



**U.S. DEPARTMENT OF TRANSPORTATION**

FEDERAL HIGHWAY ADMINISTRATION

CALIFORNIA DIVISION

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January 5, 2007

IN REPLY REFER TO

HDA-CA

Document # S49934

Mr. Will Kempton, Director  
California Department of Transportation  
1120 N Street  
Sacramento, CA 95814

Attention: Federal Programming Office, Room 4400  
Sharon Scherzinger, Office of Regional and Interagency Planning

Dear Mr. Kempton:

SUBJECT: FSTIP/TIP Amendments On and After July 1, 2007

There are two major issues facing the State of California and it's Metropolitan Planning Organization's (MPOs) in the coming months regarding their ability to amend transportation programs: the July 1, 2007 implementation schedule for the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) and the pending release of the new Emissions Factor (EMFAC2007) model by the California Air Resources Board (ARB) containing revised vehicle fleet information. The SAFETEA-LU implementation schedule impacts the ability of the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) to approve amendments to programs that do not comply with the provisions of SAFETEA-LU, while the EMFAC2007 release will impact FHWA/FTA's ability to approve conformity determinations started after the end of a six-month transitional period from the date of the final release.

SAFETEA-LU Implementation Deadline

On and after July 1, 2007, FHWA and FTA will take action on updated Transportation Improvement Programs (TIPs) and the Federal-Statewide TIP that are compliant with SAFETEA-LU provisions, even if the MPO(s) or Caltrans have not yet produced new, SAFETEA-LU compliant Long-range Transportation Plans. If State and MPO Plans are making satisfactory progress towards compliance with the provisions of SAFETEA-LU on and after July 1<sup>st</sup>, the MPOs and Caltrans may make amendments to the SAFETEA-LU compliant FSTIP and TIPs that are consistent with those Plans. If TIPs and the FSTIP are not compliant with SAFETEA-LU provisions on and after July 1<sup>st</sup>, the MPOs and Caltrans may continue advancing projects from the adopted TIPs and FSTIP. However, only "administrative amendments" could be made to the TIP and FSTIP.

In our letter dated November 15, 2006, FHWA encouraged the MPOs and Caltrans to complete a SAFETEA-LU gap analysis of their current TIPs and Plans. FHWA encourages Caltrans and all MPOs to complete that gap analysis in order to amend their current FSTIP/TIPs prior to July 1, 2007 to add a fourth year of programming and any other changes identified through the gap analysis. On and after July 1<sup>st</sup> FHWA/FTA will take action on amendments to TIPs that are SAFETEA-LU compliant or amendments whose purpose is to bring the TIP into compliance. Since after July 1<sup>st</sup> FHWA/FTA will only be able to process TIP amendments that are consistent with Long-range Transportation Plans, FHWA also encourages the MPOs to process any amendments (including conformity determinations) to



their Plans identified as necessary through their gap analysis prior to that date. In order to amend Plans after July 1<sup>st</sup>, they must be SAFETEA-LU compliant.

#### EMFAC 2007 Final Release

The ARB initially planned to release EMFAC2007 for use in state implementation plan (SIP) development on November 1, 2006, but that release has been delayed and is currently anticipated in January 2007. The 2007 version of EMFAC contains updated vehicle fleet data. Therefore, beginning on the date the final version of the model is released, the FHWA, FTA and EPA are providing the MPOs with a six-month transitional period for using the new vehicle fleet data in conformity determinations. In order for FHWA and FTA to approve conformity determinations using the older fleet data, the emissions modeling for conformity purposes must be started before the end of this transitional period, expected to be in July 2007. Conformity determinations where the emissions modeling is started after the end of this transitional period must use the updated vehicle fleet data.

This requirement is based on the Clean Air Act, the Transportation Conformity Rule and joint EPA/FHWA guidance released in January of 2000 "*Use of Latest Planning Assumptions in Conformity Determinations*," which all require the use of latest available planning assumptions, including vehicle fleet data, in conformity determinations. According to the guidance, assumptions older than five years should be updated unless a valid technical justification is available. Upon the release of EMFAC2007, the Federal agencies will consider the new vehicle fleet data available for conformity purposes since it is available for SIP-development purposes. However, the Federal agencies have agreed to a six-month transitional period since the new data is not compatible with EMFAC2002.

If you have any questions, please contact Steven Luxenberg, FHWA, at (916) 498-5066 or [steve.luxenberg@fhwa.dot.gov](mailto:steve.luxenberg@fhwa.dot.gov).

Sincerely,

*/s/ Steve Luxenberg*

For  
Gene K. Fong  
Division Administrator

cc:

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