U.S. Department of Transportation
Federal Highway Administration

Federal Highway Administration
California Division

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August 19, 2009

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Mr. Randell Iwasaki, Director
California Department of Transportation
1120 N Street
Sacramento, CA 95814

Attention: Programming Office, MS 82
For Rachel Falsetti

Dear Mr. Iwasaki:

SUBJECT: FY 2009 FTIP Amendment No. 9 – Stanislaus Council of Governments (StanCOG)

The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) have completed the review of Amendment No. 9 to the StanCOG FY 2009 Federal Transportation Improvement Program (FTIP) that was submitted by Caltrans for Federal approval on August 4, 2009. The StanCOG adopted Amendment No. 9 to the FY 2009 FTIP on July 8, 2009. The purpose of StanCOG's Amendment No. 9 to the FY 2009 FTIP is to add CMAQ funding for intersection projects that were not included in the FY 2009 FTIP in the City of Modesto and to modify project funding and descriptions for CMAQ, HPP, STIP, RSTP, FTA 5309, and Recovery Act projects that were included in the FSTIP previously.

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. 9, 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 Sections 126 and 127. 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 StanCOG's 2009 FTIP continues to conform to the applicable State Implementation Plan (SIP).

This letter constitutes approval and inclusion of the StanCOG's FTIP Amendment No. 9 into California's 2006/07 – 2008/09 FSTIP. 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 Steve Luxenberg (steve.luxenberg@dot.gov) with the FHWA California Division office at 916-498-5066 or Alex Smith (alexander.smith@dot.gov) with the FTA Region 9 office at 415-744-2599.

Sincerely,

/s/ Leslie Rogers

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
Abhijit Bagde, Caltrans Programming
Carlos Yamzon, StanCOG
Scott Phillips, StanCOG

cc: (other)
StanCOG 2009 FTIP Binder

sluxenberg/ac