

MEMORANDUM

TO: Genesee Transportation Council Members & Alternates
FROM: James Stack, Executive Director
DATE: August 18, 2022
SUBJECT: [Proposed Resolution 22-57 \(Amending the L RTP 2045, the FFYs 2020-2024 TIP, and the FFYs 2023-2027 TIP by adding the Inner Loop North Transformation Project\)](#)

With the successful completion of the Inner Loop East Transformation Project, the City of Rochester has worked with the New York Department of Transportation and the Monroe County Department Transportation to develop a plan to re-envision the northern section of the Inner Loop. The City assessed the feasibility of transforming the northern portion of the Inner Loop, from I-490 to East Main Street, from a limited access facility with associated service roads to a network of surface streets. The transformation of the Inner Loop North will reconnect Downtown Rochester with several Rochester neighborhoods, the Public Market, and High Falls; create new active and passive green spaces that promote multi-modal connectivity and accessibility; and foster opportunities for economic and community development.

After extensive public engagement and coordination with stakeholders, the City has identified a preferred concept to transform the northern portion of the Inner Loop. The FY 2022-23 State Budget includes dedicated funding for the engineering and construction phases of the project.

While the specific breakdown of the project phase costs, schedule, and funding sources is not yet finalized, GTC is in a position to take the steps necessary for the project to advance. Namely, GTC needs to amend the Long Range Transportation Plan (LRTP) and the Transportation Improvement Program (TIP), as well as produce the associated Air Quality Conformity Statement. The expectation is that project information will be finalized in the near future and the City will begin the next stage of project advancement this fall.

The project is currently included in the LRTP as an Illustrative, or unfunded, project. Once the source of funding is identified, the project can be moved to the fiscally constrained portion of the LRTP and added to the TIP and the Statewide TIP. The new Conformity Statement will require a public review before our federal partners will issue a Conformity Determination. Each of these is required before federal funds can be used to advance the project.

It must be noted that the FFYs 2023-2026 Statewide Transportation Improvement Program (STIP) is not expected to be approved by the Federal Highway Administration and Federal Transit Administration before mid-November 2022. Adding the Inner Loop North Transformation Project to both the *FFYs 2020-2024 TIP* and the *FFYs 2023-2027 TIP* will allow the project phases to be obligated while avoiding any unnecessary delay.

City staff will make a presentation on the Inner Loop North project at the August 25 meeting. Since the GTC Board does not meet again until December 8, the timing of this project merits consideration this month to be able to respond quickly once the project phase information is finalized.

RE: Resolution 22-57, Advancing the Inner Loop North Transformation Project
August 18, 2022

The following is provided for your consideration:

- **Proposed Resolution 22-57**

Recommended Action:

Approve proposed Resolution 22-57, amending the LRTP 2045, the FFYs 2020-2024 TIP, and the FFYs 2023-2027 TIP by adding the Inner Loop North project.

GENESEE TRANSPORTATION COUNCIL

RESOLUTION

Resolution 22-57 Amending the *LRTP 2045*, the *2020-2024 TIP*, and the *2023-2027 TIP* by adding the Inner Loop North Transformation Project (TIP # H23-87-MN1)

WHEREAS,

1. The Governor of New York State designated the Genesee Transportation Council (GTC) as the Metropolitan Planning Organization (MPO) responsible for transportation planning in the Genesee-Finger Lakes Region, which includes Genesee, Livingston, Monroe, Ontario, Orleans, Seneca, Wayne, Wyoming, and Yates counties;
2. Title 23, Section 134 of the United States Code requires that each MPO prepare and update a long range transportation plan (LRTP) for its metropolitan area;
3. Title 23, Section 134 of the United States Code requires that an LRTP shall, at a minimum, identify transportation facilities that should function as an integrated system, and include a fiscally-constrained financial plan for implementing the recommendations contained in the LRTP;
4. GTC adopted the *Long Range Transportation Plan for the Genesee-Finger Lakes Region 2045* as the official LRTP for the Rochester Metropolitan Planning Area and the Genesee-Finger Lakes Region on June 10, 2021;
5. The Inner Loop North Transformation Project is included in LRTP 2045 as an Illustrative Project since funding for the project has not previously been identified;
6. GTC wishes to amend the LRTP to include the Inner Loop Transformation Project in the fiscally-constrained portion of the LRTP;
7. Federal regulations require that the urban transportation planning process include the cooperative development of a transportation improvement program, consisting of a staged multi-year program of projects consistent with the metropolitan transportation plan;
8. GTC adopted the *2020-2024 Transportation Improvement Program* on June 13, 2019;
9. GTC most recently amended the *2020-2024 Transportation Improvement Program* on August 25, 2022;
10. GTC wishes to amend the *2020-2024 Transportation Improvement Program* to include the Inner Loop Transformation Project;

11. GTC adopted the *2023-2027 Transportation Improvement Program* on August 25, 2022;
12. GTC wishes to amend the *2023-2027 Transportation Improvement Program* to include the Inner Loop Transformation Project;
13. 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";
14. 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;
15. 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;
16. Per the South Coast II decision, a conformity determination must be made for the 1997 ozone NAAQS on the relevant LRTP and TIP;
17. For purposes of Air Quality Conformity, the Inner Loop North Transformation Project is regionally significant and classified as Non-Exempt;
18. 40 CFR Part 93 requires nonattainment areas to make a conformity determination when an LRTP is newly adopted or amended to include a new Non-Exempt project;
19. 40 CFR Part 93 requires nonattainment areas to make a conformity determination when a TIP is newly adopted or amended to include a new Non-Exempt project;
20. The timing of the Inner Loop Transformation Project is such that an amendment of the *LRTP 2045*, the *2020-2024 TIP*, and the *2023-2027 TIP* is now called for;
21. The Council is satisfied that advancement of the Inner Loop North Transformation Project is within the limits of reasonably expected funding resources and is consistent with the Long Range Transportation Plan.

NOW, THEREFORE, BE IT RESOLVED

1. That the Genesee Transportation Council hereby directs the Executive Director to coordinate with the City of Rochester and NYSDOT to document the Inner Loop North Transformation Project phase costs, schedule, and sources of revenue;

2. That the Genesee Transportation Council hereby amends the *Long Range Transportation Plan for the Genesee-Finger Lakes Region 2045* to include the Inner Loop North Transformation Project in the fiscally-constrained portion of the Plan;
3. That the Genesee Transportation Council hereby amends the *2020-2024 TIP* by adding the Inner Loop North Transformation Project (TIP # H23-87-MN1), and will update the existing TIP table accordingly;
4. That the Genesee Transportation Council hereby amends the *2023-2027 TIP* by adding the Inner Loop North Transformation Project (TIP # H23-87-MN1), and will update the existing TIP table accordingly;
5. That GTC hereby adopts the *Transportation Conformity Statement for the Long Range Transportation Plan for the Genesee-Finger Lakes Region 2045, the 2020-2024 Transportation Improvement Program, and the 2023-2027 Transportation Improvement Program* (Transportation Conformity Statement);
6. That the Genesee Transportation Council authorizes the GTC Executive Director to take any actions necessary to effect relevant changes to the LRTP 2045, the 2020-2024 TIP, and the 2023-2027 TIP without any subsequent action by the Council; and
7. 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 T. REEVE, Secretary
Genesee Transportation Council