



**U.S. Department
of Transportation
Federal Highway
Administration**

**Federal Highway Administration
California Division**

650 Capitol Mall, Suite 4-100
Sacramento, CA 95814
(916) 498-5001
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June 18, 2009

In Reply Refer To:
HDA-CA
Document # S52760

Mr. Jon A. Clark, Executive Director
Butte County Association of Governments
2580 Sierra Sunrise Terrace, Suite 100
Chico, CA 95928

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

Dear Mr. Clark and Mr. Kempton:

SUBJECT: BCAG 2009 FTIP/FSTIP AMENDMENT #7

The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) have completed our review of Amendment #7 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 the California Department of Transportation (Caltrans) letter dated June 12, 2009.

The purpose of the BCAG's 2009 FTIP Amendment #7 is to program American Recovery and Reinvestment Act (ARRA) funds and to program a local project. BCAG adopted the 2009 FTIP Amendment #7 via Resolution No. 2008/2009-15 on May 28, 2009. With this action, the BCAG Board of Directors approved the program modifications of the 2009 FTIP through Amendment #7.

The FHWA has determined that the 2009 FTIP Amendment #7 does not require a new regional emissions analysis. ARRA funds are being programmed for the "State Route 70 at Montgomery Street Interchange - Landscape Beautification" project, which is a Transportation Enhancement project. ARRA funds are also being programmed for the "Lincoln Boulevard Median Project," which is a Highway Safety Improvement Program project. Both these projects are exempt from



transportation conformity requirements pursuant to 40 CFR 93.126. Local funds are being programmed for the preliminary engineering phase for the "State Route 99 Neal Road" project, which is to install a signal at a State Route 99 intersection including minor improvements on mainline State Route 99 and the local road approaches to improve the safety and operations. This project is exempt from regional emissions analysis requirements pursuant to 40 CFR 93.127. It was found to conform as a part of a previous regional emissions analysis, pursuant to the transportation conformity provisions found in 40 CFR Part 93 section 122(g). 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, and the *Transportation Conformity Rule*. Therefore, we find that the 2009 FTIP Amendment #7 conforms to the applicable State Implementation Plan (SIP) in accordance with the provisions of 40 CFR Parts 51 and 93.

In accordance with the July 15, 2004, *Memorandum of Understanding between the Federal Highway Administration, California Division and the Federal Transit Administration, Region IX* (MOU), the FTA has concurred with this conformity determination. Pursuant to the above MOU, the FHWA's single signature constitutes FHWA and FTA's joint air quality conformity determination for the BCAG's 2009 FTIP Amendment #7.

Also pursuant to the above MOU, we accept the modifications to the 2008/09 – 2011/12 FSTIP for the BCAG region in accordance with the Final Rule on Statewide and Metropolitan Transportation Planning published in the February 14, 2007 Federal Register. We find BCAG's 2009 FTIP through Amendment #7 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 consistent with 23 CFR 450.324(e). This approval is provided with the understanding that individual projects contained in the FSTIP are subject to grantees meeting all necessary FHWA and FTA administrative requirements.

If you have questions concerning this action, please contact Ms. Aimee Kratovil of the FHWA California Division office at (916) 498-5866 or Mr. Jerome Wiggins of the FTA at (415) 744-3133.

Sincerely,

/s/ Aimee Kratovil

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

cc: (e-mail)

Rachel Falsetti, Caltrans, Transportation Programming

Ivan Garcia, BCAG, Programming Manager

Muhaned Aljabiry, Caltrans HQ, Federal Programming

Jody Tian, Caltrans HQ, Federal Programming

Karina O'Connor, EPA Region IX

Jerome Wiggins, FTA Region IX

cc:

BCAG 2009 FTIP Binder

AKratovil/ac



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Walter C. Waidelich, Jr.
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