



U.S. Department
of Transportation

Federal Transit Administration
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October 27, 2009

James A. Aloisi Jr., Secretary
Jeffrey B. Mullan, Incoming MassDOT Secretary/CEO
Executive Office of Transportation and Public Works
State Transportation Building
10 Park Plaza, Room 4150
Boston, MA 02116

Re: Approval of Massachusetts FY 2010-2013 Statewide Transportation Improvement Program (STIP)

Dear Secretary Aloisi:

The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) have completed our joint review of the FY 2010 - 2013 Massachusetts STIP transmitted to us on September 30, 2009. The FHWA and FTA are making the following determinations:

- The projects in the STIP are based on a planning process that substantially meets the requirements of Title 23 U.S.C., the Federal Transit Act and Subparts A, B, and C of 23 CFR 450.
- The Transportation Improvement Programs (TIPs) are based on a continuing, comprehensive transportation planning process carried on cooperatively by the State, the ten MPOs and three non-metropolitan regions, and the transit operators in accordance with the Federal Transit Act.

The FHWA is concerned about the proposed level of investment for the Interstate Maintenance (IM) Program, the National Highway System (NHS) Program and the Highway Safety Improvement Program (HSIP). These are important priority program areas for which adequate levels of investment need to be sustained to ensure a safe and reliable transportation system. Specifically, the FHWA is requesting that a pavement management analysis be performed for the IM and the NHS using MassHighway's pavement management model to objectively look at different scenarios and the resulting impacts on pavement conditions.

Because we do not have the analytical tools to conduct an objective analysis of different investment scenarios for the HSIP program, we would recommend that, as a minimum, the annual funding levels be adjusted for inflation. After years of lagging obligations in the HSIP program, we are concerned that backsliding of this program could result in a lapse of funds. To prevent a lapse of HSIP funds in this category, we recommend a minimum of \$15 million be obligated annually.

The FHWA would also like to see an analysis of the Bridge Program that looks at the investments in bridges over the four years of the STIP, as well as the investments that will be made through the Accelerated Bridge Program. It would be informative to gauge the


progress that is expected to be made over the next four years regarding the number of structurally deficient bridges and other bridge needs identified by the PONTIS model.

The Boston Region MPO has also amended their Journey To 2030 Regional Transportation Plan to add the required substituted Transportation Control Measures (TCMs). The demonstration of timely implementation of TCMs in the State Implementation Plan (SIP) is required for a conformity determination. In order to ensure that the TCMs are completed as scheduled, the Executive Office of Transportation and Public Works shall prepare monthly progress reports to the FTA, FHWA and the Environmental Protection Agency (EPA). In addition to these progress reports EOT* shall convene monthly meetings with all interested parties to discuss the status of each TCM. This reporting requirement will be effective starting November 2009.

On October 26, 2009, the FHWA received a list of recommended FY 2010 American Recovery and Reinvestment Act (ARRA) projects for the balance of the remaining ARRA transportation funds of approximately \$170 million. The Commonwealth has asked the MPOs to consider amending these projects into their TIPs over the next several weeks. In considering the programming of the remaining ARRA funds, we remind the State and the MPOs that ARRA projects will need to be "shovel ready" and obligated by March 2, 2010. All project funds must be fully expended no later than 2015. For a number of the projects recommended by the Commonwealth, a considerable effort will need to be undertaken to meet all Federal requirements necessary for the projects to be fully obligated and considered "shovel ready". Any portion of the ARRA funds that is not obligated by March 2, 2010 will be withdrawn and redistributed to other States that have obligated their funds in a timely manner. Concurrently the State will need to demonstrate compliance with the ARRA required of maintenance of effort (MOE) by sustaining the level of transportation investments and advancing project commitments planned for prior to the allocation of ARRA funds. FTA is also awaiting a final determination by the State on projects to be funded with the remaining ARRA transit funding available to the Boston urbanized area.

The FY 2010- 2013 STIP is hereby approved. If you have any questions, please let us know.

Sincerely,



Richard H. Doyle
Regional Administrator
Federal Transit Administration



Lucy Garliauskas
Division Administrator
Federal Highway Administration

cc: Luisa Paiewonsky, Commissioner, MassHighway
David Mohler, Deputy Secretary for Planning, EOTPW
Ira W. Leighton, Acting EPA Regional Administrator
Laurie Burt, Commissioner, Massachusetts DEP
Massachusetts Regional Planning Agencies

Planning Finding

MPO Membership

In light of the legislation that created the new Massachusetts Department of Transportation, the MPOs will need to develop a new Memorandum of Understanding (MOU) to outline the mutual roles and responsibilities and procedures governing the voting membership of the MPOs. This relationship will have to be specified in an agreement between the State, the transit operator, planning commission and any other applicable entity.

Boston Region MPO Certification Review

The certification of the Boston Region MPO is valid until July 1, 2010. This certification is based on USDOT's review of the MPO's planning process and work products.

* After November 1, 2009 this will become the responsibility of MassDOT.



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**Re: Massachusetts Air Quality Conformity Determinations
FY 2007-2030 Regional Transportation Plans
FY 2010-2013 Transportation Improvement Programs**

Dear Secretary Aloisi:

The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) have completed the air quality conformity reviews of the Regional Transportation Plans (RTPs) and the Transportation Improvement Programs (TIPs) for the ten Metropolitan Planning Organizations (MPOs) and the three non-metropolitan planning regions in Massachusetts.

The review was conducted in accordance with the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy For Users (SAFETEA-LU), and the Transportation Conformity Rule as amended, dated March 10, 2006.


The Boston Region MPO has amended their Journey To 2030 Regional Transportation Plan (RTP) to add the required substituted Transportation Control Measures (TCMs). The demonstration of timely implementation of TCMs in the State Implementation Plan (SIP) is required for a conformity determination. In order to ensure that the TCMs are completed as scheduled, the Executive Office of Transportation and Public Works shall prepare monthly progress reports to the FTA, FHWA and the Environmental Protection Agency (EPA). In addition to these progress reports EOT* shall convene monthly meetings with all interested parties to discuss the status of each TCM. This reporting requirement will be effective starting November 2009.

Based on our joint evaluation of the air quality conformity analyses of the RTPs and TIPs, the recommendations received from the EPA on October 22, 2009, concurrence received from the Massachusetts Department of Environmental Protection on October 26, 2009, and the independent air quality conformity determinations made by the MPOs, we have determined that the RTPs and TIPs are in conformity with the Clean Air Act and the EPA conformity regulations (40 CFR part 51).


Future conformity will be based on routine monitoring, periodic reviews, and evaluation of the planning processes and timely implementation of the TCMs. The conformity determinations of the RTPs and TIPs will remain in effect until such time as a new determination is required either by regulation or revisions to the respective documents.

Should you have any questions regarding the air quality conformity determinations, please let us know.

Sincerely,



Richard H. Doyle
Regional Administrator
Federal Transit Administration



Lucy Garbaskas
Division Administrator
Federal Highway Administration

- cc: Luisa Paiewonsky, Commissioner, MassHighway
- David Mohler, Deputy Secretary for Planning, EOTPW
- Ira W. Leighton, Acting EPA Regional Administrator
- Laurie Burt, Commissioner, Massachusetts DEP
- Donald O. Cooke, Environmental Scientist, EPA
- Massachusetts Regional Planning Agencies

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