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MAR 04 2016

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

**RE: New Hampshire FY 2015-2018 Statewide Transportation Improvement Program
(STIP) Amendment 2**

Dear Commissioner Sheehan:

The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) have completed a joint review of New Hampshire's FY 2015-2018 STIP Amendment 2 and supporting documentation. 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 February 22, 2016. This letter states that FY 2015-2018 STIP Amendment 2 will not adversely affect continued attainment of the carbon monoxide (CO) standard in the City of Manchester and City of Nashua CO limited maintenance plan areas. We have also received a letter from the United States Environmental Protection Agency (EPA) dated March 2, 2016. This letter provides EPA support for the finding that the Southern New Hampshire Planning Commission (SNHPC) and the Nashua Regional Planning Commission (NRPC) have satisfied all applicable conformity requirements under the Conformity Rule.

FHWA and FTA note that 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 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) "Geographic applicability" of the transportation conformity rule.

On February 13, 2015, EPA signed the final State Implementation Plan (SIP) Requirements rule for the 2008 ozone NAAQS (Docket No. EPA-HQ-OAR-2010-0885). The final rule revokes the 1997 ozone NAAQS for all purposes, including transportation conformity, and was published in the Federal Register on March 6, 2015 with an effective date of April 6, 2015.

On March 10, 2014, EPA approved maintenance plans, known as a “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) 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) “Areas with limited maintenance plans”

In accordance with the 1990 Clean Air Act Amendments (CAAA) and 23 CFR 450.328, FHWA and FTA must complete a joint air quality conformity determination. Based on our evaluation of the material submitted and coordination with the EPA, and with input from New Hampshire’s interagency consultation process, we have determined the metropolitan TIPs conform with the 1990 CAAA and 40 CFR Part 51.

This positive conformity determination applies to the following areas:

- The City of Nashua carbon monoxide attainment area, with a limited maintenance plan, and;
- The City of Manchester carbon monoxide attainment area, with a limited maintenance plan.

Corrective Action – Non-Metropolitan Local Officials Consultation Procedures

The FHWA and FTA note that New Hampshire has not met the regulatory deadline of February, 2016 for the requirements of 23 CFR 450.210(b) related to New Hampshire’s Non-Metropolitan Local Officials Consultation Procedures. These requirements are as follows:

The State shall provide for nonmetropolitan local official participation in the development of the long-range statewide transportation plan and the STIP. The State shall have a documented process(es) for consulting with non-metropolitan local officials representing units of general purpose local government and/or local officials with responsibility for transportation that is separate and discrete from the public involvement process and provides an opportunity for their participation in the development of the long-range statewide transportation plan and the STIP. Although the FHWA and the FTA shall not review or approve this consultation process(es), copies of the process document(s) shall be provided to the FHWA and the FTA for informational purposes.

1. At least once every five years (as of February 24, 2006), the State shall review and solicit comments from nonmetropolitan local officials and other interested parties for a period of not less than 60 calendar days regarding the effectiveness of the consultation process and any proposed changes. A specific request for comments shall be directed to the State association of counties, State municipal league, regional planning agencies, or directly to nonmetropolitan local officials.

2. The State, at its discretion, shall be responsible for determining whether to adopt any proposed changes. If a proposed change is not adopted, the State shall make publicly available its reasons for not accepting the proposed change, including notification to nonmetropolitan local officials or their associations.

The federal agencies request that NHDOT demonstrate compliance with these requirements by an extended deadline of May 31, 2016. In lieu of demonstrating compliance by the extended deadline date, any subsequent STIP Amendments or Updates requiring federal agency approval risk delayed approval, or non-approval. By this date, our expectation is that the Department will have completed its review and 60 calendar day comment solicitation, as well as completing its determination of whether to adopt any proposed changes, or make publicly available reasons for not accepting any proposed changes, including notification to nonmetropolitan local officials or their associations. Considering the length of this extension, FHWA and FTA also expect that NHDOT procedures will be updated as necessary, and be made publically available by the Department within the proposed extended deadline date.

Furthermore, we are making the following determinations:

- Projects in the 2015-2018 STIP are based on a planning process that substantially meets the requirements of Title 23, USC, the Federal Transit Act and Subparts A, B, and C of 23 CFR 450.
- The metropolitan TIPs are based on a continuing, comprehensive transportation planning process carried on cooperatively by the State, Metropolitan Planning Organizations (MPOs), and transit operators in accordance with the provisions of 23 USC 134 and 135 and 49 USC Sections 5303-5305.

FHWA and FTA have jointly determined that FY 2015-2018 STIP Amendment 2 substantially meets requirements and is hereby approved. 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 RPC in New Hampshire. If you have any questions, please contact Leigh Levine, FHWA at (603) 410-4844 or Eric Papetti, FTA at (617) 494-3494.

Sincerely,

Mary Beth Mello

Mary Beth Mello
Regional Administrator
Federal Transit Administration
Region I

Patrick A. Bauer

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Division Administrator
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cc: MPO/RPC Directors
William Watson, NHDOT
Rebecca Ohler, NHDES
Don Cooke, EPA