U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
CALIFORNIA DIVISION
650 Capitol Mall, Suite 4-100
Sacramento, CA. 95814

October 2, 2006

IN REPLY REFER TO
HDA-CA
Document #: S49584

Mr. Will Kempton, Director
California Department of Transportation
1120 N Street
Sacramento, CA 95814

Attention: Federal Resources Office, MS #82
For Ross A. Chittenden, Transportation Programming

Dear Mr. Kempton:

SUBJECT: California 2007 Federal Statewide Transportation Improvement Program

We have completed our review of California's proposed 2007 Federal Statewide Transportation Improvement Program (2007 FSTIP), Statewide Planning Certification and related supporting documentation that was submitted by the California Department of Transportation (Department) to the Federal Transit Administration (FTA) and the Federal Highway Administration (FHWA) by letter dated August 31, 2006. We have also completed our reviews of the Association of Monterey Bay Area Governments (AMBAG) and Santa Barbara County Association of Governments (SBCAG) 2007 Federal Transportation Improvement Programs (FTIPs) that were submitted by the Department for approval and inclusion in the 2007 FSTIP by letters dated September 15, 2006, and September 22, 2006, respectively.

Section 450.220 of Title 23, Code of Federal Regulations requires the State to submit the entire proposed FSTIP concurrently to the FTA and the FHWA at least every two years for approval. California's proposed 2007 FSTIP includes the listings for proposed transportation projects that are located outside the planning area boundaries of the State's designated Metropolitan Planning Organizations (MPOs), and incorporates by reference those projects listed in the 2007 Federal Transportation Improvement Programs (FTIPs) adopted by the State's MPOs and approved by the Governor. Once approved by the FTA and FHWA, California's 2007 FSTIP will supersede the State's 2004 FSTIP that was approved by FHWA and FTA on October 4, 2004, and any subsequent amendments to the 2004 FSTIP.

Based on our review of the information submitted with the State's proposed 2007 FSTIP, including revenue and proposed project funding information required to demonstrate financial constraint, and documentation for statewide and metropolitan planning process in support of California's Statewide Planning Certification, we are approving California's proposed 2007 FSTIP subject to the following conditions:

BUCKLE UP AMERICA

1. The conversion of advance construction (AC) projects is approved through March 31, 2007, by which time the Department will provide FHWA and FTA with additional information detailing the uses, planning and programming procedures, and administrative management of projects utilizing AC.

2. For Sacramento Regional Transit (RT) projects programmed in SACOG's FTIP, our approval applies only to projects proposed for inclusion in the first year (FY 2006/07) of the FSTIP. The preliminary results of the 2006 SACOG Planning Certification review by FTA and FHWA indicated that the project selection and programming process for Sacramento Regional Transit projects have not been fully compliant with the programming requirements of 23 CFR 450.310. We are withholding FSTIP programming approval for those Sacramento RT projects proposed for inclusion in the 2007/08 and 2008/09 program years of the 2007 FSTIP pending further action by SACOG to demonstrate compliance with 23 CFR 450.310 for the Sacramento Regional Transit projects listed in the SACOG 2007 FTIP. Consistent with the pending Certification review findings and within one year of the date of this federal FSTIP approval, SACOG must demonstrate compliance with the planning and programming requirements of 23 CFR 450.310 for Sacramento Regional Transit projects proposed for inclusion in the 2007 FSTIP.

3. Projects in the AMBAG, COFCG, KCAG, MCTC, Shasta, SLOCOG, Tahoe and TCAG metropolitan areas are conditionally approved for inclusion in the FSTIP pending the MPOs submission of documentation within 60-days of our approval action to the Caltrans Programming Division, the FHWA, and the FTA demonstrating the explicit consideration of comments provided during TIP development as required by 23 CFR 450.212(a)(5).

4. The listed program phase for the following projects are excluded from this approval action because, as proposed, these projects are located in a non-MPO planning areas designated as non-attainment or maintenance for National Ambient Air Quality Standards and require an air quality conformity determination prior to the programming of funding for project implementation phase(s) in the FSTIP:

CTIPS ID	Project	Phase	Year
130-0000-0541	Dorsey Drive Interchange	RW	2007/08
		CON	2008/09
130-0000-0619	Combie to Grass Valley Widening	RW	2008/09
230-0000-0091	Rawhide Road Over Woods Creek Bridge	RW	2006/07
130-0000-0913	E. Sonora Bypass Stage II	RW	2006/07
130-0000-0268	Manzanar 4-lane expressway	CON	2008/09
130-0000-0269	Independence 4-lane expressway	RW	2006/07
		CON	2008/09
130-0000-0270	Black Rock 4-lane expressway	RW	2006/07
		CON	2007/08

5. Any project, or project phase, listed in a MPO FTIP, that is not included in the MPO's Regional Transportation Plan, is not approved for inclusion in the FSTIP.

Our FSTIP approval action includes project listings that indicate no funds are proposed for obligation during the three-year program period from 2006/07 to 2008/09. Project funding included in the FSTIP and proposed for obligation before FY 2006/07 or after FY 2008/09 is accepted for information only. We remind the Department and MPOs that Federal funds cannot be obligated for any phase (i.e. PE, ROW, CON) of these projects until the project listing in the 2007 FSTIP is amended to reflect the total amount of federal/state/local funding proposed for the project (or phase), and the program year (i.e. 2007, 2008, 2009) of the proposed obligation of funds.

FHWA is currently verifying, on a continuing basis, the FSTIP listing for all projects needing a FHWA funding action. To assist FHWA staff in the prompt and accurate verification of the FSTIP listing for projects needing a FHWA funding action, we ask that the Department work with each of California's MPOs to obtain and submit to FHWA, within 60 days, the current lists of the individual projects that are included in the grouped project listings developed by the MPOs for inclusion in the 2007 FTIP/FSTIP.

Sections 450.324(g) (2) and 450.216(a) (8) (ii) of the Statewide and Metropolitan Planning Regulations require that the estimated total cost for each listed project be included in the FSTIP. Our reviews of the 2007 FTIPs and FSTIP indicate that the total project cost is not consistently being included in the FTIPs/FSTIP for a significant portion of listed projects. Beginning with the first FSTIP and FTIPs prepared subsequent to the State's 2008 STIP development process, each project listing proposed for inclusion in the FTIP or FSTIP, including grouped project listings, shall include the total estimated cost for each listed project(s) as a condition for FHWA/FTA programming approval. We are available to provide assistance to the Department and California's MPOs through the California Federal Programming Group (CFPG) in meeting these total estimated project cost programming requirements.

We are approving the 2007 FSTIP with the understanding that the eligibility of individual projects for funding is subject to the applicant's satisfaction of all administrative requirements. This joint FHWA and FTA approval of the FSTIP does not constitute an eligibility determination for the federal funds proposed for obligation on the listed projects. If you have questions or need additional information concerning our approval of the 2007 FSTIP, please contact Wade Hobbs of FHWA at (916) 498-5027, or by email at wade.hobbs@fhwa.dot.gov.

Sincerely,

Leslie T. Rogers
Regional Administrator
Federal Transit Administration

For
Gene K. Fong
Division Administrator
Federal Highway Administration

c: (e-mail)

EPA, Region IX
ARB
Caltrans:
  Federal Resources
  Local Assistance
  Transportation Programming
  Transportation Planning
Bureau of Indian Affairs, Kanu Patel, 2800 Cottage Way, Sacramento CA 95825
All California MPOs (18)
FTA Region IX, R. Sukys
FHWA:
  LA Metro Office, G. Balmir
  CFLHD
  NV Division

cc:
2007 FSTIP Binder

WHobbs/ac