

**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 2024-2028 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 out 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) 2024-2028 STIP and the incorporated TIPs for the following ten MPOs and three rural transportation planning organizations (RTPOs): Berkshire MPO, Boston Region MPO, Cape Cod MPO, Central Massachusetts MPO, Franklin Regional Council of Governments, Martha's Vineyard Commission, Merrimack Valley MPO, Montachusett MPO, Nantucket Planning and Economic Development Commission, 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 actions by November 30, 2023 and encourage MassDOT to also respond to the recommendations noted below in that Action Plan.

This approval of the FFY 2024-2028 STIP includes one (1) commendation, three (3) corrective actions, and four (4) recommendations.

FINDING	TOPIC	DESCRIPTION / OBSERVATION
Commendation	Public Involvement Coordination	<p>This past year, both MassDOT and all the MPOs across the State have been updating their long-range transportation plans (LRTPs). To support one another’s planning efforts, MassDOT worked closely with MPO staff to coordinate on specific engagement opportunities when appropriate, and to setup a tool to share findings that could be mutually beneficial to statewide and regional needs and goal setting. This is a great example of interagency coordination that makes efficient use of the public’s time and input in the transportation planning process. We encourage continued use of this tool and data sharing methodology outside of the LRTP development process.</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 450.218 and 23 CFR 450.326). In addition, 23 CFR 450.218(m) states, “Financial constraint of the STIP shall be demonstrated and maintained by year.”</p> <p>We recognize recent efforts by MassDOT staff to correct deficiencies as part of the FY23 Federal Planning Findings, including verifying the accuracy of apportionments and documenting assumptions, but challenges continue in demonstrating fiscal constraint. Specifically, several amendments submitted on the FY23-27 STIP, for example, showed negative programmed balances in outer years of the STIP. Amendment #16, for example, showed a balance of negative \$10,495,960 for STBG Bridge Off-System, negative \$1,483,405 in TAP Flex, and negative \$1,758,283 in Statewide Planning in FY26.</p> <p>FHWA and FTA request that MassDOT work to ensure the STIP remains fiscally constrained through all horizon years and with every STIP amendment submitted to FHWA and FTA by implementing procedures and processes that correctly depict the estimated balances in the Fiscal Constraint report as STIP Amendments. The deadline for completing this corrective action is February 16th, 2024.</p>
Corrective Action	TIP/STIP Consistency	<p>23 CFR 450.326(e) states that the TIP shall include surface transportation projects within the boundaries of the metropolitan planning area proposed for funding under 23 U.S.C. and 49 U.S.C. Chapter 53.</p>

		<p>FHWA and FTA have identified instances where interregional projects have not been included in local TIPs, for example, projects 609385 and 610704 in STIP Action #14. The public, stakeholders, and elected officials should be aware and informed of projects in their region, and the TIP requirements cited above are essential to this coordinated public process and helps ensure public involvement is conducted. MassDOT must ensure that interregional projects are included in all TIPs where the project is located.</p> <p>FHWA and FTA request that MassDOT work to move all interregional surface transportation projects, both highway and transit projects, which are location-specific to local TIPs by January 31st, 2024.</p>
<p>Corrective Action</p>	<p>Public Involvement for STIP Actions</p>	<p>23 CFR 450.210 states that “the State shall develop and use a documented public involvement process that provides opportunities for public review and comment at key decisions points.”</p> <p>MassDOT’s FY2024-2028 STIP documents their public involvement process and makes note that MassDOT will provide for a publicly advertised 21-day public comment period upon publication of the STIP and for any STIP amendments for projects that do not appear on a regional TIP prior to submittal to FHWA and FTA (also known as statewide projects). However, FHWA and FTA have identified instances where these statewide projects were not publicly advertised for a 21-day public comment period; a most recent example was for RTD0011139, RTD011461, and RTD011462 included in FY2023-2027 STIP Action #13.</p> <p>The FY2024-2028 STIP also states that MassDOT will summarize and consider all public comments received on the STIP and on STIP amendments prior to sending to FHWA and FTA for review and approval, and that this will be documented in a STIP Appendix. However, the FY2024-2028 STIP does not include an Appendix summarizing and responding to comments received, nor does FHWA and FTA recall ever receiving any such information as part of the STIP amendments package. FHWA and FTA understand that there are likely instances where no comments are received, but if this truly is the case, it should be documented.</p>

		<p>In summary, MassDOT should review 23 CFR 450.210, review the state’s public involvement processes, and ensure all documented processes included in the STIP and/or Public Involvement Plan (PIP) are being followed. MassDOT may want to consider opportunities for collaboration between the Office of Transportation Planning and Public Outreach and Engagement Office.</p> <p>FHWA and FTA request MassDOT work to update the following items by March 1st, 2024:</p> <ol style="list-style-type: none"> 1. Review and, as appropriate, revise, documented public involvement processes related to the STIP. Document the public involvement procedures and processes for the STIP in the PIP, and ensure they are consistent with each other. 2. Amend the FY 2024-2028 STIP to include an Appendix documenting public comments received and MassDOT’s response. <p>FHWA and FTA will continue to evaluate MassDOT’s compliance with their documented public outreach and engagement processes throughout the upcoming FY.</p>
<p>Recommendation</p>	<p>STIP and Project Details</p>	<p>23 CFR 450.218(i) states that the STIP shall include for each project or phase sufficient descriptive material to identify the project phase and an identification of the agencies responsible for carrying out the project or phase.</p> <p>The FY 2024-2028 STIP does not currently identify the implementing agency nor the project phase (design, ROW, construction, etc.) clearly or consistently. It is unclear if the project “proponent” is the implementing/responsible entity. Further, the “Other Information” column inconsistently identifies project phase.</p> <p>It is recommended that MassDOT and the MPOs work together to better identify the responsible agency and the project phase within the STIP and TIPS.</p>
<p>Recommendation</p>	<p>State and MPO Coordination</p>	<p>Each year, MassDOT and the MPOs develop their list of planning activities under the State Planning and Research Work Program (SPR) or Unified Planning Work Program (UPWP), respectively. To support greater collaboration between statewide and regional planning activities, FHWA and FTA recommend that MassDOT regularly share lists of planning studies and other relevant planning tasks being proposed in the SPR Work Program. This added transparency could</p>

		help prevent redundancies, unveil potential collaboration points, and ultimately help make the best use of Federal planning funds.
Recommendation	Expenditure of Funds	FHWA and FTA recognize the substantial progress that has been made in maintaining, rehabilitating, and rebuilding roadways and bridges across Massachusetts and MassDOT’s efforts to continue to use all available Federal funds. We recommend MassDOT continue to closely follow and work towards programming and obligating funds that will lapse in upcoming years with the aim of maintaining, rehabilitating, and reconstructing roadways and bridges in Massachusetts, consistent with the Transportation Asset Management Plan.
Recommendation	Publicly Available STIP	MassDOT should, at a minimum, provide a full STIP Investments Report on their website that reflects the latest approved STIP Amendment. It is challenging for the public to be fully aware of the status of any given project if amendments or changes occurred between the original STIP adoption and subsequent amendments. MassDOT should evaluate and implement improved processes and practices to manage website updates and to ensure the public is fully informed about STIP updates, with an eye towards transparency and ease of understanding for the general public. Further, MassDOT should work with the MPOs to ensure the same transparency and consistency in TIP amendments.

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 2024-2028 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.