



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

California Division

October 28, 2020

650 Capitol Mall, Suite 4-100
Sacramento, CA 95814
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In Reply, Refer To:
HDA-CA

Mr. Bruce de Terra
Division Chief
Transportation Programming Federal Resources Office, M.S. 82
California Department of Transportation
1120 N Street
Sacramento, CA 95814

SUBJECT: MTC 2019 FTIP Amendment No. 43

Dear Mr. de Terra:

The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) have completed our reviews of Amendment No. 43 to the Metropolitan Transportation Commission (MTC) Federal Transportation Improvement Program portion of the 2019 California Federal Statewide Transportation Improvement Program (FSTIP), which was submitted by your letter dated October 15, 2020. As detailed in your letter's enclosure, this amendment requests to add, delete, and modify projects that include funding from the Surface Transportation Block Grant Program, the Congestion Mitigation and Air Quality Improvement Program, Road Repair and Accountability Act of 2017, and the Federal Transit Administration (FTA) 5337 Program.

We have determined the project listings from this amendment do not require a conformity determination prior to FSTIP programming because they are either exempt and/or located in an area of California designated as attainment or unclassified for Federal Air Quality Standards. Your letter enclosed correctly notes that the updated programming is for projects that are exempt from the conformity determination requirement and therefore do not need to meet project level conformity to be included in the FSTIP; however, as indicated projects must comply with project level conformity requirements when a Federal action, such as a National Environmental Policy Act (NEPA) decision, is taken on a project. Acceptance of this FSTIP amendment has been coordinated with Region 9 of the Environmental Protection Agency (EPA) in accordance with the procedures outlined in the National Memorandum of Understanding (MOU) between the Department of Transportation (DOT) and EPA on Transportation Conformity, dated April 25, 2000.

Pursuant to the February 14, 2018 Memorandum of Agreement (MOA) between the FHWA – California Division and FTA – Region 9 and based on our review of information submitted that includes revenues and proposed project funding information to demonstrate financial constraint, we accept this FSTIP amendment in accordance with 23 Code of Federal Regulations (CFR) Part 450 and 49 CFR Part 613 (see the Final Rule on Statewide and Metropolitan Transportation Planning

published in the May 27, 2016 Federal Register). We have determined the amended MTC portion of the 2019 California FSTIP, including Amendment No. 43, was developed through a continuing, cooperative, and comprehensive transportation planning process in accordance with the metropolitan transportation planning provisions of 23 United States Code (U.S.C.) § 134 and 49 U.S.C. Chapter 53 as amended by Public Law 114-94 (the Fixing America's Surface Transportation (FAST) Act).

Our approval is given with the understanding that an eligibility determination of individual projects for funding must be met and the applicant must ensure satisfaction of all administrative and statutory requirements. If you have questions or would like additional information regarding our approval of Amendment No. 43 to the MTC portion of the FSTIP, feel free to contact Patrick Pittenger of the FHWA California Division at (916) 498-5854, or by email at patrick.pittenger@dot.gov; or Dominique Kraft of the FTA's Region 9 Office at (415) 734-9469 or by email at dominique.kraft@dot.gov.

Sincerely,

/s/ Ray Tellis

Ray Tellis
Regional Administrator
FTA Region 9

Antonio Johnson
Team Leader, Planning and Air Quality
FHWA California Division