



U.S. DEPARTMENT OF TRANSPORTATION

FEDERAL HIGHWAY ADMINISTRATION

CALIFORNIA DIVISION

950 Capitol Mall, Suite 4-100

Sacramento, CA. 95814

February 27, 2009

IN REPLY REFER TO

HDA-CA

Document #: S52399

Mr. Tony Boren, Executive Director
2035 Tulare Street
Suite 201
Fresno, CA 93721

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

Dear Mr. Boren and Mr. Kempton:

SUBJECT: FY 2009 FTIP Amendment No. 3 – Council of Fresno County Governments (Fresno COG) and 2007 RTP Amendment No. 2 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 Fresno COG FY 2009 Federal Transportation Improvement Program (FTIP) that was submitted on February 6, 2009. Fresno COG adopted Amendment No. 3 to the FY 2009 FTIP and Amendment No. 2 to the 2007 Regional Transportation Plan (RTP) on January 29, 2009. The primary purpose(s) of Fresno COG's of these amendments to the FY 2009 FTIP and 2007 RTP is to include project phases and/or projects that were not included in these documents, and to bring the 2009 FTIP and 2007 RTP 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 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 FY 2009 FTIP, through Amendment No. 3, and 2007 RTP through Amendment No. 2 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).

**MOVING THE
AMERICAN
ECONOMY**



This amendment acceptance is pursuant to a joint FHWA and FTA air quality conformity determination for the amended Fresno COG FY 2009 FTIP and 2007 RTP. This joint FHWA/FTA air quality conformity determination for the amended Fresno COG FY 2009 FTIP is required by the 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 Fresno COG's 2009 FTIP through Amendment No. 3 and 2007 RTP through Amendment No. 2 conforms to the applicable State Implementation Plan (SIP), and thus the 2009 FTIP is 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 Scott Carson (scott.carson@fhwa.dot.gov) of the FHWA, California Division office at (916) 498-5029.

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)

Ray Sukys, FTA

Paul Page, FTA

Barbara Steck, Fresno COG

Renee Devere-Oki, Fresno COG

Garth Hopkins, Caltrans HQ

Dara Wheeler, Caltrans HQ

Ryan Ong, Caltrans HQ

Muhaned Aljabiry, Caltrans HQ

Cathy Gomes, Caltrans HQ

cc: (other)

Fresno COG TIP Binder

SCarson/ac



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/s/ Leslie T. Rogers

Leslie T. Rogers
Regional Administrator
Federal Transit Administration

Sincerely,



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

cc: (e-mail)

Ray Sukys, FTA

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