

Jefferson County, NY 1997 8-Hour Ozone Non-Attainment Area Transportation/Air Quality Conformity Determination

Watertown Jefferson County Area Transportation Council
2050 Long-Range Transportation Plan

2023 – 2027 Transportation Improvement Plan

Capital Program of Transportation Projects
In the Non-Urbanized Portions of Jefferson County



Prepared by:

NYSDOT Region 7 Planning and WJCTC Staff
May XX, 2024

Executive Summary

As part of its transportation planning process, the Watertown Jefferson County Area Transportation Council (WJCTC) and the New York State Department of Transportation completed the transportation conformity process for its update of its 2045 Long-Range Transportation Plan (LRTP) to a 2050 horizon date; the 2023-2027 Transportation Improvement Program (TIP) and the Capital Program of Transportation Projects in the non-urban remainder of the Jefferson County, NY ozone nonattainment area. This report documents that the 2050 LRTP, 2023-2027 TIP and Capital Program 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 NAAQS or any interim milestones. 42 U.S.C. 7506(c)(1). EPA’s transportation conformity rules establish the criteria and procedures for determining whether metropolitan transportation plans, transportation improvement programs (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ozone national ambient air quality standard (NAAQS) and attainment for the 2008 ozone NAAQS when the 1997 ozone NAAQS was revoked.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 conformity determinations are required in these areas after February 16, 2019. Jefferson County was in “nonattainment” 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 on the LRTP, TIP and relevant Capital Program of Transportation Projects.

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 Overview

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 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 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 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 June 15, 2004, the United States Environmental Protection Agency (EPA) designated Jefferson County as being in nonattainment status for the 1997 8-hour ozone standard (0.08 parts per million). This designation was based on the results of ambient air monitoring data collected by the New York State Department of Environmental Conservation from calendar years 2001-2003. These data established an 8-hour ozone “design value” of 0.097 ppm for the area. The current design value for the area, based on 2020-2022 data, is 0.062 ppm.

On July 20, 2012, the USEPA designated the Jefferson County, NY attainment for the 2008 ozone standard (0.075 ppm). The area was designated attainment for the 2015 ozone standard (0.070ppm) on January 16, 2018.

Per the *South Coast II* court decision, beginning February 16, 2019, a transportation conformity determination for the 1997 ozone NAAQS is required in 1997 ozone NAAQS nonattainment and maintenance areas, including the Jefferson County, NY area. This conformity determination report will address transportation conformity for the 2050 LRTP, the 2023 - 2027 WJTC TIP & the and the surrounding non-urban portion of the county. Once the FHWA/FTA makes its 1997 ozone NAAQS conformity determination, conformity will be required at least every four years.

Latest Planning Assumptions

The use of latest planning assumptions in 40 CFR 93.110 of the conformity rule generally apply to regional emissions analyses. 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. There are no TCMs in any SIP in the Jefferson County, NY area. Thus, the latest planning assumption requirement is not applicable for this conformity determination.

Consultation

The consultation requirements in 40 CFR 93.112 and 6 NYCRR Part 240 were addressed both for interagency consultation and public consultation.

Per the New York State Transportation Conformity SIP, as codified in Chapter 6 of the New York Codes

Rules and 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.

On **Month XX, 2022** the ICG concurred with the classification of projects in the WJCTC LRTP, TIP and the Capital Program of Transportation Projects in the remainder of Jefferson County. No non-exempt projects identified through the consultation process. All projects on the LRTP, TIP and non-urban Capital Program are exempt. See project listing in Appendix A (Highway Projects) & Appendix B (Transit Projects).

This document was provided in draft form to the ICG on **Month XX, 2022** for review concurrent with public review period. All comments received were incorporated.

The public was provided an opportunity to review and comment on the draft conformity determination and supporting documentation from **Month XX, 2022** to **Month XX, 2022**. The documentation was made available for public review at the WJCTC Office and the WJCTC website. **Discuss comments or No comments were received.**

Timely Implementation of TCMs

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

Fiscal Constraint

Transportation conformity requirements in 40 CFR 93.108 state that transportation plans and TIPs must be fiscally constrained consistent with DOT's metropolitan planning regulations at 23 CFR part 450. The WJCTC 2050 transportation plan and 2023-2027 TIP are fiscally constrained, as demonstrated in Chapter 6 of the 2050 LRTP and Section 3 of the 2023- 2027 TIP.

Conclusion

All projects in the Jefferson County, NY 1997 ozone nonattainment area are exempt as per the Transportation Conformity Rule. The conformity determination process completed for the 2023-2027 WJCTC TIP and 2050 LRTP demonstrates that these planning documents meet the Clean Air Act and transportation conformity requirements for the 1997 ozone NAAQS. The signed resolution adopting this conformity determination is included in Appendix C.

Project Listing

The current Air Quality Conformity Determination was approved on 8/31/22. This project listing in this determination remains valid with the addition of the following new or significantly modified projects. These projects either did not appear in either the 2045 LRTP or the 8/31/22 determination or have been significantly modified since the time of adoption of those documents.

WJCTC and Jefferson County, NY Transportation/Air Quality Conformity Determination – Project Listing (Highway)

PIN	Air Quality Code	Project Title	Public Description	MPO	Current Letting	Let By	Construction Cost
711518	A19	RT 3 / BEDFORD CREEK	This project will replace the structure carrying State Route 3 over Bedford Creek in the Town of Hounsfield, Jefferson County.	Non-MPO	9/25/25	NYSDOT	\$1,900,000
775377	A19	NOBLE STREET / WEST CREEK	This project will replace the structure carrying Noble Street over West Creek in the Village of Evans Mills in Jefferson County.	MPO	3/29/24	LOCAL	\$5,329,003
775393	A19	CR 97 / FISH CREEK & BROWN RD / FISH CREEK	This project will replace the structures carrying County Route 97 over Fish Creek and Brown Road over Fish Creek in the Town of Rodman, Jefferson County.	Non-MPO	7/14/25	LOCAL	\$4,251,106
775418	A19	RT 11 (MILL ST) / BLACK RIVER OVERFLOW	This project will perform maintenance on the structure carrying Route 11 (Mill St.) over the Black River Overflow in the City of Watertown, Jefferson County.	MPO	10/20/25	LOCAL	\$1,112,100
780670	A19	BRIDGE MAINTENANCE BY CONTRACT 2024	This project will make repairs to the structure carrying State Route 126 over the Black River in the Village of Carthage and Village of West Carthage, Jefferson County.	MPO	8/22/24	NYSDOT	\$3,507,291
780749	A11	SPECIAL PAVEMENT MARKINGS / CARDS / MIARDS / SHARDS (2025)	This project will apply specialized pavement markings throughout Region 7. Work will be primarily for instances where other than centerline and edgeline markings are required. This project will also install audible rumble strips on the center and edge lines of various highway sections throughout Region 7. Project locations will be in the counties of Clinton, Franklin, Jefferson, Lewis and St. Lawrence.	Non-MPO	4/10/25	NYSDOT	\$1,300,000
780750	A7/D2	SIGNAL IMPROVEMENT PROJECT 2025	This project will install new or replacement traffic signals at various locations within Region 7.	Non-MPO	11/6/25	NYSDOT	\$1,200,000

WJCTC and Jefferson County, NY Transportation/Air Quality Conformity Determination – Project Listing (Highway)

PIN	Air Quality Code	Project Title	Public Description	MPO	Current Letting	Let By	Construction Cost
780753	A11	SPECIAL PAVEMENT MARKINGS / CARDS / MIARDS / SHARDS (2026)	This project will apply specialized pavement markings throughout Region 7. Work will be primarily for instances where other than centerline and edgeline markings are required. This project will also install audible rumble strips on the center and edge lines of various highway sections throughout Region 7. Project locations will be in the counties of Clinton, Franklin, Jefferson, Lewis and St. Lawrence.	Non-MPO	4/9/26	NYSDOT	\$1,300,000
780754	A10	CRACK SEALING	This is a project to seal cracks in the driving surface of highways throughout our North Country Region. Liquid asphalt product will be applied over existing cracks in order to seal them from the penetration of water. Locations will include various highways in all counties.	Non-MPO	2/5/26	NYSDOT	\$1,500,000
780755	C2	ADA ACCESSIBILITY IMPROVEMENTS 2026	This project will make improvements to existing sidewalk curb ramps to improve access for disabled persons. This project is located in various counties within Region 7.	Non-MPO	2/5/26	NYSDOT	\$750,000
780758	A10	CRACK SEALING	This is a project to seal cracks in the driving surface of highways throughout our North Country Region. Liquid asphalt product will be applied over existing cracks in order to seal them from the penetration of water. Locations will include various highways in all counties.	Non-MPO	2/4/27	NYSDOT	\$1,500,000
780759	C2	ADA ACCESSIBILITY IMPROVEMENTS 2027	This project will make improvements to existing sidewalk curb ramps to improve access for disabled persons. This project is located in various counties within Region 7.	Non-MPO	2/4/27	NYSDOT	\$750,000
7CWS01	A7	CURVE WARNING SIGN UPGRADES, REGION 07	CURVE WARNING SIGN UPGRADES IN NORTH COUNTRY REGION 07	Non-MPO	4/10/25	NYSDOT	\$1,143,000
7LC104	A2	CULVERT RESILIENCY PROJECT - REPLACE w/ROW	This project will replace multiple large culverts on the State Highway System throughout the North Country region.	Non-MPO	6/5/25	NYSDOT	\$1,400,000

WJCTC and Jefferson County, NY Transportation/Air Quality Conformity Determination – Project Listing (Highway)

PIN	Air Quality Code	Project Title	Public Description	MPO	Current Letting	Let By	Construction Cost
7V2432	A10	RT 37, RT 411 - RT 26 (VPP)	This project will resurface 3 miles of pavement on Route 37 from Route 411 to Route 26 in Town of Theresa, Jefferson County.	Non-MPO	3/21/24	OGS	\$657,430
7V2666	A10	I-81, RT 342 - PERCH RIVER (VPP)	This project will resurface 6 miles of pavement on Interstate 81, from Route 342 to Perch River in Town of Pamelaia, Jefferson County.	MPO	3/21/24	OGS	\$2,351,570

WJCTC and Jefferson County, NY Transportation/Air Quality Conformity Determination – Project Listing (Transit)

PIN	Air Quality	Project Description	MPO	FA Fund Type	FFY 2023	FFY 2024	FFY 2025	FFY 2026	FFY 2026
782091	B10	THIS PROJECT WILL REPLACE 1 WHEELCHAIR VAN FOR THE VOLUNTEER TRANSPORTATION CENTER IN ORDER TO SUSTAIN CONTINUED OPERATIONS. VTC IS LOCATED IN THE CITY OF WATERTOWN, JEFFERSON CO - FTA SECTION 5310	MPO	FTA 5310	\$ 0.049 M	-	-	-	-
782092	B1	THIS PROJECT WILL PROVIDE OPERATING ASSISTANCE FOR TRANSIT OPERATIONS IN ORDER TO ENABLE AND SUSTAIN CONTINUED OPERATIONS OF THE VOLUNTEER TRANSPORTATION CENTER. VTC IS LOCATED IN THE CITY OF WATERTOWN, JEFFERSON CO - FTA SECTION 5310	MPO	FTA 5310	\$ 0.087 M	-	-	-	-
782099	B4/B8	INSTALLATION OF ICE DAM ON BUS GARAGE FACILITY AND PURCHASE OF COMMERCIAL FLOOR CLEANER WITH BATTERY PACK TO MAINTAIN A STATE OF GOOD REPAIR - FTA 5339, CITY OF WATERTOWN, JEFFERSON CO	MPO	FTA 5339	\$ 0.028 M	-	-	-	-
782100	B5	PURCHASE OF HEADWAY SIGNS AND DIGITAL RADIOS FOR FIXED ROUTE BUS FLEET - FTA 5339, CITY OF WATERTOWN, JEFFERSON CO	MPO	FTA 5339	\$ 0.040 M	-	-	-	-
782105	B10	THIS PROJECT WILL REPLACE 1 VAN FOR THE VOLUNTEER TRANSPORTATION CENTER IN ORDER TO SUSTAIN CONTINUED OPERATIONS. VTC IS LOCATED IN THE CITY OF WATERTOWN, JEFFERSON CO - FTA SECTION 5310	MPO	FTA 5310	-	\$ 0.061 M			
782106	B1	THIS PROJECT WILL PROVIDE OPERATING ASSISTANCE FOR TRANSIT OPERATIONS IN ORDER TO ENABLE AND SUSTAIN CONTINUED OPERATIONS OF THE VOLUNTEER TRANSPORTATION CENTER. VTC IS LOCATED IN THE CITY OF WATERTOWN, JEFFERSON CO - FTA SECTION 5310	MPO	FTA 5310	-	\$ 0.050 M			
782107	B10	THIS PROJECT WILL PURCHASE 1 NEW TRANSIT VAN FOR LEWIS COUNTY HEALTH SYSTEMS (WHICH OPERATES IN JEFFERSON COUNTY) IN ORDER TO SUSTAIN/IMPROVE CONTINUED OPERATIONS. LEWIS COUNTY HEALTH SYSTEMS IS LOCATED IN THE CITY OF WATERTOWN, JEFFERSON CO - FTA SECTION 5310	MPO	FTA 5310	-	\$ 0.088 M			

WJCTC and Jefferson County, NY Transportation/Air Quality Conformity Determination – Project Listing (Transit)

PIN	Air Quality	Project Description	MPO	FA Fund Type	FFY 2023	FFY 2024	FFY 2025	FFY 2026	FFY 2026
L RTP1	B10	L RTP LISTED PROJECT TO RESTRUCTURE AND EXPAND CITIBUS TRANSIT SERVICE, ADDING STOPS AND ANOTHER ROUTE, TO REACH THE JEFFERSON-LEWIS BOCES FACILITY AND THE SAMARITAN SUMMIT VILLAGE APARTMENTS IN THE TOWN OF WATERTOWN. AS PROJECT PROGRESSES AND IS ADDED TO TIP IT WILL BE EVALUATED IN GREATER DETAIL.	MPO	-	-	-	-	-	-
L RTP2	B10	L RTP LISTED PROJECT TO ESTABLISH REGIONAL TRANSIT SERVICE IN JEFFERSON COUNTY THAT FEEDS INTO WATERTOWN AND CITIBUS SERVICES THROUGH FIXED ROUTES AND DEMAND-RESPONSE SERVICE. AS PROJECT PROGRESSES AND IS ADDED TO TIP IT WILL BE EVALUATED IN GREATER DETAIL.	MPO	-	-	-	-	-	-
L RTP3	B11	L RTP ILLUSTRATIVE PROJECT TO DEVELOP A MULTI-MODAL, MULTI-AGENCY TRANSIT HUB INTEGRATING SERVICES OPERATED BY CITIBUS, JEFFERSON COUNTY, THE CITY OF WATERTOWN, UBER, LYFT, AND TRAILWAYS. IN THE FUTURE, SHARED MOBILITY SERVICES SUCH AS CARSHARE AND BIKESHARE COULD BE INCLUDED. AN IDEAL LOCATION WOULD BE THE FORMER MERCY HOSPITAL SITE AT 250 STONE STREET. IF PROJECT PROGRESSES AND IS ADDED TO TIP IT WILL BE EVALUATED IN GREATER DETAIL.	MPO	-	-	-	-	-	-

APPENDIX C – Resolution Adopting Determination



Watertown Jefferson County Area Transportation Council

317 Washington Street, Watertown, New York, 13601; 315-785-2354

Resolution 3-2024

Policy Committee Resolution approving Air Quality Conformity Determination

Kristopher H. Reff
Director, Regional Planning &
Program Management
NYSDOT Region 7
MPO Director

Mayor Sarah V. C. Pierce
City of Watertown

Eric Wagenaar
City of Watertown
City Manager

Robert F. Hagemann III
Jefferson County Administrator

John D. Peck
Jefferson County Board of Legislators
Chairman – Policy Committee

Kenneth M. Bibbins
Regional Director
NYSDOT Region 7
Secretary – Policy Committee

Jarrod M. Radley
NYSDOT Region 7
Local Stakeholder Group
Representative

WHEREAS, the Watertown Jefferson County Area Transportation Council (WJCTC) is designated by the Governor of New York State as the Metropolitan Planning Organization (MPO) for the greater Watertown Urbanized Area in Jefferson County; and

WHEREAS, the Planning and Programming area of the Watertown Jefferson County Area Transportation Council is located entirely within Jefferson County; and

WHEREAS, by virtue of inclusion of its Planning and Programming Area within Jefferson County, the WJCTC is considered to be a part of the Jefferson County Non-Attainment area for the 8-hour ozone standard and thus a determination of conformity with the Clean Air Act State Implementation Plan is required as part of the WJCTC 2023-2027 TIP and the 2050 Long Range Transportation Plan per 40 CFR Part 93; and

WHEREAS, the WJCTC has assigned responsibility for approving the conformity determination statement, developed by the WJCTC and NYSDOT, in consultation with the New York State Interagency Consultation Group, to its Technical Advisory Committee; and

WHEREAS, the draft conformity determination concludes that all transportation plans and programs within the Jefferson County Non-Attainment Area, including the WJCTC 2023-2027 TIP and 2050 Long Range Transportation Plan, are in conformity with the State Implementation Plan in accordance with transportation conformity

rules published by the United State Environmental Protection Agency and the New York State Department of Environmental Conservation; and

WHEREAS, the draft conformity determination has undergone a 30-day public comment period that closed on **Month XX**, 2024 with no comments received;

NOW, THEREFORE, BE IT RESOLVED, that WJCTC hereby approves the Jefferson County 8-Hour Ozone Non-Attainment Area Transportation/Air Quality Conformity Determination.

CERTIFICATION OF RESOLUTION

I, the undersigned, duly elected chair of the Watertown Jefferson County Area Transportation Council (WJCTC), do hereby certify that the foregoing is a true and correct copy of WJCTC Policy Committee Resolution 3-2024, adopted by consensus this **XXth** day of **Month** 2024.

Chair

Date