U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
CALIFORNIA DIVISION
950 Capitol Mall, Suite 4-100
Sacramento, CA. 95814

April 30, 2009

IN REPLY REFER TO
HDA-CA
Document #: S52638

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

Attention: Federal Resources Office, MS # 82
For Rachel Falsetti, Transportation Programming

Dear Mr. Kempton:

SUBJECT: FY 2009 FTIP Amendment No. 8 – Merced County Association of Governments (MCAG)

The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) have completed the review of Amendment No. 8 to the Merced County Association of Governments (MCAG) Federal Transportation Improvement Program (FTIP) that was submitted by your letter dated April 23. MCAG adopted Amendment No. 8 on April 16, 2009. This amendment to MCAG's 2008/09 FTIP:

- Adds American Recovery and Reinvestment Act of 2009 (Recovery Act) – Regional Surface Transportation Program to Local Road Rehabilitation Grouped Projects and adds Recovery Act – Transportation Enhancement Program (TE) funds to Local TE Grouped Projects.

Pursuant to the July 15, 2004, *Memorandum of Understanding between the Federal Highway Administration, California Division, and the Federal Transit Administration, Region IX,* we accept the modifications to the 2008/09 – 2011/12 Federal Statewide Transportation Improvement Program (FSTIP) for the MCAG 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 MCAG's 2008/09 FTIP, through Amendment No. 8, 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).

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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. 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 FTIP continues to conform to the applicable State Implementation Plan (SIP).

Based on our review of the lists of projects proposed for Recovery Act funding, we recommend that MCAG 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 on located on a Federal-aid highway, specifically a highway or highways eligible for assistance under Chapter 1 of 23 U.S.C. other than highways classified as a local road or rural minor collector.

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 questions or need additional information concerning our approval for this MCAG FSTIP amendment, please contact Scott Carson (scott.carson@dot.gov) of the FHWA California Division office at (916) 498-5029.

Sincerely,

/s/ Steve Luxenberg

For
Walter C. Waidelich, Jr.
Division Administrator