



U.S. DEPARTMENT OF TRANSPORTATION

FEDERAL HIGHWAY ADMINISTRATION

CALIFORNIA DIVISION

950 Capitol Mall, Suite 4-100

Sacramento, CA. 95814

April 30, 2009

IN REPLY REFER TO

HDA-CA

Document #: S52639

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

Attention: Federal Resources Office, MS # 82
For Rachel Falsetti, Transportation Programming

Dear Mr. Kempton:

SUBJECT: FY 2009 FTIP Amendment No. 7 – Council of Fresno County Governments
(Fresno COG)

The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) have completed the review of Amendment No. 7 to the Fresno COG Federal Transportation Improvement Program (FTIP) that was submitted by your letter dated April 24, 2009. Fresno COG adopted Amendment No. 7 on April 3, 2009. This amendment to Fresno COG's 2008/09 FTIP:

- Adds or modifies programming for various projects in Fresno County. The amendment adds 13 new projects funded with American Recovery and Reinvestment Act of 2009 (Recovery Act) funds, modifies programming for eight existing projects by including Recovery Act funds on the projects, and delays construction for one Regional Surface Transportation Program project from Fiscal Year 2008/09 to 2010/11.

Pursuant to the July 15, 2004, *Memorandum of Understanding between the Federal Highway Administration, California Division, and the Federal Transit Administration, Region IX*, we accept the modifications to the 2008/09 – 2011/12 Federal Statewide Transportation Improvement Program (FSTIP) for the Fresno COG 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 Fresno COG's 2008/09 FTIP, through Amendment No. 7, 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).

We have determined that this program modification is exempt from the regional emissions analysis requirements pursuant to the transportation conformity provisions found in 40 CFR Part

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93. This finding has been coordinated with Region 9 of the Environmental Protection Agency (EPA) 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 the FTIP continues to conform to the applicable State Implementation Plan (SIP).

Based on our review of the lists of projects proposed for Recovery Act funding, we recommend that Fresno COG encourage the local agencies in the region to work closely with the Caltrans District Local Assistance Engineer (DLAE) to ensure the proposed Recovery Act projects listed in the FTIP/FSTIP are on located on a Federal-aid highway, specifically a highway or highways eligible for assistance under Chapter 1 of 23 U.S.C. other than highways classified as a local road or rural minor collector.

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 questions or need additional information concerning our approval for this Fresno COG FSTIP amendment, please contact Scott Carson (scott.carson@dot.gov) of the FHWA California Division office at (916) 498-5029.

Sincerely,

/s/ Steve Luxenberg

For
Walter C. Waidelich, Jr.
Division Administrator

cc: (e-mail)

Ray Sukys, FTA

Paul Page, FTA

Muhaned Aljabiry, Caltrans HQ

Penny Gray, Caltrans HQ

Renee Devere, Fresno COG

Karina O'Connor, EPA

Dennis Wade, CARB

Cari Anderson, CA Consulting

cc: (other)

Fresno COG TIP Binder

SCarson/ac



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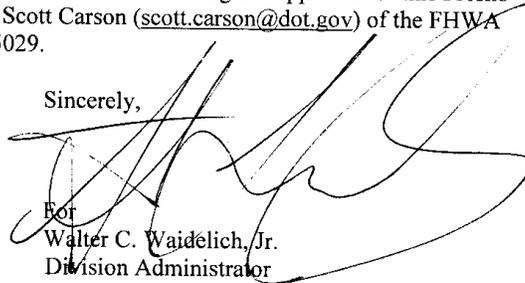
We have determined that this program modification is exempt from the regional emissions analysis requirements pursuant to the transportation conformity provisions found in 40 CFR Part 93. This finding has been coordinated with Region 9 of the Environmental Protection Agency (EPA) in accordance with the procedures outlined in the *National Memorandum of Understanding between DOT and EPA on Transportation Conformity*, dated April 25, 2000. Therefore, we find that the FTIP continues to conform to the applicable State Implementation Plan (SIP).

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Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'W. Waidelich, Jr.', is written over the typed name and title.

For
Walter C. Waidelich, Jr.
Division Administrator

cc: (e-mail)

Ray Sukys, FTA

Paul Page, FTA

Muhaned Aljabiry, Caltrans HQ

Penny Gray, Caltrans HQ

Renee Devere, Fresno COG

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