

# Appendix 9.6

Interagency Consultative Process  
Meetings Summaries

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**Notes from conference call discussion on the impact of November 2018 EPA  
Guidance Document on the SETRPC-MPO JOHRTS Transportation Conformity  
Analysis/Determination**

**December 4, 2018**

SETRPC MPO  
Bob Dickinson

EPA  
Jeff Riley

TxDOT Austin  
Janie Temple  
Jackie Plough  
Tim Wood  
Laura Norton  
Peggy Thurin

TCEQ  
Jamie Zech  
Mary McGary-Barber  
Aaron Slevin  
Michael Regan

TTI  
Dr. Dennis Perkinson  
Andy Mullins  
Todd Carlson

FHWA  
Anthony Jones  
Barbara Maley  
Jose Campos

TxDOT Beaumont District  
Scott Ayres  
Leanna Sheppard

Following introductions, EPA staff summarized the aspects of the document titled *Transportation Conformity Guidance for the South Coast II Court Decision* which was developed by EPA in November of 2018 and that were pertinent to SETRPC conformity. EPA explained the Beaumont is defined in this guidance as a "Widowed Maintenance Area" in Table 2-1 and is in fact explicitly listed as such an area in the guidance document.

EPA staff reviewed the document's explanation that a conformity determination to the 1997 NAAQS is required for the Beaumont region to adopt or amend an MTP or TIP or advance a non-exempt project after February 16, 2019. EPA covered the details of the content of a transportation conformity for orphan areas. Of most significance to the Beaumont region is the fact that guidance states that no regional emissions analysis is required. EPA explained that this meant there is no requirement to use the latest emissions model or use either the emissions budget test or interim emissions test. Therefore, EPA reviewed the explanation that transportation conformity can be demonstrated by an MPO and DOT for transportation plans and TIPs by meeting the following criteria:

- Use of the latest planning assumptions,
- Timely implementation of any approved SIP TCMs
- Consultation requirements
- Fiscal constraint

Following discussion of this information, it was pointed out that nothing in the guidance would preclude the MPO from continuing to work on and perform a regional emissions analysis and include in the conformity determination.

The Beaumont MPO staff inquired as to whether there would be any advantage to continuing the effort to perform a regional emissions analysis and include in the conformity determination. None of significance was offered by anyone on the call

A question was asked of EPA regarding potential legal challenge to the guidance. EPA responded that based on conversation with EPA counsel, they expected no challenge.

FHWA staff then went through an explanation of what actions regarding the 2019-2022 TIP and the 2040 MTP could be taken before and after the February 2019. FHWA staff discussed the 4-year conformity and 5-year MTP update requirements.

TCEQ staff commented that the requirements of this guidance are essentially those required under a limited maintenance plan.

FHWA staff then explained for the group that travel demand modeling would still be an activity for the MPO to engage in, but solely for the purposes of support the MTP/TIP development and other planning processes of the MPO.

FHWA staff also explained that the conformity process would still be taking place, including development of a pre-analysis consensus plan. As part of this discussion FHWA highlighted a template that they had developed and transmitted that could serve as a guideline to the MPO for the content of what should be included in a conformity document that does not require a regional emissions analysis.

There was some discussion of timing with respect to performance of travel demand modeling, with respect to possible needed TIP amendments.

The call concluded with MPO staff stating that they would engage in follow-up conversations with TxDOT TPP and the Beaumont District to ensure there is consistent understanding of timing and content of materials needed for conformity documentation and MTP and TIP amendment or development.



**South East Texas Regional Planning Commission-  
Metropolitan Planning Organization (SETRPC-MPO)  
Transportation & Environmental Resources Division**

**JOHRTS TRANSPORTATION CONFORMITY PRE-ANALYSIS CONSENSUS PLAN  
INTERAGENCY CONSULTATION CONFERENCE CALL**

**THURSDAY, May 2, 2019**

**11:30 A.M.**

AGENDA

- I. WELCOME AND INTRODUCTIONS
- II. PURPOSE
- III. DRAFT SETRPC-MPO JOHRTS TRANSPORTATION CONFORMITY PRE-ANALYSIS CONSENSUS PLAN FOR THE DRAFT JOHRTS MTP-2045 AND THE DRAFT REVISED JOHRTS FY 2019-2022 TIP
- IV. QUESTIONS AND ANSWERS
- V. NEXT STEPS
- VI. ADJOURNMENT

JOHRTS TRANSPORTATION CONFORMITY PRE-ANALYSIS CONSENSUS PLAN  
INTERAGENCY CONSULTATION CONFERENCE CALL

May 2, 2019

11:30 A.M

SETRPC-MPO

Bob Dickinson

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Bob Dickinson began the meeting by mentioning that the SETRPC-MPO has completed the first step in the planned '2-stage' process of the JOHRTS MTP-2040 and the JOHRTS FY 2019-2022 TIP conformity analysis with the approval by the JOHRTS TPC of the conformity analysis for the JOHRTS MTP-2040 and the JOHRTS FY 2019-2022 TIP on April 23<sup>rd</sup>. The SETRPC then transmitted the conformity analysis documentation to the consultative partners for the official review process as called for in the Conformity SIP.

Bob explained that as decided based on prior discussion, upon submittal of conformity analysis & documentation for the JOHRTS MTP-2040 and the JOHRTS FY 2019-2022 TIP, SETRPC is now beginning to work on the conformity for the Draft JOHRTS MTP-2045 and Draft Revised JOHRTS FY 2019-2022 TIP. Bob stated that this effort is the main purpose of this call. SETRPC has completed and sent out for review by partners an initial draft of a conformity Pre-Analysis Consensus Plan. Bob mentioned that SETRPC plans to begin a public comment period for the Draft JOHRTS MTP-2045 and Draft Revised JOHRTS FY 2019-2022 TIP conformity on May 31 and close the public comment period on July 1. Following the public comment period, Bob said the SETRPC TPC would be asked to adopt the Draft JOHRTS MTP-2045 and Draft Revised JOHRTS FY 2019-2022 TIP. Bob stated this schedule is important as there are a couple of important large TxDOT projects in the TxDOT STIP/TIP and that the deadline for inclusion of projects in that document is August 2019.

Bob then invited FHWA staff to offer their comments on the draft Pre-Analysis Consensus Plan.

Jose Campos offered the following comments.

*Page 1 – remove the term 'Draft' from references to the JOHRTS MTP-2045 and Revised JOHRTS FY 2019-2022 TIP. The conformity analysis will not be on 'draft' documents but will be on the final documents.*

Bob Dickinson responded that the term 'draft' would be removed.

*Page 2 – regarding listing of 2020-2045 being the years covered by the MTP in Table 2, Jose asked in what way would the remainder of FY 2019 be covered as the JOHRTS MTP-2045 and Revised JOHRTS FY 2019-2022 TIP will be approved in July 2019.*

Bob Dickinson replied that he would check to see where 2019 would be located relative to the MTP years.

*Tables 3 and 4 – Jose commented about the 'n/a's shown in these tables might benefit from adding an explanation as to why there was no need to include this information. Jose noted that the explanation that the November conformity guidance allowed for conformity determinations without regional emissions analysis was included in other portions of the Pre-Analysis Consensus Plan document – for instance ahead of Table 5. Jose stated that he felt it would be appropriate to include that same explanation ahead of Table 3.*

Bob Dickinson replied that the explanation regarding the November conformity guidance not requiring emissions analysis could be added ahead of these tables.

Jose asked about use of the term 'air quality network' in the description of Regionally Significant Projects in Table 7. Jose asked if that term was accurate since the network is a travel demand model dataset and perhaps a more accurate term would be something like 'travel model network'.

Andy Mullins responded by saying that the term 'air quality network' should be changed to 'model network' and would be changed.

Jose concluded his comments by saying the need for explanation of the reason for the term 'n/a' already discussed also applied to the table (Table 17) on the last page of the document.

Bob Dickinson then asked if others had comments.

Jamie Zech stated she had no comments

Jeff Riley said he had no comments

Phillip Tindall said he concurred with Jose's comments

Bob Dickinson then reminded the group that SETRPC-MPO was operating under the assumption that, like the JOHRTS MTP-2040 and the JOHRTS FY 2019-2022 TIP conformity documentation, the consultative partners agreed to an accelerated timeline (parallel processing) to review the SETRPC-MPO Transportation Conformity document, the Draft JOHRTS Metropolitan Transportation Plan (MTP-2045) and the Draft Revised JOHRTS FY 2019-2022 Transportation Improvement Program (TIP).

Bob Dickinson then asked FHWA staff if they could state a time estimate for the formal review of the JOHRTS MTP-2040 and the JOHRTS FY 2019-2022 TIP conformity document package that was recently submitted.

Barbara Maley responded by asking if the comments FHWA had added to the draft document which they provided to the SETRPC-MPO were included in the submitted document. Bob Dickinson stated that the comments were incorporated into the final document. Barbara Maley replied that she would be able to compare the submitted document to the document in which they commented and make verification easier.

Jamie Zech stated that she has already initiated the review process and started routing the approval memo.

Anthony Jones responded to Bob by stating there may be some new possible language that needs to be added to the package given that the JOHRTS MTP-2040 document was developed some time ago and may not include some newer required language. Anthony stated that he would be getting with Barbara and Jose about this possible language and get back with Bob.

Bob Dickinson stated that SETRPC would revise the Draft Pre-Analysis Consensus Plan based on comments during this call and re-transmit to the consultative partners.

FHWA staff asked Bob when the JOHRTS TPC is scheduled to approve the JOHRTS MTP-2040 and the JOHRTS FY 2019-2022 TIP conformity.

Bob Dickinson replied the date is July 18<sup>th</sup> for that approval.

FHWA staff asked about the question of timing and the need to have the 2 projects be able to be added to the August STIP. FHWA asked if the region was at risk for losing any funds.

Bob Dickinson stated that there was no risk of losing funds.

Bob Dickinson thanked all participants and concluded the conference call @ 12:02 PM.