

Kern Council of Governments

February 20, 2009

Mr. Muhaned Aljabiry, Chief
Office of Federal Transportation Management Program
Division of Transportation Programming, MS 82
Department of Transportation
Attn: Ms. Penny Gray
P.O. Box 924874
Sacramento, CA 94274-0001

Dear Mr. Aljabiry:

SUBMITTAL OF ADMINISTRATIVE MODIFICATION NO. 5 TO THE 2009 INTERIM FTIP

The Kern Council of Governments' Federal Transportation Improvement Program (FTIP) policy is to compile administrative modifications that are made on an as needed basis and report to Caltrans, federal transportation agencies, and air quality agencies. The City of Bakersfield and City of Tehachapi have requested revisions to project records KER050531 and KER060409 respectively. Administrative Modification No. 5 to the 2009 Interim FTIP has been included in this report. The Kern COG staff reviewed the member agency requests and has agreed to make administrative revisions to the 2009 Interim FTIP reflecting changes to the projects below:

Regional Surface Transportation Program (RSTP) - KER060409

The City of Tehachapi requested to change the project limits listed in the lump sum list for KER060409. The new limits are: Curry Street from Tehachapi Boulevard to Valley Boulevard. Kern COG concurs with the request to expedite the appropriate changes listed above as part of Administrative Modification No. 5 to the 2009 Interim FTIP because: 1) there is no change in total funding; 2) the project is exempt from conformity per 40 CFR 93.126; and 3) proposed project changes do not interfere with the timely implementation of any approved TCMs.

Congestion Mitigation and Air Quality (CMAQ) - KER050531

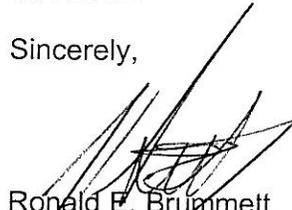
The City of Bakersfield requested to change the preliminary engineering phase funding source to be local only, leaving the total for preliminary engineering at \$9,000 in fiscal year 10/11. The existing \$14,873 RSTP programming and \$1,927 local from the preliminary engineering phase was then applied to the construction phase. Kern COG concurs with the request to expedite the appropriate changes listed above as part of Administrative Modification No. 5 to the 2009 Interim FTIP because: 1) there is less than a 25% change in total funding; 2) the project is exempt from conformity per 40 CFR 93.127; and 3) proposed project changes do not interfere with the timely implementation of any approved TCMs.

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Revisions have been made to California Transportation Improvement Program (CTIPS) database and are reflected in the enclosure. This administrative modification relies on the FSTIP financial capacity. The financial constraint documentation will be updated to reflect changes made by this administrative modification in the next formal amendment.

If you should have any questions or comments, please feel free to call Raquel Pacheco at (661) 861-2191.

Sincerely,



Ronald E. Brummett,
Executive Director

REB/rp
Enclosures

cc:

Dennis Wade, ARB
Katy Linebach, SJVAPCD
Joseph Vaughn, FHWA (electronic)
Ted Matley, FTA
Karina O'Connor, US EPA
Cari Anderson

Caltrans, Div. Of Programs (2 copies)
Dave Jones, KCAPCD
Jim Perrault, Caltrans DLAE District 6
Ryan Dermody, Caltrans DLAE District 9
Executive Directors, Valley COGs

ATTACHMENT A - REVISED RECORDS
Kern Council of Governments: DRAFT Amendment No. 5 to the 2009 Interim Federal Transportation Improvement Program

PROGRAM: Regional Surface Transportation Program

Route Postmile PIN Sic/Fed ID Fund AQ Lead	Description Total Escalated Cost Status	Phase	Prior Years	Program Schedule (construction costs escalated per Caltrans percentages)				Funding Summary				
				Four Year Element				Local	State	Federal		
				08-09	09-10	10-11	11-12	12-13	13-14			
KER060409 RSTP .10 Tehachapi	LOCAL STREETS AND ROADS RESURFACING, RECONSTRUCTION OR REHABILITATION AT VARIOUS LOCATIONS (NON-CAPACITY PROJECTS ONLY) \$480,063	PE RW Con Total		\$480,063						Interim TIP Code: 6.00 RTP Reference: 2007 RTP, Page 4-16 Prior Yr Status: --- Future Cost Est ---		
				\$480,063						Prior		
										Current	\$55,063	\$425,000

ATTACHMENT A - PRIOR RECORDS
Kern Council of Governments: DRAFT Amendment No. 5 to the 2009 Interim Federal Transportation Improvement Program

PROGRAM: Congestion Mitigation and Air Quality Program (Non-transit projects)

Route Postmile PIN Ste/Fed ID Fund AQ Lead	Description	Phase	Prior Years	Program Schedule (construction costs escalated per Caltrans percentages)					Funding Summary				
				Four Year Element					Local	State	Federal		
Total Escalated Cost				08-09	09-10	10-11	11-12	12-13	13-14				
Status													
XER050531	IN BAKERSFIELD: CAMPUS PARK/OLD RIVER RD; NEW SIGNAL	PE RW Con				\$16,800				Interim TIP Code: 6.00 RTP Reference: 2007 RTP, Page 4-16 Prior Yr Status: --- Future Cost Est ---			
CMAQ						\$224,700							
5.07	\$241,500	Total				\$241,500				Prior			
Bakersfield										Current	\$27,700		\$213,800

**Kern Council of Governments - Federal Transportation Improvement Program
(Dollars in Whole)
Local Highway System**

DIST: 06	COUNTY: Kern County	TITLE (DESCRIPTION):	MPO Aprv: / /
ROUTE:	PM:	RSTP - Tehachapi (LOCAL STREETS AND ROADS RESURFACING, RECONSTRUCTION OR REHABILITATION AT VARIOUS LOCATIONS (NON-CAPACITY PROJECTS ONLY))	State Aprv: / /
PPNO:	KP:		Federal Aprv: / /
EA:	MPO ID: KER060409		
CTIPS ID: 204-0000-0431			
IMPLEMENTING AGENCY: Tehachapi, City of	PRJ MGR:	EPA TABLE II or III EXEMPT CATEGORY: Pavement resurfacing and/or rehabilitation.	
	PHONE:		

PROJECT VERSION HISTORY (Printed Version is Shaded)					<i>(Dollars in whole)</i>								
Version	Status	Official Date	Updated By	Change Reason	Amend No.	Prog Con	Prog RW	PE					
4	Active	02/19/2009	RCARABAJ	Amendment - Cost/Scope/Sch. Change	5	480,063							
3	Official	07/17/2008	RCARABAJ	Adoption - Carry Over		480,063							
2	Official	05/17/2007	RCARABAJ	Amendment - Other (Explain ==>)	3	480,063							
1	Official	07/20/2006	RCARABAJ	Adoption - New Project		480,063							
• RSTP -					<u>PRIOR</u>	<u>08/09</u>	<u>09/10</u>	<u>10/11</u>	<u>11/12</u>	<u>12/13</u>	<u>13/14</u>	<u>BEYOND</u>	<u>TOTAL</u>
• Fund Source 1 of 2						PE							
• Fund Type: STP Local						RW							
• Funding Agency:						CON	425,000						425,000
						TOTAL	425,000						425,000
• Loc Funds -					<u>PRIOR</u>	<u>08/09</u>	<u>09/10</u>	<u>10/11</u>	<u>11/12</u>	<u>12/13</u>	<u>13/14</u>	<u>BEYOND</u>	<u>TOTAL</u>
• Fund Source 2 of 2						PE							
• Fund Type: City Funds						RW							
• Funding Agency:						CON	55,063						55,063
						TOTAL	55,063						55,063
Project Total					<u>PRIOR</u>	<u>08/09</u>	<u>09/10</u>	<u>10/11</u>	<u>11/12</u>	<u>12/13</u>	<u>13/14</u>	<u>BEYOND</u>	<u>TOTAL</u>
						PE							
						RW							
						CON	480,063						480,063
						TOTAL	480,063						480,063

Comments:
 ***** Version 4 - 02/19/2009 *****
 Change project limits to Curry Street from Tehachapi Boulevard to Valley Boulevard
 ***** Version 3 - 07/23/2008 *****
 ***** Version 2 - 05/24/2007 *****
 ***** Version 1 - 09/07/2006 *****

Kern Council of Governments - Federal Transportation Improvement Program
(Dollars in Whole)
Local Highway System

DIST: 06	COUNTY: Kern County	TITLE (DESCRIPTION):	MPO Aprv: / /
ROUTE:	PM:	CAMPUS PARK (IN BAKERSFIELD: CAMPUS PARK/OLD RIVER RD,	State Aprv: / /
PPNO:	KP:	NEW SIGNAL)	Federal Aprv: / /
EA:	MPO ID: KER050531		
CTIPS ID: 204-0000-0324			
IMPLEMENTING AGENCY: Bakersfield, City of	PRJ MGR:	EPA TABLE II or III EXEMPT CATEGORY:	
	PHONE:	Traffic signal synchronization projects.	

PROJECT VERSION HISTORY <i>(Printed Version is Shaded)</i>					<i>(Dollars in whole)</i>								
Version	Status	Official Date	Updated By	Change Reason	Amend No.	Prog Con	Prog RW	PE					
6	Active	02/19/2009	RCARABAJ	Amendment - Cost/Scope/Sch. Change	5	241,500		9,000					
5	Official	07/17/2008	RCARABAJ	Adoption - Carry Over		224,700		16,000					
4	Official	05/17/2007	RCARABAJ	Amendment - Other (Explain ==>)	3	224,700		16,000					
3	Official	01/18/2007	RCARABAJ	Amendment - Cost/Scope/Sch. Change	2	224,700		16,000					
2	Official	07/20/2006	RCARABAJ	Adoption - Carry Over		224,700		16,000					
1	Official	03/17/2005	RCARABAJ	Amendment - New Project	5	224,700		16,000					
* CMAQ -					<u>PRIOR</u>	<u>08/09</u>	<u>09/10</u>	<u>10/11</u>	<u>11/12</u>	<u>12/13</u>	<u>13/14</u>	<u>BEYOND</u>	<u>TOTAL</u>
* Fund Source 1 of 2			PE										
* Fund Type: Congestion Mitigation			RW										
* Funding Agency:			CON	213,800									
			TOTAL	213,800									
* Loc Funds -					<u>PRIOR</u>	<u>08/09</u>	<u>09/10</u>	<u>10/11</u>	<u>11/12</u>	<u>12/13</u>	<u>13/14</u>	<u>BEYOND</u>	<u>TOTAL</u>
* Fund Source 2 of 2			PE	9,000									
* Fund Type: City Funds			RW										
* Funding Agency:			CON	27,700									
			TOTAL	36,700									
Project Total					<u>PRIOR</u>	<u>08/09</u>	<u>09/10</u>	<u>10/11</u>	<u>11/12</u>	<u>12/13</u>	<u>13/14</u>	<u>BEYOND</u>	<u>TOTAL</u>
			PE	9,000									
			RW										
			CON	241,500									
			TOTAL	250,500									

Comments:

***** Version 6 - 02/19/2009 *****
 In FY 10/11- Add \$7,073 local to PE; delete \$14,873 CMAQ from PE; Add \$1,927 local to CON; Add \$14,873 CMAQ to CON
 ***** Version 5 - 07/23/2008 *****
 Project substitution.
 ***** Version 4 - 05/23/2007 *****
 ***** Version 3 - 01/23/2007 *****
 move programming from FY 06/07 to FY 10/11
 ***** Version 2 - 09/05/2006 *****
 ***** Version 1 - 03/17/2005 *****

**Attachment B
Caltrans Summary of Changes**

Amendment Type:
Amendment #:

Administrative Modification
5

Existing or New Project	MPO FTIP/RTP ID	PROJECT TITLE	FFY of Current Programming	FFY to be Programmed	Phase	Fund Source	% Cost Increase/Decrease	DESCRIPTION OF CHANGE
Existing	KER060409	LOCAL STREETS AND ROADS RESURFACING, RECONSTRUCTION OR REHABILITATION AT VARIOUS LOCATIONS (NON-CAPACITY PROJECTS ONLY)	FFY 08/09	N/A	CON	N/A	N/A	Change project limits of lump sum listing to Curry Street from Tehachapi Boulevard to Valley Boulevard
Existing	KER050531	IN BAKERSFIELD: CAMPUS PARK/OLD RIVER RD; NEW SIGNAL	FFY 10/11	N/A	PE	CMAQ	0%	Delete \$14,873
Existing	KER050531	IN BAKERSFIELD: CAMPUS PARK/OLD RIVER RD; NEW SIGNAL	FFY 10/11	N/A	PE	Local	4%	Add \$7,073
Existing	KER050531	IN BAKERSFIELD: CAMPUS PARK/OLD RIVER RD; NEW SIGNAL	FFY 10/11	N/A	CON	CMAQ	0%	Add \$14,873
Existing	KER050531	IN BAKERSFIELD: CAMPUS PARK/OLD RIVER RD; NEW SIGNAL	FFY 10/11	N/A	CON	Local	4%	Add \$1,927

Attachment C

Lump Sum Listings

Kern Council of Governments

Regional Surface Transportation Program

Lead	PIN	Project Descriptions
Tehachapi	KER060409	Change limits Rehabilitation Curry Street: Tehachapi Boulevard to Valley Boulevard

INTRODUCTION

Administrative Modifications or Amendments to the Federal Transportation Improvement Program shall be submitted to Kern Council of Governments (Kern COG) in writing (on agency letterhead). The request shall show all recommended changes including a description of the revision. Kern COG staff shall determine if an Administrative Modification or Amendment is necessary for the requested revision. That determination shall be made in writing by Kern COG staff prior to presenting the requested revision to the Kern COG governing Board.

The following procedures are applicable for processing modifications to the Federal Statewide Transportation Improvement Program (FSTIP). In accordance with the provisions of 23 CFR 450, transportation improvement programs (TIPs) developed by Metropolitan Planning Organizations (MPOs) are incorporated into the FSTIP and as such, these procedures are also applicable to TIP modifications.

In accordance with 23 CFR 450.216(n), projects in any of the first four years of the FSTIP may be moved to any other of the first four years of the FSTIP subject to the project selection requirements of 23 CFR 450.220. Such revisions do not require approval, provided expedited project selection procedures have been adopted in accordance with 23 CFR 450.220 and the required interagency consultation or coordination is accomplished and documented.

1) DEFINITIONS:

A) Administrative Modifications or administrative actions are minor changes to the FSTIP/ TIP that:

1. Revise a project description without changing the project scope or conflicting with the environmental document;
2. Revise the funding amount listed for a project's phases. Additional funding is limited to the lesser of 25 percent of the project cost or \$5 million, and programming capacity has to be available in the FSTIP/FTIP prior to programming the modification, and documented in the support materials;
3. Cost decreases have no cap, however, the request to reduce the cost must originate from the project sponsor and include an explanation for the decrease;
4. Change the source of funds;
5. Change a project lead agency;
6. Program federal funds for Advance Construction conversion;
7. Change program year of funds within the 4-year FTIP/FSTIP, provided Expedited Project Selection Procedures are in place;
8. Splits or combines individually listed projects; as long as cost, schedule, and scope remain unchanged;
9. Change required information for grouped or lump sum project listings; or,
10. Add or delete projects from grouped or lump sum project listings provided the funding amounts stay within the funding change guidelines above (see Section 2).
11. Administrative modifications are allowed for the re-programming of projects for which CMAQ funds were transferred to FTA in the prior FTIP and the FTA had not approved the grant yet. The project can be programmed in the current FTIP via administrative modification as long as there is no change in the original scope or cost, and the project needs to be programmed with "FTA 5307 (CMAQ Transfer Funds)" in the FTIP.
12. Administrative modifications may be used for programming FTA projects from the previous FTIP. The project can be programmed into the current FTIP via administrative modification as long as there is no change in the original scope or cost. Prior year funding must be differentiated from the current year funding by including narrative in the project description (or in "CTIPS MPO Comments" section) stating the year, amount and nature of the prior year funds.

13. Make minor changes to the FTA funded grouped project listings. Minor changes include changing the number of transit vehicles purchased by 20% or less and changes to the fuel type of transit vehicles. Kern COG needs to take the change through its interagency consultation procedures to confirm that the change in scope is minor.

Administrative modifications can be processed in accordance with these procedures provided that:

1. It does not affect the air quality conformity determination, including timely implementation of Transportation Control Measures (TCMs), and
2. It does not impact financial constraint.

B) Amendments are all other modifications to FSTIP/TIP that are not Administrative Actions. Examples include:

1. Introduction of a new project;
2. Scope changes that affect the approved air quality conformity analysis;
3. Funding changes that exceed 25% or impact the financial constraint of the funding program.

2) PROCEDURES:

A) Administrative Modifications (Administrative Actions)

Kern COG's Executive Director has been delegated to approve Administrative Modifications. Each Kern COG approved administrative action will be forwarded to Caltrans Headquarters, Division of Transportation Programming for approval on behalf of the Governor.

Once approved by Caltrans, on behalf of the Governor, the Administrative Modification will be incorporated into California's FSTIP and no Federal action will be required. Caltrans will notify Kern COG, FHWA, and FTA of the approved administrative action. If needed, Kern COG will demonstrate in a subsequent amendment that the net financial change from each modification has been accounted.

B) Amendments

Amendments to the FSTIP must be developed in accordance with the provisions of 23 CFR 450.326 and/or 23 CFR 450.216, and approved by the Federal agencies in accordance with 23 CFR 450.218 and 23 CFR 450.328. Each Kern COG Board approved TIP amendment will be forwarded to Caltrans Headquarters, Division of Transportation Programming for approval on behalf of the Governor. To expedite processing, Kern COG will also forward a copy of the amendment to FHWA and FTA at the same time the amendment is sent to Caltrans. Once approved by Caltrans, on behalf of the Governor, Caltrans will forward the amendment to FHWA and/or FTA for Federal approval. Once approved by FHWA and/or FTA the amendment will be incorporated into California's FSTIP. The FHWA and/or FTA approval will be addressed to Caltrans, with copies to Kern COG.

3) DISPUTE RESOLUTION

If a question arises on the interpretation of the definition of an administrative action (modification), Caltrans, Kern COG, FHWA and FTA (the parties) will consult with each other to resolve the question. If after consultation, the parties disagree on the definition of what constitutes an administrative action (modification), the final decision rests with the FTA for transit projects and FHWA for highway projects.

BEFORE THE KERN COUNCIL OF GOVERNMENTS
STATE OF CALIFORNIA, COUNTY OF KERN

Resolution No. 09-06
In the matter of:

REVISED FEDERAL TRANSPORTATION IMPROVEMENT PROGRAM AMENDMENT POLICY

WHEREAS, the Kern Council of Governments (Kern COG) is a Regional Transportation Planning Agency (RTPA) and a Metropolitan Planning Organization (MPO); and

WHEREAS, the MPO is required to develop, maintain and endorse the Federal Transportation Improvement Program (FTIP) with a Biannual Program of Projects for federal funding assistance; and

WHEREAS, the FTIP for the Kern region is a four-year schedule of multi modal transportation project improvements of major freeways, expressways, arterials, urban collectors, bikeways, transit, rail and aviation facilities; and

WHEREAS, in cooperation with federal, state, and local agencies, FTIP amendments must be reviewed for project content, financial constraint and air quality conformity; and

WHEREAS, additional revisions have been made to the FTIP Amendment Policy that update the language to be consistent with federal surface transportation legislation.

NOW, THEREFORE, BE IT RESOLVED THAT:

Kern Council of Governments adopts the revised Federal Transportation Improvement Program Amendment Policy attached and made a part of Resolution No. 09-05 by this reference.

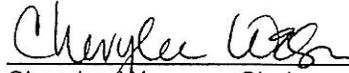
AUTHORIZED AND SIGNED THIS 15TH DAY OF JANUARY 2009.

AYES: Lessenevitch, Hill, Crump, Rosson, Morgan, Prout, Smith,
Wegman, Ehlert, Silver

NOES: None

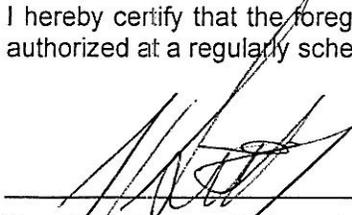
ABSTAIN: None

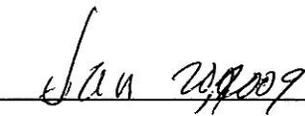
ABSENT: Tarver, Scrivner,
Thompson, McQuiston, Rubio


Cherylee Wegman, Chair
Kern Council of Governments

ATTEST:

I hereby certify that the foregoing is a true copy of a resolution of the Kern Council of Governments duly authorized at a regularly scheduled meeting held on the 15th day of January 2009.


Ronald E. Brummett, Executive Director
Kern Council of Governments


Date