U.S. Department of Transportation
Federal Highway Administration

Federal Highway Administration
California Division

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June 3, 2010

In Reply Refer To:
HDA-CA

Ms. Cindy McKim, 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. Iwasaki:

SUBJECT: 2008/09 FSTIP AMENDMENT NO. 38, NON-METROPOLITAN AREA

We have completed our review of Amendment Number 38 to the non-metropolitan planning organization (non-MPO) portion of the 2008/09 Federal Statewide Transportation Improvement Program (FSTIP) that was submitted by your letter dated May 17, 2010. As detailed in your letter, this amendment: deletes a line item listing for one project that is also programmed as part of the grouped listing for Recovery Act funding; adds a new project listing for signs and shoulder improvements in Colusa county; and modifies five project listings that were previously approved for inclusion in the FSTIP.

Based on our review, we accept this amendment to the 2008/09 FSTIP in accord with the Final Rule on statewide and metropolitan transportation planning that was published in the Federal Register on February 14, 2007. We find that the non-MPO portion of California's FSTIP, including Amendment No. 38, was developed through a continuing, cooperative and comprehensive transportation planning process in accord with the statewide planning provisions of 23 U.S.C. 135 and 49 U.S.C. 5304, as amended by Public Law 105-178, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). We are approving this amendment to the 2008/09 FSTIP in accord with the July 15, 2004, Memorandum of Understanding between the Federal Highway Administration, California Division, and the Federal Transit Administration, Region IX.

The changes proposed to the FSTIP by this amendment are associated with projects that are either: exempt from the requirement to determine conformity pursuant to 40 CFR §93.126 or §93.127; or are proposed for implementation in areas of the State of California that are designated as attainment or unclassified for Federal Air Quality Standards; or are associated with

projects located in isolated non-attainment areas outside the metropolitan planning areas of the State, and as a consequence, is not subject to the requirement that a regional air quality conformity determination be made prior to FSTIP programming. The State's transmittal letter for this amendment correctly notes that projects in non-metropolitan isolated non-attainment areas of California do not need to meet project conformity when included in the FSTIP, however as the letter indicates, the projects must comply with project level conformity requirements prior to taking a Federal action on a project, such as National Environmental Policy Act (NEPA) decisions or Federal funding approval.

If you have questions or need additional information concerning our approval of Amendment number 33 to the 2008/09 FSTIP for the rural/non-metropolitan area of the State, please contact Wade Hobbs of the FHWA California Division office at (916) 498-5027, or by e-mail at Wade.Hobbs@dot.gov.

Sincerely,

For
Vincent Mammano
Acting Division Administrator
Federal Highway Administration

c: (email)
Ted Matley, FTA Region IX
Penny Gray, Caltrans Programming
Fardad Falakfarsa, Federal Resources Office

cc:
2008/09 FSTIP Non-MPO Binder

WEH/