



U.S. Department
of Transportation
Federal Highway
Administration

Federal Highway Administration
California Division

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Sacramento, CA 95814
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July 15, 2009

In Reply Refer To:
HDA-CA
Document # S52843

Mr. Will Kempton, 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 Mr. Kempton:

SUBJECT: KCAG 2008/09 RTIP/FSTIP AMENDMENT NO. 5

The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) have completed the review of Amendment No. 5 to the Kings County Association of Governments (KCAG) Federal Transportation Improvement Program (FTIP) that was submitted by your letter dated June 26, 2009. This amendment to KCAG's 2008/09 FTIP:

- Adds, deletes or modifies projects from various funding programs in the KCAG region. The amendment includes projects with funding from the Congestion Mitigation and Air Quality Improvement Program, State Transportation Improvement Program, Section 130 Railway-Highway Crossings Program, and the American Recovery and Reinvestment Act of 2009.

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 KCAG 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 KCAG's 2008/09 FTIP, through Amendment No. 5, 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 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 KCAG 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 KCAG FSTIP amendment, please contact Scott Carson (scott.carson@dot.gov) of the FHWA California Division office at (916) 498-5029.

Sincerely,

/s/ Leslie T. Rogers

/s/ Steve Luxenberg

Leslie T. Rogers
Regional Administrator
Federal Transit Administration

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

cc: (e-mail)

Ray Sukys, FTA

Paul Page, FTA

Garth Hopkins, Caltrans HQ

Dara Wheeler, Caltrans HQ

Ryan Ong, Caltrans HQ

Lima Huy, Caltrans HQ

Paul-Albert Marquez, Caltrans District 6

Karina O'Connor, EPA

cc: (other)

KCAG TIP Binder

SCarson/ac



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Sincerely,



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

/s/ **Leslie T. Rogers**

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Regional Administrator
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