

CHAPTER 10: INTERAGENCY CONSULTATION

10.1 Process Description

Title 40 of the Code of Federal Regulations, Part 93.112 (40 CFR 93.112) of the conformity rule includes procedures for interagency consultation, resolution of conflict, and public consultation of the conformity analysis affecting the Metropolitan Transportation Plan and Transportation Improvement Program.

The Metropolitan Planning Organization must provide reasonable opportunity for consultation with federal, state, and local transportation authorities on several issues described in 40 CFR 93.105. In response to this requirement, the Texas Mobile Source Modeling Technical Working Group and its subcommittees meet regularly to address and consult on various conformity-related topics in the state. Issues discussed include evaluating and choosing models and associated methods, determining regional significant project definitions, conformity documentation format, and review process and requirements, to name a few. Establishment of consultation procedures aid in effective communication, provide equal opportunity to all consultation partners to ask questions, and provide comments and/or concerns that help reach consensus with mutual cooperation. Exhibit 10.1-1 summarizes interagency consultation held during this conformity development, review, and approval. Appendix 12.12 contains all interagency consultation correspondence that occurred before local determination of this conformity document by the Regional Transportation Council. Exhibit 10.1-2 illustrates the consultation process as implemented for this conformity analysis following local policy body approval. Successful completion of this consultation process is key to receiving a favorable conformity determination at the federal level.

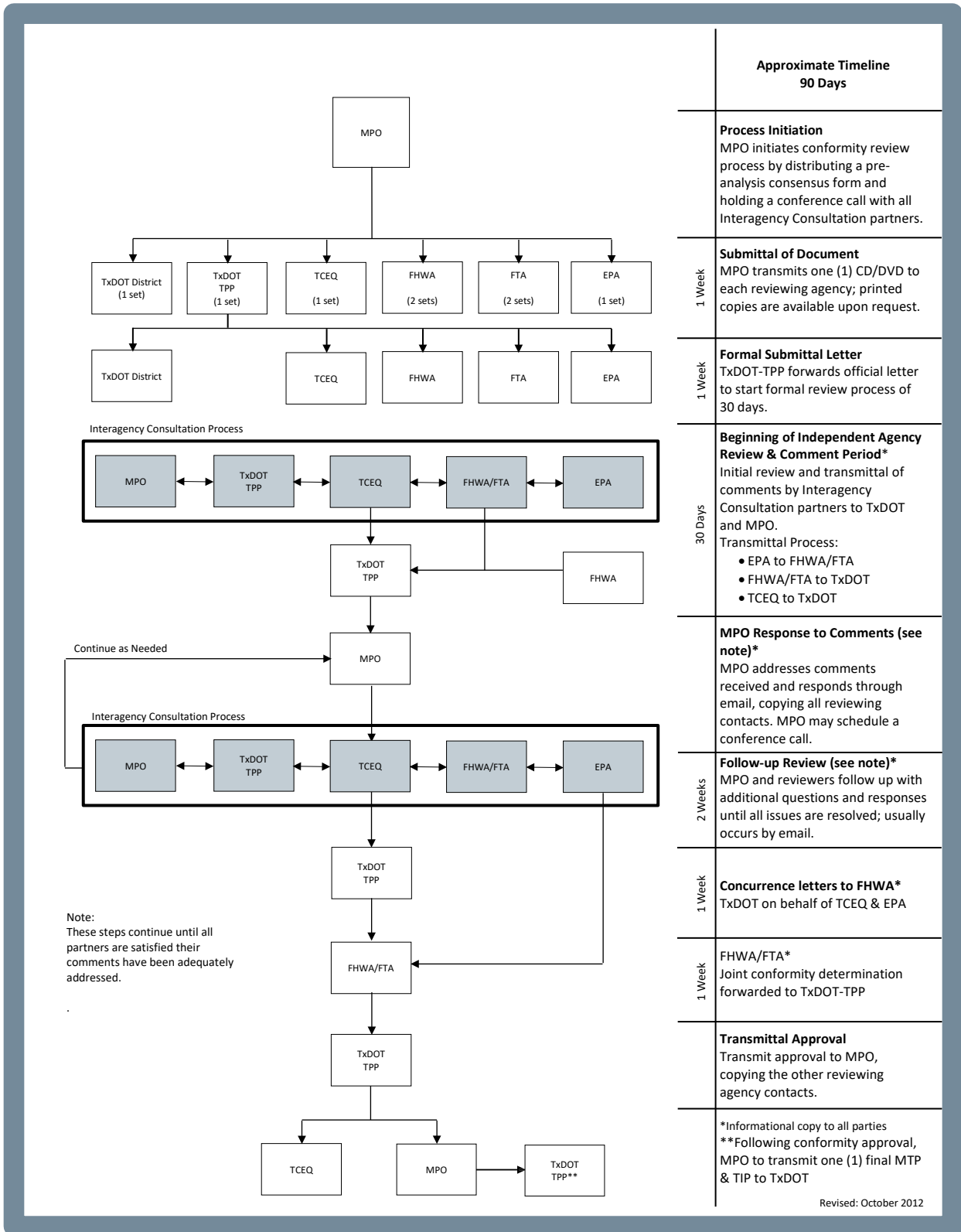
Exhibit 10.1-1: Interagency Consultation Conference Call Participation

Date	MPO	TxDOT	TCEQ	FHWA	EPA	Subject
January 18, 2022	Y	Y	Y	Y	Y	Conformity Pre-analysis Consensus and TIP and Plan Updates
February 23, 2022	Y	Y	Y	Y	Y	Conformity Pre-Analysis Consensus (Conformity Scenarios – Current MVEB (2017) and Anticipated MVEB (2020))
March 4, 2022	Y	Y	Y	Y	Y	Conformity Pre-Analysis Consensus (Conformity Scenarios – Current MVEB (2017) and Anticipated MVEB (2020))
April 7, 2022	Y	Y	Y	Y	Y	Conformity Document Structure and Appendices Review
August 30, 2022	Y	Y	N	Y	Y	Conformity Review (Appendices 12.3 and 12.6)
October 5, 2022	Y	Y	Y	Y	Y	Conformity Review

**Note: Federal Highway Administration acts as executive agent for Federal Transit Administration on transportation conformity determinations.*

NCTCOG followed up with TCEQ after the August 30, 2022, conference call, since TCEQ was unable to attend

Exhibit 10.1-2: Interagency Consultation Process



	Approximate Timeline 90 Days
	Process Initiation MPO initiates conformity review process by distributing a pre-analysis consensus form and holding a conference call with all Interagency Consultation partners.
1 Week	Submittal of Document MPO transmits one (1) CD/DVD to each reviewing agency; printed copies are available upon request.
1 Week	Formal Submittal Letter TxDOT-TPP forwards official letter to start formal review process of 30 days.
30 Days	Beginning of Independent Agency Review & Comment Period* Initial review and transmittal of comments by Interagency Consultation partners to TxDOT and MPO. Transmittal Process: <ul style="list-style-type: none"> EPA to FHWA/FTA FHWA/FTA to TxDOT TCEQ to TxDOT
	MPO Response to Comments (see note)* MPO addresses comments received and responds through email, copying all reviewing contacts. MPO may schedule a conference call.
2 Weeks	Follow-up Review (see note)* MPO and reviewers follow up with additional questions and responses until all issues are resolved; usually occurs by email.
1 Week	Concurrence letters to FHWA* TxDOT on behalf of TCEQ & EPA
1 Week	FHWA/FTA* Joint conformity determination forwarded to TxDOT-TPP
	Transmittal Approval Transmit approval to MPO, copying the other reviewing agency contacts.
	*Informational copy to all parties **Following conformity approval, MPO to transmit one (1) final MTP & TIP to TxDOT

Note:
These steps continue until all partners are satisfied their comments have been adequately addressed.

Revised: October 2012