



U.S. DEPARTMENT OF TRANSPORTATION

FEDERAL HIGHWAY ADMINISTRATION

CALIFORNIA DIVISION

650 Capitol Mall, Suite 4-100

Sacramento, CA. 95814

January 29, 2009

IN REPLY REFER TO

HDA-CA

Document #:S52432

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

Attention: Federal Resources Office, M.S. 82
For Rachel Falsetti, Transportation Programming

Dear Mr. Kempton:

SUBJECT: BCAG 2009 FTIP/FSTIP AMENDMENT #1

The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) have completed our review of Amendment #1 to the Butte County Association of Governments (BCAG) 2009 Federal Transportation Improvement Program (FTIP) and the Federal Statewide Transportation Improvement Program (FSTIP), as requested by your letter dated January 13, 2009.

The purpose of the BCAG's 2009 FTIP Amendment #1 is to: (1) program new Congestion Mitigation and Air Quality Program funds for transit; (2) update the Highway Safety Improvement Program Lump Sum Program; (3) update the Expedited Project Selection Procedures for Amendment Procedures based on Federal guidance for the 2009 FTIP; and (4) update the air quality conformity determination to be consistent with the 2008 Regional Transportation Plan (RTP).

We find BCAG's FTIP Amendment #1 was developed based on a continuing, cooperative, and comprehensive transportation planning process in accordance with 23 USC 134 & 135, 49 USC 5303-5305, and 23 CFR 450. The California Department of Transportation assures this amendment has met the financial constraint requirements included in our transportation planning regulations, i.e. 23 CFR 450.324(e).

The FHWA and the FTA have also completed our review of the conformity determination for the BCAG 2008 RTP and the 2009 FTIP through Amendment #1. A FTA/FHWA air quality conformity determination is required for the new 2008 RTP and the 2009 FTIP through Amendment #1 pursuant to the Environmental Protection Agency's (EPA) *Transportation Conformity Rule*, 40 CFR Parts 51 and 93, and the United States Department of Transportation's *Metropolitan Planning Rule*, 23 CFR Part 450.

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BCAG adopted 2009 FTIP Amendment #1 via Resolution No. 2008/2009-06 on December 11, 2008. With this action, the BCAG Board of Directors approved the program modifications and the air quality conformity determination of the 2009 FTIP through Amendment #1 with the applicable State Implementation Plan (SIP) for air quality.

The conformity analysis submitted by BCAG indicates that all air quality conformity requirements have been met. Based on our review, we find that the 2008 RTP and 2009 FTIP through Amendment #1 conform to the applicable state implementation plan in accordance with the provisions of 40 CFR Parts 51 and 93. In accordance with the July 15, 2004, *Memorandum of Understanding (MOU) between the Federal Highway Administration, California Division and the Federal Transit Administration, Region IX*, the FTA has concurred with this conformity determination. Additionally, this conformity determination was made after consultation with the EPA, Region 9 office.

In accordance with the above MOU, the FHWA's single signature constitutes FHWA and FTA's joint air quality conformity determination for BCAG's 2008 RTP and 2009 FTIP through Amendment #1.

This letter constitutes approval of Federal Statewide Transportation Improvement Program (FSTIP) Amendment #1. The BCAG FTIP Amendment #1 is approved and included into California's 2009 FSTIP, with the understanding the eligibility of individual projects is subject to the applicant's satisfaction of all FTA and FHWA administrative requirements.

This approval is based on the California Department of Transportation's assurance that the funding for this amendment does not adversely impact the FSTIP Financial Plan.

If you have questions concerning this determination, please contact Ms. Aimee Kratovil of the FHWA California Division office at (916) 498-5866 or Mr. Paul Page of the Federal Transit Administration at (415) 744-3133.

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)

John Clark, BCAG, Executive Director

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cc:

BCAG 2009 FTIP Binder

AKratovil/ac