



U.S. DEPARTMENT OF TRANSPORTATION

FEDERAL HIGHWAY ADMINISTRATION

CALIFORNIA DIVISION

650 Capitol Mall, Suite 4-100

Sacramento, CA. 95814

April 9, 2009

IN REPLY REFER TO

HDA-CA

Document #: S52600

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

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

Dear Mr. Kempton:

SUBJECT: KCAG 2008/09 FTIP/FSTIP AMENDMENT NO. 4

The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) have completed our review of Amendment No. 4 to the Kings County Association of Governments (Kings CAG) 2008/09 Federal Transportation Improvement Program (FTIP) that was submitted by your letter dated April 3, 2009. Kings CAG adopted Amendment No. 4 on March 25, 2009, by Resolution Number 09-04. This amendment to Kings CAG's 2008/09 FTIP and California's 2008/09 Federal Statewide Transportation Improvement Program (FSTIP) adds four new project listings to the FTIP/FSTIP, and modifies the SHOPP Roadway Preservation grouped project listing that was previously approved for inclusion in the FTIP/FSTIP to include a Highway Maintenance (HM) project in program year 2008/09.

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 proposed modifications to the 2008/09 – 2011/12 Federal Statewide Transportation Improvement Program (FSTIP) for the Kings CAG region by FTIP Amendment Number 4 in accordance with the Final Rule on Statewide and Metropolitan Transportation Planning published in the February 14, 2007 Federal Register. We find that the Kings CAG 2008/09 FTIP, through Amendment No. 4, 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**



Based on our review of the lists of resurfacing, reconstruction and rehabilitation projects proposed for Recovery Act funding, we recommend that Kings CAG encourage the local agencies in the region to work closely with the Caltrans District Local Assistance Engineer (DLAE) to ensure the proposed Recovery Act projects listed in the FTIP/FSTIP are located on the Federal-aid eligible highway system, specifically highways eligible for assistance under Chapter 1 of 23 U.S.C. other than highways functionally classified as a local street/road or rural minor collector.

We have determined that the modification proposed to the FSTIP by this FTIP amendment are exempt from the regional emissions analysis requirements pursuant to the transportation conformity provisions found in 40 CFR Part 93. 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.

If you have any questions or need additional information concerning our approval of this FTIP/FSTIP amendment, please contact Scott Carson (scott.carson@dot.gov) of the FHWA California Division office at (916) 498-5029; or Paul Page (paul.page@dot.gov) of the FTA Region IX office at (415) 744-2734.

Sincerely,

/s/ Leslie T. Rogers

Leslie T. Rogers
Regional Administrator
Federal Transit Administration

/s/ K. Sue Kiser

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

cc: (e-mail)

Penny Gray, Caltrans Transportation Programming
Fardad Falakfarsa, Caltrans Federal Resources Office
Paul Page, FTA Region IX
Wade Hobbs

WEH/ac



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/s/ **Leslie T. Rogers**

Leslie T. Rogers
Regional Administrator
Federal Transit Administration



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