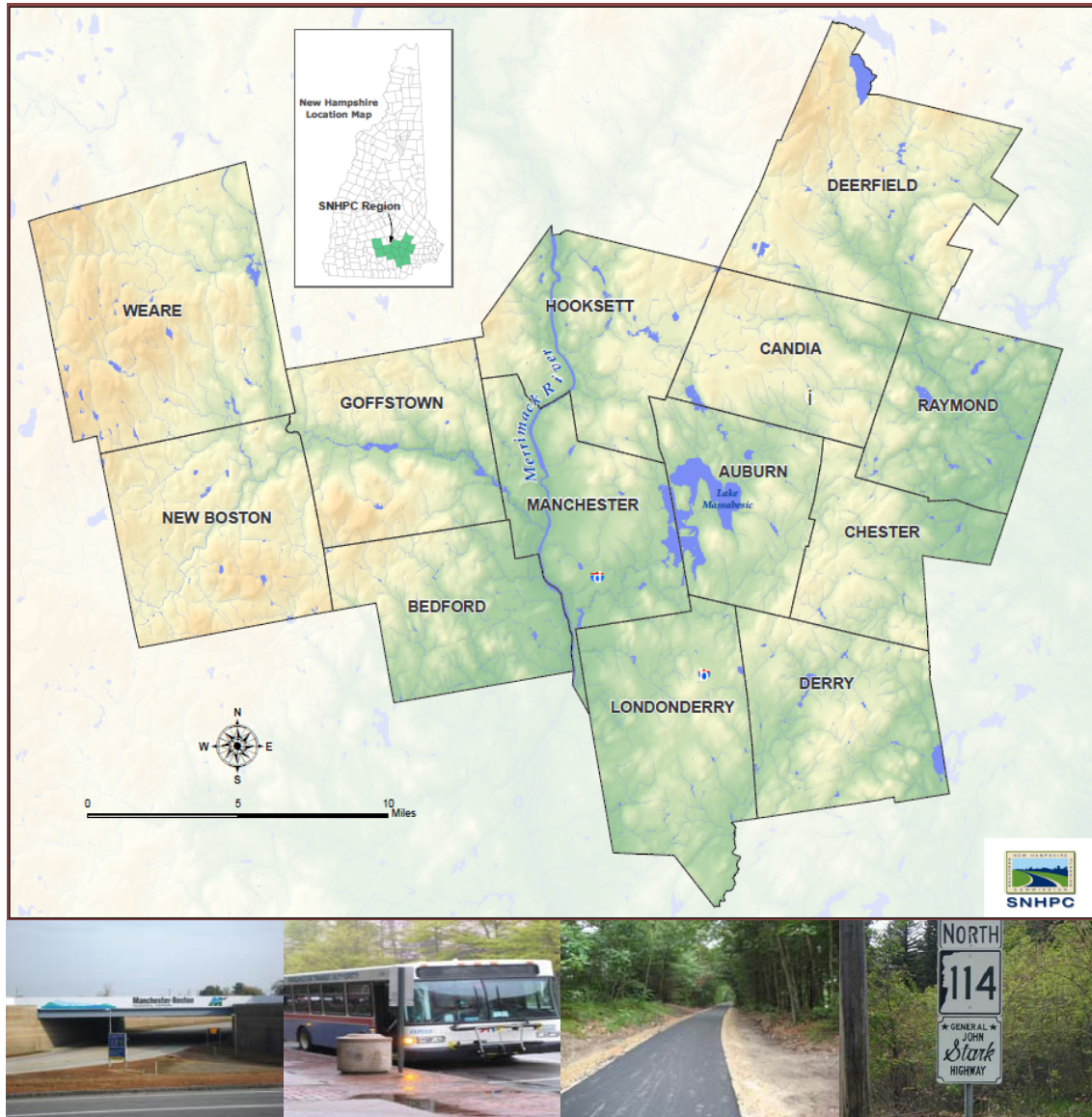


PROSPECTUS



A DESCRIPTION OF THE TRANSPORTATION PLANNING PROCESS
in the
SOUTHERN NEW HAMPSHIRE
PLANNING COMMISSION
AREA



September 28, 2011

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1.0 INTRODUCTION

This Prospectus provides an introduction to, and a framework for, transportation planning in the Southern New Hampshire Planning Commission (SNHPC) area pursuant to Federal transportation and environmental law. On March 4, 2011, the President signed H.R. 662, the Surface Transportation Extension ACT of 2011 extending the authorization of surface transportation programs through September 30, 2011. H.R. 662 generally continues the authorization of surface transportation programs through September 30, 2011 at the FY 2009 level under the same terms and conditions. This Prospectus also:

1. Identifies major transportation issues facing the region;
2. Provides an overview of the transportation planning and programming process;
3. Describes the functional responsibilities of the participating agencies that are involved in transportation planning; and
4. Describes the Public Involvement Process for the SNHPC Region.

The Prospectus is intended to provide direction for and maintain the continuity of the transportation planning and programming process. It should only be revised when necessary to do so as a result of major changes occurring in the planning requirements, the planning procedures, or agency responsibilities. A significant part of the transportation planning and programming process involves the semi-annual preparation of the Unified Planning Work Program (UPWP) which identifies the specific activities to be carried out during the fiscal year and identifies the costs of performing each of the associated tasks.

To meet the transportation needs of a highly mobile and complex society, it is necessary to have a transportation planning program that is:

1. Continuous, in order to be able to react to changing issues and programs;
2. Cooperative, in order to be able to coordinate the activities of the various agencies at the local, regional, state, and national levels that play a role in the provision of transportation services in the region; and
3. Comprehensive, in order to be able to integrate the various modes, including air, rail, highway, and transit.

The Continuous, Cooperative, and Comprehensive (3C's) process forms the basis of the transportation planning program for the SNHPC area. The 3C's process began in the Manchester Metropolitan area in 1964 as a cooperative effort involving local, state, and federal agencies. The result of that effort was the 1967 Metropolitan Manchester Planning Study (MMPS). The MMPS, or regional core, included the Manchester urbanized area and the contiguous communities of Auburn, Bedford, Goffstown,

Hooksett, and Londonderry. These communities made up the region in the early years of the Commission. By 1982 the towns of Candia, Chester, Deerfield, Derry, New Boston, Raymond, and Weare joined the Commission. The current SNHPC region consists of the City of Manchester and the Towns of Auburn, Bedford, Candia, Chester, Deerfield, Derry, Goffstown, Hooksett, Londonderry, New Boston, Raymond and Weare (See Figure 1). According to the 2000 Census, the SNHPC member communities comprise portions of the Manchester, NH, Nashua, NH and Boston, MA-NH-RI Urbanized Areas.

The SNHPC, which was established in 1966, became the logical vehicle to continue the transportation planning process. In December of 1973, Governor Meldrim Thomson Jr. designated the Commission as the Metropolitan Planning Organization (MPO) for the Manchester area. The MPO includes all thirteen communities within the SNHPC region which assures that they are included in the 3Cs transportation planning process. Additionally, all of the communities in the SNHPC region with the exception of Deerfield, New Boston and Weare are currently included in the Boston-Manchester-Portsmouth (SE), New Hampshire Non-Attainment area utilized for the Commission's air quality conformity analysis. The air quality conformity process is conducted in association with the New Hampshire Department of Transportation (NHDOT), the Environmental Protection Agency (EPA), the New Hampshire Department of Environmental Services (NHDES), the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA) and other New Hampshire MPOs.

A sound transportation planning program relies heavily on the identification and understanding of transportation issues within the study area. The following is a discussion of major transportation issues facing the SNHPC region.

1.1 Transportation Funding

Planning and political officials and other stakeholders to the process in the SNHPC region and the entire State are currently attempting to address shortages of funding for transportation improvements. Over the past few years, NHDOT, with the assistance of the State's regional planning commissions, has made difficult decisions to reduce the number of transportation projects included in the Ten Year Plan. This was accomplished as a means to develop and maintain a plan for improving New Hampshire's transportation infrastructure which more realistically reflects the availability of financial resources. More recently, largely because of the national and State economic and political environment, there is currently pressure to consider additional limitations on funding. As a result, major transportation improvements in the State such as the widening of the I-93 corridor are currently threatened. Additionally, changes in other routine expenditures involving maintenance, operations and various programs traditionally used to fund transportation may occur. The role that SNHPC will play in the development of policies to address the current financial situation will include working with its member communities, State and Federal agencies and other stakeholders to establish regional priorities for transportation and continuing to act as a source of information on issues related to funding of the region's transportation infrastructure.

1.2 Downtown Manchester

The principal urbanized area within the region has changed dramatically from an area once having a strong retail orientation to a service and entertainment center with employment concentrated on banking, finance, insurance and other business services. Recent activities in this area have focused upon creating more diversity, encouraging support services for the Verizon Wireless Area and Northeast Delta Dental Stadium in the southern portion of the central business district and increasing connectivity between the central business district and the Millyard area. In July 2010, the Manchester Transit Authority (MTA) initiated service on its “Green Dash” downtown circulator which provides transportation to downtown and the Millyard within an area bounded by West Brook Street to the north, Granite Street to the south, Commercial Street to the west and Elm Street to the east. The service, which runs on a ten-minute headway between 7AM and 7PM Monday through Friday, is free to the public.

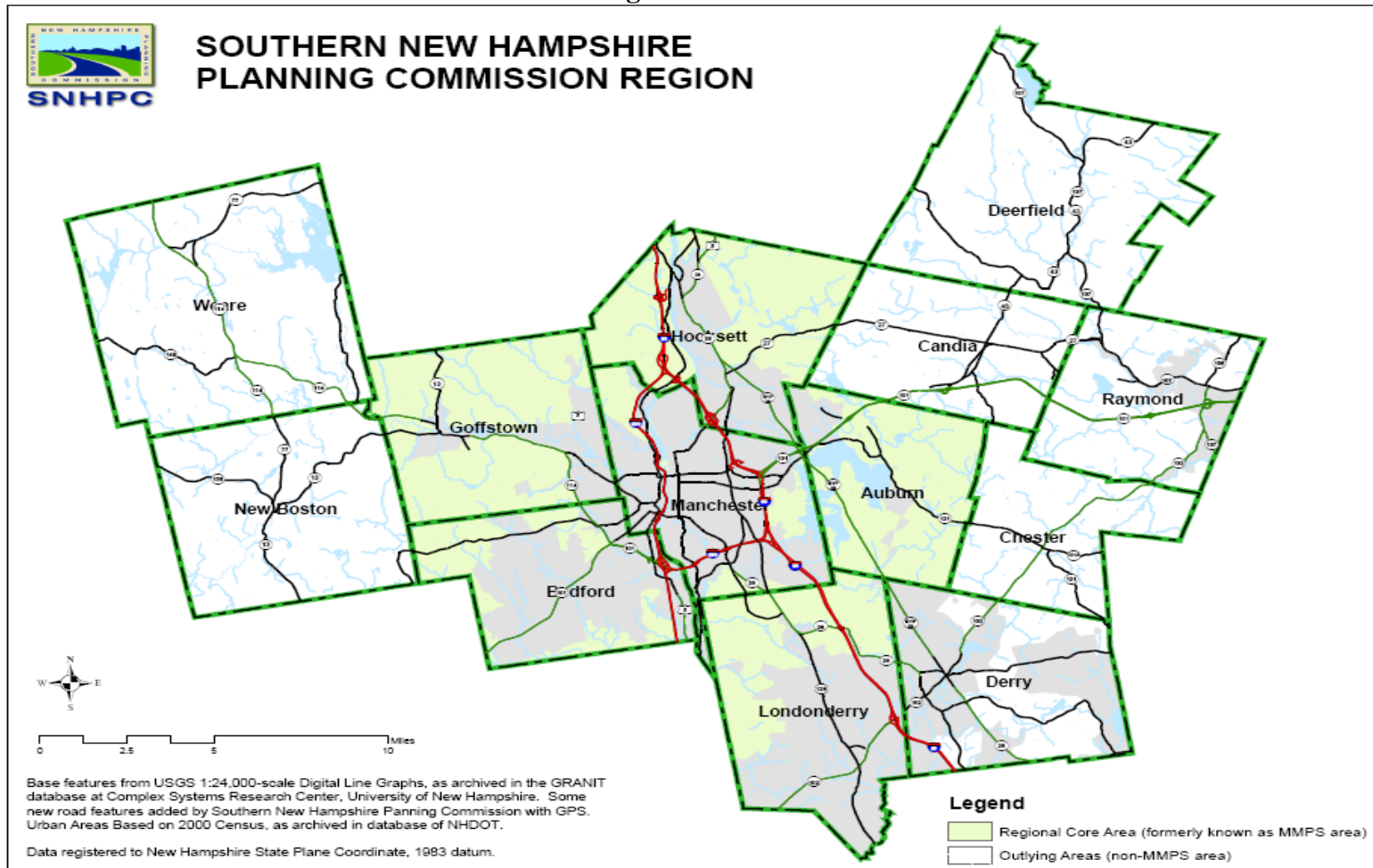
The success of downtown Manchester is closely related to the strength of the connection between the area and the regional transportation system. Improvements at I-293 Exit 5 (Granite Street) area have significantly enhanced this connection as will the development of a planned downtown multi-modal transportation center. Other transportation goals related to the development of this area are increased inter-city bus services including improved connections to Manchester-Boston Regional Airport (MBRA), the initiation of the Capitol Corridor passenger rail service and improvements to the I-293 Exit 6 and 7 interchange connections.

1.3 Manchester-Boston Regional Airport

Manchester-Boston Regional Airport, which has evolved from a small town airfield built in the 1920's, became a major training and transport base during World War II. The airport is owned by the City of Manchester and is operated by the City of Manchester Department of Aviation, a city commission established under State law. MBRA is the largest commercial air traffic facility in New Hampshire. At present MBRA is served by six major passenger carriers and five cargo carriers.

During the past decade, MBRA has truly become a regional air transportation resource as more and more air travelers from across New England discover the many benefits of using the facility for business or leisure travel. MBRA recently completed an update of its Master Plan, which includes a \$64,000,000 short-term capital improvement plan consisting of property acquisition, terminal enhancements and taxiway improvements designed to improve efficiency, security and convenience. Long-term features of the MBRA capital improvements program include rehabilitation of runways and parking areas and terminal enhancements.

Figure 1



Projects designed to improve multi-modal access to MBRA are also currently being implemented. Regional and local access to MBRA will be greatly enhanced through the completion of the Bedford-Manchester-Londonderry Airport Access Road project that will include direct connections between the F.E. Everett Turnpike, U.S. Route 3 and MBRA. The project, currently under construction, is scheduled for completion in late 2011. In February 2011, the NHDOT Bureau of Rail and Transit was awarded a \$2,500,000 CMAQ grant to implement regularly scheduled bus services between the MBRA, downtown Manchester and the Portsmouth Transportation Center. The anticipated start-up of the service is scheduled for May 2012.

1.4 Expansion of Public Transportation in the Region

The current MTA fixed-route system consists of eleven routes providing scheduled service Monday through Friday. Saturday service is provided on eight of these routes. Comprehensive service is provided to the central business district, and routes extend outward to serve most areas of the City. The system also provides limited service in the Towns of Bedford Goffstown, Londonderry and Hooksett. Complimentary ADA paratransit service is also provided for those unable to use regularly scheduled fixed-route system. The MTA will be implementing service enhancements in late 2011 to improve the efficiency of the existing system. MTA is currently pursuing a series of public-private partnerships of local businesses in an effort to improve public transportation and more effectively utilize FTA funds available to the region. Currently, Stoneyfield Farms, Southern New Hampshire University and Stop and Shop Supermarkets are among the stakeholders collaborating with the MTA to improve transportation in the region.

The Cooperative Alliance for Regional Transportation (CART) serves to expand access to transportation in a seven-town Greater Derry-Salem service area that includes the towns of Chester, Derry and Londonderry in the SNHPC region. The service coordinates a range of existing agencies providing van service to senior citizens, people with disabilities, and others in need of transportation in the region and also expands the level of service available by leveraging federal transit funds available to the region which have not been tapped previously. CART, which has been in operation since October 2006, also provides out of region service to specific out-of-region destinations, including Elliot Hospital, Catholic Medical Center, Dartmouth Hitchcock Medical Center and the VA Medical Center in Manchester and Exeter Hospital. Limited service is also being currently provided to Plaistow, NH and future plans include implementing deviated fixed route services to augment the existing demand response service. Deviated fixed route services between Hampstead and Londonderry and between Derry and Londonderry are scheduled to begin late 2011.

SNHPC continues to participate, in conjunction with the New Hampshire Rail Transit Authority, in efforts to re-establish passenger rail service in southern New Hampshire. The New Hampshire Capitol Corridor project will connect Boston, MA and Concord, NH as part of the federally designated Boston to Montreal High Speed Corridor. Proposed station stops on the new service include Lowell, MA, Nashua, Bedford (MBRA),

Manchester and Concord NH. A March 2011 operating agreement between the MBTA and Pan-Am Railways will enable the MBTA to operate the new service. The NHDOT has obtained Federal Transit Administration and Federal Railroad Authority grants to complete the environmental permitting process required to implement the service.

SNHPC continues to collaborate with the New Hampshire Department of Health and Human Services (NHDHHS), the NHDOT and stakeholders in Regions 8 (Greater Manchester) and Region 9 (Greater Derry/Salem) on the Statewide Coordination of Community Transportation Services project. SNHPC is currently involved in activities such as pursuing grant opportunities to fund coordinated transportation, coordination of the operations of the Region 8 and 9 Regional Coordination Councils and assisting NHDHHS and NHDOT in the selection of Regional Transportation Coordinator for Region 8. The priorities of the SNHPC related to this effort are documented in the Coordinated Public Transit-Human Services Transportation Plan for the SNHPC Region.

The next section of this Prospectus presents an overview of the transportation planning and programming process of the SNHPC region.

2.0 OVERVIEW OF THE TRANSPORTATION PLANNING PROCESS

SNHPC is responsible for the maintenance and implementation of a transportation planning process based on Section 450.306 of the Metropolitan Planning Rules (23 CFR 450). The process incorporates goals established in earlier transportation legislation as well as more recent requirements involving the development of the Regional Transportation Plan (RTP) and Transportation Improvement Program (TIP), public participation and fiscal constraint. The transportation planning process in the SNHPC area consists of the following five components.

1. The Planning Program (UPWP)
2. Regional Transportation Plan for the SNHPC (RTP)
3. Transportation Improvement Program for the SNHPC (TIP)
4. Air Quality Planning
5. Project Implementation
6. Monitoring, Evaluation and the Continuing Planning Process

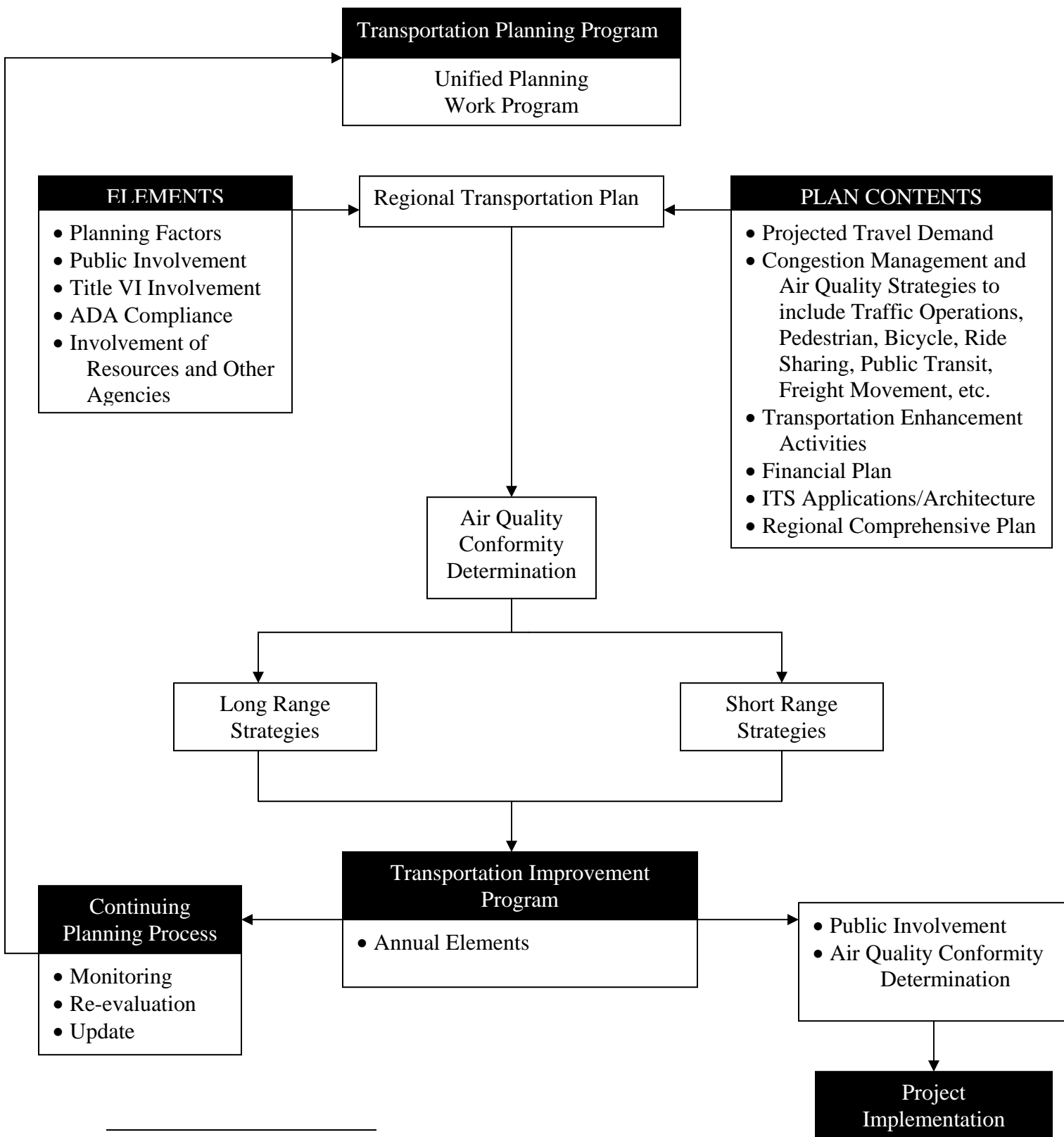
The relationship between these components is illustrated in Figure 2. The overall process is reviewed periodically by FHWA and FTA with a certification determination subsequently made in accordance with Title 23 of the Code of Federal Regulations, Part 450.334. Each of the basic components listed above is discussed in detail, in the following sections.

2.1 Unified Planning Work Program (UPWP)

The planning program consists of the tasks to be undertaken in the Unified Planning Work Program (UPWP) for a two year fiscal period. The UPWP provides detailed descriptions of the various work activities that must be performed on an annual or biennial basis to keep the plan current and to program selected projects for implementation. The UPWP also includes a detailed budget of the costs and schedule associated with the performance of the individual activities for the respective fiscal years. Metropolitan Planning rules (23 CFR 450) specify that the UPWP must be developed through cooperation with the State and the MTA and CART, the FTA designated transit providers who operate within the region.

With respect to each activity, the UPWP identifies its objective, the proposed work tasks for the upcoming fiscal years, the products to be produced, funding sources and estimated costs. SAFETEA-LU planning requirements specify factors that must be considered in the development of transportation plans and programs for the region. A brief description of the factors and the linkage between them and the UPWP tasks, which ultimately produces transportation plans and programs, is included in the UPWP.

Figure 2
The Transportation Planning Process



2.2 The Regional Transportation Plan for the SNHPC

The Regional Transportation Plan for the SNHPC (RTP) addresses all forms of transportation used in the thirteen municipalities, including highways, transit, bikeways and walkways, rail and air transportation. For each mode of transportation, existing conditions, future demand analysis, possible initiatives to address needs and final prioritized recommendations are presented. The RTP is intended for and must be submitted and approved to establish a long-range project-specific guide for funding transportation improvements. The RTP represents the first phase of development for projects submitted on behalf of SNHPC member communities. The RTP is also coordinated with an air quality conformity determination to the State Implementation Plan made when the document is adopted or amended. The content of the RTP must also be consistent with the goals, regional needs and desired services in the “Intelligent Transportation Systems Architecture for the SNHPC Region”.

In order to maintain eligibility for transportation funds allocated by the New Hampshire Department of Transportation, the SNHPC MPO authorizes the completion of the RTP for the thirteen-member communities. Prioritization of the RTP recommendations results from a screening process that uses eight planning factors mandated in Federal transportation legislation to ensure that impacts associated with health, safety, welfare and the environment are properly weighed in the public interest. The planning factors are:

- Support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency;
- Increase the safety of the transportation system for motorized and non-motorized users;
- Increase the security of the transportation system for motorized and non-motorized users;
- Increase accessibility and mobility of people and freight;
- Protect and enhance the environment, promote energy conservation, and improve quality of life, and promote consistency between transportation improvements and State and local planned growth and economic development patterns;
- Enhance the integration and connectivity of the transportation system, across and between modes, for people and freight;
- Promote efficient system management and operation; and
- Emphasize the preservation of the existing transportation system.

The RTP illustrates how the existing and future projects, programs and activities of the SNHPC addresses these requirements. In addition to the planning factors, FHWA and FTA have also identified ten additional Planning Emphasis Areas (PEAs) designed to more fully meet the requirements of Federal transportation legislation and reflect newer initiatives not yet addressed as Federal requirements. The ten PEA's are *1) Compliance with planning and programming requirements; 2) Fiscal Constraint and Financial Planning; 3) Project Monitoring; 4) Travel Demand Model Maintenance; 5) Data Collection – HPMS and CMP; 6) Integrating 2010 Decennial*

Census; 7) Planning and Environmental Linkages; 8) Planning Performance Measures; 9) Climate Change and 10) Livability.

Federal transportation legislation stipulates that the RTP, which must maintain a 20-year planning horizon, must be updated by the MPO once at least every four years in air quality non-attainment (and maintenance) areas. The validity and consistency of the RTP's major assumptions pertaining to projects, land use and transportation policy must be confirmed through these updates. Because of the need for the SNHPC MPO to maintain consistency with the two-year update cycle for the Ten Year Transportation Improvement Plan and STIP (State Transportation Improvement Program), it is anticipated that future updates will be timed to occur with these processes.

2.3 The Transportation Improvement Program

The Transportation Improvement Program (TIP) is the vital link between plan development and project implementation, whereby plans are converted into specific improvement projects which are then programmed for implementation on the basis of priority and fiscal constraints. The TIP is a staged four-year program of regional transportation improvement projects which are compiled from both the RTP and short-range planning elements.

In New Hampshire, the TIP is generally updated every two years by the MPO, concurrent with the STIP. The TIP's first two years include those projects that have been selected for funding as agreed upon by the NHDOT and the MPO. The projects included in the first four years of the TIP are also included in the air quality determination. Those fiscally constrained projects included in the fourth year of the TIP subsequently become the first year projects following the biannual TIP update. All transportation projects utilizing Federal transportation funds in the SNHPC MPO region must be included in a conforming, approved TIP in order to be incorporated into the STIP. Other requirements pertaining to the development and maintenance of the TIP include:

- The TIP must contain all transportation projects including, all capital and non-capital projects within the MPO area to be funded through Title 23 or the Federal Transit Act, projects consistent with the recommendations of the long-term RTP and all regionally significant projects funded by Federal or non-Federal funds;
- The TIP must include a financial plan demonstrating that it is financially constrained by year and must include project-specific costs by funding source and category. Funding for the first two years must be available and committed and funding for the third and fourth years should be reasonably available;
- The TIP must be established through the use of effective early and continuing public involvement and public notice of public involvement activities as well as public review and comment on the TIP will satisfy the Program of Project requirements of the FTA Section 5307 program;
- If adopted by the MPO and approved by the Governor, the TIP must be included in the STIP without modification.

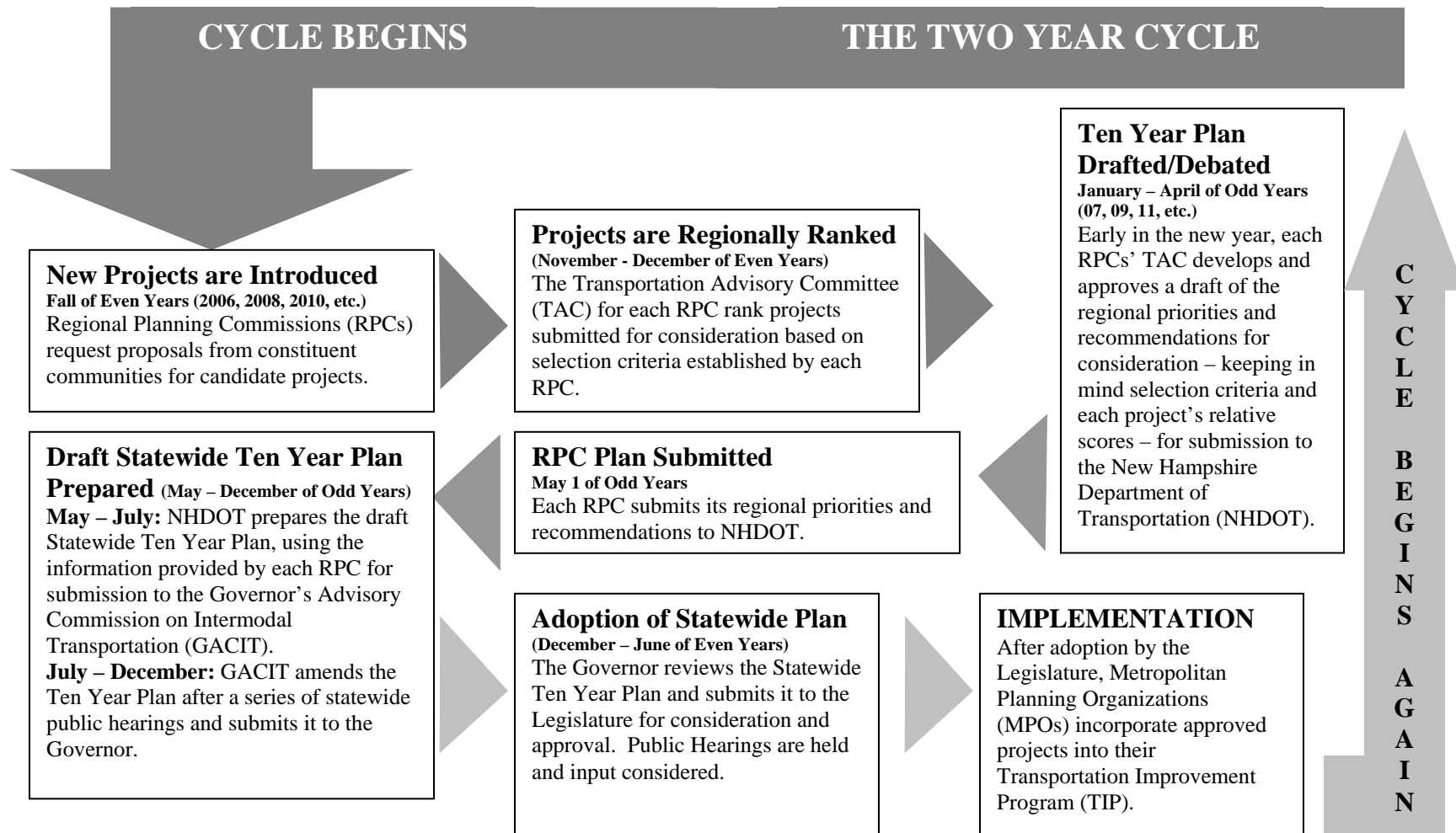
- The MPO, State and public transportation operators must prepare a list of projects, for which Federal funds were obligated for spending during the immediate preceding year. The listing, which must be consistent with the funding categories identified in the TIP, must also include the amount of funds programmed in the TIP, the amount obligated in the program year, and the amount of funds remaining and available for use in subsequent years.

The development of the FY 2011 – FY 2014 TIP began in January 2009 when SNHPC member communities were contacted concerning the initiation of the development of the NHDOT 2011 – 2020 Ten-Year Plan. At the January 15, 2009 meeting of the Technical Advisory Committee (TAC), the development of the Ten-Year Plan was discussed and a motion was passed instructing staff to send letters to towns/agencies to explain the status of the current Ten Year Plan and requesting that they provide the SNHPC with information pertaining to priorities for local transportation projects. A solicitation letter was subsequently sent to SNHPC member communities and agencies later in January. In response to this request, member communities submitted locally prioritized projects to be considered in the development of the NHDOT 2011 – 2020 Ten-Year Plan. The projects submitted by member communities were then reviewed and ranked by the TAC during a meeting held on March 19, 2009. The results of the ranking process were approved by the SNHPC MPO on April 26, 2009 and subsequently submitted to NHDOT.

The draft Ten-Year Plan was discussed again during the September 17, 2009 TAC meeting prior to Governor's Advisory Council on Intermodal Transportation hearings that took place in September and October 2009 to take public input on the plan. SNHPC participated in these hearings and following their completion, the draft 2011 – 2020 Ten-Year Plan was subsequently submitted to the Governor. After the Legislature approved the Ten-Year Plan in the Spring of 2010, the NHDOT subsequently provided the SNHPC with its draft STIP, from which selected projects form the SNHPC FY 2011 – FY 2014 TIP. During August and September 2010, the draft STIP was reviewed and final development of the SNHPC TIP began. Public and agency comment on the document was received and the final version of the TIP was approved by the MPO on September 28, 2010.

Figure 3 presents a flow diagram of the Ten-Year Plan development process that results in the development of the regional MPO TIP.

Figure 3 - The Ten-Year Plan Process



2.3.1 TIP/STIP Revisions

NHDOT, through cooperation and coordination with the MPOs and the rural Regional Planning Commissions (RPC), maintains the STIP. The approved STIP is frequently revised to reflect changes in project status, therefore, before the STIP is revised to reflect a project change in an MPO area, the MPO TIP must first be revised. Changes in project schedules, funding needs, and project scopes require revising the approved STIP. These changes may be initiated from the NHDOT or at the MPO and, depending upon their significance and complexity, may require coordination between several agencies and may also require Federal approval.

Through interagency consultation, NHDOT participates with representatives from the FHWA, FTA, the Environmental Protection Agency (EPA), and the NH Department of Environmental Services (NHDES), MPOs and RPCs to discuss issues, effects of, and requirements regarding revisions of the STIP. Through Interagency Consultation, criteria have been developed describing the thresholds and triggers that will define what type of action is required to make a revision to the STIP.

There are two types of revisions to an approved STIP: an Amendment and an Administrative Modification. Additionally, administrative modifications are classified as major or minor (information only) depending on the magnitude of the changes. To help ensure that the STIP remains financially constrained as revisions are made, the NHDOT will balance the net effect of project changes by year and provide supporting financial constraint documentation with each Amendment.

The Executive Director has the authority to review and approve Administrative Modifications, and to determine when Administrative Modifications require processing as Amendments. The Executive Director may request the advice of members of the Technical Advisory Committee to complete these procedures. This advice may be sought during a formal meeting of the TAC or through more informal methods. The Executive Director will issue a letter to the NHDOT indicating concurrence or disapproval of each Administrative Modification. This information will be made available to members of the TAC and MPO.

The full TIP/STIP Revisions Procedures are included in Appendix D and additional information on public involvement procedures relating to TIP amendments and revisions is included in Section 4.5

2.4 Air Quality Planning

The SNHPC MPO is required to participate in and coordinate, as part of the Clean Air Act and the New Hampshire Transportation Conformity administrative rules (PART Env.-A 1501), a transportation planning process that contributes to the goal of reaching and maintaining National Ambient Air Quality Standards (NAAQS). Env. 1501 is included in this Prospectus as Appendix C. Understanding the impacts of changes to the transportation system resulting through the project implementation is vital to the air quality planning process. The SNHPC RTP and TIP

contribute to reduced mobile source emissions through a planning process based on quantitative analyses of the projects included in these documents. Because portions of the Southern New Hampshire have been designated as non-attainment for ground level ozone, the Clean Air Act requires a conformity determination of the SNHPC RTP and TIP. A conformity determination is required in any area designated as “non-attainment” for a pollutant for which NAAQS exists. The determination focuses on three types of emissions: Volatile Organic Compounds (VOC), Nitrogen Oxides (NOx) and Carbon Monoxide (CO). Both VOC and NOx have been identified to be precursors to ozone production.

As of the writing of this document, all of the SNHPC member communities except for the towns of Deerfield, New Boston and Weare are included in the Boston-Manchester-Portsmouth (SE), New Hampshire Non-Attainment area. The City of Manchester, which was previously designated non-attainment for carbon monoxide (CO), is required to demonstrate conformity to a 20 year maintenance plan to ensure it continues to achieve compliance with the CO standard. The current Ozone Non-Attainment area is shown in Figure 4. The New Hampshire non-attainment area is situated in four MPOs in the southern portion of the state. As a result, coordination of the air quality planning process is essential to achievement of the desired results. Coordination of the air quality conformity process is accomplished through an Interagency Consultation process involving representatives of the SNHPC, other state MPOs, NHDOT, FHWA, FTA, EPA and NHDES.

On September 2, 2011, the President issued a press release requesting that EPA withdraw draft Ozone National Ambient Air Quality Standards proposed in January 2010. EPA was scheduled to make final area designations in 2011 and by December 2013, States would have been required to submit implementation plans outlining how the new standards would be met. This ruling would have been likely to impact the current Ozone Non-Attainment area and would likely have resulted in the inclusion of additional areas designated as non-attainment.

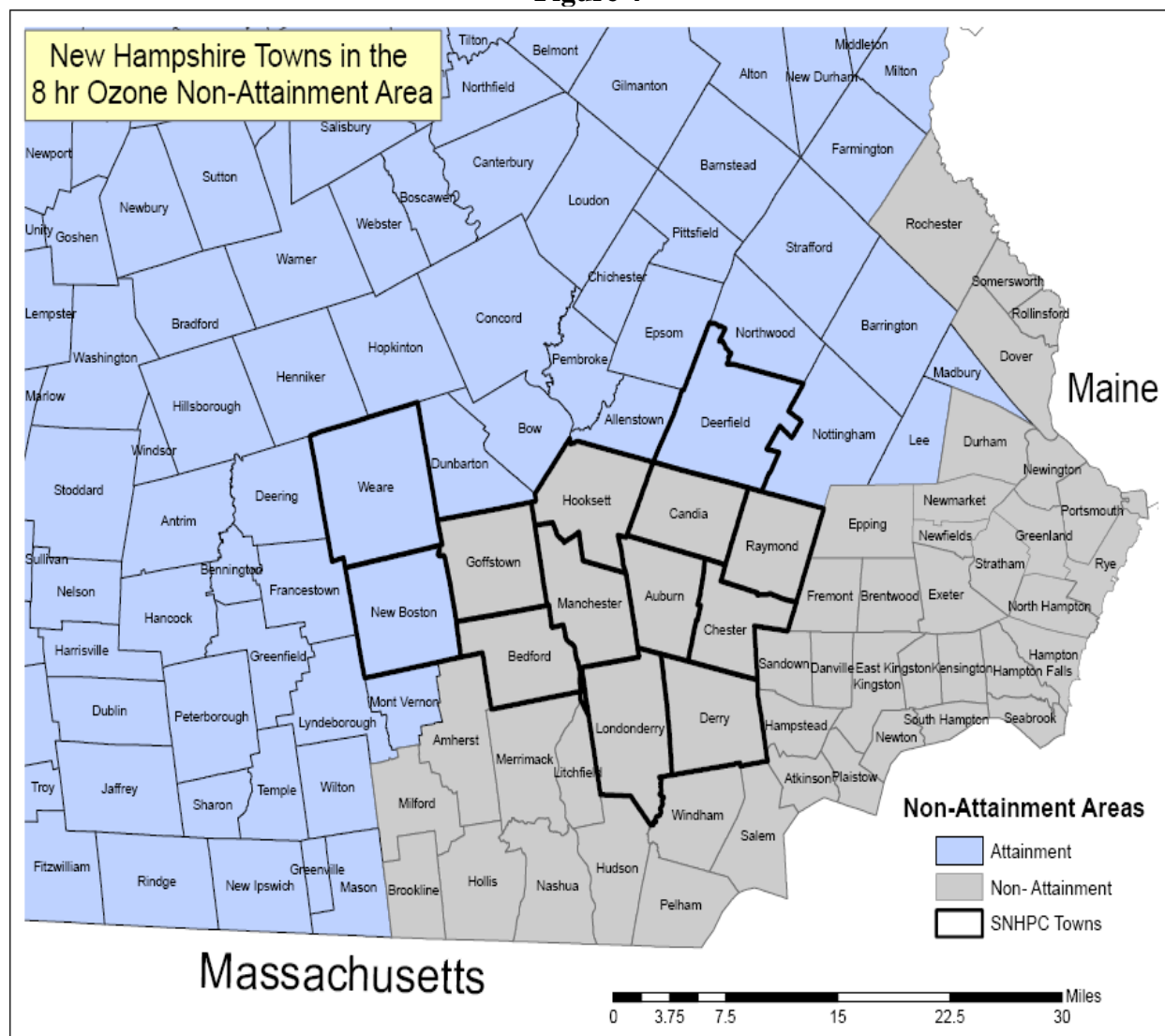
MOVES (Motor Vehicle Emission Simulator) is EPA’s state-of-the-art, upgraded model for estimating emissions from cars, trucks, motorcycles, and buses. MOVES is based on an analysis of millions of emission test results and considerable advances in EPA’s understanding of vehicle emissions. EPA released MOVES 2010 in December 2009, and subsequently released minor updates to the model in the MOVES 2010a version in August 2010. On March 2, 2010, EPA approved the use of MOVES 2010 for transportation conformity analyses. The use of MOVES 2010 for transportation conformity analyses is required by March 2012.

2.5 Project Implementation

Project implementation, although technically not a part of the planning process, is carried out by many of the same contributing agencies, such as NHDOT, SNHPC member municipalities, the CART, MTA, MBRA, and the private sector. Projects are selected for implementation under the STIP and regional TIP by the NHDOT as available funding permits. Once projects have been selected for funding, on-going communication between the MPO and the implementing agencies is essential. Information relative to the progress made and/or delay in implementation due to unforeseen circumstances needs to be communicated to the MPO by the NHDOT so that those

who are responsible for the planning process can track the status of projects as they progress through the implementation phase.

Figure 4



Once the final form of any TIP and STIP has been approved, the NHDOT may proceed with projects appearing in any one of the three years. Projects in the first year are considered to be the “agreed to” list of projects for that year and can proceed without further action by the MPO, through the Executive Director of the SNHPC. Projects in the second or third year of the current TIP and STIP may be scheduled for earlier or later implementation than planned, provided:

1. The NHDOT shall notify the MPO, through the Executive Director of the SNHPC, in writing of the need to advance or delay projects. This notice shall include an explanation of the purpose and need of the change, and an explanation of how that change will affect the implementation of any other project in the TIP.

2. For any project proposed to be advanced that requires local matching funds, the MPO, through the Executive Director of the SNHPC, shall determine that the funds will be available in the timeframe required.
3. The NHDOT shall certify to the MPO, through the Executive Director of the SNHPC, that the proposed changes in the scheduling of the project(s) for implementation will continue to maintain the TIP as a financially constrained program.
4. Written concurrence with the proposed change in the scheduling of project(s) is issued by the Executive Director of the SNHPC.

2.6 The Continuing Planning Process

Continuity in planning is an integral part of the 3C's process involving three related activities, monitoring, re-evaluation and update of the RTP.

Monitoring related to relevant data and information as well as transportation improvement projects is required to ensure continued maintenance of the RTP. Relevant data includes information concerning changes in the patterns of urban growth, socio-economic variables, and the characteristics of urban travel demand. Also a part of the surveillance process is the analyses of the effectiveness of specific transportation improvement projects. This particular activity is carried out jointly by the MPO and the NHDOT.

Part of this monitoring process involves the cooperation of the MPO, State and public transportation operators, who are responsible for preparing a list of projects for which Federal funds were obligated for spending during the immediate preceding year. This Annual Listing of Obligated Projects must also include the amount of funds programmed in the TIP, the amount obligated in the program year, and the amount of funds remaining and available for use in subsequent years. The Annual List of Obligated Projects is made available to the public on the SNHPC website.

The primary purpose of re-evaluation is to determine if the RTP is continuing to meet the changing needs of the region. Input to the re-evaluation process includes:

- Consideration of new information concerning identifiable changes in the magnitude, direction and effects of urban growth as determined from data obtained through the surveillance activity;
- Consideration of the effects on the Plan, if any, resulting from subsequent revisions in federal and state planning requirements;
- Identification and evaluation of pertinent changes in community goals and objectives;
- Assessment of the continued availability of transportation funds; and
- Review of current indicators of satisfactory transportation system performance.

Re-evaluation of the RTP is carried out jointly by the MPO staff and the TAC. Reaffirmation (or revision, if necessary and appropriate) of the Plan is the responsibility of the MPO policy body. The RTP requires an update when re-evaluation indicates that the RTP no longer adequately serves as a master guide for the funding of transportation projects in the region. Plan updates during those time periods between the regular biennial Ten-Year Plan process can be triggered by revisions to the STIP impacting the existing air quality analysis and requiring a new determination.

The next section of the Prospectus presents the functional responsibilities of the various participants in the MPO planning process.

3.0 FUNCTIONAL RESPONSIBILITIES OF THE PARTICIPANTS IN THE MPO PLANNING PROCESS

Southern New Hampshire Planning Commission MPO Policy Board

The SNHPC MPO Policy Board (MPO), representing all of the municipalities within the jurisdictional area of the SNHPC as well as state and federal transportation officials, provides overall direction for the transportation planning process. The SNHPC, when acting as the MPO, meets as the MPO Policy Board and includes additional members as described in this section. The SNHPC MPO staff, under the direction of the MPO Policy Board, has the major responsibility for conducting the 3C's metropolitan transportation planning process. Technical guidance to the MPO and MPO staff is provided by the TAC. The primary functions of the MPO are to:

1. Establish the goals, objectives and policies governing transportation planning in the region.
2. Approve the UPWP program and budget.
3. Direct the preparation of and adopt the Long-Range and Short-Range strategies of the RTP.
4. Recommend projects for implementation through adoption of the TIP.
5. Contribute to the air quality conformity determination for the RTP and the TIP.

Other agencies in the MPO planning process provide input and/or have responsibilities for performing specific tasks as determined by agreements and the New Hampshire Administrative Rule on Transportation Conformity (Appendix C). Through such agreements, the SNHPC also provides planning and related supportive services to the MTA and CART.

The basic structure of the MPO Policy Board, including the number of members from each organization, is shown in Figure 5. The nucleus of the MPO is made up of the SNHPC commissioners, the NHDOT and the MTA. FHWA and FTA are represented in a non-voting advisory capacity. The Regional Planning Commissions/MPOs surrounding the SNHPC region and the NHDES, Air Resources Division are also included on the MPO Policy Board in a non-voting capacity. Other agencies and organizations may also be included and/or consulted on an as-needed basis. The MPO staff is assisted by personnel representing local, state, and federal departments and agencies for purposes of providing technical guidance and input in the plan development process.

Figure 5
Membership of the SNHPC MPO
Policy Board

<u>LOCAL</u>	<u>NUMBER OF REPRESENTATIVES</u>
Town of Auburn	2
Town of Bedford	3
Town of Candia	2
Town of Chester	2
Town of Deerfield	2
Town of Derry	3
Town of Goffstown	3
Town of Hooksett	2
Town of Londonderry	3
City of Manchester	4
Town of New Boston	2
Town of Raymond	3
Town of Weare	2
Manchester Transit Authority	1
 <u>REGIONAL</u>	
Nashua Regional Planning Commission*	1
Rockingham Planning Commission*	1
Southwest Regional Planning Commission*	1
Central New Hampshire Regional Planning Commission*	1
Strafford Regional Planning Commission*	1
Cooperative Alliance for Regional Transportation*	1
 <u>STATE</u>	
NH Department of Transportation	2
New Hampshire Department of Environmental Services, Air Resources Division*	1
 <u>FEDERAL</u>	
Federal Highway Administration*	1
Federal Transit Administration*	1
* Non-voting status	

SNHPC Technical Advisory Committee

The SNHPC Technical Advisory Committee (TAC) was established to advise the MPO staff on the transportation issues and projects of concern to the municipalities and agencies represented on the MPO Policy Board. As outlined in Figure 5, the TAC is comprised of technical-level personnel from the SNHPC member communities. RPCs/MPOs surrounding the SNHPC region

are also included on the TAC in a non-voting capacity. The primary responsibilities of the TAC are to:

1. Provide input for the development of the annual UPWP, RTP and TIP.
2. Provide the MPO staff with information concerning transportation and other development projects being proposed.
3. Provide information on projects that have regional significance as they relate to the RTP.
4. Provide technical review of plans developed by the MPO staff, and make recommendations to the MPO Policy Board regarding the adoption and/or revision of RTP elements.
5. Provide the MPO staff with a list of desired projects for inclusion in the TIP in a timely fashion.
6. Ensure that public notices of regional meetings on transportation issues are disseminated in their respective agencies and communities.

Figure 6
Membership of the Technical Advisory Committee

The Committee consists of one staff person representing each of the following agencies:

LOCAL:

- Town of Auburn
- Bedford Planning & Zoning Department
- Town of Candia
- Town of Chester
- Town of Deerfield
- Derry Planning Department
- Goffstown Planning, Economic Development and Code Enforcement Office
- Hooksett Planning Department
- Londonderry Planning & Development Department
- Manchester Department of Public Works – Highway Division
- Manchester Transit Authority
- Manchester-Boston Regional Airport
- Manchester Planning & Community Development Department
- Town of New Boston
- Raymond Planning & Community Development Department
- Town of Weare

REGIONAL:

- SNHPC
- Rockingham Planning Commission*
- Nashua Regional Planning Commission*
- Southwest Regional Planning Commission*
- Central New Hampshire Regional Planning Commission*
- Strafford Regional Planning Commission*
- Cooperative Alliance for Regional Transportation

- STATE: -NHDOT
Bureau of Planning and Community Assistance
Bureau of Rail and Transit
Bureau of Aeronautics
- New Hampshire Department of Environmental Services
Air Resources Division
- FEDERAL: - Federal Highway Administration*
- Federal Transit Administration*
- OTHER: - Any special interest groups wishing to attend will be welcomed, but with non-voting status.
- *Non-voting status

The SNHPC MPO staff is made up of the transportation planning and support staff of the SNHPC. The MPO staff has principal responsibility for the development and maintenance of the various documents required for the continuation of the 3C's process, including the RTP, TIP and UPWP, as well as other required studies and research. Other MPO duties include participation, along with other agencies, in the air quality conformity process, establishing effective, early and continuing public involvement through adherence to the Public Involvement Process for the SNHPC Region and providing technical assistance to member communities. The MPO staff is also responsible for ensuring coordination of transportation planning between the various local, regional, state and federal agencies involved in the process.

The responsibilities of participating agencies, as related to the function of the MPO transportation planning process, including the MPO Policy Board and TAC, are described in the following sections.

SNHPC Member Municipalities

Each of the municipalities within the jurisdictional area of the MPO is afforded one or more opportunities to provide input for and to otherwise participate in the transportation planning and programming processes at both the technical and the policy making levels. All SNHPC member communities are afforded representation on the MPO Policy Board and TAC. As a result, all member communities are provided with the opportunity to participate in the MPO planning process, express local project-level transportation priorities and needs and participate in the review and evaluation of principal MPO documents. These responsibilities include participation in the development and maintenance of the UPWP, RTP and TIP. Participation in these processes serves to represent the short and long-term needs of the communities and region and maintain on-going communication.

New Hampshire Department of Transportation

NHDOT has statutory authority under New Hampshire law to plan, design, build, and maintain state highways and public facilities of the state. The NHDOT retains the authority for overall administration and funding of the regional transportation planning program, and the authority to select eligible transportation projects for implementation. Additionally, the NHDOT is also a participant in the Interagency Consultation process. Specific responsibilities regarding execution of the regional transportation planning and programming include:

1. Making metropolitan planning (PL) and FTA Section 5303 funds available to the MPO for area wide transportation planning.
2. Participating in the 3C's process through its representation on the TAC and the MPO Policy Board.
3. Actively participating in the preparation, amendment and update of the RTP and TIP.
4. Providing data or acting as the facilitator in having data provided to the Commission from other state agencies as required to support UPWP tasks.
5. Making available all federal and state laws and regulations that govern transportation planning (highway and transit) and compliance with the Clean Air Act Amendments of 1990.
6. Providing the MPO of available Federal and State funds which will be used for the development of the financial plan.
7. Sharing joint responsibility with and assisting the MPO in making the air quality conformity determination as per Transportation Conformity: Env.-A 1500 of the New Hampshire Code of Administrative Rules (Appendix C).
8. Soliciting the involvement of the MPO in any major study to be undertaken by the NHDOT in the Planning Commission area.

The NHDOT is represented on the MPO Policy Board by the Assistant Commissioner and the Administrator of the Bureau of Planning and Community Assistance. The Department is also represented on the TAC by personnel from the Bureau of Planning and Community Assistance, the Bureau of Rail and Public Transit, and the Bureau of Aeronautics. A February 5, 1996 agreement between the NHDOT and SNHPC outlining the responsibilities of both related to the SNHPC MPO is included in Appendix B. A copy of the original December 31, 1973 letter from Governor Meldrum Thomson, Jr. designating the SNHPC as MPO for the Manchester Metropolitan Area is also included in Appendix B.

New Hampshire Department of Environmental Services (NHDES), Air Resources Division

Through its representative on the TAC, NHDES Air Resources Division keeps MPO personnel and others participating in the transportation planning and programming process apprised of the status of the State Implementation Plan and state regulations pertaining to air quality compliance, including participation in the Interagency Consultation process. Additional responsibilities include review of air quality conformity determinations, participating in the Congestion Mitigation and Air Quality grant program and working cooperatively with the MPO to identify and develop transportation projects that improve air quality.

U.S. Environmental Protection Agency

EPA has the responsibility to provide input on the technical merits of the air quality conformity determination made for the Regional Transportation Plan and the Transportation Improvement Program. EPA also participates in the Interagency Consultation process and is involved in the Congestion Mitigation and Air Quality grant process through the review of projects.

Manchester Transit Authority

The MTA provides fixed-route bus service on eleven routes in Manchester and portions of Bedford, Goffstown, Londonderry and Hooksett. ADA paratransit service called Stepsaver is also provided for those unable to use regularly scheduled fixed-route system. As determined by an agreement between the MTA and SNHPC signed in 1995, the MTA participates in the MPO planning process. Through its membership on the TAC and the MPO Policy Board, the MTA participates in the development and update of the RTP, short-range transportation plans, and the TIP. The MTA is also an implementing agency.

CART

CART serves to expand access to transportation in a seven-town Greater Derry-Salem service area that includes the towns of Chester, Derry and Londonderry in the SNHPC region. The service coordinates the efforts of a range of existing agencies providing van service to senior citizens, people with disabilities, and others in need of transportation in the region and expands the level of service available by leveraging federal transit funds available to the region which have not been tapped previously. CART also provides out of region service to specific destinations, including Elliot Hospital and Catholic Medical Center in Manchester and Dartmouth Hitchcock Clinics in Bedford and Manchester. CART is an implementing agency.

Manchester-Boston Regional Airport

The City of Manchester Department of Aviation (MBRA) is responsible for the planning, operation and maintenance of the related lands and facilities of MBRA. The planning function, as needed, is provided by specialized consultants retained by the Authority. Airport plans are reviewed by the Federal Aviation Administration and the Aeronautics Division, New Hampshire Department of Transportation. Airport planning activities are coordinated with the Regional

Transportation Plan through the MBRA and NHDOT representatives on the Technical Advisory Committee. The MBRA is also an implementing agency.

Federal Highway Administration/Federal Transit Administration

FHWA and FTA, each of whom has non-voting representation on the TAC and the MPO Policy Board, have created an inter-agency system whereby they have the following responsibilities:

1. To provide PL and Section 5303 funds, through the state, to the Southern New Hampshire Planning Commission to carry out the 3C's planning process;
2. To attend meetings of the TAC and the MPO Policy Board to provide guidance and advice;
3. To review work products; and
4. To make the air quality conformity determination of the RTP and TIP.

New Hampshire Regional Planning Commissions/MPOs

The SNHPC is surrounded by three of New Hampshire's other MPOs (Rockingham Planning Commission, Nashua Regional Planning Commission and Strafford Regional Planning Commission) and two rural regional planning commissions (Southwest Regional Planning Commission and Central New Hampshire Regional Planning Commission). Because New Hampshire's RPCs and MPOs work cooperatively to effectively address issues regarding transportation and the four MPOs make up the entire New Hampshire air quality non-attainment area, the need for interregional cooperation is increasingly important. The MPOs are currently participating in the Interagency Consultation process developed by FHWA to coordinate air quality planning and other aspects of the MPO planning process. To encourage continuation of these processes and coordinate regional transportation planning on an on-going basis, the MPOs and regional planning commissions surrounding the SNHPC have non-voting representation on the MPO and TAC.

The next section of this Prospectus outlines the **Public Involvement Process for the SNHPC Region**, the features of the process designed to achieve fundamental objectives and adhere to specific procedures for development and amendment of the RTP and TIP as defined in Federal transportation legislation, including involving a wide variety of individuals, groups, and organizations affected by or interested in the region's transportation plans, programs and projects directly in the planning process.

4.0 PUBLIC INVOLVEMENT PROCESS FOR THE SNHPC REGION

Transportation planning in the SNHPC region began in 1967 with the publication of the Metropolitan Manchester Planning Study. During the following twenty-six years, the document was regularly updated until it was replaced by the Regional Transportation Plan for the Southern New Hampshire Planning Commission Area in 1993. During that period, the MPO gained considerable experience in dealing with the public participation aspects of the transportation planning and programming processes.

The SNHPC MPO program provides a realistic opportunity to build upon a comprehensive and integrated approach to transportation planning and programming that has included multi-agency and citizen involvement for more than a quarter of a century. This program, developed in the spirit of improving citizen participation, provides multiple opportunities for public official, special interest group, and citizen input. The product of the program, which is greater public awareness and involvement, is viewed as being an essential and integral part of the total planning process. Federal transportation legislation stipulates that MPOs must develop and utilize a “Participation Plan” that provides reasonable opportunities for interested parties to comment on the content of the metropolitan transportation plan and metropolitan TIP. The legislation further outlines that the “Participation Plan” must be developed “in consultation with all interested parties”.

This document presents the features of the Public Involvement Process for the SNHPC Region. It has been designed to satisfy specific purposes and objectives as defined in the subsequent sections of the document. The process has also been updated to incorporate current practices, technological innovations and to satisfy SAFETEA-LU requirements for increased emphasis including a need for extensive stakeholder participation above and beyond “public involvement”.

4.1 Purpose and Objectives

Purpose

Federal regulations, which govern metropolitan planning requirements, address specific minimum standards for ensuring public participation in transportation planning. As a result, MPO development and utilization of a documented Participation Plan is required. Each MPO is required to develop, adopt and implement a formal proactive process for achieving effective public participation during the development and updating of the RTP and TIP. The purpose of this document is to define the process of the SNHPC MPO. The process is intended to promote effective public involvement in the MPO’s transportation planning activities and to demonstrate compliance with applicable federal regulations.

Objectives

The fundamental objectives of the MPO’s public involvement program are:

1. To actively seek out and consider input and involvement from a wide variety of individuals, groups, and organizations who are affected by and/or interested in the area's transportation plans, programs and projects;
2. To establish effective early and continuing public involvement in the planning process, before key decisions are made, and while there is ample opportunity to affect decisions;
3. To promote opportunities for informed public input to be used in the decision making process by providing timely access to needed information and provide reasonable opportunities for interested parties to comment on the content of the RTP and TIP;
4. To demonstrate explicit consideration and response to public input received during the development of the RTP and TIP;
5. To produce transportation plans, programs and projects reflecting local, regional and State priorities and needs which consider a range of feasible transportation options;
6. To effectively convey and depict plans, programs and projects utilizing visualization techniques such as charettes, community outreach and simulation techniques and to make these materials readily available in electronically accessible formats.

4.2 Criteria for Achieving Public Involvement

Federal regulations governing metropolitan transportation planning activities specify the minimum standards which the MPO public involvement program must achieve. These standards form the basis for defining criteria that will be used to guide the MPO in the course of carrying out its public involvement program.

To the maximum extent feasible, the MPO program will comply with the following standards and, in addition, will adhere to the specific procedures for RTP and TIP development and amendment as defined in Federal law.

1. The MPO will provide a minimum public comment period of 45 calendar days before initially adopting or revising this Public Involvement Process.
2. The MPO will provide timely information about transportation issues and processes to interested parties such as citizens, affected public agencies, representatives of transportation agency employees, private providers of transportation services, and other segments of the area's population affected by transportation plans, programs and projects. The manner in which the plans, programs and projects are conveyed will include visualization techniques and electronically accessible formats designed to make the information accessible to as many as possible.
3. The MPO will provide reasonable public access utilizing the SNHPC website and other media to make readily available technical and policy information used in the

development of the RTP and TIP. The MPO will provide open public meetings at convenient and accessible times and locations accommodating the needs of the disabled, where matters related to Federal-aid highway and transit programs are being considered. The MPO will further ensure that the provisions of NH RSA 91-A (Access to Public Records and Meetings) are followed. Public notice of public involvement activities as well as public review and comment on the TIP will satisfy the Program of Project requirements of the FTA Section 5307 program.

4. The MPO will provide a minimum of 10 calendar days notice of time for public review and comment at key decision points, including, but not limited to, the approval and amendment of the RTP and TIP. Such notice, which will be in addition to the regular 30-day comment period required for the RTP and TIP, shall be given by publication in a newspaper of general circulation in the area and through the use of the SNHPC website.
5. The MPO will demonstrate explicit consideration and response to public input received during the planning, program development, and public meeting processes.
6. The MPO will seek out through the notification process and consider the transportation needs of, those who are traditionally transportation disadvantaged or groups lacking access to information regarding transportation policies and plans within the region, including households with low income, minority and disabled persons. This process will be further facilitated by resources available through the MTA's Title VI Program designed in part to ensure meaningful access to programs and activities by persons with "Limited English Proficiency".
7. When significant written or oral comments are received on the draft RTP or TIP (including financial plan) as a result of the public involvement process or as a result of the inter-agency consultation process required under EPA's conformity regulations, the MPO will include a summary, analysis, and report on the disposition of the comments in the RTP or TIP.
8. If the proposed final RTP or TIP differs significantly from the one which was made available for public comment by the MPO, and raises new material issues which interested parties could not reasonably have foreseen from the public involvement efforts, an additional opportunity will be made available for public comment on the revised RTP or TIP prior to the MPO taking any action thereon.
9. The MPO will, on a biennial basis, review and self-certify the public involvement program in terms of its effectiveness in assuring that it provides full and open access to all and provides reasonable opportunities for interested parties to comment.
10. The MPO will, whenever possible, coordinate its public involvement procedures with those of the State and other MPOs to enhance public consideration of transportation issues, plans, programs and to enhance efficiency.

4.3 Public Involvement Procedures for the Development of the Transportation Plan

During the development or updating of the Plan, the MPO will utilize the following procedures to implement its public involvement program:

Contact List of Interested and Affected Parties

Over the years, the MPO has developed a contact list of interested and affected parties whose input has been actively solicited on a variety of planning issues. The MPO will review, update and expand the list to ensure that it includes but is not limited to parties such as the following:

- The Board of Mayor and Alderman of the City of Manchester and the Boards of Selectmen and Town Councils of area towns;
- Planning boards, municipal planners, highway committees, public works officials, and road agents;
- Public and private transit and taxi operators and demand responsive service providers such as Manchester Transit Authority, Easter Seals New Hampshire Special Transit Services and Granite State Independent Living;
- Agencies representing transportation-disadvantaged groups or groups lacking access to information regarding transportation policies and plans within the region such as the Manchester Housing and Redevelopment Authority, the New Hampshire Minority Health Coalition, Manchester Community Health Center, NeighborWorks Greater Manchester and Latinos Unidos de New Hampshire;
- Representatives of adjoining MPOs/RPCs;
- The Amalgamated Transit Union, Local 717;
- Chambers of Commerce and economic development organizations such as Metro Center, INTOWN Manchester, Greater Manchester Chamber of Commerce and the Derry Economic Development Corporation;
- Appropriate State and Federal agencies such as the NHDOT (including the divisions/bureaus of Planning and Community Assistance, Rail and Transit, and Aeronautics), NHDES (Air Resources), the NH Office of Energy and Planning, FHWA, FTA and NHRTA;
- Individuals and groups having a demonstrated interest in transportation issues, such as the Audubon Society of New Hampshire, the New Hampshire Sierra Club, the Society for the Protection of New Hampshire Forests, the New Hampshire Section of the

American Society of Civil Engineers, the Queen City Trail Alliance, Friends of the Goffstown Rail Trail, Manchester Moves, Regional Trails Coordinating Council, General John Stark Scenic Byway Council, Transportation Solutions New Hampshire and Infrastructure Committee Metro Center - NH;

- Members of the MPO Policy Board and TAC who are not otherwise listed; and
- Area newspapers and radio and TV stations.

This list will be used to keep individuals, groups, and agencies informed about the development of plans and programs in addition to the SNHPC website and additional sources such as public notices, press releases, regular and special editions of the SNHPC newsletter, SNHPC Media Blast and Facebook.

Dissemination of Program and Project Information

In addition to utilizing some of the more generally accepted means of promoting public involvement in the transportation planning process, the MPO will take additional measures to effectively disseminate program, plan and project information. Specific actions will include the following:

1. In addition to meeting notices, area chambers of commerce may, in appropriate circumstances, be provided with more detailed program and project information for distribution to their members.
2. Chamber representatives may also be consulted and/or invited to cooperate with the MPO on a case-by-case basis.
3. The practice of dedicating “special” issues of the SNHPC newsletter entirely to the coverage of major transportation plans or projects such as those pertaining to bicycle and pedestrian planning may be continued.
4. Planners in SNHPC member communities will be provided with information pertaining to transportation plans, programs and projects and will be encouraged to communicate this information to local boards, commissions, groups, and organizations, particularly those who are known to have a special interest in transportation issues. Methods that could potentially be employed to depict this information will include visualization and simulation techniques such as design treatments, “build-out” scenarios, public opinion surveys, workshops, and the use of computer applications such as CommunityViz and GIS (Graphic Information Software).
5. To the extent practical, the MPO will accommodate requests from special interest groups and interested individuals to meet with staff in order to promote a better understanding of transportation plans, programs, and projects, and to help reduce potential conflicts.

Public Notification of Plan Development and Update

The MPO will provide notice to the public of the intent to develop or update the RTP at the start of the development or update process. Said notice will be published in at least one newspaper of general circulation within the area, will be posted on the SNHPC website and may also be mailed to the interested individuals, groups, and agencies such as the following:

- Public and private transit and taxi operators and demand responsive service providers;
- Agencies representing transportation-disadvantaged groups or groups lacking access to information regarding transportation policies and plans within the region such as the Manchester Housing and Redevelopment Authority, the New Hampshire Minority Health Coalition, Manchester Community Health Center, NeighborWorks Greater Manchester and Latinos Unidos de New Hampshire;
- The Amalgamated Transit Union, Local 717.

The MPO may consider using other forms of public notice including, but not necessarily limited to press releases, newspaper articles and programming on local-access cable TV.

Public Informational/Discussion Meetings

Approximately every two years and through consultation with FHWA, the NHDOT and other State MPOs, the RTP will be updated. In accordance with this schedule, public informational meetings will be held at three points, as follows:

- Prior to the start of the RTP development or update process;
- During the RTP development or update process; and
- Following the completion of the draft RTP or update.

The MPO will hold such public informational meetings for the purpose of discussing the various aspects of the RTP or update, including transportation system deficiencies, alternative options for resolution, project priorities, project costs and other issues as may be appropriate.

RTP Review and Comment

Copies of the new or updated draft RTP will be made available through the SNHPC website for review and comment at least 30 days prior to the date on which the MPO Policy Board is expected to adopt such document.

Public Meeting on the Draft RTP

Following the completion of the RTP development or update process, the MPO will schedule the third of the three public meetings cited above to present the draft RTP or update. The primary

purpose of this meeting shall be for the MPO to obtain oral and written comments regarding the content of the draft RTP from the general public and from those individuals, groups, agencies, and other interested parties specified above.

A handout, summarizing the contents of the draft RTP or update, may be made available to all attendees at the public informational meeting. Comments will be invited and encouraged, and the MPO staff will document all significant comments received during the proceedings. Written comments received will be acknowledged in writing.

Comment Period on Draft RTP

The MPO shall provide for a comment period of 30 calendar days, beginning from the date of publication of the public notice pertaining to the development of the draft RTP, during which comments may be submitted to the MPO for consideration. Oral or written comments may be presented during the public meeting and written comments may also be presented to the MPO at any time during the comment period. Copies of the draft RTP or update shall be made available at the MPO and on the SNHPC website.

Preparation of the Final RTP

Using the public input gained from the previous procedures, the MPO will prepare the final RTP. If significant written or oral comments are received on the draft RTP, either through the public involvement process or through the inter-agency consultation process, a summary, analysis, and reporting of the disposition of those comments shall be included in the final RTP. If the final RTP will contain significant changes, in comparison to the draft which was made available for public comment, or if it raises new material issues which interested parties could not have reasonably foreseen from the public involvement efforts, the MPO shall provide an additional duly noticed public comment period of not less than 10 days. The final RTP shall include a summary of all significant public comments received and MPO responses thereto.

4.4 Public Involvement Procedure for the Development or Update of the Transportation Improvement Program

General

When developing or updating the TIP, the MPO shall follow the same public involvement procedures as described for the RTP above.

Concurrent RTP and TIP Development

At its discretion, the MPO may choose to develop the TIP concurrently with the RTP. If developed concurrently, no separate public involvement procedures shall be required for the TIP.

4.5 Public Involvement Process for Amending RTPs and TIPS

SAFETEA-LU specifies that in non-attainment areas, the RTP and TIP must be updated at least every four years. In New Hampshire, RTP/TIP updates are generally coordinated through the Ten-Year Plan process that begins during the Fall of even-numbered years. The approved STIP is frequently revised to reflect changes in project status, therefore, before the STIP is revised to reflect a project change in an MPO area, the MPO TIP must first be revised. Concurrent revisions to the RTP are also occasionally required when the TIP is amended. Changes in project schedules, funding needs, and project scopes require revising the approved STIP. When RTP or TIP amendments are proposed during periods between updates, the MPO shall, at a minimum, carry out the following portions of the regular public involvement process:

Public Notice and Public Meeting on Proposed Amendments to RTPs and TIPS

The MPO shall schedule and conduct a public informational meeting on any amendment which is proposed to the RTP or TIP. The general public, and the individuals, groups and agencies identified above in Public Notification of Plan Development and Update shall be notified and afforded an opportunity to review and offer comment on the proposal.

1. The notice of the meeting shall be disseminated in the manner prescribed in Public Notification of Plan Development and Update.
2. A comment period beginning from the date of publication of the public meeting notice pertaining to the amendments to the RTP or TIP shall be provided during which comments may be submitted to the MPO for consideration. As part of the interagency consultation process, for each amendment the group will recommend a length for the public comment period between ten and thirty days. For the update that is processed on a two year cycle concurrent with New Hampshire's Ten Year Plan update, the public comment period will be a minimum of thirty days. Public notice of public involvement activities as well as public review and comment on the TIP is required to satisfy the Program of Project requirements of the FTA Section 5307 program.
3. Oral or written comments may be presented during the public meeting; written comments may also be presented to the MPO at any time during the comment period.
4. Copies of the draft proposed amendments to the RTP or TIP shall be made available for public inspection at the MPO and on the SNHPC website.
5. At the public meeting, a handout summarizing and explaining the amendments to the RTP or TIP may be made available to all attendees. Comments will be invited and encouraged, and the MPO staff will document all significant comments received during the proceedings. The receipt of written comments will be acknowledged in writing.

APPENDIX A

RESOLUTION PROSPECTUS ADOPTING

**RESOLUTION
ADOPTING SOUTHERN NEW HAMPSHIRE PLANNING COMMISSION
PROSPECTUS**

WHEREAS, the Prospectus provides an introduction to, and a framework for, transportation planning in the Southern New Hampshire Planning Commission (SNHPC) area pursuant to Federal transportation and environmental law;

WHEREAS, the Prospectus identifies major transportation issues facing the region;

WHEREAS, the Prospectus provides an overview of the transportation planning and programming process;

WHEREAS, the Prospectus describes the functional responsibilities of the participating agencies that are involved in transportation planning and

WHEREAS, the Prospectus describes the Public Involvement Process for the SNHPC Region;

NOW THEREFORE, BE IT RESOLVED THAT:

The Southern New Hampshire Planning Commission, in its capacity as the Metropolitan Planning Organization (MPO), approves the Prospectus dated September 27, 2011.

The undersigned duly qualified Secretary of the Southern New Hampshire Planning Commission hereby certifies that the foregoing is a true and correct copy of the Resolution, adopted at a legally convened meeting of the Southern New Hampshire Planning Commission, acting in its capacity as the Metropolitan Planning Organization, held on September 27, 2011 in the offices of the Commission located at 438 Dubuque Street, Manchester, New Hampshire.

Dated

Karen McGinley, Secretary
Southern NH Planning Commission

Dated

Christopher Clement, Commissioner,
NHDOT

APPENDIX B

MPO DESIGNATION LETTER AND INTERAGENCY AGREEMENTS



MELODIA THOMPSON
GOVERNOR

STATE OF NEW HAMPSHIRE
CONCORD 03301

SEP 13 1991

Asst. Dir. Engr.	
Plan. & Res.	11
Bridge Engr.	
R.O.W.	
Fin. Mgr.	
Area 1	
Area 2	
Asst. Engr.	
Jr. Engr.	
Audit	
M.C.S.	
Acc'ts.	
December 28, 1973	

Mr. Charles M. Gerdes
Chairman, Intermodal Planning Group
Federal Highway Administration
4 Normanshill Boulevard
Delmar, New York 12054

Dear Mr. Gerdes:

In response to the letter of November 15, 1973, I received from the Department of Transportation, the following metropolitan planning agencies are hereby designated to receive planning funds pursuant to Section 112 of the Federal Aid Highway Act of 1973:

1. Southern New Hampshire Planning Commission
(Manchester Metropolitan Area)
815 Elm Street, Manchester, New Hampshire 03101
Eugene M. Van Loan, Chairman
W. Ray Walker, Executive Director
2. Nashua Regional Planning Commission
(Nashua Metropolitan Area)
115 Main Street, Nashua, New Hampshire 03060
James Hetzer, Chairman
Wade Pierce, Executive Director
3. Southern Rockingham Regional Planning Commission
(New Hampshire portion of the Lawrence-Haverhill,
Massachusetts, Metropolitan Area)
19 Main Street, Salem, New Hampshire 03079
Michael Carney, Chairman
Jonathon Gilmore, Regional Planner

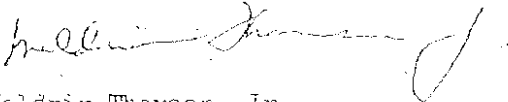
In my opinion, the State has a major interest in how funds allocated to these planning agencies are utilized and in furthering the intergovernmental working relationships established under the continuing, cooperative, comprehensive transportation planning process. Therefore, I am requesting, by copy of this letter, that the Commissioner of Public Works and Highways and the Director of Comprehensive Planning, or their designees, representing the State of New Hampshire, establish with the designated metropolitan agencies the procedures and requirements whereby Section 112 funds will be allocated and made available. Of particular importance is the wise utilization of these

December 31, 1973

funds for the purposes they are intended and in conformance with unified work programs approved not only by the metropolitan planning agencies, but also by the intergovernmental policy committees charged with major transportation planning responsibilities in each area.

We appreciate very much this opportunity to designate metropolitan agencies in our State to qualify them for these new transportation funds. Please let me know if we can be of further assistance.

Sincerely,



Meldrim Thomson, Jr.

MBJ:nl

cc: F. T. Comstock, Jr. (FHWA, Concord)

Robert B. Monier, Director (Comprehensive Planning)

Robert H. Whitaker, Commissioner (Public Works & Highways)

Jerrold A. Moore (Comprehensive Planning)

THIS AGREEMENT made this 5th day of February, in the year of 1996 by and between the STATE OF NEW HAMPSHIRE, acting by and through its COMMISSIONER OF TRANSPORTATION, hereinafter referred to as the COMMISSIONER, acting under Chapters 228, 229 and 239 of the Revised Statutes Annotated, and the SOUTHERN NEW HAMPSHIRE PLANNING COMMISSION, hereinafter referred to as the REGIONAL PLANNING AGENCY (RPA), under Chapter 36:45:53 as amended, acting through its Executive Director.

WHEREAS, the New Hampshire Department of Transportation, hereinafter referred to as the DEPARTMENT, the RPA and the United States Department of Transportation intend that there remain active a cooperative, comprehensive, coordinated multi-modal transportation planning process for the development of transportation facilities to provide for the safe and convenient movement of people and goods;

WHEREAS, pursuant to Title 23 USC Section 104(f), on December 31, 1973 Governor Meldrim Thomson, Jr. designated the RPA as a metropolitan planning organization (MPO) eligible to expend certain transportation planning funds for approved transportation planning purposes, to the extent such funds are available under the formula approved by the Secretary of Transportation;

WHEREAS, no further action in this respect having been taken by the Governor, the above designation continues in effect as of the date of this Agreement;

WHEREAS, the City of Manchester and the towns of Auburn, Bedford, Candia, Chester, Deerfield, Derry, Goffstown, Hooksett, Londonderry, New Boston, Raymond and Weare comprise the study area for transportation planning purposes in the Southern New Hampshire Planning Commission area;

WHEREAS, for the purposes of transportation planning the RPA has established an intergovernmental policy body known as the Metropolitan Planning Organization Policy Board;

WHEREAS, the MPO Policy Board is charged with major transportation planning policy decisions and approval of the Unified Planning Work Program, Regional Transportation Plan, Transportation Improvement Program and Air Quality Conformity Determination of the plans and programs as per TRANSPORTATION CONFORMITY: Env-A 1501; and

WHEREAS, to facilitate the work of the Policy Board a Technical Advisory Committee, which was organized as a Sub-Committee of the MMPS Policy Committee on December 12, 1973, has now been expanded to include representation from all constituent agencies in the Metropolitan Area transportation planning process.

NOW, THEREFORE, it is agreed as follows:

1. The Department and the RPA, in cooperation with the United States Department of Transportation, do hereby approve and enter into this Agreement on transportation planning.
2. The Department and the RPA shall cooperatively pursue the transportation planning effort in accord with this Agreement.

3. The RPA shall:

- a. Prepare a Unified Planning Work Program.
- b. Prepare, update, amend, or reaffirm the Intermodal Regional Transportation Plan no less than every two years.
- c. On even number of years, prepare a transportation improvement program for submission to the Governor.
- d. Coordinate the development of the Regional Transportation Plan with the State Implementation Plan (SIP) development process.
- e. Approve the transportation plan, transportation improvement program, and their periodic updates and amendments.
- f. Perform the Air Quality Conformity Determination of the Transportation Plan and the Transportation Improvement Program as per TRANSPORTATION CONFORMITY: Env-A 1501 of the New Hampshire Code of Administrative Rules.
- g. Ensure a proactive public involvement in the planning process.
- h. Develop plans for provision of mass transportation service for the elderly and handicapped, and energy conservation measures.
- i. Cooperate with the Department in the development of a statewide transportation plan, corridor studies and alternative analysis of major investments.
- j. Develop, or assist in the development, of transportation control measures if necessary.
- k. Consult periodically with the adjoining MPOs to ensure a proper integration of plans and programs.

4. The Department shall:

- a. Make PL and Section 8 planning funds (technical studies grant) available to the MPO for areawide transportation planning studies based on an approved UPWP.
- b. Actively participate in the Metropolitan Area Transportation Planning Process through its representation on the Technical Advisory Committee and the MPO Policy Board.
- c. Actively participate in the preparation, amendment and update of the regional Transportation Plan and Transportation Improvement Program.
- d. Act as a facilitator in having data provided to the Commission from other state agencies. The MPO will only request data from the state agencies when the Unified Planning Work Program demonstrates linkages between the data and the proposed task.

- e. Make available all federal and state laws and regulations that govern transportation planning (highway and transit) and compliance with the Clean Air Act Amendments of 1990.
- f. Provide the MPO with estimates of available federal and state funds which will be used for the development of a financial plan.
- g. Provide technical assistance in making the air quality conformity determination as per TRANSPORTATION CONFORMITY Env-A 1501 of the New Hampshire Code of Administrative Rules.
- h. Actively solicit the involvement of the MPO in any major study, including alternative analysis to be undertaken by the NHDOT in the Planning Commission's area.
- i. Notify the MPO when the TIP dealing with the projects under its jurisdiction has been included in the STIP.

IN WITNESS WHEREOF we have hereunto set our hands on the 5th day of February, 1996 AD.

WITNESSES TO
THE STATE OF NEW HAMPSHIRE



THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION

BY:


Commissioner

WITNESSES TO
SOUTHERN NEW HAMPSHIRE
PLANNING COMMISSION



SOUTHERN NEW HAMPSHIRE
PLANNING COMMISSION

BY:


Executive Director

THIS AGREEMENT made this 26th day of September, in the year of 1995 by and between the MANCHESTER TRANSIT AUTHORITY, the local public transit operator, hereinafter referred to as the MTA, acting by and through its GENERAL MANAGER, and the SOUTHERN NEW HAMPSHIRE PLANNING COMMISSION, hereinafter referred to as the REGIONAL PLANNING AGENCY (RPA), under Chapter 36:45:53 as amended, acting through its Executive Director.

WHEREAS, the MTA, the RPA, the New Hampshire Department of Transportation (NHDOT), and the United States Department of Transportation intend that there remain active a cooperative, comprehensive, coordinated multi-modal transportation planning process for the development of transportation facilities to provide for the safe and convenient movement of people and goods;

WHEREAS, pursuant to Title 23 USC Section 104(f), on December 31, 1973 Governor Meldrim Thomson, Jr. designated the RPA as a metropolitan planning organization (MPO) eligible to expend certain transportation planning funds for approved transportation planning purposes, to the extent such funds are available under the formula approved by the Secretary of Transportation;

WHEREAS, no further action in this respect having been taken by the Governor, the above designation continues in effect as of the date of this Agreement;

WHEREAS, the City of Manchester and the towns of Auburn, Bedford, Candia, Chester, Deertfield, Derry, Goffstown, Hooksett, Londonderry, New Boston, Raymond and Weare comprise the study area for transportation planning purposes in the Southern New Hampshire Planning Commission area;

WHEREAS, for the purposes of transportation planning the RPA has established an intergovernmental policy body known as the Metropolitan Planning Organization Policy Board;

WHEREAS, the MPO Policy Board is charged with major transportation planning policy decisions and approval of the Unified Planning Work Program, Regional Transportation Plan, Transportation Improvement Program and Air Quality Conformity Determination of the plans and programs as per TRANSPORTATION CONFORMITY: Env-A 1501; and

WHEREAS, to facilitate the work of the Policy Board a Technical Advisory Committee, which was organized as a Sub-Committee of the MMPS Policy Committee on December 12, 1973, has now been expanded to include representation from all constituent agencies in the Metropolitan Area transportation planning process.

NOW, THEREFORE, it is agreed as follows:

1. The MTA and the RPA do hereby approve and enter into this Agreement on transportation planning with an emphasis on transit planning.
2. The MTA and the RPA shall cooperatively pursue the transportation planning effort in accord with this Agreement.

3. The RPA shall:

- (a) Develop and maintain a long-range intermodal regional transportation plan;
- (b) Maintain and update the Short-Range Transit Planning Document on an annual basis;
- (c) Continue to analyze the service, whether through surveys or analysis of operating statistics provided by the MTA;
- (d) Encourage the use of public transit as part of the Energy Conservation Program;
- (e) Continue to advocate and work toward the increased use of public transit as one of the ways to attain the National Ambient Air Quality Standards as they pertain to carbon monoxide and ozone;
- (f) Promote special efforts to provide public mass transportation facilities and services that can be effectively utilized by elderly and handicapped persons;
- (g) Promote the consolidation of transportation services so that the public carrier provides as much service as is possible, including the special programming of vehicles purchased or as otherwise acquired, to provide service to the elderly and handicapped; and
- (h) Assist the MTA in updating the Complementary Paratransit Plan.

4. The MTA shall:

- (a) Actively participate in the Metropolitan Area transportation planning process through its representation on the Technical Advisory Committee and the MPO Policy Board;
- (b) On an annual or bi-annual basis, help update the short-range transit planning document and provide its input for long-range transit planning effort;
- (c) Furnish to the RPA, on even numbered years, a list of projects broken down by year one, two and three that need to be included in the TIP, along with a financial plan;
- (d) Carry out the elements of the Short-Range Planning Document and the Complementary Paratransit Plan to the extent funds permit;
- (e) Compile Transit Operating Data on a continuing basis;
- (f) Tabulate annual passenger load counts by route; and

- (g) Conduct its own, or aid the RPA in the conduct of, certain surveys needed to assess the system's performance via sub-area studies, on-board and attitudinal surveys.

IN WITNESS WHEREOF we have hereunto set our hands on the 26th day of September, 1995 AD.

WITNESSES TO
THE MANCHESTER TRANSIT AUTHORITY

MANCHESTER TRANSIT AUTHORITY

Cynthia Rousseau

BY:

Ronald R. Rife
General Manager

WITNESSES TO
SOUTHERN NEW HAMPSHIRE
PLANNING COMMISSION

SOUTHERN NEW HAMPSHIRE
PLANNING COMMISSION

Marcel A. Batchelder

BY:

D. L. Shaw
Executive Director

APPENDIX C

TRANSPORTATION CONFORMITY REGULATIONS

Effective October 1, 2011, Env-A 1500 reads as follows:**CHAPTER Env-A 1500 CONFORMITY**

Statutory Authority: RSA 125-C:4, I(a)

PART Env-A 1501 PURPOSE AND APPLICABILITY

Env-A 1501.01 Purpose. The purpose of this chapter is to implement §176 of the Clean Air Act (the Act), as amended, and 40 CFR 93, relative to conformity determinations for transportation plans, programs, and projects and federal actions, to ensure that the purpose and intent of the state implementation plan (SIP) are being met.

Env-A 1501.02 Applicability. This chapter shall apply as specified in Env-A 1503.02 and Env-A 1504.02.

PART Env-A 1502 REFERENCES AND DEFINITIONS

Env-A 1502.01 References.

(a) For the purpose of this chapter, unless otherwise specified all references to 23 CFR 450 shall be to the April 1, 2011 edition.

(b) For the purpose of this chapter, unless otherwise specified all references to 40 CFR 93, including any subpart thereof, shall be to the July 1, 2011 edition.

Env-A 1502.02 Federal Definitions Incorporated. Except as specified in Env-A 1502.03 or Env-A 1504.03, the definitions contained in and referred to in 40 CFR §93.101 shall apply to the terms used in this chapter.

Env-A 1502.03 Definitions.

(a) “Interagency consultation” means a meeting or other formal consultation process convened or initiated pursuant to Env-A 1503.08.

(b) “Large scale development” means a development that is expected to generate 10,000 or more vehicle trip ends on any typical summer day.

(c) “Long-range statewide transportation plan” means “long-range statewide transportation plan” as defined in 23 CFR §450.104, namely “the official, statewide, multimodal, transportation plan covering a period of no less than 20 years developed through the statewide transportation planning process.”

(d) “Maintenance area” means any geographic region of New Hampshire previously designated as a nonattainment area pursuant to the Act, and subsequently redesignated to attainment subject to the requirement to develop a maintenance plan that is subject to transportation conformity measures under §175A of the Act.

(e) “Metropolitan planning organization (MPO)” means “metropolitan planning organization” as defined in 23 CFR §450.104, namely “the policy board of an organization created and designated to carry out the metropolitan transportation planning process.”

(f) “Nonattainment area” means any geographic region in New Hampshire designated as a nonattainment area by EPA under §107 of the Act for any pollutant for which a NAAQS exists.

(g) “Provide access to” means:

(1) For any document(s) for which access is being provided to a specific entity (recipient entity), to do one or more of the following:

- a. Send a paper or electronic copy of each document to each recipient entity;
- b. Post a copy of each document on a web site that is accessible by each recipient entity and notify the recipient entity(ies) of the document's URL; or
- c. Make a paper or electronic copy of each document available for inspection at the providing entity's office and notify each recipient entity of the availability of the document for inspection; or

(2) For documents for which access is being provided to the public, to comply with the requirements of RSA 91-A:4.

(h) "Regional planning commission (RPC)" means any specific planning region as delineated by the office of energy and planning or otherwise established as specified in RSA 36:45 through RSA 36:58. For the purposes of this chapter, the reference to RPCs includes only those RPCs with municipalities located in a nonattainment or maintenance area.

(i) "Significant comments" means, for purposes of conformity findings, comments relating to any issue or data that have the potential to change the outcome of a conformity determination, including but not limited to the following:

- (1) Incorrect project design concept and scope that could affect emissions analysis;
- (2) Improper or missing analysis years;
- (3) Regionally significant projects improperly reflected in the emissions analysis;
- (4) Incorrect emission factors;
- (5) Missing pollutant analyses;
- (6) Projects improperly placed in a baseline scenario;
- (7) Incorrect comparison with SIP emissions budgets; and
- (8) Failure to list not exempt projects as specified in Env-A 1503.14 in the emissions analysis.

(j) "Statewide transportation improvement program (STIP)" means "a statewide transportation improvement program (STIP)" as defined in 23 CFR §450.104, namely "a statewide prioritized listing/program of transportation projects covering a period of four years that is consistent with the long-range statewide transportation plan, metropolitan transportation plans, and TIPs, and required for projects to be eligible for funding under title 23 U.S.C. and title 49 U.S.C. Chapter 53."

(k) "Transportation improvement program (TIP)" means "a transportation improvement program (TIP)" as defined in 23 CFR §450.104, namely "a prioritized listing/program of transportation projects covering a period of four years that is developed and formally adopted by an MPO as part of the metropolitan transportation planning process, consistent with the metropolitan transportation plan, and required for projects to be eligible for funding under title 23 U.S.C. and title 49 U.S.C. Chapter 53."

PART Env-A 1503 TRANSPORTATION CONFORMITY

Env-A 1503.01 Purpose. The purpose of this part is to implement the following provisions relating to transportation conformity:

- (a) The consultation procedures required by 40 CFR §93.105;
- (b) The control measures required by 40 CFR §93.122(a)(4)(ii); and
- (c) The mitigation measures required by 40 CFR §93.125(c).

Env-A 1503.02 Applicability. This part shall apply as specified in 40 CFR §93.102.

Env-A 1503.03 Conformity to State and Federal Implementation Plans.

(a) All transportation plans, programs, and projects developed, funded, or approved by the state of New Hampshire shall conform to the SIP or federal implementation plan (FIP) developed pursuant to §110 and §§171 through 193 of the Act.

(b) Conformity determinations shall be made in accordance with §176 of the Act and 40 CFR 93, Subpart A.

Env-A 1503.04 Metropolitan Planning Organizations (MPOs).

(a) When used in this chapter, the term “metropolitan planning organizations (MPOs)” shall include the Southern New Hampshire MPO, the Nashua MPO, the Strafford MPO, and the Rockingham MPO.

(b) Each MPO shall serve as a forum for cooperative transportation decision-making.

Env-A 1503.05 Roles and Responsibilities of the Department. The department shall:

(a) Develop and implement the SIP and its revisions;

(b) Monitor progress in achieving the NAAQS;

(c) Consult with representatives of the NH department of transportation (NHDOT), MPOs, RPCs, EPA, Federal Highway Administration (FHWA), and Federal Transit Administration (FTA) at the initiation of and during the development of SIP revisions pertaining to mobile sources, including those relating to inventories, budgets, forecasts, and strategies for reduction of emissions, transportation control measures (TCMs), transportation conformity, general conformity, area classifications, and redesignations;

(d) Coordinate with EPA on issues related to the SIP and transportation;

(e) Coordinate with NHDOT, MPOs, RPCs, and EPA to determine inputs for air quality analysis emissions modeling on MPO transportation improvement programs (TIPs), transportation plans, and projects;

(f) Provide assistance to NHDOT, RPCs, and MPOs during transportation planning processes relating to air quality, including but not limited to emissions modeling, emissions budget comparisons, exempt/not exempt project lists, and regionally significant projects;

(g) Review and provide comments on the conformity determinations for metropolitan transportation plans, TIPs, and NHDOT regional emissions analyses of transportation projects outside MPO areas or in areas covered by more than one MPO; and

(h) Forward unresolved disputes regarding conformity determinations to the governor of New Hampshire for resolution in accordance with Env-A 1503.18.

Env-A 1503.06 Roles and Responsibility of NHDOT. In implementing 23 CFR 450, NHDOT shall:

(a) Act as the lead agency responsible for coordinating and planning multi-regional and statewide transportation systems;

(b) Develop a long-range statewide transportation plan and a statewide transportation improvement program (STIP) as specified in RSA 228:99;

- (c) Obtain required FHWA and FTA approvals for the STIP;
- (d) Develop, in coordination with MPOs and the department, current estimates of vehicle miles traveled (VMT) for each nonattainment or maintenance area and forecasts of VMT necessary for input to the SIP;
- (e) Provide assistance to MPOs in performing analysis leading to transportation conformity determinations in their regions;
- (f) Conduct analyses and make transportation conformity determinations for all projects outside MPO boundaries, but within nonattainment or maintenance areas;
- (g) Make project-level conformity determinations as required by 40 CFR 93.116, including hot-spot analyses in carbon monoxide (CO) nonattainment or maintenance areas, for all projects in the STIP;
- (h) Coordinate interagency consultation with MPOs, the department, RPCs, EPA, FHWA, and FTA at the initiation of and during the transportation conformity determinations and transportation planning processes relating to air quality issues such as VMT and speed estimates, exempt/not exempt project lists, emissions modeling, emissions budget comparisons, and regionally significant projects;
- (i) Coordinate conformity determinations in nonattainment or maintenance areas consisting of more than one MPO area;
- (j) Evaluate, select, maintain, and update a statewide transportation model capable of emissions analysis in non-attainment areas outside MPO boundaries, in consultation with the department;
- (k) Coordinate and consult with the department and EPA to determine appropriate data inputs into air quality models used for emissions analysis in conformity determinations to ensure consistency with the SIP;
- (l) Consult with MPOs, RPCs, and the department in the selection and development of TCMs if determined to be necessary or desirable to attain the NAAQS and in the preparation of the SIP with respect to these measures;
- (m) Provide assistance and comments to the department on SIP revisions dealing with mobile source issues;
- (n) Notify the department, MPOs, RPCs, FHWA, FTA, and EPA of STIP amendments which add or delete exempt and non-exempt projects;
- (o) Document timely implementation of TCMs which are in the SIP and transportation projects in the STIP which have positive air quality impacts; and
- (p) In cooperation with MPOs, develop a list of regionally significant public or private transportation projects in accordance with Env-A 1501.14(c).

Env-A 1503.07 Roles and Responsibilities of MPOs. In implementing 23 CFR 450, each MPO shall:

- (a) Develop a metropolitan transportation plan;
- (b) Develop TIPs;
- (c) Assist the department and NHDOT in determining current estimates of VMT and forecasts of VMT necessary for input to the SIP development process;
- (d) Implement public involvement procedures in the development of its metropolitan transportation plan and TIPs including conformity determinations;

(e) Make conformity determinations for its metropolitan transportation plan and TIPs, with assistance from NHDOT and the department;

(f) Coordinate and consult with NHDOT, EPA, and the department to determine appropriate data inputs into emissions analysis models used for emissions analysis in conformity determinations to ensure consistency with the SIP;

(g) Consult with the department and NHDOT in the selection and development of TCMs for the MPO area, if the department determines that TCMs are necessary or desirable to attain the NAAQS, and assist in the analysis of these measures for inclusion in the SIP;

(h) Provide assistance and comments to the department on SIP revisions dealing with mobile source issues in the MPO area;

(i) Consult with the department, NHDOT, EPA, FHWA, RPCs, and FTA in transportation conformity determinations and transportation planning processes relating to air quality issues including but not limited to VMT, speed estimates, emissions modeling, and emissions budget comparisons, exempt/not exempt project lists, and regionally significant projects;

(j) Notify NHDOT, FHWA, FTA, EPA, other MPOs, RPCs, and the department of any amendments to the MPO's metropolitan transportation plan or TIPs that add or delete exempt and non-exempt projects;

(k) Evaluate, select, maintain, and update regional transportation models in nonattainment or maintenance areas in cooperation with NHDOT, RPCs, and the department;

(l) Document implementation of TCMs which are in the SIP and transportation projects in the MPO's metropolitan transportation plan and TIPs which have positive air quality impacts;

(m) Through interagency consultation, develop a list of regionally significant projects in the MPO's area and provide the list to NHDOT and the department; and

(n) Provide preliminary conformity findings to the department.

Env-A 1503.08 Interagency Consultation.

(a) To facilitate the consultation required by 40 CFR §93.105, NHDOT shall schedule and convene consultation meetings relating to the transportation conformity process as follows:

(1) Regular meeting shall be held no less frequently than semi-annually; and

(2) Additional meetings may be held as needed to facilitate interagency communications.

(b) NHDOT shall invite the department, MPOs, RPCs, EPA, FHWA, and FTA to participate in each meeting convened pursuant to (a), above, provided however that a meeting shall qualify as a regular meeting under (a)(1), above, only if representatives of NHDOT, the department, and MPOs are present. One or more representatives may participate by electronic means provided the individual can hear and be heard simultaneously by all other attendees.

(c) Any invitee listed in (b), above, may request NHDOT to schedule an interagency consultation meeting at any time.

(d) The purpose of regular interagency consultation meetings shall be to discuss topics relevant to transportation conformity requirements, including but not limited to the following:

- (1) Development of a SIP or SIP revisions, including but not limited to those involving transportation-related issues and mobile sources;
- (2) Development of a metropolitan transportation plan or TIP, minor revisions to a TIP, or any amendment(s) to a TIP, and any determination of conformity for such plans;
- (3) Emissions budgets;
- (4) TCMs and mitigation measures pursuant to 40 CFR 93.125(c) and 93.122(a)(4)(ii), respectively, that are in the SIP or are being considered for inclusion in the SIP;
- (5) Evaluation and determination of events that will trigger new conformity determinations; and
- (6) Coordination of emissions analyses for transportation activities that cross the borders of MPOs or nonattainment or maintenance areas or include areas outside of MPO boundaries.

Env-A 1503.09 Access to Materials.

(a) NHDOT or each MPO, as appropriate, shall provide access to the following materials to the department no later than at the start of the public comment period for the metropolitan transportation plan, TIP, or regional emissions analyses performed by NHDOT outside MPO areas:

- (1) Lists of exempt/not exempt projects and regionally significant projects, regardless of funding source;
- (2) Metropolitan transportation plans, TIPs, and corresponding air quality analyses and conformity determinations and analyses of all projects outside MPO boundaries, but within the nonattainment or maintenance area;
- (3) Amendments to the metropolitan transportation plans and TIPs and significant changes in project design and scope since the previous conformity determination;
- (4) Notices of public hearings and public comment periods for the metropolitan transportation plans, TIPs, or regional emissions analyses performed by NHDOT;
- (5) All correspondence received from EPA, FHWA, FTA, or MPOs regarding conformity determinations and/or transportation planning processes relating to air quality issues; and
- (6) STIP amendments in nonattainment or maintenance areas outside MPO areas.

(b) The department shall provide access to the following materials to NHDOT, EPA, FHWA, FTA, MPOs, and RPCs for comment during the SIP development process and conformity determination process:

- (1) SIP revisions pertaining to mobile sources including inventories, budgets, forecasts, and strategies for reduction of emissions, TCMs, transportation conformity, general conformity, area classifications, and redesignations;
- (2) Proposed and final inputs to emissions analyses models necessary for SIP development and conformity determinations;
- (3) Comments and guidance from EPA to the department regarding SIP development issues relating to mobile sources and transportation; and
- (4) Notices of public hearings and public comment periods on SIP revisions regarding mobile sources or emissions budgets.

(c) Each MPO shall provide access to its metropolitan transportation plan and TIPs that have received a final conformity determination by the MPO to NHDOT and to the department.

(d) NHDOT shall provide access to the following materials as noted:

(1) The metropolitan transportation plans and TIPs to FHWA, EPA, and FTA for conformity findings; and

(2) Any final regional emissions analysis for non-attainment or maintenance areas outside MPO boundaries to the department, each MPO, the affected RPC, EPA, FHWA, and FTA.

(e) Access to all materials specified in (b) through (d), above, also shall be provided to the public for review and comment.

Env-A 1503.10 Responding to Comments.

(a) After reviewing comments received on conformity determinations performed for TIPs, metropolitan transportation plans, and any non-attainment or maintenance areas outside the MPO areas, NHDOT shall:

(1) Document and respond to significant comments; and

(2) Include a compilation of written comments and responses in any final conformity determinations.

(b) After reviewing comments received on draft conformity determinations for the metropolitan transportation plan and TIP, each MPO shall:

(1) Document and respond to significant comments; and

(2) Include a compilation of written comments and responses in the final metropolitan transportation plan and TIP conformity determination.

(c) If any significant comment requires additional analysis, NHDOT, the department, and the appropriate MPO(s) shall establish the appropriate course of action pursuant to 40 CFR 93, Subpart A.

Env-A 1503.11 Transportation Control Measures.

(a) If, after consultation as described in Env-A 1503.05(c), the department determines the need for TCMs in the SIP, the following actions shall occur:

(1) The department shall request NHDOT to coordinate an interagency consultation to identify the quantity of emissions reductions necessary;

(2) The department, NHDOT, affected MPO(s), and RPCs shall each prepare a list of appropriate TCM(s) which potentially achieve the emissions reductions required, quantify the emissions benefits from their proposed projects, and review funding availability, scheduling, and permitting issues for the proposed TCM(s);

(3) NHDOT shall coordinate an interagency consultation to discuss the list of TCM(s) and corresponding emissions benefits to be incorporated into the SIP;

(4) The TCM(s) selected shall be incorporated into the affected metropolitan transportation plan(s), affected TIP(s), and the STIP, if necessary, and go through the applicable public participation process(es) necessary to amend the STIP, TIP(s), and/or metropolitan transportation plan(s);

(5) The TCM(s) shall include a written commitment to implement the measure from the responsible entity per 40 CFR 93.122(a)(4)(ii); and

(5) The department shall develop a SIP revision in accordance with §110 of the Act which incorporates the selected TCM(s) according to the implementation time frame agreed to by the affected MPO(s), NHDOT, and the department.

(b) If TCMs are incorporated into the SIP, NHDOT shall:

(1) Track the implementation of the TCM project and provide periodic updates no less than annually on implementation to the department, the affected MPO(s), and RPCs;

(2) Prepare an update on TCM(s), if any, identified in the SIP prior to conformity determinations and provide the update to the department, affected MPO(s) and RPCs; and

(3) Coordinate an interagency consultation if TCM(s) are not on schedule or if funding for the project is in jeopardy.

Env-A 1503.12 Regionally Significant Projects.

(a) Projects that are considered regionally significant for purposes of regional emissions analysis shall include any transportation project that:

(1) Is not otherwise required to be included in the metropolitan transportation plan, TIPs, or STIP;

(2) Is not considered exempt according to the federal transportation conformity rule, 40 CFR §93.126 and 40 CFR §93.127; and

(3) Is expected to have a significant impact on travel patterns, consistent with the definition of regionally significant in 40 CFR §93.101 and as determined through interagency consultation.

(b) Each MPO shall:

(1) Maintain a list of regionally significant projects for inclusion in the conformity determinations in its area based on information requested from communities in the MPO through established committees including technical advisory committees and other public participation; and

(2) Provide access to the list of regionally significant projects to NHDOT and the department.

(c) Pursuant to 23 CFR 450, NHDOT shall:

(1) Develop a list of regionally significant projects in nonattainment or maintenance areas outside an MPO area based on information regarding state funded or permitted projects and on information gathered from RPCs in the nonattainment or maintenance areas;

(2) In cooperation with the MPOs and RPCs, combine the list described in (1), above, with the list of regionally significant projects, described in (b)(1), above, from the MPOs and RPCs;

(3) Provide access to the combined list described in (2), above, to the department, the MPOs, RPCs, EPA, FHWA, and FTA as part of conformity determinations of the metropolitan transportation plan, TIP or regional emissions analyses of projects outside MPO areas; and

(4) Provide information on regionally significant projects within MPO and RPC areas to the affected MPO(s) and RPCs.

(d) When an application is received from a major traffic generator for access to a state-maintained highway, NHDOT shall:

- (1) Notify the affected MPO and RPC to make the MPO and RPC aware of potential traffic impacts from major traffic generators; and
- (2) If the application results in a transportation project which meets the criteria of a regionally significant project, include that project on its list of regionally significant projects circulated as specified in (c), above.

Env-A 1503.13 Emissions and Transportation Modeling. Pursuant to 23 CFR 450:

(a) NHDOT shall coordinate an interagency consultation for the evaluation and selection of both microscale and mesoscale emissions models used in the conformity determination process for metropolitan transportation plans, TIPs, and projects.

(b) MPOs shall:

- (1) Evaluate and select the appropriate travel demand models for their area with input from NHDOT;
- (2) At the time of initial model selection or at the time when an MPO has decided to change to a new model, notify EPA, FHWA, FTA, and the department; and
- (3) If MPOs are located in nonattainment or maintenance areas, maintain regional transportation models.

(c) NHDOT, FHWA, and FTA shall have an opportunity to comment on the development and maintenance efforts of these models through approval of the unified planning work program.

(d) In areas where transportation models exist currently or are required in the future, MPOs shall update, at least every 2 years, land use assumptions in the model to reflect any large scale developments approved subsequent to the date of the last update.

Env-A 1503.14 Exempt/Not Exempt Project Lists. Pursuant to 23 CFR 450:

(a) Prior to making any conformity determinations, MPOs and NHDOT shall:

- (1) Review all projects within nonattainment or maintenance areas that are on the STIP and TIPs, to determine whether the projects are exempt under 40 CFR §§93.126 and 93.127; and
- (2) Determine if any exempt projects shall be classified as not exempt because of potential emissions impacts.

(b) NHDOT and MPOs shall provide access to the department, RPCs, EPA, FHWA, and FTA for review and comment a list of projects and their exempt/non-exempt status as part of conformity determinations of metropolitan transportation plans, TIPs, and regional emissions analyses performed outside the MPO areas.

Env-A 1503.15 Projects in PM_{2.5} and Nonattainment or Maintenance Areas. - RESERVED

Env-A 1503.16 Notification of Metropolitan Transportation Plan, TIP, or STIP Proposed Amendments of Exempt Projects. Pursuant to 23 CFR 450:

- (a) NHDOT shall notify the appropriate MPO(s), the department, affected RPCs, EPA, FHWA, and FTA of any proposed STIP amendment which adds or deletes an exempt or non-exempt project as listed in 40 CFR §93.126 and §93.127.
- (b) MPOs shall notify NHDOT, the department, EPA, FHWA, and FTA of any proposed amendment to a metropolitan transportation plan or TIP that adds or deletes an exempt or non-exempt project as listed in 40 CFR §93.126 and §93.127.

Env-A 1503.17 Conformity in Nonattainment or Maintenance Areas Outside MPO Areas or Containing More Than One MPO Area. Pursuant to 23 CFR 450:

- (a) In portions of nonattainment or maintenance areas that are not included in an MPO area or that contain more than one MPO area, NHDOT shall determine conformity of TIPs, metropolitan transportation plans, and plans for any nonattainment or maintenance areas outside the MPO boundaries, incorporating the most recent emissions analysis from the currently conforming metropolitan transportation plan and TIP for all MPOs which are within the nonattainment or maintenance area.
- (b) In nonattainment or maintenance areas which contain more than one MPO, each MPO shall consider the most recent emissions analysis from the other currently conforming metropolitan transportation plans and TIPs within the region.
- (c) NHDOT shall coordinate conformity determinations in nonattainment or maintenance areas with more than one MPO.

Env-A 1503.18 Resolving Conflicts.

- (a) During the public comment period on conformity determinations of metropolitan transportation plans, TIPs, and NHDOT regional emissions analyses of transportation projects, the department shall:
 - (1) Review the conformity determination of such metropolitan transportation plans, TIPs, and NHDOT regional emissions analyses;
 - (2) Submit written comments on the conformity determinations to the appropriate MPO and to NHDOT as soon as possible but no later than the close of the public comment period; and
 - (3) Include in the comments specified in (2), above, a clear finding of concurrence or nonconcurrence on the conformity determinations and a list of issues to be addressed, if any.
- (b) If the department does not concur with the conformity determination, NHDOT or the appropriate MPO, as applicable, shall submit a written response(s) to the department within 14 calendar days of the receipt of the department comments, which clearly addresses each of the stated issues either by revising the determination or by explaining why the determination was not revised.
- (c) If the issues cannot be resolved, the provisions of 40 CFR 93.105(d) relative to resolving conflicts shall apply.
- (d) Pursuant to 23 CFR 450, if a conflict arises among MPOs with respect to conformity determinations, NHDOT shall:
 - (1) Act as the arbitrator; and
 - (2) Invite the department to any meetings held to resolve the conflict.

Env-A 1503.19 Public Consultation.

(a) Pursuant to 23 CFR 450, NHDOT, the department, and MPOs, RPCs, EPA, FHWA, and FTA shall implement all applicable federal and state required public notification and public participation processes throughout the interagency consultation process.

(b) MPOs shall provide a minimum of 10 days for receipt of public comment prior to taking a formal action on conformity determinations of MPO transportation plans and MPO TIPs.

(c) NHDOT shall provide a minimum of 10 days for receipt of public comment prior to taking formal action on conformity determinations of NHDOT regional emissions analysis in areas outside MPO areas or in areas covered by more than one MPO.

Env-A 1503.20 Commitments for Regional Emissions Analysis. In accordance with 40 CFR 93.122(a)(4)(ii), an MPO shall not include emissions reduction credits from control measures that are not included in its metropolitan transportation plan or TIP and that do not require a regulatory action in the regional emissions analysis used in the conformity determination unless the MPO, FHWA, or FTA obtains written commitments, as defined in 40 CFR 93.101, from the appropriate entities to implement those control measures.

Env-A 1503.21 Commitments for Project-Level Mitigation and Control Measures.

(a) In accordance with 40 CFR 93.125(c), prior to making a project-level conformity determination for a transportation project, the FHWA or FTA shall obtain from the project sponsor or operator a written commitment, as defined in 40 CFR 93.101, to implement any project-level mitigation or control measure in the construction or operation of the project identified as a condition for NEPA process completion.

(b) Prior to making a conformity determination for a metropolitan transportation plan or TIP, the MPO shall ensure that any project-level mitigation or control measures for which a written commitment has been made are included in the project design concept and scope and are appropriately identified in the regional emissions analysis used in the conformity analysis.

(c) Written commitments shall be obtained before such mitigation or control measures are used in a project-level hot-spot conformity analysis for a project-level determination.

PART Env-A 1504 CONFORMITY OF GENERAL FEDERAL ACTIONS

Env-A 1504.01 Purpose. The purpose of this part is to implement §176(c)(4) of the Clean Air Act (the Act), as amended, and 40 CFR 93, Subpart B, with respect to the conformity of federal actions to the SIP, to ensure that the purpose and intent of the SIP are met.

Env-A 1504.02 Applicability.

(a) Pursuant to §176(c)(1) of the Act, this part shall apply to any federal department, agency, or instrumentality which meets the applicability criteria as specified in 40 CFR §93.153.

(b) This part shall not apply to any entity subject to a conformity determination for a federal action related to a transportation plan, program, or project developed, funded, or approved under 23 USC §§101 et seq. or the Federal Transit Act, as amended, 49 USC §§1601 et seq.

Env-A 1504.03 References. For the purpose of this part, unless otherwise specified all references to 40 CFR 93, Subpart B, shall be to the July 1, 2011 edition.

Env-A 1504.04 Federal Definitions Incorporated.

(a) The definitions contained in and referred to in 40 CFR §93.152 shall apply to the terms used in this part.

Env-A 1504.05 Conformity to State and Federal Implementation Plans.

(a) Pursuant to §176(c)(1) of the Act, no applicable federal entity shall engage in, support in any way or provide financial assistance for, license or permit, or approve any activity which does not conform to the SIP or FIP developed pursuant to §110 and §171 through §185 of the Act.

(b) Such determination that a federal activity conforms to the SIP or FIP shall be made in accordance with §176 of the Act and 40 CFR 93, Subpart B.

APPENDIX

Rule Section/Paragraph	State Statute Implemented	Federal Statutes or Regulations Implemented
Env-A 1501.01 - Env-A 1502.02	RSA 125-C:4, I(a)	42 U.S.C. §7506; 40 CFR 93, Subpart A
Env-A 1502.01(a)	RSA 125-C:4, I(a)	42 U.S.C. §7506; 23 CFR §450
Env-A 1502.01(b)	RSA 125-C:4, I(a)	42 U.S.C. §7506; 40 CFR §93
Env-A 1502.02	RSA 125-C:4, I(a)	42 U.S.C. §7506; 40 CFR §93.101
Env-A 1502.03	RSA 125-C:4, I(a); RSA 36:45 - 58	42 U.S.C. §7506; 40 CFR §93.101
Env-A 1502.03(d) & (f)	RSA 125-C:4, I(a)	42 U.S.C. §7506; 42 U.S.C. §7407; 40 CFR §51.852
Env-A 1503.01	RSA 125-C:4, I(a)	42 U.S.C. §7506; 40 CFR §93.105; 40 CFR §93.122(a)(4)(ii); 40 CFR §93.125(c)
Env-A 1503.02	RSA 125-C:4, I(a)	42 U.S.C. §7506; 40 CFR §93.102
Env-A 1503.03	RSA 125-C:4, I(a)	42 U.S.C. §7506; 42 U.S.C. §7511; 42 U.S.C. §§ 7501-7515; 40 CFR 93, Subpart A
Env-A 1503.04	RSA 125-C:4, I(a)	42 U.S.C. §7506; 42 U.S.C. §7407
Env-A 1503.05	RSA 125-C:4, I(a)	42 U.S.C. §7506; 40 CFR 51, Subpart T; 40 CFR 93, Subpart A
Env-A 1503.06	RSA 125-C:4, I(a)	42 U.S.C. §7506; 23 CFR 450, Subpart B
Env-A 1503.07	RSA 125-C:4, I(a)	42 U.S.C. §7506; 23 CFR 450, Subpart C
Env-A 1503.08-1503.21	RSA 125-C:4, I(a)	42 U.S.C. §7506; 23 CFR 450; 40 CFR 93, Subpart A
Env-A 1504.01	RSA 125-C:4, I(a)	42 U.S.C. §7506; 40 CFR 51, Subpart W
Env-A 1504.02	RSA 125-C:4, I(a)	42 U.S.C. §7506; 40 CFR 51.853
Env-A 1504.03	RSA 125-C:4, I(a)	42 U.S.C. §7506; 40 CFR 51
Env-A 1504.04	RSA 125-C:4, I(a)	42 U.S.C. §7506; 40 CFR 51.852
Env-A 1504.05	RSA 125-C:4, I(a)	42 U.S.C. §7506; 42 U.S.C. §7511; 42 U.S.C. §§ 7501 through 7515; 40 CFR 51, Subpart W

APPENDIX D

TIP/STIP Revision Procedures

Statewide Transportation Improvement Program (STIP):

Revision Procedures

New Hampshire Department of Transportation



DRAFT
5-27-11

Amended – June XX, 2011



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Section 1.01

Section 1.02 I. Overview

The NH Department of Transportation (NHDOT), through cooperation and coordination with the Metropolitan Planning Organizations (MPO) and the rural Regional Planning Commissions (RPC), maintains the Statewide Transportation Improvement Program (STIP). To comply with Federal rules, for each metropolitan area in the state the STIP shall include, without change, directly or by reference, each MPO TIP. The approved STIP is frequently revised to reflect changes in project status, therefore, before the STIP is revised to reflect a project change in an MPO area, the MPO TIP must first be revised. Changes in project schedules, funding needs, and project scopes require revising the approved STIP.

These changes may be initiated from the NHDOT or at the MPO and, depending upon their significance and complexity, require coordination from several agencies and may also require Federal approval. Through interagency consultation, the NHDOT participates with representatives from the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), the Environmental Protection Agency (EPA), and the NH Department of Environmental Services (NHDES), MPOs and RPCs to discuss issues, effects of, and requirements regarding revisions of the STIP. These issues include MPO public comments and participation periods, statewide comment periods, financial constraint and air quality conformity determinations.

The procedure for formally revising the STIP differs depending on the nature of the proposed revision. Through Interagency Consultation, criteria have been developed describing the thresholds and triggers that will define what type of action is required to make a revision to the STIP. As described in 23 CFR 450 there are two types of revisions to an approved STIP: an Amendment and an Administrative Modification. Following are the thresholds or events that trigger the necessity for an amendment and the provisions that would allow for an administrative modification. Additionally, administrative modifications are classified as major or minor (information only) depending on the magnitude of the changes. To help ensure that the STIP remains financially constrained as revisions are made, the NHDOT will balance the net effect of project changes by year and provide supporting financial constraint documentation with each Amendment.

Section 1.03 II. Decision Thresholds

The following thresholds were established by NHDOT in consultation with the MPO and rural RPCs, FHWA, FTA, EPA, and NHDES. The intent of setting these thresholds is to establish a transparent and consistent decision making process for how changes to projects within the STIP will be managed. For changes to the cost of projects, a sliding scale is outlined in Table II-1 (page 3) to determine which category of revision is required. All measurements for these cost changes will be made from the last approved STIP, including amendments, to account for incremental changes. Please refer to Appendix A for additional clarification on some of the terms and concepts outlined in the Decision Thresholds and throughout these Procedures.

(a) A. Amendment

- ❑ Any change to a project that impacts the regional emissions analysis used for the current Conformity Determination. Primarily affects Non Exempt projects in nonattainment or maintenance areas with year or scope changes;
- ❑ Adding or removing a Regionally Significant or Non Exempt project or phase of a project;
- ❑ Adding or removing a federally funded project or phase of a project;
- ❑ Making a substantive change in the design concept or scope of a project that uses state or federal funds or of any regionally significant projects regardless of the funding source;
- ❑ A significant change in the total cost of a project (Table II-1, page 3);
- ❑ A change in the fiscal year of any phase of a project or portion of a phase in areas where expedited project selection procedures have not been adopted; no such areas currently exist in NH;
- ❑ Officially adding a project that had been included for illustrative purposes.

(b) B. Administrative Modification: Major

- ❑ Minor changes in the total cost of a project (Table II-1, page 3);
- ❑ Minor changes to the scope of work or description of a project that do not affect the regional emissions analysis or otherwise trigger a conformity determination;
- ❑ Combining or separating two or more projects that are part of an approved STIP;
- ❑ Combining or separating phases within a project that are part of an approved STIP;
- ❑ Identifying a specific project that was part of a grouped project and adjusting the grouped project accordingly.
- ❑ Changes to the funding category(s) identified in an approved STIP for a project (with exceptions, see page 5)
- ❑ A change in the fiscal year of any phase or portion of a phase of a project in areas where expedited project selection procedures have been adopted, provided they are advanced or delayed within the STIP years and do not affect the financial constraint of the STIP. Currently, procedures are in effect for the entire State of NH.

(c) C. Administrative Modification: Minor (Information Only)

- ❑ Minor changes to the total cost of a project (Table II-1, page 3);
- ❑ Typographical corrections to project information.

(d)D. Project Cost Change Threshold Table

Table II-1

Total Cost of Project within approved STIP Years	Full Amendment*	Administrative Modification	
	<i>Action Needed if the Change in Cost from the amount approved in the most current STIP is:</i>	Major	Minor
< \$1 Million	>75%	Up to 75% (\$750k limit)	<10%
\$1 Million to \$5 Million	>30%	Up to 30% (\$750k limit)	<8% (\$200k limit)
> \$5 Million to \$10 Million	>20%	Up to 20% (\$1.5 million limit)	<5% (\$300k limit)
> \$10 Million to \$50 Million	>10%	Up to 10% (\$3.5 million limit)	<4% (\$400k limit)
Over \$50 Million	>5%	Up to 5% (\$5 million limit)	<1% (\$500k limit)

* also applies to Post Authorization Revisions (Section IX)

Section 1.04 III. Interagency Consultation

Before an amendment or major administrative modification can be adopted by NHDOT or an MPO and prior to the start of any public comment periods, the proposed changes, whether initiated from the MPO or the NHDOT, will be discussed through interagency consultation meetings/phone conferences or correspondence. Representatives from FHWA, FTA, EPA, NHDOT, NHDES, MPOs, and RPCs in New Hampshire are invited to participate in monthly discussions. Any public input that has been received should be expressed through the planning commission staff in attendance or by the agencies.

Through interagency consultation a recommendation will be made regarding each project's regional significance. At a minimum, that recommendation will meet the standards outlined in 23 CFR 450. Interagency consultation also provides a forum to determine if a proposed revision will require a conformity determination and to recommend the length of any related public comment periods.

Interagency consultation provides one of the first opportunities for MPOs, the agencies, and others involved to provide comments on potential STIP revisions. Any comments received through the consultation process may affect how the State selects to categorize the revisions before distributing them for public comment and formal review at the MPO level. In an urban area, final categorization is at the discretion of the MPO which may opt to process any major administrative modification as an amendment. Alternatively, an MPO may not elect to change a revision from an amendment to a major administrative modification without reviewing the change through interagency consultation. A report of any minor administrative modifications that are processed will be shared regularly as part of the interagency consultation process.

Important decisions reached through interagency consultation will be documented as meeting notes. Some examples include:

- The need for updating the regional emissions analysis or otherwise requiring a conformity determination;
- The regionally significant and/or the exempt or non-exempt status of a project or phase of a project;
- Any adjustments made to analysis years for determining conformity; and
- The decision to process STIP revisions as Amendments, Administrative Modifications or Information Only changes.

A. Dispute Resolution

When disagreements arise over any aspect of a STIP revision that cannot be satisfactorily and amicably resolved between the immediate parties involved, they will be brought forward for discussion as part of the consultation process. The interagency group may provide guidance to the parties involved in the dispute and to whichever agency(s) have the ultimate approval authority. Any such guidance shall be documented in the meeting notes. However, while the guidance provided through interagency consultation should weigh heavily on decisions made to resolve the dispute, it is not binding.

Section 1.05 *IV. Amendments or Updates*

Amendments and updates are major revisions that are intended to address substantial changes to projects or changes that may affect air quality conformity or financial constraint. The amendment or update process also provides an opportunity to process all other changes that may have been approved since the previous amendment, including administrative modifications, information only changes, and post authorization revisions. Amendments or updates require, at a minimum, a public comment period, a conformity determination, and subsequent approvals, but may also require an update to the air quality analysis (regional emissions analysis).

As part of the interagency consultation process, for each amendment the group will recommend a length for the public comment period between 10 and 30 days. For the Update that is processed on a two year cycle concurrent with New Hampshire's 10 Year Plan update cycle, the public comment period will be 30 days at a minimum. For amendments, the recommendation will be based on various factors including the magnitude of the changes being proposed, the relative sensitivity of the projects included, and any factors that require timely actions, e.g. emergencies, federal lapses, etc. In urban areas each MPO will implement the comment period and in rural areas the NHDOT shall.

The public comment period must be completed, and any comments received must be responded to before the MPO or State adopts the TIP/STIP amendment. The timeframe to adopt an amendment is 2-3 months after review through Interagency Consultation. To the extent possible, amendments to the STIP will be processed on a quarterly basis. Authorization requests in the Fiscal Management Information System (FMIS) for changes included in amendments or updates will

document the date of Federal agency STIP amendment or STIP update approval in the FMIS STIP Reference field.

When TIP/STIP amendments involve revisions to projects that are grouped by function, work type, and/or geographic area, consistent with requirements listed in 23 CFR 450.324 (f) and 23 CFR 450.216 (j), NHDOT will in a timely manner, provide the appropriate RPC/MPO with the individual project-specific changes in their respective regions that are included in such revisions. Upon request, NHDOT will also provide project-specific listings by RPC/MPO for grouped projects that are included with STIP Updates.

(a) A. Metropolitan Areas

Project changes in an MPO area must comply with the provisions of 23 CFR 450.326 pertaining to TIP revisions. Regardless of whether the project change is initiated by the MPO or the NHDOT, the MPO board must adopt the change to their approved TIP. There must be a public participation process, consistent with the respective MPO public participation plan. Upon formal endorsement of the amendment or update at a public MPO meeting, the MPO shall provide a copy of the amendment or update to the State (NHDOT and NHDES), FHWA, FTA, and EPA. In non-attainment or maintenance areas, any amendment or update to the TIP that modifies a non-exempt project or projects must be accompanied by a corresponding conformity determination by the MPO. That conformity determination, depending upon the discussions through interagency consultation, may or may not require a new air quality analysis. The MPO shall also process their Long Range/Metropolitan Transportation Plan (MTP) Amendments or Updates concurrently with their TIP Amendments or Updates as necessary to maintain consistency between the documents. The MPO will follow their public participation procedures for amending or updating their MTP.

The State shall incorporate the amendment or update into the STIP and submit the amended or updated STIP to FHWA/FTA for approval. The NHDOT must demonstrate that the STIP remains financially constrained. Each amendment shall be dated and sequentially numbered. The FHWA/FTA shall approve or disapprove the STIP amendment or update in whole or may choose to exclude specific projects from the approval. The state will forward copies of the approval to the affected MPOs. The MPO will, in turn, notify the affected Transit Operator(s), if transit projects are involved.

(b) B. Non-Metropolitan Areas

The NHDOT will notify the non-MPO area RPCs of the project changes and hold a public comment period. The Director of Project Development for NHDOT will have approval authority for rural area amendments or updates to the STIP. After the comment period closes, the NHDOT forwards the amendment or update, along with any comments received, to FHWA/FTA for approval. Based on comments from the planning commissions or the public, additional consideration will be given to the proposed changes. The State will notify affected transit operators if transit projects are involved.

Section 1.06 V. Administrative Modification: Major

Consistent with the definitions outlined in 23 U.S.C. 101(a) and 49 U.S.C. 5302, administrative modifications are minor revisions with the intent of allowing, where suitable, relatively small changes to be made to projects in an expedited fashion. Major administrative modifications can be

made based on the thresholds established in Section II-B (page 2) and in Table II-1 (page 3). The major administrative modification option is available for projects at the discretion of the MPO, or the State in rural areas, which may instead opt for the formal amendment process. Whenever practical, project changes that may qualify for minor administrative modification will be processed as major ones. FHWA may, but is not required to, authorize requests in FMIS up to the project cost change thresholds outlined for major administrative modifications listed in Table II-1. FHWA will consider each request for authorization on a case-by-case basis. Authorization requests in the FMIS for changes included in administrative modifications that have been processed will document the date of processing in the FMIS STIP Reference field.

A list of all the projects that are potentially eligible for major administrative modifications will be reviewed through the interagency consultation process. Following that review, each of the affected MPOs and rural planning commissions will receive a list of projects with the proposed changes within their jurisdiction. The NHDOT will ensure that all revisions processed as administrative modifications are incorporated in the next amendment or STIP update as necessary, including the financial constraint demonstration. Major administrative modifications should typically take less than 1 month to process.

To ensure consistency with federal regulations regarding air quality conformity, any project that is identified to potentially affect the air quality conformity determination of a non-attainment or maintenance area will be discussed during interagency consultation. If, through consultation, a proposed major administrative modification is identified as having an impact on the air quality conformity determination, that revision will be escalated to an Amendment.

(a) A. Metropolitan Areas

Each MPO has the option to create and adopt, as part of their prospectus, procedures to process major administrative modifications. Included as major administrative modifications, the MPO also has the option to include expedited project selection procedures. The person or committee designated as having approval authority, or the MPO policy committee, will review the list of projects and issue a letter stating concurrence or disapproval of the proposed changes. The MPO will notify the FHWA/FTA of the approval of major administrative modifications. The FHWA/FTA shall place these adjustment letters on file with the STIP and the State shall update the STIP to include these modifications periodically as full amendments or STIP updates are processed. If the person or board designated as having approval authority elects not to approve an administrative modification, that change could still be pursued through the full amendment process. FHWA/FTA will review modifications and will accept or not accept them, however, no formal approval will be required. If FHWA/FTA does not accept a major administrative modification, this will be noted in the federal approval action for the subsequent amendment.

(b) B. Non-Metropolitan Areas

The NHDOT, through this document and in a manner consistent with federal regulations (23 CFR 450 and 23 USC), establishes procedures to act on project changes as major administrative modifications, including expedited project selection procedures, for the non-MPO areas of the State. These procedures have been developed through consultation with the regional planning commissions and federal agencies.

Project changes within the thresholds outlined in section II-B and in Table II-1 of this document (pages 2-3) may be processed as major administrative modifications, provided:

- the NHDOT shall notify the affected RPCs in writing of the need for the proposed changes. This notice shall include an explanation of the purpose and need of the change and will be discussed through the interagency consultation process;
- for any project changes which will impact the timeline or amount of local matching funds, the NHDOT, in consultation with the RPC, shall determine that the funds will be available after contacting the governing body;
- written concurrence with the proposed change in project implementation is issued by the Director of Project Development of the NHDOT or their designee.

The NHDOT will notify the FHWA/FTA of the approval of major administrative modifications. The FHWA/FTA shall place these adjustment letters on file with the STIP and the State shall update the STIP to include these modifications periodically as full amendments or STIP updates are processed. FHWA/FTA will review modifications and will accept or not accept them, however, no formal approval will be required. If FHWA/FTA does not accept a major administrative modification, this will be noted in the federal approval action for the subsequent amendment.

Section 1.07 VI. Administrative Modification: Minor (Information Only)

Technical corrections and minor cost adjustments (Table II-1) will be treated as minor administrative modifications only when timeliness is critical. In all other cases, the changes will be processed as major administrative modifications. These types of changes will be reported in the STIP as future amendments or STIP updates are processed and would not require approval. The changes will also be reported as part of the regular interagency consultation process.

Section 1.08 VII. Submission of STIP Revisions

STIP amendments for single projects may be accommodated by FHWA/FTA, however, it is strongly suggested that the State bundle projects for approval and submit an updated STIP project listing including a group of amendments, administrative modifications, and information only changes on a quarterly basis or less frequently if there have been no changes in the STIP during the previous quarter. This will make for a more rational tracking of the current STIP by the State, the Federal Agencies and the MPOs. Each amendment request shall be dated and sequentially numbered with one copy submitted to FHWA and one copy to FTA.

Section 1.09 VIII. Air Quality Conformity

Any changes that will potentially trigger conformity are discussed and explored by the participating agencies through the interagency consultation process allowing potential impacts to be identified early in the revision process. STIP Amendments that involve Not Exempt projects

must include a conformity determination, and the conformity determination is subject to the same public comment period requirements as for the STIP amendment.

Any proposed revision that affects the air quality analysis of the current conformity determination must be processed as an Amendment. Any revision to the air quality analysis also requires an amendment of the MPO MTP. The MPO will follow their public participation procedures for amending their MTP. The new air quality analysis shall be developed and amended into the MTP (consultation and public notice procedures apply). The amended TIP conformity determination would then be based on the amended MTP air quality analysis. The STIP amendment, the supporting MTP, and a statement of finding of conformity will be submitted to EPA for review and concurrence, and then to FHWA/FTA for approval. The FHWA/FTA approval letter will reflect approval of this new conformity determination.

If the proposed revision to the STIP does not affect the existing regional emissions analysis, but triggers a determination of conformity for other reasons, it shall be explicitly reflected in the amendment with a statement that the finding of conformity relies on the previous (existing) regional emissions analysis. Such statement will be included with the conformity determination documentation that is circulated for public comment.

Section 1.10 *IX. Post Authorization Revisions*

Revisions to projects and phases of projects after they are programmed in the STIP and authorized by FHWA/FTA are an inevitable part of the implementation process, and can have significant impacts on available revenues as documented by year and funding category in the STIP's demonstration of financial constraint. Situations including adjustments based on bids, project closeout, change orders/extra work, and litigation may all require revisions to the project. The changes, provided that they are minor and do not exceed the thresholds established for an Administrative Modification, may be processed by the NHDOT without approval through the STIP Revision process. Similar changes to FHWA oversight projects will require discussion and approval by FHWA consistent with the procedures established in the Stewardship and Oversight Agreement.

Any revision that does exceed the thresholds established for an Administrative Modification will be discussed with the affected MPO(s) and FHWA/FTA prior to requesting authorization of the funds, and will require an Amendment. At the discretion of FHWA, funds may be authorized an advance of the Amendment and any such requests will be reviewed on a case by case basis. All post authorization revisions will be incorporated into the project list as well as the financial constraint demonstration for each new Amendment or Update to the STIP.

Section 1.11 X. Appendix

(a)

(b)A. Definitions - Clarifications

Administrative Modification: Major: The middle tier of a revision requiring interagency consultation, approval by NHDOT and/or by a designee of an MPO, and notification of FHWA/FTA. Consistent with the definitions included in 23 CFR 450.104, administrative modifications are classified as minor revisions.

Administrative Modification: Minor (information only): The lowest tier of a revision does not require interagency consultation, but only approval by NHDOT and/or by a designee of an MPO. Consistent with the definitions included in 23 CFR 450.104, information only revisions are classified as minor revisions.

Air Quality Conformity Determination: Required under federal rules for areas that are classified as non-attainment or in maintenance of national ambient air quality standards. The Determination certifies that the area meets criteria pollution limits defined in the NH Statewide Implementation Plan.

Amendment: The highest tier of a revision requiring a public comment period, interagency consultation, adoption by NHDOT and approval by an MPO, approval by FHWA/FTA, and in non-attainment or maintenance areas, a finding of conformity. Consistent with the definitions included in 23 CFR 450.104, amendments are classified as major revisions

Exempt Status: A classification, Exempt or Not Exempt, given to all projects within non-attainment or maintenance areas. Project classifications are determined through Interagency Consultation. The project status is reported in the STIP under the heading CAA Code. For Exempt projects, a numeric code is included which is associated with the federal list of exempt activities.

Expedited Project Selection Procedures: A process outlined in federal rules that permit a change in the years of implementation of a project or phase of a project provided that the original date(s) and revised date(s) were contained in an approved STIP. For the urban areas of the state, each MPO, if they wish to utilize these expedited procedures, must adopt them as part of their prospectus. Under these procedures, this type of change falls into the Administrative Modification tier of revision.

Fiscal Management Information System: The system through which all authorizations from FHWA are processed.

Illustrative Projects: Projects that are included in the STIP in anticipation of the receipt of federal or other funds. Illustrative projects are not required to be included in financial constraint information nor in an air quality analysis. Such projects are not eligible for federal funding until they are officially added through an Amendment. The primary reasons to add projects for illustrative purposes are to document the projects, spur open discussion among stakeholders, and to identify the need for additional resources.

Phase: A component of a project defined as Preliminary Engineering (P), Right of Way (R), or Construction (C) programmed with a dollar amount and a fiscal year.

Regional Emissions Analysis: The process to identify and document the anticipated effects of a project on air quality. An analysis is conducted for projects in non-attainment or maintenance areas. Project changes that could affect an analysis include, but are not limited to, any that impact capacity, congestion, travel speeds, project areas or the exempt status of a project. Any change to an analysis requires an Amendment and a new Determination.

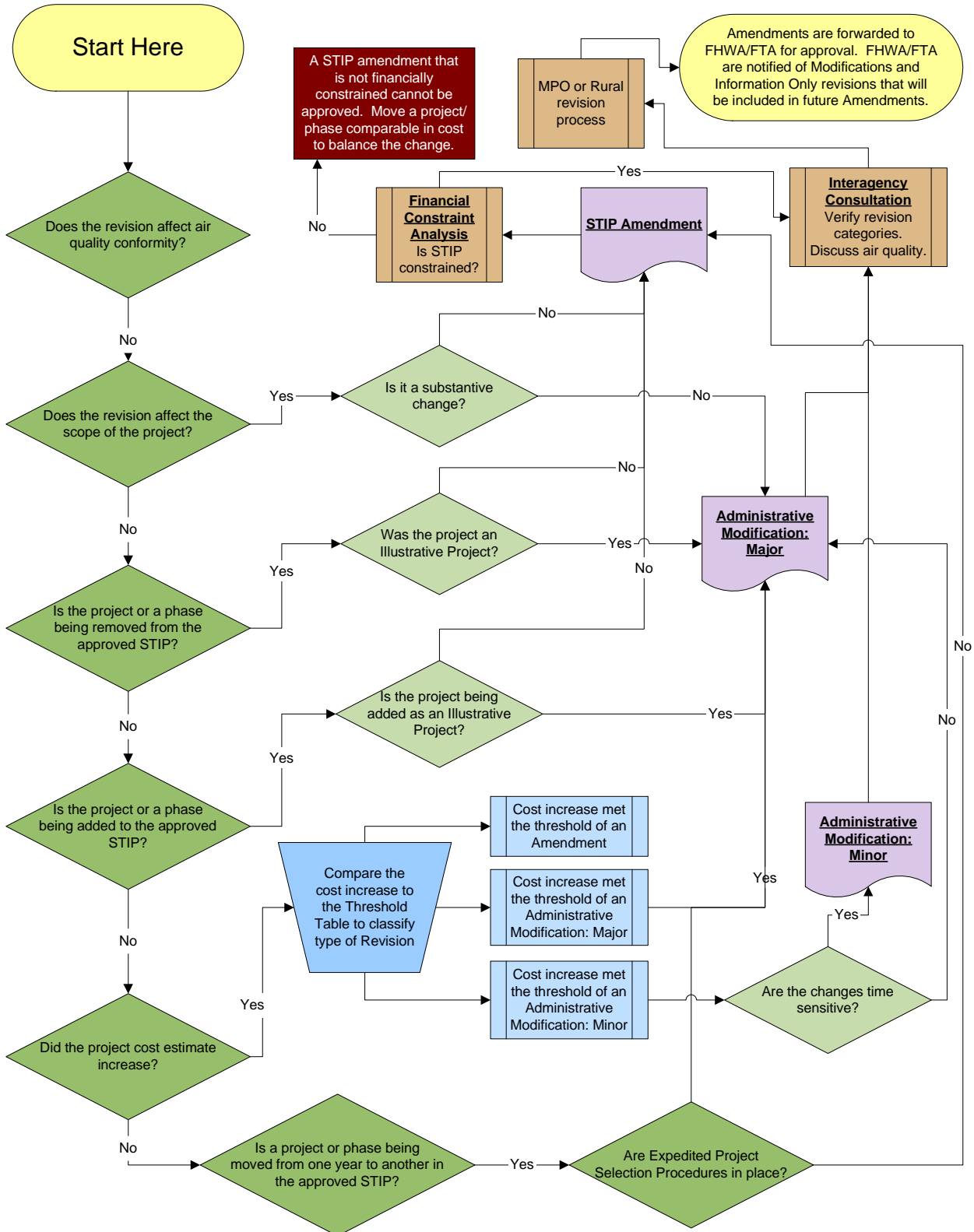
Regionally Significant: A determination discussed through interagency consultation, made by an MPO or the State, and documented in a TIP, Conformity Document, and/or other Plan. Federal rules generally define regionally significant projects to include those that serve regional transportation needs, specifically identifying principal arterials. Most revisions made to a designated Regionally Significant project will qualify as Amendments. Work completed on the Interstate, Turnpike, or NHS system would typically qualify as regionally significant.

Revision: Any change to a project within the STIP.

STIP Update: A process undertaken on a biennial basis in NH to publish a new STIP that includes all relevant project information for a period of 4 years.

(c) B. Process Diagram

(d)



(e) C. Approval Signatures

IN WITNESS WHEREOF the parties hereto have APPROVED these PROCEDURES on the day and year written below.

Department of Transportation

This is to certify that these PROCEDURES have been reviewed by the DEPARTMENT and are APPROVED as to form and execution and are considered ADOPTED.

Dated: _____

By: _____

Title: _____

Federal Highway Administration

This is to certify that these PROCEDURES have been reviewed by this office and are APPROVED as to form and execution.

Dated: _____

By: _____

Title: _____

Federal Transit Administration

This is to certify that these PROCEDURES have been reviewed by this office and are APPROVED as to form and execution.

Dated: _____

By: _____

Title: _____