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David J. Mohler
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Massachusetts Department of Transportation
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October 7, 2022

Subject: Federal Fiscal Year (FFY) 2023-2027 Statewide Transportation Improvement Program

Dear Mr. Mohler:

The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) have completed a joint review of the FFY 2023-2027 Massachusetts Statewide Transportation Improvement Program (STIP) and of the associated FFY 2023-2027 Transportation Improvement Programs (TIPs) adopted by the Metropolitan Planning Organizations (MPOs). Based on this review, FHWA and FTA hereby approve the FFY 2023-2027 STIP subject to the resolution of one corrective action:

Corrective Action:

The STIP and TIPs must be fiscally constrained and should include a financial plan that “demonstrates how the approved STIP can be implemented, indicates resources from public and private sources that are reasonably expected to be available to carry out the STIP, and recommends any additional financing strategies for needed projects and programs” (23 CFR Part 450.218 and 23 CFR Part 450.326).

We commend recent efforts by MassDOT staff to continue to hold regular meetings between OTP, FAPRO and FHWA to ensure alignment between the STIP investment report, the fiscal constraint analysis, and reporting from FAPRO. Based on recent STIP actions, however, we find that financial planning within the STIP remains an unclear and challenging process.

FHWA and FTA request that MassDOT work to significantly improve and clarify STIP financial reporting. In particular, MassDOT should update the following items by **December 30, 2022**:

1. Verify the accuracy of apportionments, obligation limitations, and available funding for all Title 23 and Title 49 formula programs and ensure timely updates based on new information [see 23 CFR Part 450.218 (l)].

2. Document, directly in the STIP document or in a publicly-available appendix, the assumptions and sources for available funding and the categorization of Federal funding sources in the STIP.
3. Verify that all project and cost information is included within exported reports for FHWA and FTA, as submitted amendments become the FHWA and FTA documents of record after approval [see 23 CFR Part 450.220(b)]. The STIP Investment Report and Fiscal Constraint Analysis Report that are submitted with each STIP action must be accurate and complete, and there must be no discrepancies between the exported reports and eSTIP at the time of submittal.

Pending resolution of the corrective action noted above, FHWA and FTA make the following determinations:

- FHWA and FTA find that the FFY 2023-2027 STIP and the associated FFY 2023-2027 TIPs are based on a continuing, cooperative, and comprehensive transportation planning process that substantially meets the requirements of 23 U.S.C. §§ 134 and 135, 49 U.S.C. §§ 5303 and 5304, and 23 CFR § 450 subparts A, B, and C.
- FHWA and FTA have determined the FFY 2023-2027 STIP is fiscally constrained for the first four years.
- And, FHWA and FTA issued a joint conformity finding on September 30, 2022, stating that the FFY 2023-2027 TIPs and Metropolitan Transportation Plans are in conformity with the State Implementation Plan, are consistent with the Clean Air Act, and are consistent with the Environmental Protection Agency's conformity regulations as stated in 40 CFR Parts 51 and 93.

In support of our determination, we have attached a planning finding that contains additional recommendations and observations to help strengthen the Statewide and metropolitan transportation planning and program development processes. As shown, the 2023-2027 STIP Federal Planning Finding includes one commendation and one corrective action, with a requested response to the corrective action by November 7, 2022.

Based on our review and the Federal Planning Finding, FHWA and FTA jointly approve this STIP with one corrective action. Approval of the STIP does not constitute project or grant approval. Both FHWA and FTA may need additional information on specific projects in the approved STIP when project advertisement or grant submission approval is requested.

We look forward to the continued cooperation of you and your staff in efforts to carry out the statewide and metropolitan planning processes in an effective manner.

Sincerely,

Ken Miller
Acting Division Administrator
Federal Highway Administration

Peter Butler
Regional Administrator
Federal Transit Administration

cc: Jonathan L. Gulliver, Highway Division Administrator, MassDOT
Massachusetts Regional Planning Agencies
Ariel Garcia, Environmental Protection Specialist, EPA Region 1
Sharon Weber, Massachusetts DEP

**FHWA Massachusetts Division/FTA Region 1 Review Documentation
in support of the
FHWA/FTA PLANNING FINDING
and approval of the
MASSACHUSETTS DEPARTMENT OF TRANSPORTATION
FFY 2023-2027 STATEWIDE TRANSPORTATION IMPROVEMENT
PROGRAM**

Introduction

In order to approve the Statewide Transportation Improvement Program (STIP), including Transportation Improvement Programs (TIPs) contained by reference or directly in the STIP, the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) must make a finding that the STIP and TIPs are based on a transportation planning process that meets the requirements of 23 U.S.C. §§ 134 and 135, 49 U.S.C. §§ 5303 and 5304, and 23 CFR Part 450 and that the TIPs are consistent with the metropolitan transportation plans produced by the continuing and comprehensive transportation process carried on cooperatively by the metropolitan planning organizations (MPOs), the State(s), and the public transit operator(s).

The statewide and metropolitan planning finding is based on the self-certification statements submitted by the Massachusetts Department of Transportation (MassDOT) and the MPOs under 23 CFR Part 450.220 and 23 CFR Part 450.336. It is also based upon review of supporting documentation, routine FHWA/FTA involvement in the statewide and metropolitan planning processes, public involvement, and a determination of fiscal constraint.

This documentation supports the planning finding for MassDOT's Federal Fiscal Year (FFY) 2023-2027 STIP and the incorporated TIPs for the following ten MPOs and three rural transportation planning organizations (TPOs): Berkshire Region MPO, Boston Region MPO, Cape Cod MPO, Central Massachusetts MPO, Franklin County TPO, Martha's Vineyard TPO, Merrimack Valley MPO, Montachusett MPO, Nantucket TPO, Northern Middlesex MPO, Old Colony MPO, Pioneer Valley MPO, and Southeastern Massachusetts MPO.

Observations and Findings of the Planning Process

The below table identifies observations and findings that have been identified by FHWA and FTA. Findings can include Corrective Actions, Recommendations and Commendations.

Corrective Actions are defined as items that do not meet statutory and regulatory requirements and require an action by MassDOT and/or the MPOs. **Recommendations** are items that meet statutory and regulatory requirements but represent opportunities to improve the transportation planning processes. Recommendations are optional and do not require action by MassDOT or the MPOs but are strongly encouraged. **Commendations** are items that demonstrate innovative, highly effective, and well-thought-out procedures for implementing the planning requirements or represent a national model for implementation. FHWA and FTA expect MassDOT to submit an Action Plan for the below corrective action by November 7, 2022 and encourage MassDOT to also respond to the recommendations noted below in that Action Plan.

This approval of the FFY 2023-2027 STIP includes one (1) commendation, one (1) corrective action, and three (3) recommendations.

FINDING	TOPIC	DESCRIPTION / OBSERVATION
Commendation	Shared Streets and Safety	<p>MassDOT sets a strong example of leading practices for safety and design for multimodal, shared streets and spaces. In FY2022, MassDOT worked with hundreds of cities and towns across the Commonwealth to implement the Shared Streets and Spaces Grant Program, which supports quick improvements to mobility and safety on municipal streets throughout the State.</p> <p>In addition, MassDOT’s Office of Safety and its Office of Transportation Planning have shown exemplary coordination when working with MPOs and municipalities to improve safety in each town and region, as well as statewide. The Office of Safety has created multiple user-friendly data dashboards for planners, safety engineers, and designers easily to access information related to crashes and crash locations. The office has also worked to improve crash reporting and enhance the usability of crash data to identify high crash locations and to promote proven countermeasures throughout the state. Finally, MassDOT has encouraged all municipalities to adopt a complete streets policy and to promote safe speeds on municipal roadways through dedicated technical support, training, and outreach.</p>
Corrective Action	Financial Planning and Fiscal Constraint	<p>The STIP and TIPs must be fiscally constrained and should include a financial plan that “demonstrates how the approved STIP can be implemented, indicates resources from public and private sources that are reasonably expected to be available to carry out the STIP, and recommends any additional financing strategies for needed projects and programs” (23 CFR Part 450.218 and 23 CFR Part 450.326).</p> <p>We commend recent efforts by MassDOT staff to continue to hold regular meetings between</p>

		<p>OTP, FAPRO and FHWA to ensure alignment between the STIP investment report, the fiscal constraint analysis, and reporting from FAPRO. Based on recent STIP actions, however, we find that financial planning within the STIP remains an unclear and challenging process.</p> <p>FHWA and FTA request that MassDOT work to significantly improve and clarify STIP financial reporting. In particular, MassDOT should update the following items by December 30, 2022:</p> <ol style="list-style-type: none"> 1. Verify the accuracy of apportionments, obligation limitations, and available funding for all Title 23 and Title 49 formula programs and ensure timely updates based on new information [see 23 CFR Part 450.218 (1)]. 2. Document, directly in the STIP document or in a publicly available appendix, the assumptions and sources for available funding and the categorization of Federal funding sources in the STIP. 3. Verify that all project and cost information is included within exported reports for FHWA and FTA, as submitted amendments become the FHWA and FTA documents of record after approval [see 23 CFR Part 450.220(b)]. The STIP Investment Report and Fiscal Constraint Analysis Report that are submitted with each STIP action must be accurate and complete, and there must be no discrepancies between the exported reports and eSTIP at the time of submittal.
<p>Recommendation</p>	<p>Planning and Environmental Linkages</p>	<p>Planning and Environmental Linkages (PEL) was highlighted as a 2021 Planning Emphasis Area. PEL encourages close coordination between the transportation planning process and the environmental review process to better inform the overall transportation decision-making process and streamline project delivery. It is unclear MassDOT planning and environment staff sufficiently engage with one another when conducting transportation planning studies and in general. One of the</p>

		<p>benefits of PEL includes improved communication and relationships and better coordination throughout the project lifecycle. We encourage MassDOT planning and environment staff to coordinate regularly on activities and planning studies, which will improve the sharing of information, eliminate duplicative efforts in the planning and environmental processes, result in better environmental outcomes, accelerate project delivery, and improve communication, while breaking down organizational silos.</p>
<p>Recommendation</p>	<p>Public Participation Plan and Virtual Public Involvement</p>	<p>MassDOT’s Public Participation Plan (PPP) was last updated in 2014, with an update initially anticipated in fall 2020. MassDOT has yet to finalize the current PPP update, per 23 CFR Part 450.210 (a). At the same time, MassDOT has been encouraging MPOs and RTPOs to utilize guidance from the Office of Diversity & Civil Rights (ODCR) to update their respective PPPs as part of Unified Planning Work Program (UPWP), per 23 CFR Part 450.316 (a). Without a final statewide PPP update in place to emulate, MPOs and RTPOs have delayed or reduced the scope of their respective PPP updates.</p> <p>In practice, MassDOT has been advancing its use of VPI over the past two years, including adopting new tools, developing a training program to support staff, and building capacity to facilitate virtual meetings and support the implementation of a variety of VPI tools to share information and collect input from the public. This has culminated with the development of a new Office of Public Engagement and Outreach (OPEO) in January 2022. The goal of this office is to carry out a consistent public engagement program across MassDOT. This is promising for the future of public engagement at MassDOT, but has yet to result in a clearly documented procedures for the benefit of the general public and other stakeholders seeking to participate in the statewide transportation planning process.</p>

		<p>MassDOT shared a draft PPP update with FHWA in December 2021. FHWA provided comments and met with MassDOT to discuss these comments in February 2022. FHWA further provided comments for enhancements to MassDOT’s website, “Guidelines for Successful Virtual Public Meetings,” in February, and in March 2022 shared example PPPs from other State DOTs to support MassDOT’s update process. In sharing these comments FHWA recommended that MassDOT, in advance of producing a formal PPP update, focus on developing a standalone public-facing document that describes MassDOT’s VPI practices and how public involvement is being conducted in the current environment. This recommendation remains to ensure that this critical information is available to the public.</p> <p>MassDOT should prioritize updating its PPP this year to document how it 1) integrates virtual public involvement (VPI) tools and strategies into its overall public involvement approach; and 2) advances racial equity and meaningful engagement opportunities for traditionally underserved and disadvantaged communities. The development of this update should involve representatives from different MassDOT offices with public engagement responsibilities. After successful completion of its PPP update, MassDOT should coordinate with all MPOs and RTPOs to avoid delay to similar updates to their respective PPPs.</p>
<p>Recommendation</p>	<p>Public Participation for Statewide Updates to the STIP</p>	<p>In addition to the above updates related to the Public Participation Plan, we recommend MassDOT update its process for public outreach related to statewide updates in the STIP. In particular, the MassDOT STIP webpage (https://www.mass.gov/service-details/state-transportationimprovement-program-stip) has consistently lacked the latest amendments until weeks after their approval. The website also references signing up for updates to the STIP, but the sign up page does not seem to be functional.</p>

		<p>MassDOT should evaluate and implement improved processes and practices to manage website updates and to ensure the public is fully informed about STIP updates. In particular, statewide projects in the STIP do not always go through the MPO public review process, so it is important to ensure that public notice of updates to the STIP for statewide projects is consistent with MassDOT goals for public participation and outreach [see 23 U.S.C. § 135(g)(3)].</p>
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Conclusion and Finding

In accordance with 23 CFR Part 450, and based upon the MassDOT and MPO self-certifications of their statewide and metropolitan transportation planning processes and federal agency routine involvement in the transportation planning processes, FHWA and FTA hereby make the following determinations, conditioned on resolution of the above corrective action:

- The FFY 2023-2027 STIP and projects listed within the first four years of the STIP are based on a planning process that substantially meets the requirements of 23 U.S.C. §§ 134 and 135, 49 U.S.C. §§ 5303 and 5304, and Subparts A, B, and C of 23 CFR Part 450, and other applicable requirements.
 - As noted in our approval letter, approval of the STIP does not constitute approval of the eligibility of individual projects for specific funding types and categories. Funding eligibility must be confirmed before project advertisement.
- The metropolitan TIPs are based on a continuing, comprehensive transportation planning process carried on cooperatively by the State, MPOs, and transit operators in accordance with the provisions of 23 U.S.C. §§ 134 and 135 and 49 U.S.C. §§ 5303-5305, and subparts A, B, and C of 23 CFR Part 450.