

DEPARTMENT OF TRANSPORTATION
DIVISION OF TRANSPORTATION PROGRAMMING
P.O. Box 942873, MS-82
SACRAMENTO, CA 94273-0001
PHONE (916) 654-2983
FAX (916) 654-2738
TTY 711



*Flex your power!
Be energy efficient!*

May 10, 2012

Mr. Tony Boren
Executive Director
Fresno Council of Governments
2035 Tulare St., Ste. 201
Fresno, CA 93721

Dear Mr. Boren:

The California Department of Transportation (Caltrans) received the Fresno Council of Governments' (FCOG) request for delegated authority from Caltrans to approve Administrative Modifications to the Federal Statewide Transportation Improvement Program (FSTIP). The board action attached to your request indicates that the Executive Director is delegated the approval of Administrative Modifications for the Federal Transportation Improvement Program (FTIP) and the FSTIP. With the acknowledgement of your board action, Caltrans hereby delegates to FCOG the authority to approve Administrative Modifications to the FSTIP in accordance with the revised FSTIP/ FTIP Amendments and Administrative Modification Procedures dated June 3, 2011.

The following procedures apply to FCOG upon receiving Caltrans' delegation:

1. Prior to approving the FTIP/FSTIP administrative modifications, FCOG may consult with Caltrans on proposed changes.
2. FCOG may request Caltrans to provide a cursory review of the administrative modification prior to the FCOG's approval.
3. FCOG shall send copies of the approved administrative modifications to Caltrans, Federal Highway Administration, Federal Transit Administration, and other stakeholders. Caltrans will post the approved administrative modifications on the Division of Transportation Programming Website.
4. Caltrans will routinely review FCOG's approved administrative modifications and will reject changes that do not comply with the attached procedures. In such cases FCOG must correct all items of noncompliance.
5. Caltrans will withdraw its delegation from FCOG if it is found to be consistently noncompliant with the revised FSTIP/ FTIP Amendments and Administrative Modification Procedures.

Mr. Tony Boren
May 10, 2012
Page 2

Thank you for requesting this delegation that will undoubtedly streamline your region's programming process and thus expedite projects. My staff is looking forward to working with your staff to ensure a successful implementation of this delegation. If you have any questions, please call Muhaned Aljabiry at (916) 654-2983.

Sincerely,



KURT SCHERZINGER
Acting Chief
Division of Transportation Programming

Enclosure

Mr. Tony Boren
May 10, 2012
Page 3

bc: Melissa Garza
Denix Anbiah
Fardad Falakfarsa
Federal Highway Administration
Federal Transit Administration
District FTIP Coordinators
District Local Assistance Engineers

April 27, 2012

Kurt Scherzinger
Caltrans, Division of Transportation Programming, MS 82
Office of Federal Transportation Management Program
PO Box 942874
Sacramento, CA 94274-0001

Attention: Dennis Jacobs

**Subject: MPO Request for State Delegation Authority of Federal Statewide
Transportation Improvement Program (FSTIP) Administrative
Modification Approvals**

Mr. Scherzinger:

Attached for your review and approval is the Fresno Council of Governments (FCOG) Resolution No. 2011-25 requesting Caltrans' delegation to approve administrative modifications to the FSTIP. This is in accordance with the June 7, 2011, Federal Highway Administration's revised FSTIP/FTIP Amendments and Administrative Modification Procedures. On April 26, 2012 the FCOG Policy Board took the following formal actions:

- A. To request the delegation authority from Caltrans to approve administrative modifications to the FSTIP in accordance with the attached Administrative Modifications and Amendments procedures;
- B. To delegate the authority to the FCOG Executive Director to approve administrative modifications to the Federal Transportation Improvement Program (FTIP) and FSTIP on behalf of the Board.

Upon receipt of delegation authority from Caltrans, FCOG's Executive Director will approve all future administrative modifications to the FTIP and FSTIP.

If you have any questions or comments, please contact Melissa Garza, Associate Regional Planner at mgarza@fresnocog.org (559) 233-4148 ext. 210.

Sincerely,



TONY BOREN, Executive Director
Fresno Council of Governments

BEFORE THE
FRESNO COUNCIL OF GOVERNMENTS
RESOLUTION NO. 2011-25

ITEM II B

In the Matter of:
MPO AND EXECUTIVE DIRECTOR DELEGATION AUTHORITY
FOR THE FRESNO COUNCIL OF GOVERNMENTS

RESOLUTION TO REQUEST
DELEGATION TO APPROVE
FTIP ADMINISTRATIVE
MODIFICATIONS

WHEREAS, the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) have revised the Federal Statewide Transportation Improvement Program (FSTIP)/Federal Transportation Improvement Program (FTIP) Amendments and Administrative Modifications Procedures so that

WHEREAS, the parameters of an administrative modification have been revised to offer greater accountability and flexibility to the California Department of Transportation (Caltrans) and the Fresno Council of Governments (Fresno COG)

WHEREAS, the revised procedures also allow Caltrans to delegate to Fresno COG the approval of administrative modifications to the FSTIP/FTIP without the need for state or federal approval

WHEREAS, administrative modifications include minor changes to the FSTIP/FTIP that do not require a conformity determination, a demonstration of fiscal constraint, public review or comment, or federal approval

WHEREAS, the following changes to the FSTIP/FTIP can be processed through administrative modifications:

- a) Revise description of a project or a grouped project listing without changing the project scope or without conflicting with the approved environmental document;
- b) Revise the funding amount listed for a project or a project phase. Additional funding is limited to the lesser of 40 percent of the total project cost or \$10 million, as long as there is programming capacity in the FTIP prior to programming the modification;
- c) Program Preliminary Engineering (PE) phase, provided the Right of Way and/or Construction phases(s) are already programmed in the current FSTIP/FTIP and additional funding amounts stay within the limits specified in Section b;
- d) A cost decrease has no cap as long as reduction in cost does not result in deletion of a project or a phase, and the affected project phase is still fully funded;
- e) Change source of funds or change a project's lead agency;
- f) Program Federal funds for Advance Construction conversion, programming capacity must be available in the FSTIP/FTIP prior to programming the conversion;
- g) Change the program year of funds within the current FSTIP/FTIP using Fresno COG's adopted Expedited Project Selection Process (EPSP) in accordance with 23 CFR 450;
- h) Split or combine and individually listed project or projects, provided that the schedule and scope remain unchanged;
- i) Change grouped project listings description as long as it is consistent with Programming Grouped Project Listings in Air Quality Non-Attainment or Maintenance Area guidance;
- j) Add or delete a project or projects from a grouped project listing, provided the funding amount stays within the limits specified in Section b;
- k) Program emergency repair projects on the state highways as a result of natural disaster or catastrophic failure from an external cause, and that are not covered by the Emergency Relief Program, provided that these projects are exempt from Air Quality Conformity Requirements;
- l) Re-program a project for which FHWA funds were transferred to FTA in the prior FSTIP/FTIP and FTA has not approved the grant yet provided there is no change in the original scope or cost;
- m) Program an FTA funded project from the prior FSTIP/FTIP into the current FSTIP/FTIP provided there is no change in the original scope or cost;
- n) Make minor changes to an FTA funded grouped project listing including; changing the number of transit vehicles purchased by 20% or less and changing the fuel type of transit vehicles.

WHEREAS, all other changes to the FTIP/FSTIP will be processed through amendments and shall be approved in accord with the provisions of 23 CFR 450.326.

WHEREAS, upon receiving the delegation authority, Caltrans may provide cursory review of the administrative modification prior to Fresno COG's approval

WHEREAS, Caltrans will regularly review Fresno COG's approved administrative modifications and will reject changes that do not comply with the approved procedures. In such case, all areas of noncompliance shall be corrected by Fresno COG.

WHEREAS, if any questions arise regarding the interpretation of what constitutes an administrative modification or an amendment, Caltrans, Fresno COG, FHWA and/or FTA will consult with each other to resolve the question. The final decision rests with FTA for transit projects, and FHWA, for highway projects.

WHEREAS, Caltrans may withdraw its delegation from Fresno COG if it is found to be ~~TEMPORARILY~~ temporarily noncompliant with the approved procedures.

NOW, THEREFORE, BE IT RESOLVED, that The Fresno Council of Governments Policy Board hereby requests the delegation authority provided by Caltrans to approve administrative modifications. The Fresno Council of Governments has an existing approved Executive Director delegation in place;

THEREFORE, BE IT FURTHER RESOLVED, that The Fresno Council of Governments Policy Board requests that Caltrans provide the Fresno Council of Governments' Executive Director the delegation authority to approve administrative modifications on behalf of the Policy Board.

THE FOREGOING RESOLUTION was passed and adopted by the Fresno Council of Governments this 26th day of April, 2012.

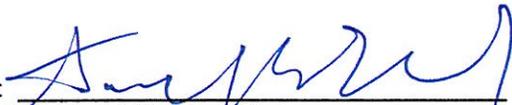
AYES: Clovis, Coalinga, Firebaugh, Fowler, Fresno, Huron, Kerman, Kingsburg, Mendota, Orange Cove, Reedley, San Joaquin, Sanger, Selma and Fresno County

NOES: None

ABSTAIN:

ABSENT: Parlier

ATTEST:

Signed: 
Amarpreet Dhaliwal, Chairman

I hereby certify that the foregoing is a true copy of a resolution of the Fresno Council of Governments duly adopted at a regular meeting thereof held on the 26th day of April, 2012.

Signed: 
Tony Boren, Executive Director