

MEMORANDUM

TO: Genesee Transportation Council Members & Alternates
FROM: James Stack, Executive Director JS
DATE: August 18, 2022
SUBJECT: [Proposed Resolution 22-56 \(Adopting the Transportation Conformity Statement for the Long Range Transportation Plan for the Genesee-Finger Lakes Region 2045 and the FFYs 2023-2027 Transportation Improvement Program\)](#)

As part of its transportation planning process, the Genesee Transportation Council must complete a transportation conformity process for the *Long Range Transportation Plan for the Genesee-Finger Lakes Region 2045* (LRTP 2045) and *FFYs 2023-2027 Transportation Improvement Program* (TIP). GTC staff has prepared a Draft *Transportation Conformity Statement for the Long Range Transportation Plan for the Genesee-Finger Lakes Region 2045 and the FFYs 2023-2027 Transportation Improvement Program* (Conformity Statement).

The Conformity Statement demonstrates that the LRTP 2045 and the FFYs 2023-2027 TIP meet the federal transportation conformity requirements in 40 CFR Part 93. Ultimately, the Federal Highway Administration and the Federal Transit Administration will make a Conformity Determination based upon their review of the Statement.

The Draft Conformity Statement was made available for public review and comment from July 15, 2022 through August 15, 2022, concurrent with the public review for the FFYs 2023-2027 TIP. No public comments were received.

Interagency consultation was conducted with the New York Air Quality Interagency Consultation Group (ICG), including the Federal Highway Administration, Federal Transit Administration, Environmental Protection Agency, NYSDOT, and the NYS Department of Environmental Conservation. GTC anticipates to receive ICG concurrence with the draft Statement at its next scheduled meeting on October 14, 2022.

The following items are provided for your consideration:

1. **Proposed Resolution 22-56**
2. [Transportation Conformity Statement for the Long Range Transportation Plan for the Genesee-Finger Lakes Region 2045 and the FFYs 2023-2027 Transportation Improvement Program](#)
 - [Appendix A](#) – *Long-Range Transportation Plan 2045* – Recommendations
 - [Appendix B](#) – *FFYs 2023-2027 Transportation Improvement Program* – Projects
3. [Public Engagement Report](#)

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Recommended Action:

Approve proposed Council Resolution 22-56, adopting the Transportation Conformity Statement for the Long Range Transportation Plan for the Genesee-Finger Lakes Region 2045 and the FFYs 2023-2027 Transportation Improvement Program.

GENESEE TRANSPORTATION COUNCIL

RESOLUTION

Resolution 22-56 *Adopting the Transportation Conformity Statement for the Long Range Transportation Plan for the Genesee-Finger Lakes Region 2045 and the 2023-2027 Transportation Improvement Program*

WHEREAS,

1. The Genesee Transportation Council (GTC) has been designated by the Governor of New York State as the Metropolitan Planning Organization responsible for transportation planning for the nine-county Genesee-Finger Lakes Region, including the Rochester Metropolitan Planning Area;
2. Federal regulations require that the urban transportation planning process include the cooperative development of a long range transportation plan and a transportation improvement program consisting of a staged multi-year program of projects consistent with said long range transportation plan;
3. The *Long Range Transportation Plan for the Genesee-Finger Lakes Region 2045* (LRTP) was adopted by GTC on June 10, 2021;
4. The *2023-2027 Transportation Improvement Program* (TIP) was adopted by GTC on August 25, 2022;
5. On February 16, 2018, the United States Court of Appeals for the District of Columbia Circuit in *South Coast Air Quality Mgmt. District v. EPA* ("South Coast II," 882 F.3d 1138) held that transportation conformity determinations must be made in areas that were either nonattainment or maintenance for the 1997 ozone national ambient air quality standard (NAAQS) and attainment for the 2008 ozone NAAQS when the 1997 ozone NAAQS was revoked or so-called "Orphan Areas";
6. The United States Environmental Protection Agency (EPA) previously designated Genesee, Livingston, Monroe, Ontario, Orleans, and Wayne counties as nonattainment under the 1997 National Ambient Air Quality Standard (NAAQS) for ground-level ozone on April 15, 2004;
7. EPA released the final nonattainment area designations 2008 Ozone NAAQS on May 21, 2012 and for the 2015 Ozone NAAQS on November 16, 2017, which show the Rochester, NY area in attainment;
8. Per the South Coast II decision, a conformity determination must be made for the 1997 ozone NAAQS on the *LRTP 2045* and the *FFY 2023-2027 TIP*;

9. 40 CFR Part 93 requires nonattainment areas to make a conformity determination when a new LRTP is adopted; and
10. 40 CFR Part 93 requires nonattainment areas to make a conformity determination when a new TIP is adopted.

NOW, THEREFORE, BE IT RESOLVED

1. That GTC hereby adopts the *Transportation Conformity Statement for the Long Range Transportation Plan for the Genesee-Finger Lakes Region 2045 and the 2023-2027 Transportation Improvement Program*; and
2. That this resolution takes effect immediately.

CERTIFICATION

The undersigned duly qualified Secretary of the Genesee Transportation Council certifies that the foregoing is a true and correct copy of a resolution adopted at a legally convened meeting of the Genesee Transportation Council held on August 25, 2022.

Date _____

CHRISTOPHER REEVE, Secretary
Genesee Transportation Council