

From: [Garcia-Aline, Sandra \(FHWA\)](#)
To: [Anderson, Ryan \(DOT\)](#)
Cc: [Fletcher, Susan \(FTA\)](#)
Subject: RE: 2024-2027 STIP Amendment #1
Date: Tuesday, October 15, 2024 7:43:04 AM

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Commissioner Anderson, we have considered the information you have provided below (in your e-mail dated October 4, 2024), and find the Corrective Action (in the Federal Planning Finding issued on September 27, 2024) to be accurate; therefore, the Corrective Action will remain unchanged as follows:

Corrective Action:

The following projects are excluded from approval of STIP Amendment #1. Any project located within an MPO's approved Urban Area Boundary or Metropolitan Planning Area Boundary, must be included in the MPO TIP. Once amended into the MPO TIP, the TIP amendment can be amended into the AK DOT&PF's STIP without modification. Excluded MPO projects include:

- 34545 - Chena River Railroad Bridge Replacement – ARRC
- 34547 - City of North Pole: Alaska, Drainage Project - City of North Pole
- 34130 - Richardson Highway Milepost 346 Northbound Chena Bridge Replacement

Sandra A. Garcia-Aline
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From: Anderson, Ryan (DOT) <ryan.anderson@alaska.gov>
Sent: Friday, October 4, 2024 4:04 PM
To: Garcia-Aline, Sandra (FHWA) <Sandra.Garcia-Aline@dot.gov>; Fletcher, Susan (FTA) <susan.fletcher@dot.gov>
Subject: 2024-2027 STIP Amendment #1

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Ms. Garcia-Aline, Ms. Fletcher,

We are working through the 2024-2027 STIP Amendment #1 Federal Planning Findings, and anticipate providing a full response to your September 27, 2024 letter next week.

While we complete our extensive review of the findings, I am expressing concern with the Tier 2 Finding 1a, which excludes project 34130 - Richardson Highway Milepost 346 Northbound Chena Bridge Replacement from the 2024-2027 STIP Amendment #1. This project is ready to deliver to construction, and by excluding from the 2024-2027 STIP Amendment #1, there will be substantial delays.

The Richardson Highway Milepost 346 Northbound Chena Bridge Replacement project is not within the MPO's Metropolitan Planning Area Boundary. While the 2020 census urbanized boundary does now extend to include the Chena Flood Control area, 23 CFR 450.312(a) and (j) are clear that any boundary changes require Governor approval. Following approval by the MPO and the Governor, the official boundary descriptions will be transmitted to FHWA and FTA as required by the Metropolitan Transportation Planning and Programming regulations.

We note that Corrective Action 1.a's exclusion of the Richardson Highway Milepost 346 Northbound Chena Bridge Replacement project is pursuant to the reasoning that "Any project located within an MPO's *approved Urban Area Boundary* or Metropolitan Planning Area Boundary, must be included in the MPO TIP." As explained above, the project is not located within official MPA boundary approved by the MPO and the Governor. Furthermore, the term *Urban Area Boundary* does not appear anywhere in 23 CFR 450 Part C (Metropolitan Transportation Planning and Programming) or 23 USC 134 (Metropolitan Planning). "Urbanized area" is a defined term under 23 USC 134(b) than means "a geographic are with a population of 50,000 or more, as determined by the Bureau of the Census." In the context of metropolitan planning, the term is used to describe when MPOs are created or expanded—but the term is not used in the context of how or when and an MPA boundary is agreed upon by the Governor or MPOs. The terms "urban area" and "urbanized area" are applicable throughout Title 23, as they appear in the general definitions (23 USC 101(a)(35) and (36)) and those terms are part of many FHWA regulatory programs. In FHWA's regulations, the term "urban area boundary" is only found in the highway classification regulations (23 CFR 470.101 and .105) and the original regulations (23 CFR 1.7) that pre-dates the metropolitan planning laws and regulations. For what it's worth, the federal funding source for the Richardson Highway Milepost 346 Northbound Chena Bridge Replacement project is not "authorized for and limited to urban areas", so the MP 346 bridge project also complies with the requirement of 23 CFR 1.7. As it appears to us that the additional hurdle of including in an MPO's TIP any project within an MPO's *approved Urban Area Boundary* is not within the statutory or regulatory authorities for current metropolitan transportation planning, and looks hauntingly similar to the 2017 regulatory requirement of a minimum urban area boundary that was repealed by Congress (PL 115-33; 131 Stat. 845).

Further, FHWA has authorized other projects not in the TIP or MTP that are within the new urbanized boundary in FY24, including the Chena Ridge Resurfacing project (NFHWY00838) construction authorization. This project is fully permitted and received local planning approval, which at this time is the only planning authorization required (outside of the STIP) for the project to advance to construction.

Other information FHWA has shared with staff through emailed correspondence indicated that the MPA expansion is not required to be approved/agreed to until prior to the next MTP update (which

has not begun) or 4 years from the designation. Further, MPO's are not required to have updated MTPs and TIPs to address projects within the new boundaries until 2026. This parallels MVP's requirements, which FHWA is not objecting to existing DOT&PF planned projects within the MVP boundary in the absence of an MTP/TIP that provides projects in their area.

DOT&PF is ready to obligate and construct this important Interstate Highway bridge replacement project to protect the cost of living in Fairbanks against potential load restrictions and vulnerabilities to earthquake and floods. We ask you please reconsider your rejection based on the information above.

Ryan Anderson, P.E.

Commissioner
Alaska DOT&PF
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