

DEPARTMENT OF TRANSPORTATION

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*Flex your power!
Be energy efficient!*

April 5, 2013

Ms. Susan Bromm, Director
U.S. Environmental Protection Agency
Office of Federal Activities
Ariel Rios Building, Mail Code 2251A
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Ms. Bromm:

The California Department of Transportation (Caltrans) wants to inform you of its continued assignment of consultation responsibilities under the National Environmental Policy Act (NEPA) for federally-funded highway projects in California. On September 25, 2012, FHWA and Caltrans signed the *Memorandum of Understanding (MOU) between Federal Highway Administration and the California Department of Transportation concerning the State of California's Participation in the Project Delivery Program Pursuant to 23 USC 327*, which became effective on October 1, 2012. This MOU was signed pursuant to the Moving Ahead for Progress in the 21st Century Act (MAP-21), which allows the Secretary of Transportation to assign, and the State of California to assume, responsibility for one or more highway projects within the State. For these projects, the State may also be assigned FHWA's responsibilities for environmental consultation and coordination under other federal environmental laws. By statute, the State is deemed to be a federal agency for these assigned responsibilities. Please forward this letter to anyone in your office who works on highway projects in California.

This assignment of responsibilities is in addition to the responsibilities assigned pursuant to 23 U.S.C. 326 in the *Memorandum of Understanding between Federal Highway Administration, California Division, and the California Department of Transportation on State Assumption of Responsibilities for Categorical Exclusions* on June 7, 2007 (renewed June 7, 2010). FHWA sent a letter informing your agency of this assignment, including a copy of the MOU, on June 19, 2007.

The assignments and assumptions of responsibilities apply to the environmental review, consultation, or other action pertaining to the review or approval of all projects within the State of California with the exception of:

1. any highway projects designated under Executive Order 13274:
 - I-5 North Coast Project (San Diego County)

- Mid-County Parkway - Community and Environmental Transportation Acceptability Process (CETAP) project (Riverside County)
2. any Federal Lands highway projects unless designed and constructed by Caltrans
 3. any highway projects funded under chapter 53 of title 49, United States Code
 4. multi-state and international highway projects:
 - Otay Mesa Border Crossing (San Diego County)
 - San Ysidro Port of Entry (San Diego County)
 - SR 62 Colorado River Bridge Replacement (San Bernadino County and Arizona)
 5. the following twenty-two specifically-excluded projects:
 - Eureka/Arcata Corridor Improvement (Humboldt County)
 - Interstate 5/Consumnes River Boulevard Interchange (Yolo County)
 - Placer Parkway Corridor Preservation (Placer and Sutter Counties)
 - Doyle Drive (San Francisco County)
 - Marin-Sonoma Narrows (Marin and Sonoma Counties)
 - Ala-880 Southbound HOV Lane Extension – Hegenberger to Marina Boulevard (Alameda County)
 - SM-101, Widen and Add Auxiliary Lanes from March Road to Embarcadero (San Mateo County)
 - BART Seismic Retrofit of the Aerials Structures and Stations Along the Fremont, Concord, Richmond, and Daly City Lines (San Francisco Bay Area Counties)
 - Caldecott Improvement Project on State Route 24 (Contra Costa County)
 - Santa Cruz Auxiliary Lanes Soquel to Morrisey (Santa Cruz County)
 - Highway 1 Congestion Management Study – Santa Cruz HOV Lanes (Santa Cruz County)
 - Fre-99 Island Park 6-lane (Fresno County)
 - Mad-99 Avenue 12 Interchange Reconstruction (Madera County)
 - I-5 Widening – Orange County Line to Route 605 (Los Angeles County)
 - Big Bear Lake Bridge Replacement (San Bernardino County)
 - Needles Highway Safety Realignment Project (San Bernardino County)
 - Iny-395 Olancha to Cartago 4 Lane (Inyo County)
 - SJ-99 South Stockton Widen Freeway from 4 to 6 Lanes (San Joaquin County)
 - SJ-99 Manteca 6-Lane (San Joaquin County)
 - SJ-205 Auxiliary Lanes in Tracy (San Joaquin County)

Ms. Susan Bromm
April 5, 2013
Page 3

- Southern Orange County Transportation Infrastructure Improvement Program (SOCTIIP) (Orange and San Diego Counties)
- Orange County Gateway (Orange County)

The projects listed above will remain under FHWA's responsibility during the NEPA Assignment Program. As the NEPA Assignment Program continues, other projects may be identified that would not be assigned to Caltrans, according to the provisions of the MOU.

For projects not excluded from the NEPA Assignment Program MOU, Caltrans will conduct all consultation under NEPA as a federal agency. For these projects, please address all future correspondence directly to Caltrans, even if FHWA initiated the consultation.

For your reference and use, enclosed is a copy of the MOU. If you have any questions, please contact Dale Jones, NEPA Assignment Manager, at (916) 653-5157.

Sincerely,



MALCOLM DOUGHERTY
Director

Enclosure: *Memorandum of Understanding between Federal Highway Administration and the California Department of Transportation concerning the State of California's Participation in the Project Delivery Program Pursuant to 23 USC 327.*

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Mr. Enrique Manzanilla, Director
U.S. Environmental Protection Agency
Region 9
Communities and Ecosystems Division,
Environmental/NEPA Review
75 Hawthorne Street
San Francisco, CA 94105

Dear Mr. Manzanilla:

The California Department of Transportation (Caltrans) wants to inform you of its continued assignment of consultation responsibilities under the National Environmental Policy Act (NEPA) for federally-funded highway projects in California. On September 25, 2012, FHWA and Caltrans signed the *Memorandum of Understanding (MOU) between Federal Highway Administration and the California Department of Transportation concerning the State of California's Participation in the Project Delivery Program Pursuant to 23 USC 327*, which became effective on October 1, 2012. This MOU was signed pursuant to the Moving Ahead for Progress in the 21st Century Act (MAP-21), which allows the Secretary of Transportation to assign, and the State of California to assume, responsibility for one or more highway projects within the State. For these projects, the State may also be assigned FHWA's responsibilities for environmental consultation and coordination under other federal environmental laws. By statute, the State is deemed to be a federal agency for these assigned responsibilities. Please forward this letter to anyone in your office who works on highway projects in California.

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Mr. Enrique Manzanilla
April 5, 2013
Page 3

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