air Quality Standards," 83 Federal Register 107 (4 June 2018), p. 25821.

⁴ NYSDEC. (2019). *High Ozone Values During 2018*, Retrieved from <http://www.dec.ny.gov/chemical/38377.html>