U.S. Department of Transportation
Federal Highway Administration

Federal Highway Administration
California Division

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January 22, 2010

In Reply Refer To:
HDA-CA

Mr. Randell Iwasaki, 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: MTC FY 2008/09-2011/12 FTIP/FSTIP Amendment No. 33

The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) have completed our review of the Metropolitan Transportation Commission's (MTC) FY 2008/09-2011/12 Federal Transportation Improvement Program (FTIP) Amendment No. 2009-33 submitted by your letter dated December 30, 2009. MTC adopted Amendment No.2009-33 with Resolution No. 3875, as revised, on December 16, 2009. With that action, the MTC Board of Commissioners approved the program revisions and made the determination that MTC's 2009 FTIP remains in conformity with the applicable State Implementation Plan (SIP) for air quality. This amendment proposes to modify the source and/or amount of funding for 42-projects with a net increase in funding of approximately $145.4 million.

We have determined that this program revision does not require a new regional emissions analysis because the projects were found to conform as part of a previous analysis, pursuant to the transportation conformity provisions found in 40 CFR Part 93, section 122(g). 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 MTC's 2009 FTIP through Amendment No. 2009-33 continues to conform to the applicable State Implementation Plan (SIP).

Per the July 15, 2004 *Memorandum of Understanding between the Federal Highway Administration, California Division, and the Federal Transit Administration, Region IX*, we accept the revisions to the FY 2008/09 – 2011/12 FSTIP for the MTC 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 MTC FY 2008/09-2011/12 FTIP, including

Amendment No. 2009-33, was developed through a continuing, cooperative, comprehensive transportation planning process in accordance with 23 U.S.C. §134 and 49 U.S.C. Chapter 53. The FTA Region IX office has concurred with the approval of this amendment which includes Transit Element projects.

Based upon our review, we find the FTIP financial constraint documentation submitted with this amendment is financially constrained as required by the Federal surface transportation programs authorizing legislation and statewide and metropolitan planning and programming regulations. Accordingly, FHWA and FTA approve this amendment in accordance with 23 CFR 450. This letter also constitutes approval and inclusion of MTC's 2009 FTIP Amendment No. 2009-33 into California's 2009 FSTIP.

If you have any questions regarding this action, please call Stew Sonnenberg at (916) 498-5889 or Ted Matley at (415) 744-2590.

Sincerely,

/s/ Leslie T. Rogers

For

Leslie T. Rogers
Regional Administrator
Federal Transit Administration

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

cc: (e-mail)
Sri Srinivasan, MTC
Ross McKeown, MTC
Ginger Vagenas, EPA
Lucinda Eagle, FTA
Ted Matley, FTA
Abhijit Bagde, Caltrans HQ
Jean Mazur, FHWA

(Other)
MTC FTIP Binder

SSonnenberg/ac