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January 26, 2021

Mr. Joseph Giulietti, Commissioner
Connecticut Department of Transportation
2800 Berlin Turnpike
PO Box 317546
Newington, Connecticut 06131-7546

Subject: Approval of the Statewide Transportation Improvement Program (STIP) Federal
Fiscal Years (FFY) 2021-2024 and Air Quality Conformity Determination

Dear Commissioner Giulietti:

The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) have completed the concurrent joint reviews of the FFY 2021-2024 Statewide Transportation Improvement Program (STIP) and the air quality conformity reviews for the FFY 2021-2024 Transportation Improvement Programs (TIPs) and their associated FFY 2019-2045 Metropolitan Transportation Plans (MTPs) for each of the Metropolitan Planning Organizations (MPOs) in Connecticut.

State Transportation Improvement Program

FHWA and FTA make the following Transportation Planning Findings, as per 23 CFR 450.220 and 23 CFR 450.330:

- The projects in the STIP are based on a planning process that meets the requirements of 23 U.S.C. 134 and 135; 49 U.S.C. 5303-5305; subparts A, B, and C of 23 CFR 450; and other applicable Federal requirements.
- Determination of STIP compliance has also been based on the CTDOT's self-certification and the MPO self-certifications, routine FHWA/FTA involvement in the statewide and metropolitan planning processes (e.g., review, concurrence, or approval of various planning documents), and the CTDOT's progress in addressing past planning findings.
- The metropolitan TIPs are based on a continuing, comprehensive transportation planning process carried on cooperatively by the State, the MPOs, and the transit operators in accordance with the provisions of 23 U.S.C. 134; 49 U.S.C. 5303-5305; and subparts A and C of 23 CFR 450.
- Determination of TIP compliance has also been based on joint MPO/CTDOT self-certification statements, routine FHWA/FTA involvement in the metropolitan planning processes (e.g., review, concurrence, or approval of various MPO documents), and findings from FHWA/FTA Certification Reviews of transportation management area planning processes.

Findings:

Corrective Action: CTDOT must provide a clear demonstration of financial constraint, based on reasonable financial planning practices. The financial constraint should clearly show that the funds programmed in the STIP do not exceed the funds available or expected to be available for each year. This demonstration of constraint must be maintained with each STIP action and submitted with each STIP amendment requesting federal approval.

CTDOT shall develop a strategy to identify and resolve the practices which resulted in apparent over-programming of federal funds and to improve the consistency, accuracy, and transparency of its fiscal constraint demonstration as part of the STIP. This strategy should include general information on how federal apportionments are tracked and updated in addition to how project costs are managed. CTDOT shall share a draft copy of the strategy with FHWA and FTA no later than March 31, 2021 for their input, prior to finalization and implementation. FHWA and FTA are available to provide training and technical assistance on financial planning and constraint as well.

Recommendation: CTDOT should review its process and schedule for submitting STIP amendments to the FTA during the last quarter of the federal fiscal year (FFY). Currently, FTA routinely receives requests for approval of STIP amendments that add new projects to the FFY which is about to close. In most cases, those projects are not awarded in grants before the FFY closes and so then require additional S/TIP actions to move them forward to the new FFY. CTDOT should coordinate with its partners to ensure projects are added to the S/TIP in the appropriate year in which they will be awarded in a grant. This will improve transparency and minimize unnecessary administrative work making additional revisions.

Recommendation: The ‘Connecticut’s Process for Consultation and Cooperation with Local Officials in Non-Metropolitan Areas’ (dated October 22, 2015) and STIP narrative document coordination processes with Rural COGs. Understanding the October 2015 document was anticipated to be effective for five years, it is recommended CTDOT work to update the document. It is further recommended that correspondence documenting rural COG STIP coordination be included in future updates of the STIP to comply with 23 CFR 450.210.

Recommendation: The Tribal TIP was transmitted to CTDOT (transmitted on December 14, 2020) for inclusion in the STIP along with the Eastern Federal Lands Highway Division TIP (transmitted on January 13, 2021). CTDOT should ensure these TIPs are included in the 2021-2024 STIP by March 31, 2021.

Based on the above comments, the FHWA and FTA have jointly determined the FFY 2021-2024 STIP for Connecticut substantially meets the requirements of 23 USC 134 and 135, 49 USC 5303-5305, and Subpart A, B, and C of 23 CFR 450, and hereby conditionally approve the STIP subject to the resolution of the above corrective action.

Air Quality

In accordance with the U.S. Environmental Protection Agency’s (EPA) Transportation Conformity Rule stated in 40 CFR Parts 51 and 93, and the U.S. DOT’s Metropolitan Planning Rule stated in 23 CFR Part 450, a conformity determination must be completed as a joint action by the FHWA and the FTA. The FHWA and the FTA reviewed the CTDOT’s “Ozone and PM2.5 Air Quality Conformity Determination” report dated April 2020, as submitted to the federal agencies on November 9, 2020. These analyses evaluated conformity of the MPO’s 2019 – 2045 MTPs and the FFY 2021-2024 TIPs (dated November

2020) to the budgets in the current State Implementation Plan (SIP) for air quality. CTDOT's report was also transmitted to EPA Region 1 for their review.

By letter dated December 7, 2020, the EPA notified the FHWA and FTA of their finding that the submitted air quality conformity analyses support U.S. DOT making a positive conformity determination. In particular, EPA Region 1 supports positive conformity determinations for the following five areas:

- (1) the Connecticut portion of the New York – Northern New Jersey – Long Island, NY – NJ – CT 2008 8-hour ozone nonattainment area
- (2) the Greater Connecticut 2008 8-hour ozone nonattainment area
- (3) the Connecticut portion of the New York – Northern New Jersey – Long Island, NY-NJ-CT, 1997 annual PM2.5 attainment area with a maintenance plan
- (4) the Connecticut portion of the New York – Northern New Jersey – Long Island, NY-NH-CT, 2006 24-hour PM2.5 attainment area with a maintenance plan
- (5) the New Haven PM10 attainment area with a limited maintenance plan

Accordingly, based on FHWA and FTA's joint evaluation of the TIPs and MTPs in addition to input received from CTDOT and EPA, FHWA and the FTA have determined that the TIPs and MTPs are in conformity with the goals of the SIP, are consistent with the Clean Air Act, and are consistent with the EPA conformity regulations as stated in 40 CFR Parts 51 and 93. The conformity determination of the TIPs and MTPs will remain in effect until such time as a new determination is required by 40 CFR 93.104.

Should you have any questions regarding this subject, please feel free to contact Jennifer Carrier of FHWA at (860) 494-7567, or Leah Sirmin of FTA at (617) 494-2459.

Sincerely yours,

Peter Butler
Regional Administrator
Federal Transit Administration

Amy Jackson-Grove
Division Administrator
Federal Highway Administration

cc: Ms. Kim Lesay, CTDOT
Connecticut Regional Planning Organization Directors
Mr. Kurt Salmoiraghi, FHWA – CT Division
Ms. Jennifer Carrier, FHWA – CT Division
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