



**U.S. DEPARTMENT OF TRANSPORTATION**

FEDERAL HIGHWAY ADMINISTRATION

CALIFORNIA DIVISION

650 Capitol Mall, Suite 4-100

Sacramento, CA. 95814

February 27, 2009

IN REPLY REFER TO

HDA-CA

Document # S52466

Mr. Vince Harris, Executive Director  
Stanislaus Council of Governments  
900 H Street, Suite D  
Modesto, CA 95354

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

Dear Mr. Harris and Mr. Kempton:

**SUBJECT:** FY 2009 FTIP Amendment No. 3 – Stanislaus Council of Governments  
(StanCOG) and Associated Conformity Determination

The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) have completed the review of Amendment No. 3 to the StanCOG FY 2009 Federal Transportation Improvement Program (FTIP) that was submitted by Caltrans for Federal approval on February 17, 2009. The StanCOG adopted Amendment No. 3 to the FY 2009 FTIP on January 21, 2009. The primary purpose of StanCOG's Amendment No. 3 to the FY 2009 FTIP is to include project phases and/or projects that were not included in the FY 2009 Interim FTIP, and to bring the 2009 FTIP into compliance with Federal conformity requirements.

Pursuant to the July 15, 2004, *Memorandum of Understanding between the Federal Highway Administration, California Division (FHWA), and the Federal Transit Administration, Region IX, (FTA)* we accept the modifications to the 2008/09 – 2011/12 Federal Statewide Transportation Improvement Program (FSTIP) for the StanCOG region in accordance with the Final Rule on Statewide and Metropolitan Transportation Planning published in the February 14, 2007 Federal Register. We find that the StanCOG's FY 2009 FTIP, through Amendment No. 3, was developed through a continuing, cooperative and comprehensive transportation planning process carried out in accordance with the metropolitan planning provisions of 23 U.S.C. 134, and 49 U.S.C. Chapter 53 as amended by Section 6001 of Public Law 109-59, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU).

This amendment approval is pursuant to a joint FHWA/FTA air quality conformity determination for the amended StanCOG FY 2009 FTIP. This joint FHWA/FTA air quality conformity determination for the amended StanCOG FY 2009 FTIP is required by the

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Environmental Protection Agency's (EPA) Transportation Conformity Rule, 40 CFR Parts 51 and 93, and the FHWA/FTA Metropolitan Planning Regulations, 23 CFR Part 450. This finding has been coordinated with EPA Region 9 in accordance with the procedures outlined in the *National Memorandum of Understanding between DOT and EPA on Transportation Conformity*, dated April 25, 2000. Therefore, we find that StanCOG's 2009 FTIP, through Amendment No. 3 conforms to the applicable State Implementation Plan (SIP), and is thus no longer an Interim FTIP.

This approval is provided with the understanding that the FTA funding approval on the individual projects contained in the FSTIP are subject to grantees meeting all necessary FTA administrative requirements, and that approval of this programming action does not provide a federal eligibility determination for CMAQ projects or any other project funding source included in this amendment.

If you have any questions, please contact Sue Kiser ([sue.kiser@fhwa.dot.gov](mailto:sue.kiser@fhwa.dot.gov)) of the FHWA, California Division office at (916) 498-5009.

Sincerely,

*/s/ Leslie T. Rogers*

*/s/ K. Sue Kiser*

Leslie T. Rogers  
Regional Administrator  
Federal Transit Administration

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

cc: (e-mail)

Alex Smith, FTA

Joseph Vaughn, FHWA

Karina O'Connor, EPA

Ryan Ong, Caltrans Planning

Abhijit Bagde, Caltrans Programming

Cindy Malekos, StanCOG

Carlos Yamzon, StanCOG

Scott Phillips, StanCOG

cc: (other)

StanCOG 2009 FTIP Binder

skiser/ac



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Sincerely,



/s/ *Leslie T. Rogers*

Leslie T. Rogers  
Regional Administrator  
Federal Transit Administration

For  
Walter C. Waidelich, Jr.  
Division Administrator  
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