

Transportation Conformity Determination Statement (1997 Poughkeepsie Ozone Non-attainment Area)

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About the DCTC, OCTC, & NYMTC

The Dutchess County Transportation Council (DCTC), Orange County Transportation Council (OCTC), and New York Metropolitan Transportation Council (NYMTC), serve as the designated Metropolitan Planning Organizations (MPOs) for Dutchess, Orange, and Putnam Counties. In accordance with the provisions set forth in the current federal transportation law – the [Infrastructure Investment and Jobs Act \(IIJA\)](#) (PL 117-58) – and 23 U.S.C. 134 and 49 U.S.C. 5303, the DCTC, OCTC, and NYMTC are tasked with carrying out a cooperative and comprehensive multimodal transportation planning process in their respective metropolitan planning areas. Federal transportation law requires that a U.S. Census-designated Urban Area be represented by an MPO, which is responsible for ensuring that federal highway and transit funds are committed through a locally driven, comprehensive planning process.

Purpose

This Transportation Conformity Determination Statement for the DCTC, OCTC, and NYMTC Metropolitan/Regional Transportation Plans (MTPs/RTPs) and Transportation Improvement Programs (TIPs) was prepared jointly by the DCTC, OCTC, and NYMTC, with the following agencies 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 DCTC, OCTC, and NYMTC completed a new transportation conformity determination statement for their MTPs/RTPs. Specifically, this Conformity Statement was prompted by proposed amendments to NYMTC’s MTP and TIP, and a new MTP for DCTC. This statement documents that the amended and/or new MTPs/RTPs of the three MPOs 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 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

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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 an attainment 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 detailed implementation of the CAA requirements were first issued in 1993 and have been amended several times since then. 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 FHWA and 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.ⁱ On May 21, 2012, the EPA issued its air quality designations

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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.ⁱⁱ

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.ⁱⁱⁱ

Air quality data from the most recent three years (2022-2024) indicates that the Poughkeepsie Area has maintained a 3-year ozone design value of 0.068 ppm for the 4th highest 8-hour average, which continues to meet the current NAAQS.^{iv}

Metropolitan/Regional Transportation Plans (MTPs/RTPs)

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

Dutchess County Transportation Council MTP

The DCTC's new MTP, *Moving Dutchess Forward*, will be adopted in summer 2026. The MTP has a 2050 planning

horizon and focuses on four key goals: 1) Preparing a transportation system that can anticipate and adapt to changes, 2) Providing safe and convenient access for all people, 3) Promoting smart transportation and land use policies, and 4) Investing in our transportation system to maintain existing infrastructure and improve safety, reliability, and access to basic needs.

The MTP includes an analysis of future trends and their influence on transportation (e.g., demographic and economic changes, climate change, technology, etc.), and an assessment of barriers to safety, reliability, and access to basic needs. The MTP relied on extensive outreach and was informed by feedback from the public. To focus its investment on addressing identified barriers, within the constraints of future available funding, the MTP focuses on maintaining a state of good repair across the transportation system. For illustrative purposes only, the MTP recommends several transformative projects of regional significance. The MTP recommendations support the projects programmed in the TIP and planning studies supported in the Unified Planning Work Program (UPWP).

Orange County Transportation Council MTP

The OCTC's current MTP, *2050 LRTP*, was adopted by the MPO in December 2023, and uses a 2050 planning horizon year and incorporates the four goals of: 1) Safe, Reliable Transportation Options, 2) Efficient Commuting and Freight Transportation, 3) Efficiently and Economically Maintained Assets with Climate Change and Resiliency in Mind and 4) Coordination of

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Transportation with Other Aspects of Comprehensive Planning with Sustainability and Environmental Stewardship in Mind.

The MTP incorporates a technical analysis of demographic and transportation data, a regional vision established by the Orange County Comprehensive Plan update, and specific performance targets. It was supported by an extensive public outreach process, along with transportation agency input to create its goals, objectives, and strategies. The MTP also outlines agency planning and funding outlooks (especially for federal funding) and lays out the OCTC goals and recommendations for the next 25 years. The MTP includes a fiscally constrained investment plan to preserve and improve the transportation system in the near and long term. The 2050 LRTP also supports the projects pursued in the near-term TIP period, the post TIP period, and the planning studies supported in the UPWP.

New York Metropolitan Transportation Council RTP

NYMTC's RTP, *Moving Forward 2055 Connecting Communities, Creating Opportunities* was adopted in 2025. The new RTP covers all modes of ground transportation including highways, roads and bridges, streets, rail and bus transit, bicycle and pedestrian facilities, movement of goods, and special needs transportation. In addition, it addresses key transportation activities such as operations and management of the transportation system, safety, security, and regional finances. The RTP serves as a blueprint to help support sustainable growth and guide federal funding for transportation investment in the greater New York City region. The RTP was

developed collaboratively with NYMTC member agencies, other stakeholders, and members of the public. As with the DCTC and OCTC, NYMTC's RTP supports the projects pursued in its TIP and the planning studies supported in its UPWP.

Transportation Improvement Programs (TIPs)

The three TIPs of the DCTC, OCTC, and NYMTC serve as the prioritized listings of federally funded transportation projects in Dutchess, Orange, 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 new STIP was updated in 2025 for FFY 2026.

Federal transportation law 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/RTPs 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/RTPs, linking investment priorities to those performance targets.

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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/RTPs 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 not only addresses transportation conformity for the 1997 Ozone Nonattainment standard for the DCTC, OCTC, and NYMTC MTPs/RTPs, but also the proposed 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/RTPs and TIPs include the following: 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 MTPs/RTPs and TIPs 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)

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1. Latest Planning Assumptions

The use of latest planning assumptions in 40 CFR 93.110 of the conformity rule generally applies 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, none of the recommendations in the new or current MTPs/RTPs, or current TIPs, of the DCTC, OCTC, and NYMTC 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 projects programmed in their MTPs/RTPs and TIPs, the DCTC, OCTC, and NYMTC identified those projects that could be classified as 'non-exempt' (i.e., may have positive or negative 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. For the proposed MTPs/RTPs, the ICG concurred with the exempt classification of proposed projects in the plans. This occurred on a rolling basis, as each MPO submitted draft project recommendations for ICG review. All projects in the MTPs/RTPs and TIPs for Dutchess, Orange, and Putnam counties were classified as 'exempt' from the requirement to determine air quality conformity.

This conformity document was reviewed by the ICG concurrently with the public comment period. It follows the same format and process used for previous conformity determinations that have been done for the DCTC, OCTC, and NYMTC for the Poughkeepsie Ozone Nonattainment Area since the South Coast II decision and its resulting federal guidance.

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Public consultation was conducted, consistent with planning rule requirements in 23 CFR 450. As per their bylaws and procedures, the DCTC, OCTC, and NYMTC held public comment periods for the transportation conformity statement, which were also done in conjunction with public comment periods for their respective MTP actions. The public was provided an opportunity to review and comment on the draft conformity determination and supporting documentation during each MPO's comment period.

The DCTC will hold its comment period from July 2-31, 2026, while OCTC held its comment period from May 15-June 13, 2026, and NYMTC from April 27-May 27, 2026. No comments were received concerning the PONA determination statement (see also Appendix A).

The conformity statements were or will be subsequently approved by the DCTC on August 6, 2026, OCTC on June 25, 2026, and NYMTC on June 18, 2026.

1. Timely Implementation of TCMs

ⁱ "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.

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

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

2. Fiscal Constraint

Transportation conformity requirements in 40 CFR 93.108 state that MTPs/RTPs and TIPs must be fiscally constrained consistent with USDOT's metropolitan planning regulations in 23 CFR part 450. The DCTC, NYMTC, and OCTC certify that their MTPs/RTPs and TIPs are fiscally constrained, as demonstrated in each respective document.

Conclusion

The conformity determination process completed for the MTPs/RTPs and 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 are included in this final conformity statement/document.

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

^{iv} NYSDEC. (2026). *2025 High Ozone Values*, Retrieved from <https://dec.ny.gov/sites/default/files/2025-04/2025o3.pdf>

APPENDIX A
(Public Comment)

In accordance with their bylaws and/or public participation procedures, the DCTC, OCTC, and NYMTC each held public comment periods for the Draft Summer 2025 Air Quality Conformity Determination Statement for the 1997 Poughkeepsie Ozone Non-Attainment Area. The DCTC will hold its comment period from July 2-31, 2026, while OCTC held its comment period from May 15-June 13, 2026, and NYMTC from April 27-May 27, 2026. Public comments are summarized below:

APPENDIX B
(MPO Resolutions)