



U.S. Department
of Transportation

Federal Transit Administration
Region I
55 Broadway Suite 920
Cambridge, MA 02142-1093
617-494-2055
617-494-2865 (fax)

Federal Highway Administration
New Hampshire Division
53 Pleasant Street
Concord, NH 03301
603-228-0417
603-228-2829 (fax)

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Ms. Victoria Sheehan
Commissioner
New Hampshire Department of Transportation
7 Hazen Drive
P.O. Box 483
Concord, NH 03302-0483

RE: New Hampshire FY 2017-2020 Statewide Transportation Improvement Program (STIP)

Dear Commissioner Sheehan:

The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) have completed a joint review of New Hampshire's new FY 2017-2020 STIP and supporting documentation as transmitted in full on January 24, 2017. We have received a copy of a letter from the New Hampshire Department of Environmental Services (NHDES) to the New Hampshire Department of Transportation (NHDOT) dated December 22, 2016. This letter states that "DES is in concurrence with the determination that the New Hampshire Statewide Transportation Improvement Program 2017-2020 Draft Update conforms to the SIP as required by Title 40, Code of Federal Regulations, Part 93, and will not adversely affect continued attainment of the ozone standard in the State of New Hampshire nor will it adversely impact continued attainment of the carbon monoxide standard in the City of Manchester and City of Nashua Carbon Monoxide Maintenance Areas."

On January 30, 2017, FHWA and FTA also received a letter from the United States Environmental Protection Agency (EPA). In this letter, EPA states that "Based on our review, EPA believes the Draft 2017-2020 STIP Update supports a positive carbon monoxide conformity determination in the limited CO maintenance areas." This letter further states that the STIP Update does not require a regional CO air quality analysis in accordance with 40 CFR 93.109(e).

As of July 20, 2013, all of New Hampshire is unclassifiable/attainment for the 2008 8-Hour Ozone National Ambient Air Quality Standard (NAAQS), also known as the 2008 ozone standard, and as of April 6, 2015, the 1997 8-Hour Ozone NAAQS (the 1997 ozone standard) is revoked for transportation conformity purposes in the Boston-Manchester-Portsmouth (SE), NH area. Transportation conformity no longer applies to the ozone NAAQS in New Hampshire in accordance with the 40 CFR section 93.102(b) of the transportation conformity rule.

On March 10, 2014, EPA approved maintenance plans, known as “limited maintenance plans,” for the City of Manchester and City of Nashua. These limited maintenance plans have a 2021 horizon year, (the second-ten year carbon monoxide (CO) maintenance period terminates on January 29, 2021). Because of the approved limited maintenance plans, the Southern New Hampshire Planning Commission (SNHPC) and Nashua Regional Planning Commission (NRPC) Metropolitan Planning Organizations (MPOs) no longer have to complete a regional emissions analysis for the City of Manchester (SNHPC) or City of Nashua (NRPC) for carbon monoxide pursuant to 40 CFR 93.109(e).

FHWA and FTA also note that the new FY 2017-2020 STIP is consistent with MPO Metropolitan Transportation Plans (MTPs) and incorporates Transportation Improvement Programs (TIPs) without change.

Furthermore, we are making the following determinations:

- Projects in the 2017-2020 STIP are based on a planning process that substantially meets the requirements of 23 USC 134 and 135, 49 USC 5303 and 5304, and Subparts A, B, and C of 23 CFR 450, and other applicable requirements.
- 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 USC 134 and 135 and 49 USC Sections 5303-5305, and subparts A, B, and C of 23 CFR 450.
- As of the date of this letter, the NRPC and SNHPC MPO TIPs are found to be in conformity with the goals of the State Implementation Plan and are consistent with the Clean Air Act and the EPA conformity regulations in accordance with 40 CFR Parts 51 and 93. The conformity determinations of the TIPs will remain in effect until such time as a new determination is required by 40 CFR 93.104.

FHWA and FTA have jointly determined that the 2017-2020 STIP substantially meets requirements and is hereby approved, subject to Corrective Actions to be responded to within the timeframe specified in the Attachment. This approval action for New Hampshire’s STIP is not an eligibility determination for use of Congestion Mitigation and Air Quality Improvement (CMAQ) funds or other federal-aid funded projects that are included in the STIP.

A copy of this letter is being provided to the executive director of each MPO and rural RPC in New Hampshire. If you have any questions, please contact Leigh Levine, FHWA at (603) 410-4844 or Leah Sirmin, FTA at (617) 494-2459.

Sincerely,



Mary Beth Mello
Regional Administrator
Federal Transit Administration
Region I



Patrick A. Bauer
Division Administrator
Federal Highway Administration
New Hampshire Division

Attachment: Corrective Actions, Findings, Commendations, Recommendations

cc: MPO/RPC Directors
William Cass, NHDOT
William Watson, NHDOT
Tim White, NHDES
Ariel Garcia, EPA

Corrective Action – TMA Planning and Project Selection Process:

With New Hampshire's previous 2015-2018 STIP approval action (April 8, 2015) the federal agencies included a Corrective Action noting that on March 26, 2012, the Census Bureau announced the list of urbanized areas and urban clusters defined on the basis of the 2010 Census. FHWA and FTA further noted that the release of the Census 2010 urbanized areas triggered deadlines for integrating this new information into New Hampshire's statewide and metropolitan planning processes, noting that under MAP-21 there were also suballocation requirements that related to UZA designations for some specified categories of funding including Surface Transportation Program (STP) and Transportation Alternatives (TA) funds, and that in New Hampshire, there were communities now included in the Manchester UZA that previously were not, and that they were members of a bordering rural Regional Planning Commission (RPC), and not the Manchester MPO. Our previous Corrective Action noted that these communities must be included in the Manchester UZA's metropolitan planning process. The Corrective Action further explained that there were also communities now included in the newly designated Nashua TMA UZA that previously were included in the bordering Manchester or Rockingham UZAs, and were currently members of the Manchester MPO or Rockingham MPO, and not the Nashua MPO.

The Federal agencies noted the need to either make adjustments to New Hampshire's MPO boundaries, or to have planning and programming agreements in place to ensure that all communities included in the Manchester UZA are included in the Manchester UZA metropolitan planning and project selection process, and to ensure that all Nashua TMA communities are included in the Nashua TMA's metropolitan planning and project selection process. FHWA and FTA noted that a process was underway, but that there were as yet no executed planning and programming agreements addressing these requirements. To achieve full compliance and in lieu of MPO MPA adjustments, the federal agencies required that such agreements be in place by May 31, 2015. The Corrective Action also stated that such agreements must also demonstrate compliance with the requirements of 23 CFR 450.314, metropolitan planning agreements.

FHWA and FTA now find that such agreements are in place and executed by the appropriate agencies. With the FAST Act (December 4, 2015), these requirements have remained much as they were before, though STP funding is now converted into Surface Transportation Block Grant (STBG) program funding, acknowledging that this program has the most flexible eligibilities among all Federal-aid highway programs and aligning the program's name with how FHWA has historically administered it.

While agreements are in place now, and the Federal agencies acknowledge the efforts of NHDOT and its planning partners to accomplish this important task, FHWA and FTA also find that the planning process that lead to the 2017-2020 STIP pending this approval action has not fully demonstrated compliance with the unique TMA programming authority that is continued under the FAST Act. This deficiency was also noted as a Corrective Action in the NRPC TMA Certification Review Report of June, 2016. In this report, FHWA and FTA

certified the Nashua TMA metropolitan planning process subject to the following Corrective Action directed to NHDOT and the MPO:

“For New Hampshire’s next STIP Update process (2017-2020), NHDOT and the MPO must:

Monitor and facilitate implementation of their agreement documents to ensure that New Hampshire’s metropolitan planning and programming process, including TMA-specific planning and programming activities, and the programming of TMA-specific suballocated funding is compliant with Federal requirements as relates to the MPO’s programming authority.

Document the process that NHDOT and the MPO will follow for the 2017-2020 STIP Update and for future updates, to ensure that the MPO maintains the programming and project selection authority that is theirs under current law and regulation, specifically addressing TMA-suballocated funding, and Title 23 projects not on the NHS.”

With this Corrective Action now placed on New Hampshire’s 2017-2020 STIP approval, FHWA and FTA extend the compliance timeframe of the Nashua TMA Certification Review Corrective Action to the next anticipated STIP Update process (2019-2022), and note that these same TMA-specific programming requirements also apply to Boston TMA-specific suballocated funding that New Hampshire receives. We remind NHDOT that MPO project selection authority applies to Title 23 projects not on the NHS, and not just those that are funded from TMA-specific suballocated STBG funds. New Hampshire risks exclusion of Nashua and Boston TMA projects from the anticipated 2019-2022 STIP approval action if compliance with this Corrective Action cannot be demonstrated.

Corrective Action: MPO Metropolitan Transportation Plan (MTP) Project Listings

With New Hampshire’s previous STIP approval action, the federal agencies noted that during FHWA’s Performance Year 2015 Compliance Assessment Program (CAP), Division staff reviewed projects that had been recently authorized for Federal funds to verify compliance with many different Federal provisions, including statewide and metropolitan planning-related requirements. One of the questions that this review considered was: “Were such projects that were located in MPO areas consistent with the design concept and design scope description included in the approved fiscally constrained Metropolitan Transportation Plan at the time they were authorized for Federal funding?” We noted that FHWA found that there were some projects that could not be located in the appropriate MTP when Federal funds were authorized, and this was verified with MPO staff.

FHWA and FTA also advised that in addition to consistency between the specific projects listed in the TIP and in the first four years of the MTP, these projects must flow directly from the visions, goals, and objectives of the MTP. TIP project selection and prioritization procedures should explicitly incorporate these goals and objectives, to ensure that the projects selected are consistent with the MTP. The federal agencies further recommended that MPOs should document this consistency by describing the project selection process in the TIP document, noting that many regions also provide a matrix or column in the TIP table

referencing the particular MTP goal or objective that supports each TIP project to enhance transparency of the planning process.

At time of writing, not all of New Hampshire's MPOs are ensuring that project listings in their current MTPs include, and are consistent with project listings in their current TIPs per requirements listed under 23 CFR 450.322. To ensure full compliance, effective immediately, all future MPO TIP Amendments must be clearly processed by the MPOs as TIP and MTP Amendments, so that at minimum, project listings in the first four years of the financially constrained MTP remain consistent with project listings in the financially constrained TIP. New Hampshire's MPOs risk exclusion of their projects from future STIP approval actions including STIP Updates and Amendments if compliance with this Corrective Action cannot be demonstrated.

Corrective Action: Public Involvement and Consultation

Consultation with interested parties, and providing reasonable public notice and time for public review and comment at key decision points, as well as demonstrating explicit consideration and response to public input during the development of the STIP and MPO TIPs are codified requirements of the statewide and metropolitan planning process under 23 CFR 450.210 (statewide) and 23 CFR 450.316 (metropolitan). The federal agencies note that in the development of New Hampshire's 2017-2020 STIP Update, there were overlapping 30 day public comment periods for the STIP as a whole, and the MPO TIPs, with the STIP public comment period closing prior to the close of 2017-2020 MPO TIP Update public comment periods. This process as observed does not reconcile with regulations requiring explicit consideration and response to comments (23 CFR 450.210(a)(1)(vii)/23 CFR 450.316(a)(1)(vi)), and requiring that the MPO TIP be included into the STIP without change (23 CFR 450.218(b)).

By New Hampshire's next anticipated STIP Update process (2019-2022) and subsequent STIP Amendments and STIP Updates, NHDOT must establish a documented STIP Update and STIP Amendment process that is consistent with the above referenced requirements, including proper sequencing of MPO TIP and STIP approval actions, and public comment periods. Such documentation should be incorporated into New Hampshire's STIP Revision Procedures.

Findings: Phase-in of MAP-21/FAST Act and Planning Final Rule Requirements

MAP-21, the Moving Ahead for Progress in the 21st Century Act (P.L. 112-141), was signed into law by President Obama on July 6, 2012. MAP-21 created a streamlined and performance-based surface transportation program and built on many of the highway, transit, bike, and pedestrian programs and policies first established in 1991.

On December 4, 2015, President Obama signed the FAST Act (Pub. L. No. 114-94) into law. The FAST Act authorizes \$305 billion over fiscal years 2016 through 2020 for surface transportation programs. The FAST Act maintains a focus on safety and performance, keeps intact the established structure of the various highway-related programs, targets transit

funding increases towards improving state of good repair and bus programs, continues efforts to streamline project delivery and, for the first time, provides a dedicated source of federal dollars for freight projects.

On May 27, 2016, FHWA and FTA jointly issued a Final Rule for Statewide and Nonmetropolitan Transportation Planning; Metropolitan Transportation Planning, to update regulations governing transportation planning and programming processes. This updated rulemaking reflects the passage of MAP-21 and the FAST Act.

The new Final Rule reflects national policy that sets the stage for strengthened emphasis on performance management, safety and efficiency, and public transportation. The Final Rule Purpose (23 CFR 450.200/300) provides a charge to carry out a continuing, comprehensive, and cooperative performance based multimodal process that:

- Results in a performance-based multimodal transportation system;
- Promotes the safe and efficient development, management and operations of surface transportation systems;
- Includes intermodal facilities that support intercity transportation, including intercity buses and intercity bus facilities and commuter vanpool providers; and
- Takes into account resiliency needs.

The new Final Rule adds two new planning factors (23 CFR 450.206/306(a)) to the statewide and metropolitan transportation planning processes, expanding the total number of planning factors from eight to ten. The two new planning factors are:

- (9) Improve the resiliency and reliability of the transportation system and reduce or mitigate stormwater impacts of surface transportation; and
- (10) Enhance travel and tourism.

The changes in the rule make the regulations consistent with current statutory requirements of MAP-21 and FAST and, in addition to the new planning factors identified above, implement the following:

- A new mandate for State departments of transportation and metropolitan planning organizations (MPOs) to take a performance-based approach to planning and programming;
- A new emphasis on the nonmetropolitan transportation planning process, by requiring States to have a higher level of involvement with nonmetropolitan local officials and providing a process for the creation of regional transportation planning organizations (RTPO);
- A clarification of the requirements for membership of the larger MPOs;
- A new framework for voluntary scenario planning;
- Consideration of intercity bus service within statewide and metropolitan long range plans;
- Interested parties who the MPO must provide opportunities for involvement in planning process expanded to include public ports and private transportation providers (including intercity bus operators, employer-based commuting programs, etc.);
- Agencies and officials who the MPO should consult with in developing the metropolitan transportation plans and TIPs expanded to include agencies and officials responsible for tourism and natural disaster risk reduction;

- New authority for the integration of the planning and environmental review processes; and
- A process for programmatic mitigation plans.

The federal agencies remind the Department and MPO planning partners that the key date to keep in mind for phase-in of new planning requirements (23 CFR 450.340) is May 27, 2018 – per the new planning Final Rule. This means that Plans, STIPs and TIPs amended or adopted after May 27, 2018 will need to have the new planning regulations addressed. This does NOT mean that the State or MPO must update their LRTP out of cycle to meet the planning rule; however, any amendment or update to the LRTP after May 27, 2018 will have to comply with the planning requirements.

Regarding the specifics of Performance Management Phase-in (23 CFR 450.340(e), FHWA and FTA note that each performance rule will have its own phase-in dates, so each date will be different for each set of performance measures. So two years from *the effective date of each rule* establishing performance measures under 23 U.S.C. 150(c), 49 U.S.C. 5326, and 49 U.S.C. 5329 FHWA/FTA will only determine the conformity of, or approve as part of a STIP, a TIP that is based on a metropolitan transportation planning process *that meets the performance based planning requirements* in this part and in such a rule.

For example, in accordance with the final safety rule, the timeline for a State and an MPO to set performance targets for the safety performance measures is tied to the Highway Safety Improvement Program (HSIP) - States have one year from August 31, 2016 (which is August 31, 2017) to set safety performance targets, and MPOs have 180 days after the States set their safety performance targets to set the MPO safety performance targets (which is February 27, 2018). In accordance with the final planning rule, States and MPOs do not have to include those targets in their LRTPs until the LRTP is updated or amended after May 27, 2018. Of course they may include them in the LRTP earlier than that date. Also, FHWA and FTA may not make a conformity determination on an MPO LRTP that is updated or amended on or after May 27, 2018 unless it includes the safety performance measures and targets. As other pending rules for performance measures are finalized, we will be able to determine the effective dates for them.

Commendations:

The work of New Hampshire’s recently established Performance Based Planning Working Group and the SHRP2 PlanWorks project supporting these efforts are commendable, as are efforts underway as a result of the recent Safety Performance Measure Target Setting Workshop, and these activities have done good work to move toward a common statewide set of planning-based performance measures and targets, with good State/MPO collaboration and coordination.

Recommendations:

Agencies should continue their work to achieve compliance with all requirements including newer ones related to establishing performance measures, plans and targets. Any gaps or shortcomings that may exist could jeopardize ongoing FHWA/FTA approval of STIP

Updates and Amendments, especially after the May 27, 2018 compliance date from the new planning rule.

Findings: STIP Financial Constraint

FHWA has allowed New Hampshire's financial plan documentation for the STIP and metropolitan planning products to demonstrate constraint by comparing bottom line annual Federal-aid highway programming totals to bottom line by year apportionments. NHDOT acknowledges that with specific funding categories, their by-year programming may appear over-programmed, but the Department has justified this apparent over-programming via the broad eligibility of certain categories of funds and transfer flexibilities. The STIP's Financial Plan documentation states that "Federal apportionments for federal fiscal years 2017 through 2020 are based on figures published by FHWA", however, no further information about the source of these figures is provided. While the sums of FHWA revenues by year appear reasonable, FHWA staff could not accurately reconcile the STIP's FHWA funding by category for FFY 2017 with known information included in FHWA's FFY 2017 Apportionment Notices or FHWA's FFY 2017 Computational Tables. There also appear to be missing categories of funds, such as STBG.

Recommendations:

While FHWA acknowledges eligibility and transfer flexibilities, we encourage the Department and MPO planning partners to demonstrate yearly fiscal constraint in their financial plan documentation by specific funding category. FHWA further recommends use of FHWA's Apportionment Notices and/or Computation Tables for the current year as source documentation for available or committed revenues. These may be better documents to use than the FMIS W10A Status of Funds Report for example, as they do not include carryover balances. FHWA notes that the Department encountered a recent end of fiscal year issue related to a NHDOT FMIS request for obligation of STP 200,000+ TMA funds on a project that was not located in a 200,000+ TMA Urbanized Area of the State. This issue arose again with another project, which was programmed with STP funds (supported by a PromIS cost estimate) but obligated using suballocated funds in an urbanized area. While eligible for use in that area, a STIP Minor Revision was required. These two examples demonstrate the need for the Department to consult the STIP as part of the cost estimate process and vice versa. By implementing Federal-aid funding category-specific constraint, the STIP could help the Department ensure eligibility for classes of funds, not just availability. The STIP would be more useful to better monitor and manage levels of available funding by category throughout the Federal FY, thus mitigating the risk of year-end obligation limitation or other issues that could trigger project delays or lapse of funds. It could also help ensure a viable annual request for additional obligation limitation during the FHWA "August Redistribution" process, and help the Department achieve higher STIP Performance Measure percentages. A comparable approach to developing funding forecasts and documenting financial constraint should be applied to FTA funds as well.

The federal agencies note that NHDOT for a number of years now has been using a 3.2% year-of-expenditure adjustment to account for inflation of project costs on an annual basis.

FHWA provided the Department with help in calculating this percentage many years ago, and would now recommend that the Department review this number to determine if it is still reasonable. We would also remind New Hampshire that a default 4% rate remains available for this purpose as needed, and in lieu of a New Hampshire-specific rate.

FHWA and FTA also note, and continue to encourage the progress that is ongoing in New Hampshire to more fully constrain the State's Ten Year Plan. These efforts remain very important, as in practice, the first 4 years of the Ten Year Plan become New Hampshire's STIP, and later years of programming typically inform project listings for New Hampshire's MPO MTPs, which are also required to include financial plan documentation, and to demonstrate fiscal constraint.

Finding: STIP Performance Measure

On December 5, 2016, FHWA received the Department's STIP performance measure for FY 2016, for the Directors of Field Services (DFS) Dashboard, and per requirements outlined in the current Stewardship Agreement between FHWA and NHDOT. The percentage reported for construction projects that advertised on-time was 61% (34 projects with first year of construction in FY 16, and of those, 20 projects obligating funding). FHWA notes that the current target as listed in the Stewardship Agreement for this measure is 80%. This measure helps provide information on the reliability of the STIP, and the stability of the federal-aid highway program.

The baseline STIP used to calculate the measure was the 2015-2018 STIP Update as approved by the federal agencies on April 8, 2015. The current measure's definition allows consideration of the STIP that was finalized in the first quarter of the FY, which would be by December 31st, 2015. NHDOT noted that there was an August 25, 2015 Amendment that was not considered in reporting on the measure, due to the Department's technical reporting difficulties. FHWA would presume that setting the baseline STIP by the August 25, 2015 Amendment versus the April 8, 2015 STIP Update would have potentially increased the percentage reported, but that is uncertain.

Recommendations:

Now that the Department is aware of the first quarter of the FY baseline, and has continued working on ProMIS, FHWA requests that NHDOT adjust the baseline per the DFS measure for future reporting.

In further discussion with NHDOT about this performance measure, FHWA would note that the STIP Performance/Compliance Indicator for New Hampshire that is listed in the current Stewardship Agreement should be modified (the Description) to be consistent with the DFS Dashboard definition/methodology now in use. The Stewardship Agreement Description as now written doesn't specify that we allow consideration of the STIP that was finalized in the first quarter of the FY for the baseline - something FHWA and NHDOT should correct with the next Stewardship Agreement update, if not before.

The federal agencies would also recommend that NHDOT conduct a STIP Process Review to help identify ways that the Department can improve performance to achieve percentages closer to the 80% target listed in the current Stewardship Agreement. FHWA could assist the Department in this activity.

Finding: Project Groupings

Per 23 CFR 450.216(j), projects not considered to be of appropriate scale for individual identification in the STIP may be grouped by function, work type, and/or geographic area (e.g. FTA's 5310 Elderly & Disabled program, FHWA's Transportation Alternatives Program, etc.). This is often done when the funds are to be allocated statewide via a competitive or needs-based process, since the specific projects have not yet been selected at the time the funds are programmed in the STIP.

Recommendations:

The groupings currently included in the STIP are allowable, but the federal agencies continue to encourage NHDOT to provide greater transparency around these projects.

In particular, the STIP document should include a brief narrative statement describing the process by which projects are selected and funds are allocated for all grouped projects. This should include a statement directing interested parties to contact the MPOs or RPCs for up-to-date information on specific projects selected.

Finding: Travel Demand Model Base Year Updates and Ongoing Maintenance:

Through conducting MPO Planning Reviews and the recent TMA Certification Review for the Nashua UZA/TMA, the federal agencies understand that New Hampshire's MPOs all maintain travel demand models, with a shared model in place for the Rockingham and Strafford MPOs. There is a statewide model, but it is not currently being maintained, and there are varying degrees of model use, maintenance and updates among the four MPOs.

Recommendations:

FHWA and FTA continue to recommend that New Hampshire's MPOs and NHDOT develop cooperative efforts to improve and maintain New Hampshire's metropolitan and statewide travel demand models, including expediting any further updating that may be required to achieve a 2010 base year, and considering further cooperative efforts between NHDOT and the MPOs to conduct an updated household travel survey in New Hampshire's MPO planning areas, or statewide.

Robust metropolitan and statewide travel demand models provide data collection and analysis to support coordination of transportation planning and programming priorities and decisions, and to support corridor or other planning and project development studies, pricing studies, FTA New Starts analyses, etc. In New Hampshire, the statewide model has been useful for developing interregional and cross-border projects such as I-93 (SEIS, Transit

Investment Study), and Capitol Corridor rail service. The statewide model can be used to provide technical analysis for the Ten Year Plan process, particularly in non-MPO areas, and to support the statewide long-range transportation plan process. New Hampshire's metropolitan and statewide models can provide useful information and support traffic and commodity flow mapping for freight planning activities. Other prospective uses would include modeling for conformity for any new ozone or particulate matter non-attainment areas, and to help determine potential impacts of projects on greenhouse gases (GHGs).

Finding: Freight Planning

Recent NHDOT efforts to get underway with a New Hampshire MAP-21/FAST Act compliant statewide freight plan and statewide freight advisory committee are noted, including that NHDOT has hired a consultant to develop a comprehensive multi-modal (air, rail, port and highways) Statewide Freight Plan for NH. A state freight plan kick-off meeting with the consultant was held in November, 2016 and FHWA and FTA understand that the Department will also be working soon to establish a statewide freight advisory committee.

Recommendations:

We look forward to hearing more as work gets underway, and encourage NHDOT and New Hampshire's MPOs and rural RPCs to continue to fully integrate freight and goods movement activities with their statewide and metropolitan planning processes. FHWA and FTA also remind the Department that under the FAST Act, beginning on December 4, 2017, a State may not obligate formula funds apportioned to the State under section 104(b)(5) (National Highway Freight Program) unless the State has developed a freight plan in accordance with section 70202 of title 49, except that the multimodal component of the plan may be incomplete before an obligation may be made under this section.

Finding: Sustainability and Use of INVEST Tool

Sustainability is a concept that enables decision-makers to make balanced choices around these different objectives. The three pillars of the "triple bottom line" upon which sustainability is based—social, economic, and environmental—capture the broad range of transportation goals and objectives. In times of diminishing economic and natural resources, using sustainable approaches in transportation will allow for the continued enhancement of quality of life, and serve the transportation needs of the present without compromising the ability of future generations to meet their needs. FHWA's INVEST (Infrastructure Voluntary Evaluation Sustainability Tool) is a voluntary, internet-based tool enabling state, regional, and local transportation agencies to evaluate the sustainability of transportation activities.

Commendations:

The Department's use of INVEST to evaluate the ongoing I-293 Exits 6 and 7 project is commended.

Recommendations:

FHWA continues to encourage use of the INVEST tool to help NHDOT and New Hampshire's MPOs evaluate the sustainability of long-range transportation plans, as well as transportation improvement programs and projects.

Other Findings and Recommendations:

In addition to New Hampshire's current statewide long-range transportation plan, the federal agencies note that the New Hampshire Statewide Bicycle And Pedestrian Plan, of May, 2000 remains in need of an update. NHDOT's Bicycle and Pedestrian Transportation Advisory Committee (BPTAC) could be tapped to help update this Plan.

FHWA and FTA note that much progress continues to be made to develop a more regionally-driven planning process in New Hampshire's metropolitan areas, consistent with the intent of long-standing federal requirements regarding the statewide and metropolitan planning processes. The federal agencies commend ongoing NHDOT efforts to provide more MPO and rural RPC input into the State's Ten Year Plan process, and also in the statewide process for ranking and selecting Transportation Alternative (TA) and Congestion Mitigation Air Quality (CMAQ) projects. FHWA has been briefed recently on NHDOT's desire to work with New Hampshire's MPOs to develop a process that better aligns New Hampshire's Ten Year Plan with the MPO MTP and TIP, and we are encouraged and would support such work. FHWA and FTA would also note that the previously mentioned Corrective Action related to public involvement and consultation/public comment periods should also be considered as part of this effort.

Finally, the federal agencies again remind NHDOT and New Hampshire's MPOs that consistent with 23 CFR 450.210 and 23 CFR 450.316, they must demonstrate explicit consideration and response to public input during the development of their various statewide and metropolitan planning products, and seek out and consider the needs of the traditionally underserved, such as low-income and minority households. FHWA and FTA continue to request that all of New Hampshire's MPOs post their updated TIPs, MTPs and Participation Plans on their websites, and likewise request that the State of New Hampshire post the approved STIP, statewide long-range transportation plan, and their updated Public Involvement Procedures and documentation of their Non-Metropolitan Local Officials Consultation Procedures on the New Hampshire Department of Transportation (NHDOT) website.

