



REGION 2

NEW YORK, N.Y. 10007

September 29, 2025

Richard J Marquis, Division Administrator
Federal Highway Administration, New York Division
Leo W. O'Brian Federal Building
11A Clinton Avenue, Suite 719
Albany, NY 12207

Michael Culotta, Regional Administrator
Federal Transit Administration, Region 2
1 Bowling Green, Room 429
New York, New York 10004-1415

Dear Mr. Marquis and Mr. Culotta:

The United States Environmental Protection Agency (EPA) has completed its evaluation of the air quality conformity determinations of the following adopted transportation improvement programs (TIPs) and long-range transportation plans (LRTPs):

- Adirondack/Glens Falls Transportation Council (A/GFTC)
 - 2025-2030 TIP and 2045 Ahead Long-Range Transportation Plan
- Capital Region Transportation Council (CRTC)
 - 2025-2030 TIP and In Motion 2050 Plan
- Dutchess County Transportation Council (DCTC)
 - 2026-2030 TIP and 2045 Moving Dutchess Forward Plan
- Genesee Transportation Council (GTC)
 - 2026-2030 TIP and Long-Range Transportation Plan for the Genesee-Finger Lakes Region 2045
- New York Metropolitan Transportation Council (NYMTC)
 - 2026-2030 TIP and Moving Forward 2055 Plan
- Orange County Transportation Council (OCTC)
 - 2026-2030 TIP and 2050 Long Range Transportation Plan
- Watertown Jefferson County Transportation Council (WJCTC)
 - 2026-2030 TIP and 2050 Long Range Transportation Plan

A/GFTC, CRTTC, GTC, and WJCTC adopted new TIPs. The CRTTC adopted a new Long-Range Transportation Plan on September 4, 2025. These actions triggered the need for new transportation conformity determinations in the following 1997 ozone nonattainment areas:

- Albany-Schenectady-Troy, NY
- Rochester, NY
- Jefferson County, NY

DCTC, NYMTC, and OCTC adopted new TIPs. The NYMTC adopted a new Long-Range Transportation Plan on September 5, 2025.

We have concluded that conformity has been demonstrated for the following areas:

- The ten-county New York State (NYS) portion of the New York-Northern New Jersey-Long Island, NY-NJ-CT PM_{2.5} Maintenance Area consisting of Bronx, Kings, Nassau, New York, Orange, Queens, Richmond, Rockland, Suffolk, and Westchester Counties.
- The nine-county NYS portion of the New York-Northern New Jersey-Long Island, NY-NJ-CT Ozone Nonattainment Area consisting of Bronx, Kings, Nassau, New York, Queens, Richmond, Rockland, Suffolk, and Westchester Counties.
- The three-county Poughkeepsie, NY Ozone Nonattainment Area (PONA) consisting of Dutchess, Orange, and Putnam Counties.
- The seven-county Albany-Schenectady-Troy NY 1997 ozone nonattainment area.
- The six-county Rochester NY 1997 ozone nonattainment area.
- The Jefferson County, NY 1997 ozone nonattainment area.

This evaluation was conducted in accordance with EPA's regulations for determining conformity of transportation plans, programs, and projects and the joint EPA, Federal Highway Administration and Federal Transit Administration regional air quality consultation and coordination process. See 40 CFR Parts 51.390 and 93. 40 CFR Parts 93.100 through 93.129 state that conformity regulations require that to demonstrate conformity, transportation plans and programs must be consistent with state implementation plan (SIP) needs and requirements, contribute to annual emission reductions, and provide for the implementation of transportation control measures.

40 CFR 93.122(g) states that Metropolitan Planning Organizations can demonstrate conformity to a new transportation plan and/or TIP without a new regional emissions analysis if the previous emissions analysis still applies. The latest planning assumptions, analysis years, and latest emissions model criteria for these conformity determinations were agreed upon through interagency consultation on March 26, 2025. The NYMTC and OCTC regional emissions analyses are based on the latest planning assumptions in effect as of March 31, 2025.

In *South Coast Air Quality Mgmt. District v. EPA*, the United States Court of Appeals for the District of Columbia Circuit held that transportation conformity determinations must be made in areas that were either nonattainment or maintenance for the 1997 8-hour ozone national ambient air quality standard (NAAQS) and attainment for the 2008 and 2015 8-hour ozone NAAQS when the 1997 ozone NAAQS

was revoked. Conformity determinations are now required in these areas. See 882 F.3d 1138 (D.C. Cir. 2018) (South Coast II).

On November 29, 2018, EPA issued Transportation Conformity Guidance to assist in implementing South Coast II in areas impacted by the decision.¹ As detailed in EPA's guidance, 40 CFR 93.109 sets forth the criteria and procedures for determining conformity. The conformity criteria 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). Under 40 CFR 93.109(c)(2), for the 1997 ozone NAAQS areas, transportation conformity can be demonstrated without a regional emissions analysis. Because 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.

PONA was in an attainment status for the 2008 ozone NAAQS at the time of the 1997 ozone NAAQS revocation on April 6, 2015. Therefore, under 40 CFR 93.109(c)(2), this conformity determination is being made for the 1997 ozone NAAQS on the LRTPs and proposed TIPs.

Transportation conformity for the 1997 ozone and PM_{2.5} NAAQS for PONA can thus be demonstrated by showing the remaining requirements in Table 1 in 40 CFR 93.109 have been met. These requirements include:

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

Based on the information submitted to the EPA and discussed during the interagency consultation process, EPA has determined that all applicable requirements have been met, and transportation conformity has been demonstrated for the TIPs and LRTPs listed above.

I appreciate your cooperation in consulting with us and ensuring all provisions of the transportation conformity rules have been properly addressed. If you or your staff have any questions, please contact Lily Black, at 212-637-3884.

Sincerely,



Reema Loutan, Acting Manager
Technology, Transportation, and Partnerships
Branch

¹ See EPA-420-B-18-050, available at <https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockkey=P100VQME.pdf>.

cc: Gautam Mani, FHWA
Daniel Moser, FTA
Robert Bielawa, NYSDEC
Don Mattimore, NYSDOT
Janet Ho, NYSDOT
Debra Nelson, NYSDOT
Greg Wichser, NYSDOT
Aaron Frankenfeld, AGFTC
Sandy Misiewicz, CRTS
J. Stack, GTC
Kristopher Reff, NYSDOT
M. Debal, DCTC
Mark Maglienti, NYSDOT
Alan Sorensen, OCTC
Stephanie Delano, NYSDOT
Carl Kochersberger, NYSDOT
Peter Dunleavey, NYSDOT
George Neerackal, NYSDOT

bcc: Reema Loutan, USEPA
Lily Black, USEPA
Hiep Tran, USEPA