

APPENDIX A – 64

2023 TIP Detail

Approval Letters





**METROPOLITAN
TRANSPORTATION
COMMISSION**

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September 30, 2022

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James R. Anderson, Division Chief
California Department of Transportation
Division of Financial Programming, MS 82
P.O. Box 942873
Sacramento, CA 94273-0001

Attn: Abhijit Bagde

Dear James R. Anderson:

On September 28, 2022, the Metropolitan Transportation Commission (MTC) adopted the 2023 Transportation Improvement Program (TIP). The federally required TIP is a comprehensive listing of Bay Area surface transportation projects that receive federal funds, are subject to a federally required action, or are regionally significant for air quality conformity purposes. The 2023 TIP includes more than 300 transportation projects with approximately \$11 billion in committed federal, state, and local funding for federal fiscal years 2022-23 through 2025-26, as well as over 200 projects shown for informational purposes. The TIP is financially constrained by year. All projects in the TIP are consistent with the San Francisco Bay Area's current Regional Transportation Plan (*Plan Bay Area 2050*).

The investments described in MTC's 2023 TIP make progress toward achieving the performance targets set by the region in accordance with the applicable provisions and requirements of 23 CFR Part 450. A review of MTC's performance management process is included in the 2023 TIP document as Appendix A-4.

MTC is required to make an air quality conformity determination for *Plan Bay Area 2050* and the 2023 TIP in accordance with the Clean Air Act requirements and air quality conformity regulations. MTC staff consulted with the Air Quality Conformity Task Force on the approach to the conformity analysis, draft conformity analysis, and final conformity analysis. Based on the conformity analysis, a positive conformity determination can be made because *Plan Bay Area 2050* and the TIP conform to the federal air quality standards and plans. The air quality conformity finding for *Plan Bay Area 2050* and the 2023 TIP was adopted as MTC Resolution No. 4544.

The Draft 2023 TIP and accompanying Draft Transportation-Air Quality Conformity Analysis on *Plan Bay Area 2050* and the 2023 TIP, were released for public review and comment on July 5, 2022. MTC presented the documents at a public meeting on July 13, 2022, and the public review period closed on August 3, 2022. Staff received one comment on the 2023 TIP. The comment and staff response are included as Appendix A-63 in the 2023 TIP document.

James R. Anderson
2023 TIP
September 30, 2022
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We request that Caltrans approve the enclosed 2023 TIP for the nine-county San Francisco Bay Area and forward it to the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) to be included in the State of California's 2023 Federal Statewide Transportation Improvement Program (FSTIP).

Copies of the 2023 TIP are available at the MTC/ABAG offices and on the MTC Web site at <https://mtc.ca.gov/funding/transportation-improvement-program-tip>.

If you have any questions, please contact Adam Crenshaw at (415) 778-6794 or John Saelee at (415) 778-6711.

Sincerely,



Therese W. McMillan
Executive Director



U.S. Department
of Transportation

Federal Highway Administration
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(916) 498-5001 – Main

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December 16, 2022

In Reply Refer To:
HDA-CA

ELECTRONIC CORRESPONDENCE ONLY

Mr. James R. Anderson, Chief
Division of Financial Programming, M.S. 82
California Department of Transportation
1120 N Street
Sacramento, CA 95814

SUBJECT: California 2023 FSTIP Approval

Dear Mr. Anderson:

The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) have completed our reviews of the 2023 Federal Statewide Transportation Improvement Program (FSTIP), which was submitted by your letter dated November 16, 2022. As detailed in your letter, the 2023 FSTIP incorporates by reference the following metropolitan planning organizations' (MPO) Federal Transportation Improvement Programs (FTIP):

- Association of Monterey Bay Area Governments (AMBAG)
- Butte County Association of Governments (BCAG)
- Fresno Council of Governments (FresnoCOG)
- Kern Council of Governments (KCOG)
- Kings County Association of Governments (KCAG)
- Madera County Transportation Commission (Madera CTC)
- Merced County Association of Governments (MCAG)
- Metropolitan Transportation Commission (MTC)
- Sacramento Area Council of Governments (SACOG)
- San Diego Association of Governments (SANDAG)
- San Joaquin Council of Governments (SJCOG)
- San Luis Obispo Council of Governments (SLOCOG)
- Santa Barbara County Association of Governments (SBCAG)
- Shasta County Regional Transportation Planning Agency (SRTA)
- Southern California Association of Governments (SCAG)
- Stanislaus Council of Governments (StanCOG)
- Tahoe Metropolitan Planning Organization (TMPO)
- Tulare County Association of Governments (TCAG)

We find that the FSTIP and FTIPs were developed through a continuing, cooperative, and comprehensive transportation planning process in accordance with the metropolitan planning provisions of 23 U.S.C. 134 and 49 U.S.C. Chapter 53, as amended by Public Law 117-58 of the Bipartisan Infrastructure Law (BIL), enacted as the Infrastructure Investment and Jobs Act.

The United States Environmental Protection Agency (EPA) has designated the following planning areas as Nonattainment or Maintenance Areas for Criteria Pollutants:

- Butte County Association of Governments (BCAG)
- Fresno Council of Governments (FresnoCOG)
- Kern Council of Governments (KCOG)
- Kings County Association of Governments (KCAG)
- Madera County Transportation Commission (Madera CTC)
- Merced County Association of Governments (MCAG)
- Metropolitan Transportation Commission (MTC)
- Sacramento Area Council of Governments (SACOG)
- San Diego Association of Governments (SANDAG)
- San Joaquin Council of Governments (SJCOG)
- San Luis Obispo Council of Governments (SLOCOG)
- Southern California Association of Governments (SCAG)
- Stanislaus Council of Governments (StanCOG)
- Tulare County Association of Governments (TCAG)

As such, the above MPO Policy Boards made an initial conformity determination on the above FTIPs and associated Regional Transportation Plans (RTPs) and applicable RTP amendments. The FHWA and the FTA reviewed the conformity determinations and find that the FTIPs and the associated RTPs and RTP amendments conform to the applicable state implementation plan (SIP) in accordance with the provisions of 40 CFR Parts 51 and 93. This finding has been coordinated with Region IX of the EPA pursuant to the Transportation Conformity Rule.

Based on our review of the information provided and our ongoing oversight of the statewide and metropolitan transportation planning processes, FHWA and FTA are approving the 2023 FSTIP. This approval is effective December 16, 2022. This approval is given with the understanding that an eligibility determination of individual projects for funding must be met, and the applicant must ensure the satisfaction of all administrative and statutory requirements.

Included with this approval is the FHWA and FTA Federal Planning Finding (FPF). The FHWA and the FTA are required under 23 CFR 450.220(b) to document and issue an FPF in conjunction with the approval of the FSTIP. At a minimum, the FPF verifies that the development of the STIP is consistent with the provisions of both the Statewide and Metropolitan transportation planning requirements. Furthermore, the FPF documents FHWA and FTA's recommendations for statewide and metropolitan transportation planning improvements.

If you have questions or need additional information concerning our approval and the FPF, please contact Ms. Jean Mazur of the FTA Region IX at (415) 734-9456 or by email at jean.mazur@dot.gov, or Mr. Patrick Pittenger at (916) 498-5854 or by email at patrick.pittenger@dot.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Ray Tellis", with a small dot at the end of the line.

Ray Tellis
Regional Administrator

Vincent P. Mammano
Division Administrator

Enclosure

TO:

James Anderson, Caltrans
james.r.anderson@dot.ca.gov

CC: (via email)

Abhijit Bagde, Caltrans
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U.S. Department
of Transportation

**Federal Highway
Administration**

FHWA, California
Division

FTA, Region IX

Federal Planning Finding



2023 Federal Statewide Transportation Improvement Program

December 16, 2022



FINAL REPORT



The Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) are required under 23 CFR 450.220(b) to document and issue a Federal Planning Finding (FPF) in conjunction with the approval of the Federal Statewide Transportation Improvement Program (FSTIP).¹ The Federal Planning Finding verifies, at a minimum, that the development of the FSTIP is consistent with the provisions of both the Statewide and Metropolitan transportation planning requirements of 23 U.S.C. 134, 135; 49 U.S.C. 5303-5305; 23 CFR parts 450 and 500, and 49 CFR part 613. This report substantiates the issuance of the FHWA/FTA FPF to support FHWA/FTA approval of the FSTIP based on the review of FSTIP and FTIP documents, statewide and metropolitan planning self-certification statements (23 CFR 450.220; 23 CFR 450.336), and related supporting documentation.

The FPF is one part of the risk-based stewardship and oversight the FHWA and FTA conduct for Caltrans, the Metropolitan Planning Organizations (MPOs), and planning partners. The FPF serves as a “tool” for FHWA and FTA to support improvements to the planning process and ensure that Caltrans, the MPOs, and planning partners comply with Federal laws and regulations. The FPF ties the statewide, metropolitan, and non-metropolitan planning processes together into one formal risk-based action.

This FPF first addresses the status of finding from the previous FPF issued in April 2021. Following that, this FPF addresses the consistency of the 2023 FSTIP with Federal requirements to support approval the FSTIP

STATUS OF FINDINGS FROM PREVIOUS REVIEW

On April 16, 2021, FHWA and FTA issued a FPF in support of an approval of the 2021 FSTIP. That FPF contained one corrective action and three recommendations:

- Corrective Action - Congestion Mitigation Air Quality (CMAQ) and Surface Transportation Block Grant (STBG) programs administration and oversight
- Recommendation - Periodic evaluation of facilities repeatedly requiring repair and reconstruction due to emergency events
- Recommendation - Performance-Based Planning and Programming (PBPP) and Transportation Performance Management (TPM) Implementation
- Recommendation – Regional Transportation Conformity

To determine the status of the corrective action and recommendations, FHWA and FTA reviewed the following:

- 2021 California FSTIP Federal Planning Finding
- Caltrans January 19, 2022, letter with FSTIP response
- Caltrans April 15, 2022, letter with Corrective Action Plan
- Caltrans November 10, 2022, response letter to 2021 Federal Planning Finding

¹ In California, the state's document referred to as the Statewide Transportation Improvement Program (STIP) in federal regulations is referred to as the Federal Statewide Transportation Improvement Program (FSTIP).



- Transportation Management Area Certification Reviews Reports of 2021 and 2022
- California Division Planning and Air Quality Program Analysis and Risk Assessments for Years 2019, 2020, 2021, and 2022
- 2023 Metropolitan Planning Organization FTIPs²

Corrective Action – Congestion Mitigation Air Quality (CMAQ) and Surface Transportation Block Grant (STBG) programs administration and oversight

Caltrans is the primary recipient of the STBG and CMAQ programs apportionments. As such, Caltrans is required to ensure that Caltrans' sub-recipients are administering CMAQ and STBG funds per the applicable federal-aid program requirements. Caltrans shall review the DOT's CMAQ and STBG administrative policies, update the policies and procedures if warranted, and ensure and/or develop a process for ensuring the sub-recipients are administering the programs in compliance with Federal program regulations. At the time of issuance, compliance was expected by October 2022.

Disposition:

Caltrans initiated actions to address the corrective action in 2021. On January 19, 2022, Caltrans requested (and FHWA/FTA subsequently approved) a time extension to comply with the corrective action. The extension provided was to June 30, 2023, contingent on Caltrans' submittal of an action plan for tracking and reporting progress. On April 15, 2022, Caltrans submitted their corrective action plan to FHWA and FTA. The action plan included Caltrans' strategy to bring the CMAQ and STBG program into compliance by June 2023 and milestones for tracking and reporting progress. Since that time, Caltrans' efforts to address the corrective action have continued. On November 10, 2022, Caltrans provided a letter to FHWA/FTA to document progress with respect to the corrective action.

Caltrans has taken multiple steps to address this corrective action. Noteworthy actions by Caltrans have included the following:

- Evaluated the STBG and CMAQ project selection procedures and identified six MPOs whose project selection processes were inconsistent with the federal regulations for suballocated funds.
- Provided a corrective action plan in April 2022 which documented planned tasks to ensure improvement of related processes and a timeline for implementation.
- Worked with multiple affected MPOs including providing review and comment on existing and proposed processes.
- Coordinated with FHWA/FTA including through the conduct of certification reviews for some affected MPOs and through the review of proposed processes from MPOs.

² In California, the document of a Metropolitan Planning Organization (MPO) referred to as the Transportation Improvement Program (TIP) in federal regulations is referred to as the Federal Transportation Improvement Program (FTIP).



- Enhanced guidance and communications including developing with FHWA and FTA a California Resource Document for Performance-Based Planning and Programming, continued communications with the California Federal Programming Group (CFPG), updates to related portions of the Caltrans website, and increased focus on the subject during coordination with MPOs on their Overall Work Programs (OWPs).³

While there has been progress related to both Caltrans' process and those of the affected MPOs, addition progress is needed prior to the June 30, 2023, to implemented required improvements with respect to the affected MPOs and the Caltrans' procedures.

Caltrans' November 10, 2022, letter provided brief summaries of the progress made by the six affected MPOs. The MPOs are currently at various stages of improving their processes. Most of the MPOs have taken significant steps to develop and/or implement revised processes which, assuming progress continues, could be expected to meet Caltrans' schedule included in the corrective action plan. Caltrans continues to work with all affected MPOs including one MPO which has not made similar progress. Caltrans is addressing this MPO with FHWA/FTA continued support. Caltrans will need to continue to encourage progress by all MPOs to meet the extended deadline of June 30, 2023.

Regarding Caltrans' efforts related to its processes, Caltrans identified a specific milestone, deliverable, and associated due date in its corrective action plan. Caltrans indicated that it would provide a document "with revisions to Caltrans' oversight strategy, risk management, and procedures referencing STBG and CMAQ funds" by March 31, 2023. FHWA and FTA look forward to receiving that document and working with Caltrans during the development of that document as needed. A change enacted by the Bipartisan Infrastructure Law (BIL) will modify how STBG funds will be suballocated in California to smaller MPOs – further reinforcing the need for a statewide document referenced above.

Recommendation - Periodic evaluation of facilities repeatedly requiring repair and reconstruction due to emergency events

Per 23 CFR 667, Caltrans is required to conduct statewide evaluations to determine if there are reasonable alternatives to all roads, highways, and bridges that have required repair and reconstruction activities on two or more occasions due to emergency events. The evaluations shall be completed prior to any affected portion of a road, highway, or bridge project being included in the FSTIP.

Several Divisions within Caltrans are responsible for documenting damages to the National Highway System (NHS) caused by emergency events and the associated repairs and sustainability activities including conducting an evaluation. However, the evaluation and supporting documentation was not included in the 2018 California FSTIP and associated FTIPs

³ In California, the document of a Metropolitan Planning Organization (MPO) referred to as the Unified Planning Work Program (UPWP) in federal regulations is referred to as the Overall Work Program (OWP).



and was not included in the 2021 California FSTIP and associated FTIPs. Failure to include the evaluation in the 2023 California FSTIP is likely to result in the issuing of a Corrective Action and/or non-approval of the FSTIP. Caltrans and the MPOs were encouraged to include consideration of the evaluations during the development of transportation plans and programs, including the 2023 California FSTIP and FTIPs.

Disposition:

The 2023 FSTIP includes a section dedicated to the above recommendation. The document references Section 5 and Appendix B of the California Transportation Asset Management Plan (TAMP) and includes a map showing the NHS locations of repeatedly damaged assets from 2006-2020. Concurrently, the Caltrans local assistance division has included a 23 CFR 667 web page on their site to detail the federal requirements.

In the Caltrans November 10, 2022, letter, Caltrans indicated that “The OFP is developing policies and procedures for MPOs, RTPAs, and local agencies to comply with the 23 CFR 667 resiliency requirements on their federally funded road and bridge projects. These new policies and procedures require agencies with fed-aid projects, to evaluate projects at locations of repeated disaster damage and consider possible alternatives that address the root cause of the repeated damage.

Caltrans begins the process by conducting a statewide assessment of repeated disaster damage locations on local agency federal-aid roads and bridges. From the assessment, the OFP develops and maintains a table of Sites of Repeated Disaster Damage (SORDD) which is posted on the DLA website.

The Local Agencies, MPOs, RTPAs, and other planning organizations are expected to consult the list during their planning, programming, and project development work to determine if the site of their proposed project has any locations of repeated disaster damage. These repeated disaster damage locations should be considered for possible project adjustments or new projects implementing one, or more, resiliency improvements addressing the underlying cause of the repeated disaster damage.

The MPOs and RTPAs consider the SORDD listed locations, as well as information from completed project 23 CFR 667 Resiliency Certification when developing projects on the federal-aid system. MPOs program the federal-aid projects into the FTIP once the project's 23 CFR 667 Resiliency Certification is complete.”

Caltrans staff has indicated that while significant progress toward implementation has been made, the enforcement of the requirement for MPOs and local agencies to have a completed 23 CFR 667 Resiliency Certification will not begin until December 14, 2022 – after the completion of the final 2023 FSTIP. While Caltrans is still completing the implementation of improvements to respond to the recommendation, substantial progress has been made and the enforcement of



the requirement for other agencies was implemented by the date of this FPF. FHWA/FTA will continue to monitor the performance of Caltrans related to this previous recommendation.

Recommendation - Performance-Based Planning and Programming (PBPP) and Transportation Performance Management (TPM) Implementation

FHWA and FTA recommended that Caltrans and the MPOs jointly agree upon and develop specific written provisions for cooperatively developing and sharing information related to transportation performance data, the selection of performance targets, the reporting of performance targets, the reporting of performance to be used in tracking progress toward attainment of critical outcomes for the region of the MPO (see §450.306(d)), and the collection of data for the State asset management plan for the NHS. This agreement shall be documented either as part of the metropolitan planning agreements or documented in some other means outside of the metropolitan planning agreements as determined cooperatively by Caltrans and the MPOs.

Disposition:

Caltrans is coordinating internally to update the Planning and Programming Memorandum of Understanding (MOU) to include roles, responsibilities, and written provisions for developing and sharing information with MPOs related to transportation performance data, the selection of performance targets, and the reporting of performance targets. The MOU is expected to be finalized by December 2023.

Caltrans has not yet completed the work needed to address this recommendation. FHWA/FTA will continue to monitor Caltrans' progress with respect to this recommendation and are available to support Caltrans in this undertaking as needed.

Recommendation – Regional Transportation Conformity

FHWA and FTA recommended that Caltrans develop a process to integrate the Air Quality, Environment, and Health Branch into the FSTIP/FTIP review process before Caltrans requests FHWA/FTA FSTIP or associated amendments approvals. FHWA and FTA also recommended that the updated process includes Caltrans providing the conformity analysis and their concurrence as part of the request for approval. Failure to integrate the Air Quality, Environment, and Health Branch into the process may result in FHWA and FTA determination that Caltrans has not satisfied the Self-Certification requirements.

Disposition:

The Caltrans Office of Federal Programming and Data Management has developed a process to integrate the Caltrans Office of Air Quality and Climate Change into the FSTIP/FTIP review process. In their letter of November 14, 2022, Caltrans describes how the Office of Air Quality and Climate Change has been integrated into the FTIP amendment processes and the MPO FTIP



review and approval process for areas classified nonattainment or attainment/ maintenance. The letter also described how the Office of Air Quality and Climate Change have been integrated into the California Financial Planning Group (CFPG) meetings.

The progress that Caltrans continues to make in working cooperatively internally has improved the efficiency of the planning process. The integration of the Office of Air Quality and Climate Change in the FTIP review and amendment process has improved the quality and consistency of their processes. Caltrans is commended for their work in this area and can be expected to have continued success with the improvements to processes implemented in response to this recommendation.

FINDINGS RELATED TO THE 2023 FSTIP

To determine if Caltrans transportation planning and programming processes substantially meet the Federal requirements, FHWA and FTA reviewed the following as they relate to the 2023 FSTIP:

- 2021 California FSTIP Federal Planning Finding
- Transportation Management Area Certification Reviews Reports of 2021 and 2022
- California Division Planning and Air Quality Program Analysis and Risk Assessments for Years 2019, 2020, 2021, and 2022
- 2023 Metropolitan Planning Organization FTIPs
- 2018 California Freight Mobility Plan (CFMP) Addendum
- 2022 California Freight Investment Plan
- Additional guidance received from the FHWA Office of Planning.

Based on the above, FHWA and FTA find that California's statewide and metropolitan planning process substantially meets the Federal requirements. FHWA and FTA also finds that some improvements are warranted to ensure continued compliance with the Federal requirements and therefore are issuing the following recommendations:

Recommendation – Fiscal Constraint

Caltrans reviews the Regional Transportation Plans (RTPs) of MPOs.⁴ Caltrans conducts such reviews consistent with the state's RTP guidelines. The state's RTP guidelines include specific requirements including referencing federal requirements.

According to 23 CFR 450.104, fiscal constraint means that the metropolitan transportation plan (MTP), Transportation Improvement Plan (TIP), and Statewide Transportation Improvement Plan (STIP) includes sufficient financial information for demonstrating that projects in each of

⁴ In California, the long-range transportation plan of a Metropolitan Planning Organization (MPO) referred to as the Metropolitan Transportation Plan (MTP) in federal regulations is referred to as the Regional Transportation Plan (RTP).



these plans can be implemented using committed, available, or reasonably available revenue sources. FHWA issued a memo on May 15, 2017, titled “Clarifying Fiscal Constraint Guidance” which can be found at the following location:

https://www.fhwa.dot.gov/planning/clarify_fiscal_constraint.cfm. That memo and the associated attachment provide examples of "reasonably available" assumptions specifically related to new funding sources.

Fiscal constraint is also an element of an air quality conformity determination of an MTP and/or an FTIP. 40 CFR 93.108 states that metropolitan transportation plans and FTIPs must be fiscally constrained to be found in conformity. MPOs in nonattainment or maintenance areas which assume funding sources which may not reasonably be expected to be available during the programming period of an FTIP or the planning period of an MTP risk not receiving a needed conformity determination due to fiscal constraint concerns.

FHWA and FTA recommend that Caltrans ensures that, consistent with Federal requirements and guidance, MPOs are preparing fiscally constrained MTPs and FTIPs. New and future funding sources should be reasonable to assume and MPOs should be able to document this. Existing Caltrans processes currently address this need for FTIPs. Caltrans should address MTP fiscal constraint during MTP reviews and could consider additional emphasis as it works with the California Transportation Commission to update the state’s RTP guidelines document.

Recommendation – Performance-Based Planning and Programming

The implementation of Transportation Performance Measures (TPM) through Performance-Based Planning and Programming (PBPP) has increasingly become a priority of FHWA and FTA for over a decade while implementing federal transportation legislation. In recent years, significant progress has been made by Caltrans and the MPOs of California in this area. Improvements have been notable in coordination efforts, target setting, and documentation in FTIPs. Progress continues through the response to the related corrective action and a recommendation included in the previous Federal Planning Finding and through MPO certification reviews.

MPOs are required to conduct their planning and programming processes using performance driven processes. PBPP is referenced in the CFR for metropolitan, statewide, and nonmetropolitan transportation planning. In the case of metropolitan transportation planning the CFR states: "[MPOs]..., in cooperation with the State and public transportation operators, shall develop long-range transportation plans and transportation improvement programs through a performance-driven, outcome-based approach to planning." 23 USC Section 134(c)(1); 49 USC Section 5303(c)(1). "The metropolitan transportation planning process shall provide for the establishment and use of a performance-based approach to transportation decision-making to support the national goals...." 23 USC Section 134(h)(2); 49 USC Section 5303(h)(2). In the case of statewide and nonmetropolitan transportation planning the CFR states the following: "The statewide transportation planning process shall provide for the establishment and use of a performance-based approach to transportation decision-making to support the national



goals...and the general purposes [of the public transportation program]. The performance measures and targets established [in relation to national performance measures] shall be considered by a State when developing policies, programs, and investment priorities reflected in the statewide transportation plan and statewide transportation improvement program." 23 USC Section 135(d)(2); 49 USC Section 5304(d)(2).

While there has been progress related to PBPP in many respects in California, the ongoing efforts of Caltrans and the MPOs have revealed an area for improvement within the state. MTPs and FTIPs are federally required documents which all MPOs prepare with inclusion of PBPP elements as required. Another key step in the PBPP process is the decision-making by MPOs to prioritize and select projects regionally for funding. This key step does not have an associated required document and with flexibility for MPOs to conduct this process, there have been instances when MPOs have conducted this key step in a manner that is not consistent with PBPP. There have also been instances when MPOs in California have conducted this step consistent with PBPP, but it was not documented in such a way that Caltrans, FHWA, and FTA can ensure that the process is performance based. As the decision-making process of an MPO regarding project selection is one of the most impactful ways an MPO implements its MTP, the topic warrants further evaluation.

Because of the progress made in response to the corrective action from the previous FPF and to the results of multiple MPOs' certification reviews in recent years, this topic is already being addressed by some MPOs. FHWA and FTA recommend that Caltrans addresses this topic with each of the MPOs in the state to ensure that they are conducting comprehensive, performance-based planning and programming processes. With respect to project selection component of that comprehensive process, MPOs should be able to document that they employ a nationwide, competitive, performance-based project selection process. Consistent with 23 CFR 450.326 (a), MPOs are the entities responsible for FTIP development to reflect the priorities of the RTP. FHWA and FTA will continue to assist and support Caltrans and the MPOs regarding this topic including through, at a minimum, the provision of statewide training to advance TPM through decision-making.

Recommendation - Federal Land Management Agency Coordination

State DOTs, MPOs, and Federal Land Management Agencies (FLMAs) are required to coordinate throughout their transportation planning and programming processes. Requirements are addressed in 23 U.S.C. 134, 135 and 201 and the implementing regulations under 23 CFR 450 describe how the agencies are required to coordinate throughout their transportation planning processes. Each State must consider the concerns of FLMAs that have jurisdiction over land within the boundaries of the State (23 CFR 450.208(a)(3)). MPOs must appropriately involve FLMAs in the development of the metropolitan transportation plan and the TIP (23 CFR 450.316(d)).”

In December 2021, the FHWA and FTA issued the 2021 Planning Emphasis Areas for use in the development of Metropolitan and Statewide Planning and Research Work programs. One the



eight emphasis areas focused on Federal Land Management Agency coordination. The inclusion of the issues in the planning emphasis areas serves as a reminder to agencies to meet those requirements. The document states that agencies should explore opportunities to leverage transportation funding to support access and transportation needs of FLMAs before transportation projects are programmed in the Federal Transportation Improvement Program (FTIP) and Federal Statewide Transportation Improvement Program (FSTIP).

FHWA, FTA, and Caltrans have interacted with several MPOs on this topic through certification reviews and other meetings. Shortcomings have been identified with respect to the required coordination with FLMAs. MPOs have expressed interest in improving their coordination efforts and some have requested assistance in doing so. The FHWA and FTA recommend that Caltrans ensures that MPOs are coordinating with FLMAs during their planning and programming processes as required. As Caltrans is required to coordinate with FLMAs as it conducts planning and programming efforts as well, there are opportunities for Caltrans to coordinate its efforts with the MPOs to avoid duplicative efforts. Caltrans is encouraged to work with the MPOs to coordinate regional and statewide efforts. The FHWA and FTA are willing to assist partners in California through coordination with Federal Lands Highway.

Recommendation – Freight Planning

The State of California completed an approved state freight plan in 2014. This plan is known as the California Freight Mobility Plan (CFMP). An addendum to the 2014 CFMP was approved on July 23, 2018. The addendum resulted in a Fixing America's Surface Transportation (FAST) compliant plan. As the plan was amended under FAST ACT requirements, the plan must be updated by July 23, 2023, - five years from the previous action.

Under the Bipartisan Infrastructure Law (BIL), an approved BIL compliant plan is required to be in place to receive federal freight funds. 49 USC 70202 discusses the requirements of the state freight plans for any state receiving funding under the National Highway Freight Program (NHFP). For a project to be eligible for NHFP funding, it must be identified in a freight investment plan component of an active State freight plan [23 USC 167(h)(5)(A)]. As a result of these requirements, if a BIL compliant plan update is not approved by July 23, 2023, the state will become ineligible for federal freight funds until such a plan is approved. Following that update, under BIL a State shall update a State freight plan not less frequently than once every 4 years [49 USC 70202 (e)(1)].

The FHWA and the FTA recommend that Caltrans continues its update to the CFMP to be BIL compliant and approved by July 23, 2023, Caltrans is encouraged to contact federal agencies for assistance as needed. FHWA will provide technical assistance to Caltrans as the plan update is developed. Additionally, FHWA recognizes that California is a complex and diverse state and there are multiple offices within Caltrans – within Caltrans headquarters and in twelve districts – that are involved in the freight planning process. Because of this, FHWA will provide freight planning training in summer 2023 to support and enhance the state's freight planning capacity.



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If you have questions or need additional information concerning the FPF, please contact Ms. Jean Mazur of the FTA Region IX at (415) 734-9456, or Jean.Mazur@dot.gov, or Mr. Patrick Pittenger of the FHWA California Division office at (916) 498-5854 or Patrick.Pittenger@dot.gov.



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