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DEC 22 2010

Jeffrey B. Mullan  
Secretary & CEO  
Massachusetts Department of Transportation (MassDOT)  
State Transportation Building  
10 Park Plaza, Suite 3170  
Boston, MA 02116

Dear Secretary Mullan:

**Re: Approval of Massachusetts FY 2011-2014 Statewide Transportation  
Improvement Program (STIP)**

The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) have completed our joint review of the FY 2011 - 2014 Massachusetts STIP transmitted to us on September 28, 2010. 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, the three non-metropolitan regions, and the transit operators in accordance with the Federal Transit Act.
- Attached to this letter are several deficiencies identified in the planning process that requires the attention of MassDOT.

We have discussed eligibility requirements with your staff regarding the eligibility requirements for the redistribution of obligation authority for FY 2011, and our review of the certified Maintenance of Effort (MOE). The FHWA notified your office regarding the reporting requirement in the MOE provision in the American Recovery and Reinvestment Act of 2009 on March 17, 2010, as a follow-up to a letter that was sent to Governor Deval Patrick by U.S. Transportation Secretary Ray LaHood on February 9, 2010. The State did not maintain its certified level of expenditures, which was required to participate in the August 2011 redistribution of the limitation on obligations for

Federal-Aid Highway Programs. Therefore, MassDOT will need to submit a STIP amendment to the FHWA to remove \$40 million, which was the estimate of the redistribution of Federal-Aid Highway programs for FY 2011. We will continue to monitor whether there are any changes in the eligibility requirements, but until such time MassDOT will need to advance an amendment in order to meet the financial constraint. Please transmit an amendment to account for the \$40 million no later than March 31, 2011.

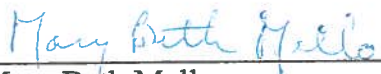
The State is commended on the significant investment in Massachusetts bridges through the Accelerated Bridge Program (ABP) that is projected to reduce the number of structurally deficient bridges in the state system. At this time, the FHWA would like to see an analysis of the Bridge Program that looks at the investments in bridges over the four years of the STIP, as well as the investments that will be made through the ABP. 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. This analysis is certainly needed and should inform metropolitan decision making in the development of the regional transportation plans.

The FHWA is commending the leadership of the Office of Transportation Planning in working with the Transportation Manager's Group to develop a strategy on the need to determine the cost of maintaining the Federal Aid System through the Pavement Management/Maintenance Subcommittee. Much like the effort on PONTIS, this should also provide input into the regional transportation plans.

We would like to work with you in developing performance management principles for several highway programs, including the IM and the NHS. These performance measures should reflect national and state goals, and we look forward to working together on performance management principles in the planning process.

We will work with you to expedite project delivery to ensure an uninterrupted program. The FY 2011- 2014 STIP is hereby approved, and should you have any questions, please let us know.

Sincerely,



Mary Beth Mello  
Regional Administrator  
Federal Transit Administration



Richard J. Marquis  
Acting Division Administrator  
Federal Highway Administration

cc: David J. Mohler, OTP Executive Director, MassDOT  
Luisa Paiewonsky, Highway Division Administrator, MassDOT  
Curtis Spalding, EPA Regional Administrator

**Laurie Burt, Commissioner, Massachusetts DEP**  
**Donald O. Cooke, Environmental Scientist, EPA**  
**Massachusetts Regional Planning Agencies**

## **Planning Findings for Approval of STIP FY2011 –FY 2014**

### **Memorandum of Understanding**

In light of the legislation that created MassDOT, 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 in accordance with 23 CFR §450.314. This relationship will have to be specified in an agreement between the State, the transit operator, planning commission and any other applicable entity. The new MPO agreements should be in place no later than March 31, 2011.

### **Annual Listing of Obligated Projects**

The Regional Planning Agencies have been publishing a list of highway projects advertised in the preceding program year. However in accordance with 23 CFR §450.332, the planning regulations specifically require that the list include all federally funded projects authorized or revised to increase obligations in the preceding year. This includes but is not limited to advance construction conversions, highway and transit projects. This list will need to be published or otherwise made available in accordance with the MPO's public participation criteria in the TIP.

### **Grouped Projects**

As discussed with your staff, projects that are considered to be of an appropriate scale for individual identification in a given program should be specifically identified in the STIP from all of the statewide line items. The individual projects will need to be in the STIP prior to a request for authorization of those funds.

### **Project Programming**

MassDOT is advancing several major projects in the environmental process, including I-93 Lowell Junction and the Methuen Rotary. The construction phase of these projects does fall within the timeframe of the FY 2011-2014 STIP, and these projects will need to be added to the STIP with an amendment prior the FHWA being able to take an action on the environmental documents.

### **State Implementation Plan**

The demonstration of timely implementation of Transportation Control Measures (TCMs) in the State Implementation Plan (SIP) is required for a conformity determination. In accordance with the Environmental Protection Agency's (EPA) final rulemaking approving Massachusetts' Transit System Improvements SIP revision, before December 31, 2014, the Green Line Extension from Lechmere Station to Medford Hillside, and the Green Line Union Square branch of the Green Line Extension to Medford Hillside must be constructed and open to the public. The MassDOT has acknowledged that this project may no longer be completed or operational by its required schedule date as set forth by the SIP.

### Interim Emission Offset Projects

MassDOT intends to submit a petition to delay the Green Line Extension project in January 2011, and interim emission offset projects or measures must be in place by the time of the project's operational date to achieve emission reductions, equal to or greater than the emissions' reductions that would have been achieved had the project not been delayed. The EPA recommends that the FHWA and FTA require MassDOT to submit reports that would identify individual project progress and report on measures being implemented to overcome delays and complete the projects as expeditiously as possible. Reaffirm the continued priority of funding to the SIP-approved TCM projects; report on the quantity of emissions offsets needed; and quantify the actual benefit of interim emission offset projects. The FHWA and FTA have acknowledged that MassDOT has been providing monthly updates on the TCMs at the Boston Region MPO's Transportation Planning and Programming Committee.

### Revenue and Cost Estimates for the STIP

The revenue and cost estimates for the STIP must use an inflation rate to reflect "year of expenditure dollars" based on reasonable financial principles and information, developed cooperatively by the MPOs, State and public transportation operators (23 CFR §450.324). In their effort to meet this regulatory requirement, MassDOT has reduced the amount of funding available for the second through the fourth year of the STIP by 4% compounded annually for MPO target and statewide bridge funding amounts. However, this method has not been applied to other statewide funding such as Interstate Maintenance (IM), National Highway System (NHS) and the Highway Safety Improvement Programs. Please provide a schedule for meeting this regulatory requirement for all highway and transit projects in the STIP.

### Lapsing Funds

There are several highway programs where the funds have the possibility of lapsing in FY 2011. The funding categories include the Railway-Highway Crossings, Recreational Trails and the Congestion Mitigation and Air Quality program. Please consider this potential lapse in your future programming.

### Stormwater Runoff

The FHWA has discussed with your staff corrective measures to address the impacts of storm water runoff from highways, and looks forward to an amendment of the STIP for the clean-up of impaired waterways. Please include a figure for each year of the STIP, FY 2011-2014.

