U.S. Department of Transportation
Federal Highway Administration

Federal Highway Administration
California Division

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June 25, 2010

In Reply Refer To:
HDA-CA

Ms. Cindy McKim, Director
California Department of Transportation
1120 N Street
Sacramento, CA 95814

Attention: Federal Resources Office, M.S. 82
For Rachel Falsetti, Division of Transportation Programming

Dear Ms. McKim:

SUBJECT: SACOG 2008/09 – 2011/12 MTIP/FSTIP AMENDMENT NO. 31

The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) have completed our reviews of Amendment No. 31 to the Sacramento Area Council of Governments' (SACOG) 2008/09 – 2011/12 Metropolitan Transportation Improvement Program (MTIP) that was submitted by your letter dated May 27, 2010. The SACOG Board of Directors adopted Resolution No. 14-2010 on April 15, 2010 approving this MTIP modification and reaffirming the conformity of the transportation improvement program with the State Implementation Plan (SIP) for air quality. As detailed in the enclosure to your letter, this SACOG MTIP amendment requests to add five (5) new individual project listings, modify one (1) individually listed project that was previously approved for inclusion in the 2008/09 – 2011/12 Federal Statewide Transportation Improvement Program (FSTIP), and to modify three (3) grouped project listings previously approved for inclusion in SACOG's MTIP and California's FSTIP.

We have determined that the added project listings and modifications as part of the SACOG MTIP Amendment No. 31 do not require a new regional emissions analysis because each of the projects was found to conform as part of a previous analysis. Acceptance of this amendment is pursuant to a joint FHWA and FTA air quality conformity determination for the amended SACOG MTIP, which is required by the U.S. Environmental Protection Agency's (EPA) transportation conformity rule – 40 Code of Federal Regulations (CFR) Part 51 and via 40 CFR § 93.122(g) – and the FHWA/FTA Metropolitan Planning Regulations – 23 CFR § 450. This finding has been coordinated with Region IX of the EPA in accordance with the procedures outlined in the *National Memorandum of Understanding (MOU) between the Department of Transportation (DOT) and EPA on Transportation Conformity*, dated April 25, 2000.

Accordingly, we find that the SACOG 2008/09 – 2011/12 MTIP, including Amendment No. 31, conforms to the applicable SIP for air quality.

Pursuant to the July 15, 2004 *MOU between the FHWA – California Division and FTA – Region IX*, based on our review of information submitted with the State's proposed 2008/09 – 2011/12 FSTIP that includes revenues, proposed project funding information to demonstrate financial constraint, and statewide and metropolitan planning process documentation, we accept these FSTIP modifications proposed for the SACOG region in accordance with the Final Rule on Statewide and Metropolitan Transportation Planning that was published in the February 14, 2007 Federal Register. We have determined that the amended SACOG MTIP, including Amendment No. 31, is financially constrained as required by the Federal surface transportation programs authorizing legislation and statewide planning, metropolitan planning, and programming regulations. SACOG's MTIP was developed through a continuing, cooperative, and comprehensive transportation planning process in accordance with the metropolitan transportation planning provisions of 23 United States Code (U.S.C.) § 134 and 49 U.S.C. Chapter 53. However, any project or project phase listed in the SACOG MTIP that is not included in SACOG's Regional Transportation Plan (RTP) is not approved for inclusion in the FSTIP pursuant to 23 CFR § 450.216(k) and § 450.324(g).

Project listings and/or project phases that indicate no funds are proposed for obligation during the four-year SACOG MTIP period cannot be advanced to implementation without an action by the FHWA and FTA on the FSTIP pursuant to 23 CFR §§ 450.216(l) and 450.328(e). In addition, project or project phase funding included in SACOG's MTIP proposed for obligation outside of the fiscally constrained portion of the MTIP is accepted by the FHWA and FTA as "informational" in accordance with 23 CFR §§ 450.216(a) and 450.324(a).

We are approving the 2008/09 – 2011/12 FSTIP with the understanding that the eligibility of individual projects for funding is subject to the applicant's satisfaction of all administrative and statutory requirements. This joint FHWA and FTA approval of the FSTIP does not constitute an eligibility determination for the federal funds proposed for obligation on the listed projects. If you have any questions or need additional information concerning our FSTIP approval for this SACOG MTIP amendment, please contact Michael Morris of the FHWA California Division office at (916) 498-5887, or by email at michael.morris@dot.gov; or Jerome Wiggins of the FTA Region IX office at (415) 744-3115, or by email at jerome.wiggins@dot.gov.

Sincerely,

/s/ Leslie T. Rogers

Leslie T. Rogers
Regional Administrator
Federal Transit Administration

For
Walter C. Waidelich, Jr.
Division Administrator
Federal Highway Administration

cc: (email)
Jose Luis Caceres, SACOG
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Karina O'Connor, EPA Region IX
Lisa Hanf, EPA Region IX

cc:
SACOG 2008/09 MTIP Binder

MM/