



Report From the Federal Roundtable: Effective Interagency Consultation

NTAQS

August 14, 2008

Consultation in the Conformity Rule

- 40 CFR §93.105
- §51.390 directs states to develop SIP revision (“Conformity SIP”)
 - Procedures for transportation agencies to consult with air quality agencies before making conformity determinations
 - Procedures for air quality agencies to consult with transportation agencies before making SIP revisions that affect conformity

Consultation: General Factors

- Agency roles & responsibilities
- Process for circulating/commenting on draft documents
- Frequency of consultation meetings
- Process for responding to significant comments
- Process for developing TCMs

Consultation: Specific Processes

- **Federal/State/Local**
 - Choosing models
 - Determining regionally significant minor arterials
 - Determining exempt status of projects
 - Evaluating TCM progress
 - Notification of exempt TIP changes
 - Choosing tests for isolated rural areas

Consultation: Specific Processes

- State/Local
 - Evaluating events that trigger new conformity determinations
 - Consulting on multi-MPO or multi-nonattainment area emissions analyses
- Evaluating conformity in “donut” areas
- Disclosing regionally significant non-Federal projects to the MPO
- Consulting on TDM development
- Providing final documents after approval/adoption

Consultation: Resolving Conflicts

- Between state agencies or state agency-MPO
 - Try to resolve by heads of agencies
 - Air agency has 14 days to escalate to Governor after transportation agency/MPO response
 - Final conformity determination must have Governor's concurrence

Benefits of a Well Executed Process

- Provides the latest planning information to decisionmakers from various agencies
- Provides a forum for effective state and local planning / decision making
- Identifies key issues early in the process



Federal Roundtable Meeting

- DOT/EPA meeting to discuss consultation at the Federal level
- Review commitments in the April 19, 2000 DOT/EPA MOU
- Examine case studies and best practices
- Open discussion on effective interagency consultation

Case Study: North Carolina

- North Carolina's process incorporates a number of tools
 - Conformity Consensus Plan
 - Standardized format for listing planning assumptions (20+ categories)
 - Conformity Timeline
 - Details steps in the process, # days, responsible agency
 - Conformity Process Schedule
 - Shows which phases of the process various MPOs will be in over the next year+
 - Allows agencies to plan workload around meetings and document reviews

| ID | Task Name | Duration | Start | Finish | Predecessor | Resource Names |
|----|---|----------------|---------------------|---------------------|-------------|---------------------------|
| 18 | TAC adopts LRTP pending AQ analysis | 0 days | Thu 10/14/04 | Thu 10/14/04 | 17 | TACs |
| 19 | Transportation Modeling | 58 days | Fri 10/15/04 | Tue 1/4/05 | | |
| 20 | Base year network | 58 days | Fri 10/15/04 | Tue 1/4/05 | 18 | Modelers |
| 21 | Horizon year 1 | 10 days | Fri 10/15/04 | Thu 10/28/04 | 18 | Modelers |
| 22 | Horizon year 2 | 10 days | Fri 10/15/04 | Thu 10/28/04 | 18 | Modelers |
| 23 | Design Year | 10 days | Fri 10/15/04 | Thu 10/28/04 | 18 | Modelers |
| 24 | Extract VMT and speeds | 8 days | Fri 10/29/04 | Tue 11/9/04 | 23 | Modelers |
| 25 | Evaluate speeds and VMT | 7 days | Wed 11/10/04 | Thu 11/18/04 | 24 | TPB |
| 26 | Modeling Complete | 0 days | Thu 11/18/04 | Thu 11/18/04 | 25 | |
| 27 | Emission Analysis | 27 days | Fri 11/19/04 | Mon 12/27/04 | | |
| 28 | Develop Emission Factors | 12 days | Fri 11/19/04 | Mon 12/6/04 | 26 | DAQ |
| 29 | Emission Factors Review | 2 days | Tue 12/7/04 | Wed 12/8/04 | 28 | TPB |
| 30 | Analysis based on TDM | 3 days | Thu 12/9/04 | Mon 12/13/04 | 29 | MPOs/TPB |
| 31 | Off model analysis | 5 days | Tue 12/14/04 | Mon 12/20/04 | 30 | MPOs/TPB |
| 32 | Emission analysis complete | 5 days | Tue 12/21/04 | Mon 12/27/04 | 31 | TPB |
| 33 | Report Preparation | 22 days | Tue 12/28/04 | Wed 1/26/05 | | |
| 34 | Preliminary report preparation | 10 days | Tue 12/28/04 | Mon 1/10/05 | 32 | MPOs/TPB |
| 35 | Prepare draft report | 2 days | Tue 1/11/05 | Wed 1/12/05 | 34 | MPOs/TPB |
| 36 | Internal Review | 5 days | Thu 1/13/05 | Wed 1/19/05 | 35 | MPOs/TPB |
| 37 | Draft Printing & Distribution | 5 days | Thu 1/20/05 | Wed 1/26/05 | 36 | MPOs |
| 38 | Phase 1 IA review | 23 days | Thu 1/27/05 | Mon 2/28/05 | 8 | |
| 39 | DENR Review | 20 days | Thu 1/27/05 | Wed 2/23/05 | 37 | Heather Hildebrandt |
| 40 | FHWA Initial Review | 20 days | Thu 1/27/05 | Wed 2/23/05 | 37 | Eddie Dancausse |
| 41 | FTA Initial Review | 20 days | Thu 1/27/05 | Wed 2/23/05 | 37 | Alex McNeil |
| 42 | EPA Initial Review | 20 days | Thu 1/27/05 | Wed 2/23/05 | 37 | Kelly Sheckler |
| 43 | Respond to agencies comments/IC meeting | 3 days | Thu 2/24/05 | Mon 2/28/05 | 39,40,41,4 | MPOs,TPB,DAQ & FHWA |
| 44 | Phase 1IA complete | 0 days | Mon 2/28/05 | Mon 2/28/05 | 43 | |
| 45 | MPO Determination | 31 days | Tue 3/1/05 | Tue 4/12/05 | | |
| 46 | TCC Recommendation of Draft | 2 days | Tue 3/1/05 | Wed 3/2/05 | 44 | MPOs |
| 47 | TAC Releases the Draft | 0 days | Wed 3/2/05 | Wed 3/2/05 | 46 | MPOs |
| 48 | Public Review (30 calendar days) | 23 days | Thu 3/3/05 | Mon 4/4/05 | 47 | MPO/RPO |
| 49 | Respond to Comments | 5 days | Tue 4/5/05 | Mon 4/11/05 | 48 | FHWA,EPA,FTA,DAQ,SWP,MPOs |
| 50 | TAC Adopts Final | 2 days | Tue 4/5/05 | Wed 4/6/05 | 48 | MPOs |
| 51 | MPO action complete | 0 days | Wed 4/6/05 | Wed 4/6/05 | 50 | |
| 52 | Final Printing & Distribution | 4 days | Thu 4/7/05 | Tue 4/12/05 | 51 | MPOs |
| 53 | Federal Action | 21 days | Wed 4/13/05 | Wed 5/11/05 | | |
| 54 | Transmit Report to FHWA/TPB | 5 days | Wed 4/13/05 | Tue 4/19/05 | 52 | MPOs |
| 55 | FHWA transmit report to EPA & FTA | 5 days | Wed 4/20/05 | Tue 4/26/05 | 54 | Eddie Dancausse |
| 56 | USDOT Determination | 10 days | Wed 4/20/05 | Tue 5/3/05 | 54 | FHWA DA |
| 57 | USDOT Letter to State/MPO | 6 days | Wed 5/4/05 | Wed 5/11/05 | 56 | Eddie Dancausse |
| 58 | Process Complete | 0 days | Wed 5/11/05 | Wed 5/11/05 | 57 | |
| 59 | Conformity Lapse Date | 44 days | Fri 4/15/05 | Wed 6/15/05 | | |

Transportation Conformity Interagency Consultation Task Timeline 2005

| | Jan-05 | Feb-05 | Mar-05 | Apr-05 | May-05 | Jun-05 | Jul-05 | Aug-05 | Sep-05 | Oct-05 | Nov-05 | Dec-05 |
|---|-----------------------|------------------------------------|-----------------------|-----------------------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| AQ Conformity Tools Meeting - NCDOT/FHWA | PM2.5 (a) | PM2.5 (b) | | | | | | | | | | |
| KICK-OFF interagency consultation meeting - all IC partners | | 06-12 TIP | PM2.5 (a) | PM2.5 (b) | | | | | | | | |
| Emission Factor Development - NCDENR | Metrolina | | | | PM2.5 (a) | PM2.5 (b) | | | | | | |
| Review of DRAFT conformity determination report - all IC partners | Triad 05 Rocky Mt. | 06-12 TIP Metrolina | | | | | PM2.5 (a) | PM2.5 (b) | | | | |
| Discuss review comments: interagency consultation meeting - all IC partners | Triangle | Triad 05 Rocky Mt. Metrolina | 06-12 TIP | | | | | PM2.5 (a) | PM2.5 (b) | | | |
| Review and comment letter - NCDENR | Triangle | Triad 05 Rocky Mt. Metrolina | | 06-12 TIP | | | | PM2.5 (a) | PM2.5 (b) | | | |
| Review of FINAL conformity determination report - all IC partners | | Triangle | Triad 05 Metrolina | Rocky Mt. | 06-12 TIP | | | | PM2.5 (a) | PM2.5 (b) | | |
| Review and comment letter - EPA | | Triangle | Triad 05 Metrolina | Rocky Mt. | 06-12 TIP | | | | PM2.5 (a) | PM2.5 (b) | | |
| Conformity determination letter - FHWA/FTA | | | | Triad 05 Metrolina Triangle | Rocky Mt. | 06-12 TIP | | | | | PM2.5 (a) | PM2.5 (b) |

Metrolina (8-hour ozone): Cabarrus (CRMPO), Gaston (GastonMPO), Gaston (d), Iredell (P-d), Lincoln (d), Mecklenburg (MUMPO), Rowan (CRMPO), Union (MUMPO), Union (d)

Triangle (8-hour ozone): Chatham (P-DCHCMPO), Chatham (P-d), Durham (DCHCMPO), Franklin (d), Granville (d), Johnston (d), Orange (DCHCMPO), Orange (BGMPO), Orange (d), Person (d),

Wake (CAMPO)

Triad 04 (1-hour ozone): Davidson (HPMPO), Davidson (WSFMPO), Davidson (d), Guilford (GboromPO), Guilford (BGMPO), Guilford (HPMPO)

Triad 05 (1-hour ozone): Davidson (HPMPO), Davidson (WSFMPO), Davidson (d), Guilford (GboromPO), Guilford (BGMPO), Guilford (HPMPO), Forsyth (WSFMPO), Forsyth (HPMPO), Davie (WSFMPO)

Davie (d)

Rocky Mt. (8-hour ozone): Edgecombe (RMMPPO), Edgecombe (d), Nash (RMMPPO), Nash (d)

06-12 TIP: Rocky Mt., Metrolina, Triangle, Triad

PM2.5 (a) - Proposed: Catawba, Burke, Caldwell

PM2.5 (b) - Proposed: Davidson, Forsyth, Guilford, Randolph, Stokes

Interagency Consultation (IC) Partners: MPO, NCDOT, NCDENR, FHWA, FTA

✓ Conformity Process Complete

(d) = donut

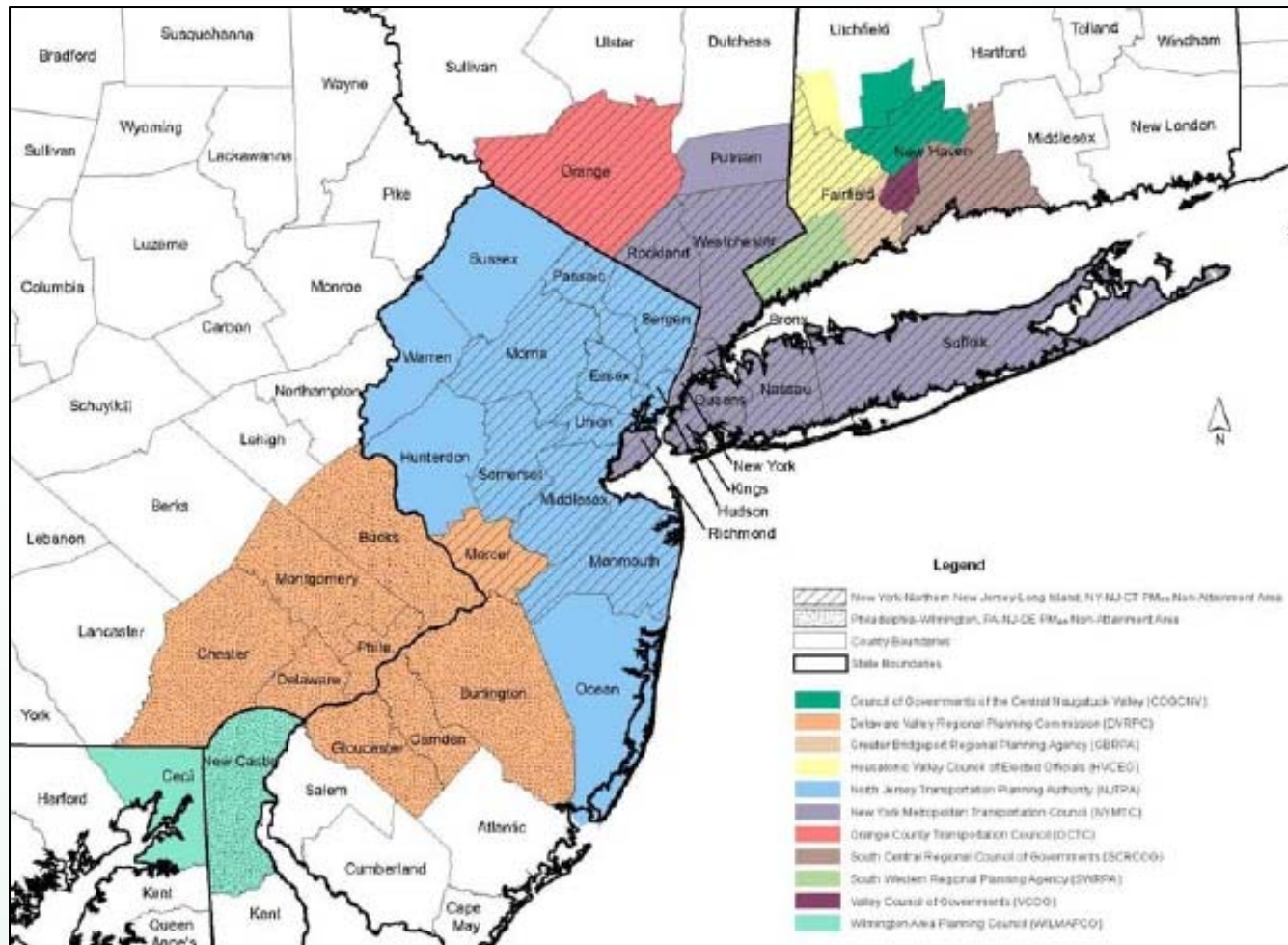
(P)=partial county

11/15/2004

Case Study: New York

- FHWA-NY recently reviewed the consultation process in NY to identify strengths, weaknesses, and areas for improvement
- MPO's responded w/recommendations
 - Set meeting schedule
 - Formally adopted meeting minutes
 - Better understanding and involvement in the SIP process
- NYS interagency group is implementing on a trial basis and will reassess in the near future

Multi-State Case Study



Case Study: Multi-State PM_{2.5} Area

- Nonattainment area involved three states, nine MPOs, three Division offices, two EPA and FTA regional offices
- Partners engaged over a year in advance of the first PM_{2.5} conformity deadline
 - Each agency brought unique perspective and expertise
- Developed procedures for initial and subsequent determinations
- Area met the deadline – demonstrated the benefit of coordinating early and often

Discussion: Effective Consultation

- **Best Practices**
 - Formally adopt meeting minutes
 - Have a pre-determined consultation meeting schedule
 - Determine timelines for conformity for the next year
 - Coordinate SIP & conformity processes
 - Formalize the process
 - Use lessons learned and best practices from other states/regions (e.g. ICC -> US95)
 - Share multi-state approaches

Discussion: Effective Consultation

- **Best Practices**
 - Adopt a Conformity Consensus Plan
 - Share information early and often with all partners
- **Federal roles**
 - Facilitation, training, coordination
 - Interpretation of Federal regulations
 - Ensuring timelines are realistic
 - Technical expertise/advice
 - Early review & input
- **Useful Tools**
 - Table of milestones for conformity process

Discussion: Effective Consultation

- Useful Tools
 - Tools that North Carolina uses
 - Aligned dates in conformity process for multi-jurisdictional areas
 - Videoconferencing/web conferencing for meetings
 - Emails & websites w/meeting minutes, agendas, documents
- Opportunities for streamlining
 - Different process for smaller MPOs? (addresses resource concerns)
 - More up-front project-level conformity consultation
 - Standardized project information format to facilitate project list reviews
 - Align with political realities