MEMORANDUM

TO: GTC Planning Committee Members & Alternates

FROM: James Stack, Executive Director /s/

DATE: May 2, 2019

SUBJECT: Proposed Council Resolution 19-53 (Adopting the Transportation Conformity Statement for the Long Range Transportation Plan for the Genesee-Finger Lakes Region 2040 and the 2020-2024 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 2040* (LRTP 2040) and *FFY 2020-2024 Transportation Improvement Program* (TIP). GTC staff has prepared a Draft of the *Transportation Conformity Statement for the Long Range Transportation Plan for the Genesee-Finger Lakes Region 2040 and the 2020-2024 Transportation Improvement Program*.

The Conformity Statement documents that the LRTP 2040 and the FFY 2020-2024 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.

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 Standard (NAAQS) or any interim milestones [42 U.S.C. 7506(c)(1)]. The U.S. Environmental Protection Agency's (EPA's) transportation conformity rules establish the criteria and procedures for determining whether LRTPs, TIPs, and federally supported highway and transit projects conform to the SIP [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ozone national ambient air quality standard (NAAQS) and attainment for the 2008 ozone NAAQS when the 1997 ozone NAAQS was revoked. These areas are referred to as "Orphan Areas". Such conformity determinations are required in Orphan Areas after February 16, 2019. The Rochester, New York Nonattainment Area (Rochester Nonattainment Area) was classified "nonattainment" 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 on the LRTP 2040 and the FFY 2020-2024 TIP.

This conformity determination is being 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.

The requirements in 40 CFR 93.112 include interagency consultation and public consultation. Interagency consultation was conducted with the New York Air Quality Interagency Consultation Group (ICG). Relevant information about new projects included in the 2020-2024 TIP were provided to the ICG with suggested air quality exemption classification and associated justification. The ICG concurred on the Exempt or Non-Exempt classification for each project. Interagency consultation was conducted consistent with the requirements at 40 CFR 93.105.

The draft Conformity Statement must be made available for public review and comment. Accordingly, GTC staff recommends making the draft Conformity Statement available for public review concurrent with the public review for the FFY 2020-2024 TIP from May 10, 2019 to June 10, 2019.

The following items are provided for your consideration:

1. **Proposed Council Resolution 19-53** (Adopting the Transportation Conformity Statement for the Long Range Transportation Plan for the Genesee-Finger Lakes Region 2040 and the 2020-2024 Transportation Improvement Program)
2. Draft *Transportation Conformity Statement for the Long Range Transportation Plan for the Genesee-Finger Lakes Region 2040 and the 2020-2024 Transportation Improvement Program*

Recommended Action:

Approve the Draft Transportation Conformity Statement for the Long Range Transportation Plan for the Genesee-Finger Lakes Region 2040 and the 2020-2024 Transportation Improvement Program *for public review. Recommend action by GTC Board on proposed Council Resolution 19-53, adopting the Transportation Conformity Statement for the Long Range Transportation Plan for the Genesee-Finger Lakes Region 2040 and the 2020-2024 Transportation Improvement Program.*

GENESEE TRANSPORTATION COUNCIL

RESOLUTION

Resolution 19-53 Adopting the *Transportation Conformity Statement for the Long Range Transportation Plan for the Genesee-Finger Lakes Region 2040 and the 2020-2024 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 Transportation Management 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 2040* (LRTP) was adopted by GTC on June 9, 2016;

4. The *2020-2024 Transportation Improvement Program* (TIP) was adopted by GTC on June 13, 2019;

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 previously designated Genesee, Livingston, Monroe, Ontario, Orleans, and Wayne counties as basic nonattainment under the National Ambient Air Quality Standard (NAAQS) for ground-level; ozone on April 15, 2004;

7. With the implementation of the 2008 NAAQS for ground-level ozone on March 12, 2008, the Rochester Nonattainment Area was classified as a Clean Air Act "Former Subpart 1 Basic" nonattainment area for the 8-hour ground-level ozone standard;

8. EPA released the final nonattainment area designations for the 2015 Ozone NAAQS on April 20, 2018, which show the Rochester, NY area in attainment;

9. Per the South Coast II decision, a conformity determination must be made for the 1997 ozone NAAQS on the *LRTP 2040* and the *FFY 2020-2024 TIP*;

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

11. 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 2040 and the 2020-2024 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 June 13, 2019.

Date _____ _____

KEVIN C. BUSH, Secretary
Genesee Transportation Council

DRAFT

Transportation Conformity Statement

for the

Long Range Transportation Plan for the Genesee-Finger Lakes Region 2040

and

2020-2024 Transportation Improvement Program

June 2019

Prepared by the

GENESEE TRANSPORTATION COUNCIL

and the

NYS Department of Transportation-Region 4

GTC's Commitment to the Public

The Genesee Transportation Council assures that no person shall, on the grounds of race, color, national origin, disability, age, gender, or income status, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. GTC further assures every effort will be made to ensure nondiscrimination in all of its programs activities, whether those programs and activities are federally funded or not.

En Español

El Consejo Genesee del Transporte asegura completa implementación del Título VI de la Ley de Derechos Civiles de 1964, que prohibe la discriminación por motivo de raza, color de piel, origen nacional edad, género, discapacidad, o estado de ingresos, en la provisión de beneficios y servicios que sean resultado de programas y actividades que reciban asistencia financiera federal.

Contact GTC

If you have any questions or comments regarding this document, please contact the Genesee Transportation Council:

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Financial assistance for the preparation of this report was provided by the Federal Highway Administration and Federal Transit Administration. The Genesee Transportation Council is solely responsible for its content and the views and opinions expressed herein do not necessarily reflect the official views or policy of the U.S. Department of Transportation.

Insert Scan of Signed Resolution 19-53, page 1

Insert Scan of Signed Resolution 12-53, page 2.

Introduction

As part of its transportation planning process, the Genesee Transportation Council completed the transportation conformity process for the *Long Range Transportation Plan for the Genesee-Finger Lakes Region 2040* (LRTP 2040) and *FFY 2020-2024 Transportation Improvement Program* (TIP). This report documents that the LRTP 2040 and the FFY 2020-2024 TIP 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 Standard (NAAQS) or any interim milestones [42 U.S.C. 7506(c)(1)]. The U.S. Environmental Protection Agency's (EPA's) transportation conformity rules establish the criteria and procedures for determining whether LRTPs, TIPs, and federally supported highway and transit projects conform to the SIP [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 national ambient air quality standard (NAAQS) and attainment for the 2008 ozone NAAQS when the 1997 ozone NAAQS was revoked. These areas are referred to as "Orphan Areas". Such conformity determinations are required in Orphan Areas after February 16, 2019. The Rochester, New York Nonattainment Area (Rochester Nonattainment Area) was classified "nonattainment" 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 on the LRTP 2040 and the FFY 2020-2024 TIP.

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.

For consistency with prior Conformity Determinations, the Rochester, NY air quality Orphan Area will be herein referred to as the Rochester Nonattainment Area. The Rochester Nonattainment Area consists of Genesee, Livingston, Monroe, Ontario, Orleans, and Wayne Counties.

Air Quality Conformity Process

The concept of transportation conformity was introduced in the CAA of 1977, which included a provision to ensure that transportation investments conform to a 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 LRTPs, TIPs, and transportation projects are consistent with ("conform to") the State's air quality goals in the SIP.

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.

On April 15, 2004 the EPA designated the Rochester Nonattainment Area as being in nonattainment of the National Ambient Air Quality Standard (NAAQS) for ground-level ozone. The Rochester Nonattainment Area consists of Genesee, Livingston, Monroe, Ontario, Orleans, and Wayne Counties.

With the implementation of the 2008 NAAQS for ground-level ozone on March 12, 2008, the Rochester Nonattainment Area was classified as a Clean Air Act "Former Subpart 1 Basic" nonattainment area for the 8-hour ground-level ozone standard. This classification represented the least severe violations of the NAAQS for ground-level ozone. EPA released the final nonattainment area designations for the 2015 Ozone NAAQS on April 20, 2018, which show the Rochester, NY area in attainment.

Conformity

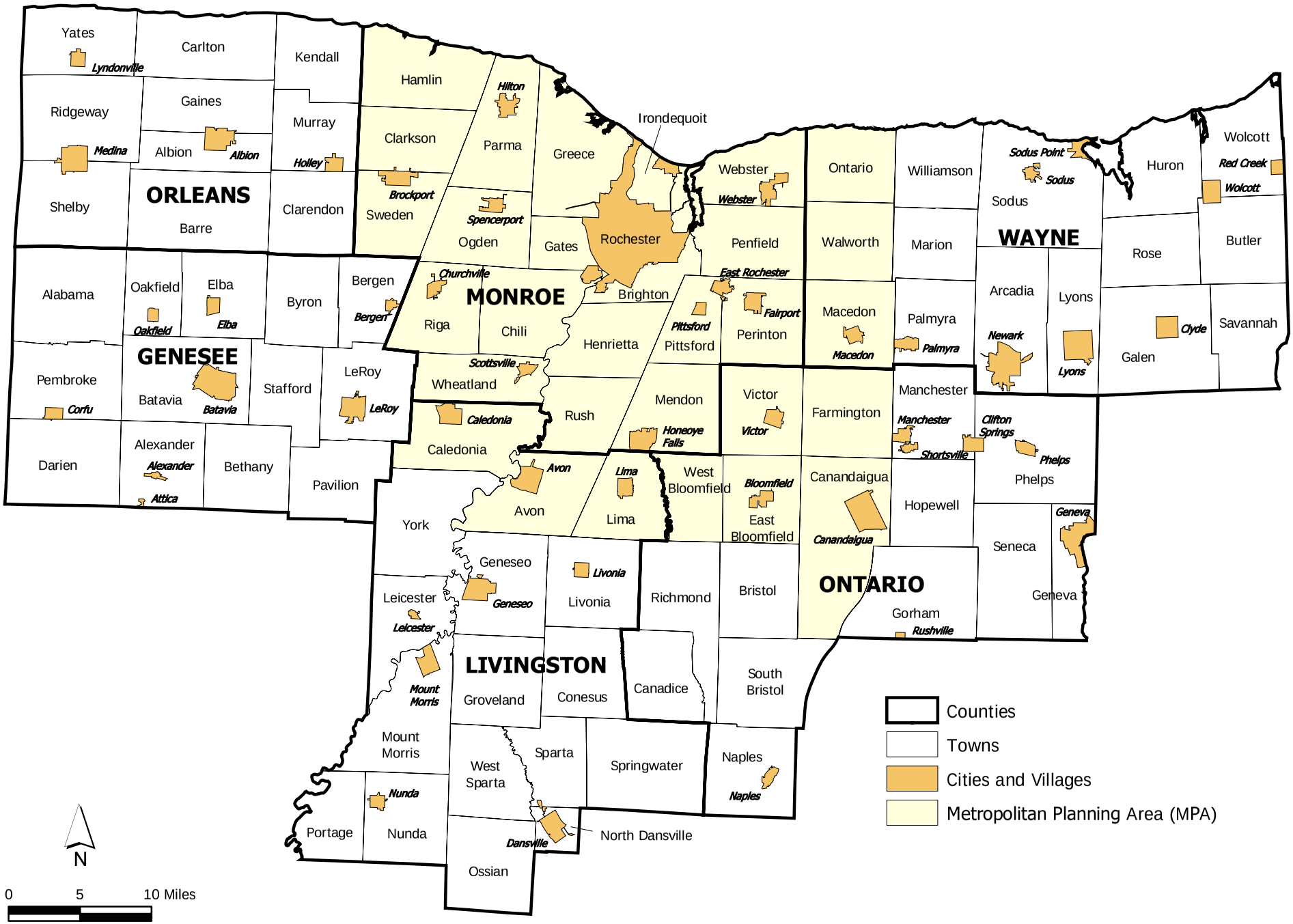
The Clean Air Act Amendments of 1990 (CAAA) require transportation agencies in nonattainment areas to ensure that their transportation improvements do not negatively contribute to air quality as a precondition to the continued receipt of federal transportation funds.

The primary geographic focus of the Genesee Transportation Council (GTC) is the Rochester Metropolitan Planning Area (MPA). The Rochester MPA includes all of Monroe County and the adjacent developed areas of Livingston, Ontario, and Wayne counties. Projects outside of the Rochester MPA that are in the Rochester Nonattainment Area are under the purview of the New York State Department of Transportation (NYSDOT)-Region 4. Map 1 on the following page presents the Rochester Nonattainment Area with the Rochester MPA highlighted.

Accordingly, GTC and NYSDOT-Region 4 are required to determine if the current, fiscally-constrained long range transportation plan (LRTP) and transportation improvement program (TIP) conform to federal air quality standards. As established in GTC Resolution 04-41, GTC is responsible for determining conformity in the Rochester MPA and NYSDOT is responsible for determining conformity in the remainder of the Rochester Nonattainment Area.

Rochester Nonattainment Area

Map 1



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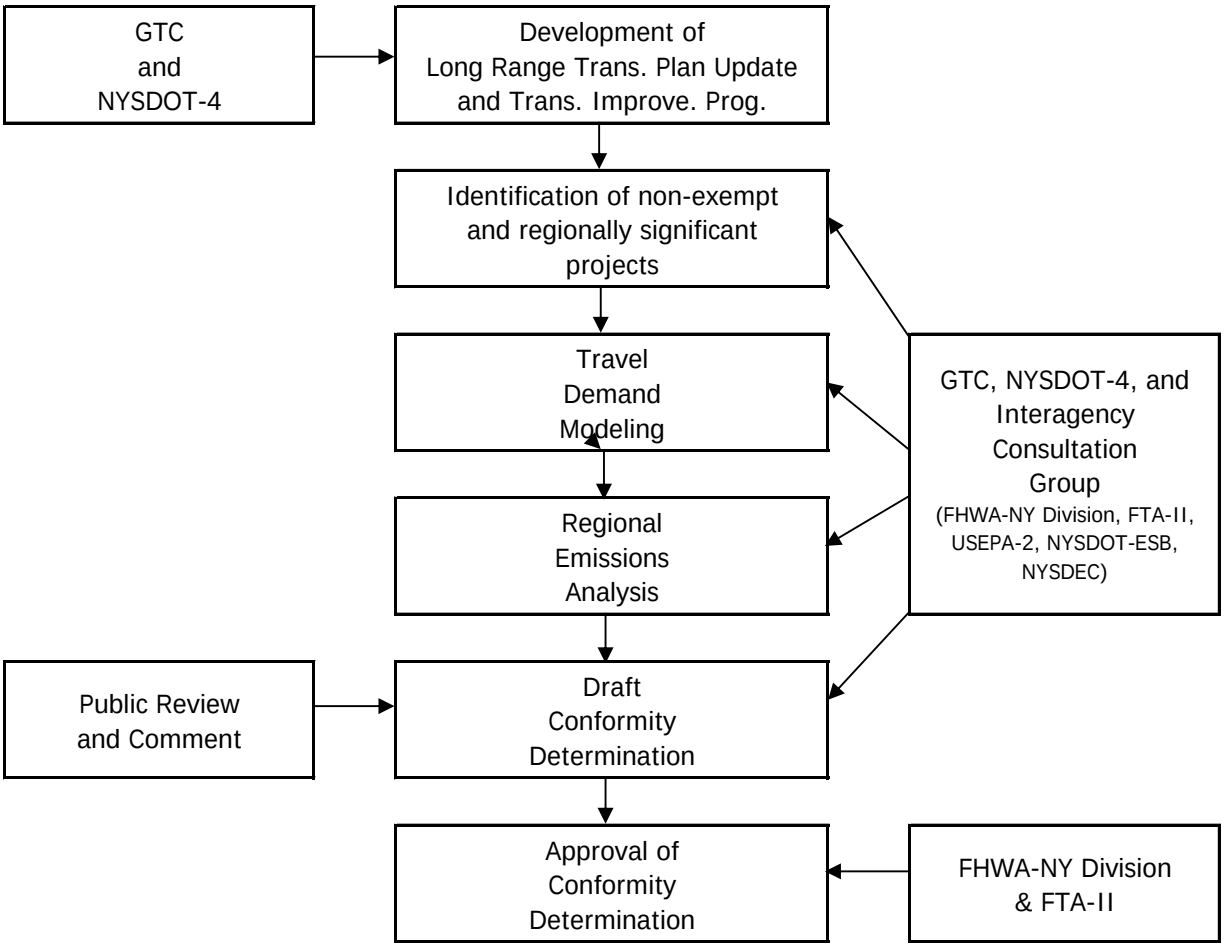
The CAAA and the Fixing America's Surface Transportation Act (FAST Act) define what activities must be undertaken – and what agencies must be involved in each of these activities – to demonstrate conformity of the TIP. Figure 1 below presents the major activities required to determine conformity and the agencies involved in these activities.

Figure 1

Major Activities to Determine Conformity for LRTP and TIP



Interagency Consultation

To better insure that all considerations are accounted for, the CAAA requires that each state identify and involve all affected agencies in the conformity process through an Interagency Consultation Group (ICG). In New York State, the members of the ICG are defined in Title 6 Part 240 Section 6 of the New York Codes, Rules, and Regulations as:

- Federal Highway Administration – New York Division (FHWA-NY)
- Federal Transit Administration – Region II (FTA-II)
- U.S. Environmental Protection Agency – Region 2 (EPA-2)
- NYSDOT – Environmental Science Bureau (NYSDOT-ESB)
- NYS Department of Environmental Conservation (NYSDEC)

The ICG played an integral role in each of the activities required to determine conformity through the development of the draft conformity determination statement that was provided for public review and comment.

The involvement and decisions of the ICG are noted in the activities discussed below.

Transportation Conformity Determination: General Process

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 LRTPs and TIPs. Once US DOT makes its 1997 ozone NAAQS conformity determination for the LRTP 2040 and the 2020-2024 TIP, conformity will be required no less frequently than every four years. This conformity determination report will address transportation conformity for the LRTP 2040 and the 2020-2024 TIP.

Development of LRTP and the TIP

Transportation policies and improvements utilizing Federal transportation funds in the Rochester Nonattainment Area are identified in the *Long Range Transportation Plan for the Genesee-Finger Lakes Region 2040* (LRTP 2040) and the *2020-2024 Transportation Improvement Program* (2020-2024 TIP). Both the LRTP 2040 and the 2020-2024 TIP must be fiscally constrained – that is, policies, programs, and projects identified in each document must not require expenditures in excess of estimates of reasonably expected Federal transportation funds and required non-Federal matching funds.

Given that the transportation improvements in the LRTP 2040 and 2020-2024 TIP can be implemented with reasonably expected revenues, these transportation improvements can be expected to advance and must conform to Federal air quality standards.

Long Range Transportation Plan for the Genesee-Finger Lakes Region 2040

The LRTP 2040 was adopted by the GTC Board on June 9, 2016. LRTP 2040 provides a nearly 25-year perspective of existing and projected transportation system capabilities, needs, and objectives, as well as recommendations to meet these objectives for the nine-county Genesee-Finger Lakes Region, which includes the six-county Rochester Nonattainment Area. The LRTP 2040 serves as a framework for guiding Federally-funded transportation planning and investment decision-making.

2020-2024 Transportation Improvement Program

Federal regulations require that the urban transportation planning process include the cooperative development of the Transportation Improvement Program (TIP), a staged multi-year program of projects consistent with the current long range transportation plan. This region's TIP is developed cooperatively by a team led by GTC and NYSDOT-Region 4.

GTC and NYSDOT-Region 4 work together to coordinate the programming of the projects in the Rochester Nonattainment Area. The TIP development process is guided by the TIP

Development Committee (TDC), which is comprised of representatives from the Rochester TMA Counties (Livingston, Monroe, Ontario, and Wayne), the City of Rochester, the Rochester-Genesee Regional Transportation Authority (RGRTA), and NYSDOT-Region 4.

In September 20118, GTC and NYSDOT-Region 4 jointly solicited applications for new transportation projects which anticipated using Federal transportation funds to be included in the *2020-2024 TIP*, covering the time period between October 1, 2019 and September 30, 2024.

The GTC/NYSDOT team scored all project proposals pursuant to the Project Evaluation Criteria included in the project proposal solicitation package. These criteria were wholly consistent with and derived from the LRTP 2040 The resulting preliminary rankings were reviewed and discussed with the TDC and adjustments to rankings were made as necessary to reflect overall funding considerations, geographic balance, and other factors. Based on estimates of available revenue, funding was then assigned to the ranked projects in accordance with funding availability and eligibility restrictions.

The TDC developed a fiscally-constrained program of projects for consideration by the GTC Planning Committee. The GTC Planning Committee approved the DRAFT *2020-2024 Transportation Improvement Program Project List* for a 30-day public review period on May 9, 2019. During the public review period, four public meetings were held in the Rochester MPA to solicit comments on the program of projects. Advance notice of the public meetings was sent to over 25 media outlets throughout the region, as well as nearly 200 organizations representing populations not traditionally well-represented in the transportation planning process.

Written comments were accepted in a variety of formats. A dedicated web page on the GTC website (www.gtcmpo.org) was developed and updated. In addition, GTC utilized a dedicated e-mail address (tipcomment@gtcmpo.org) to which comments could be submitted.

The *2020-2024 TIP* was adopted by the GTC Board on June 13, 2019.

Transportation Conformity Requirements

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 were 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 LRTPs 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 LRTPs 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, or budget or interim emissions tests.

Therefore, transportation conformity for the 1997 ozone NAAQS for the Genesee Transportation Council's LRTP 2040 and 2020-2024 TIP can be demonstrated by showing the remaining requirements in Table 1 in 40 CFR 93.109 have been met. These requirements, which are laid out in Section 2.4 of EPA's guidance and addressed below, include:

- Latest planning assumptions (40 CFR 93.110)
- Consultation (40 CFR 93.112)
- Transportation Control Measures (40 CFR 93.113)
- Fiscal constraint (40 CFR 93.108)

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 State Implementation Plan (SIP). The New York SIP does not include any TCMs applicable to the Rochester Nonattainment Area.

Consultation

The consultation requirements in 40 CFR 93.112 were addressed both for interagency consultation and public consultation.

Interagency consultation was conducted with the New York Air Quality Interagency Consultation Group (ICG) as described previously. Relevant information about new projects included in the 2020-2024 TIP were provided to the ICG with suggested air quality exemption classification and associated justification. The ICG concurred on the Exempt or Non-Exempt classification for each project. Interagency consultation was conducted consistent with the requirements at 40 CFR 93.105.

Public consultation was conducted consistent with planning rule requirements in 23 CFR 450 and GTC's Public Participation Plan. The draft 2020-2024 TIP was made available for public review from May 10, 2019 to June 10, 2019. Comments were considered by the GTC Board prior to adopting the 2020-2024 TIP.

Fiscal Constraint

LRTP 2040 is primarily a policy-focused plan with very few specific transportation projects specifically mentioned. This is a result of the recognition that the existing transportation system in the region generally has sufficient capacity for our needs. While there may be projects that

allow for more traffic throughput, they are not what would typically be considered capacity improvement projects, rather they operational improvements. The vast majority of projects undertaken in this region are focused on attaining a State of Good Repair of the existing transportation system. Accordingly, while LRTP 2040 identifies anticipated revenue in Year of Expenditure dollars (YOE$), specific project expenditures are identified within the TIP.

On December 11, 2018, NYSDOT issued the TIP/STIP Policy Guidance and Instructions for the Update Period Beginning October 2019. The Guidance included the amounts of Federal Highway Administration (FHWA) funds by program that are being made available to the GTC/NYSDOT-Region 4 TIP area (Planning Targets) for Federal Fiscal Years (FFYs) 2020 through 2024. On February 15, 2019, NYSDOT provided estimated amounts of FTA Section 5307 and FTA Section 5339 funding to be allocated to RGRTA as the designated recipient for the Rochester, NY Urbanized Area. GTC staff discussed the NYSDOT estimates with RGRTA and all agreed that the estimates were reasonable.

The GTC adopted *FFY 2020-2023 Transportation Improvement Program* contains a financial summary indicating reasonably available revenues by source and year along with expenditures by source and year to demonstrate fiscal constraint consistent with Title 23 Section 450.326(j) of the Code of Federal Regulations.

Identification of classified/Non-Exempt and Regionally Significant Projects

Exempt/Non-Exempt Projects

All federally-funded transportation projects in the Rochester Nonattainment Area must be included in the *2020-2024 TIP*. GTC and NYSDOT-Region 4 staffs evaluated the projects in the *2020-2024 TIP* to determine their exempt or non-exempt status as defined by the criteria of the federal conformity rules and guidance ("Table 2 - Exempt Projects" in 40 CFR Part 93.126 and "Table 3 - Projects Exempt from Regional Emissions Analysis" in 40 CFR Part 93.127 dated July 1, 2009).

Typically, projects that improve the safety of the highway network, preserve/maintain existing transportation infrastructure, contribute to minor increases in the efficiency of public transportation services, or enhance non-motorized travel are considered exempt. Non-exempt projects are those projects that do not meet the criteria of exempt projects and must be included in the regional emissions analysis to determine their impact on air quality. GTC chooses to include all projects that can be modeled/analyzed in the regional emissions analysis.

The listing of the aforementioned transportation projects and their associated exempt/non-exempt status is provided in Appendix A. The ICG has concurred with the exempt/non-exempt status of each project.

Regionally Significant Projects

A regionally significant project is defined as a project that is expected to impact regional travel patterns but will be implemented without using federal funds. Although these projects may not be included in the MPO process, they have the potential to impact regional air quality and therefore must be included in the regional emissions analysis as part of a conformity determination.

For the purposes of this conformity determination, GTC and NYSDOT-Region 4 staffs reviewed the current and pending capital improvement programs (CIPs) of the City of Rochester, Monroe County, RGRTA, and Ontario County.

None of the projects reviewed for this conformity determination were deemed to be regionally significant.

Public Review

This document was made available for public review from May 10, 2019 to June 10, 2019. A public meeting was held in [TBD] on [TBD] at [TBD] to discuss the conformity statement and gather input from the public. The public review period and meeting were advertised via a legal notice in the Rochester *Democrat & Chronicle* and on the GTC website. GTC did not receive any comments on this document.

Statement of Conformity

The analysis documented above demonstrates that the *LRTP 2040* and *2020-2024 TIP* in the Rochester Nonattainment Area is in conformity with the rules and regulations established by EPA and NYSDEC, and as such the State Implementation Plan (SIP).

This statement was adopted by the Genesee Transportation Council Board on June 13, 2019. A scanned copy of the adopting resolution is included at the beginning of this document.

Insert Appendix A, project list