



**U.S. DEPARTMENT OF TRANSPORTATION**  
FEDERAL HIGHWAY ADMINISTRATION  
CALIFORNIA DIVISION  
650 Capitol Mall, Suite 4-100  
Sacramento, CA. 95814  
July 1, 2008

IN REPLY REFER TO  
**HDA-CA**  
Document #: S51875

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

Attention: Federal Resources Office, Room 3500  
For Rachel Falsetti, Division of Transportation Programming

Dear Mr. Kempton:

**SUBJECT: 2006/07 FSTIP AMENDMENT NO. 22, NON-METROPOLITAN AREA**

We have completed our review of Amendment No. 22 to the non-metropolitan planning organization (non-MPO) portion of the 2006/07 Federal Statewide Transportation Improvement Program (FSTIP) that was submitted by your letter dated June 10, 2008. As detailed in your letter, this amendment proposes to add 17 new project listings, modify 17 project listings, and delete one project from the FSTIP for the non-metropolitan area of the State of California.

Based on our review, we accept this amendment to the 2006/07 FSTIP in accord with the Final Rule on statewide and metropolitan transportation planning that was published in the Federal Register on Wednesday, February 14, 2007. We are approving this amendment to the 2006 FSTIP for the non-MPO region in accord with the July 15, 2004, *Memorandum of Understanding between the FHWA, California Division and the FTA, Region IX*. We find that the non-MPO portion of California's 2006 FSTIP, including Amendment No. 22, was developed through a continuing, cooperative and comprehensive transportation planning process in accord with the statewide planning provisions of 23 U.S.C. 135 and 49 U.S.C. 5304, as amended by Public Law 105-178, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). The changes proposed to the FSTIP by this amendment are associated with projects that are exempt from the requirement to determine conformity pursuant to 40 CFR §93.126 or §93.127; are proposed for implementation in areas of the State of California that are designated as attainment or unclassified for Federal Air Quality Standards; or are associated with projects located in isolated non-attainment areas outside the metropolitan planning areas of the State, and as a consequence, is not subject to the requirement that a regional air quality conformity determination be made prior to FSTIP programming. The State's transmittal letter for this amendment correctly notes that projects in non-metropolitan isolated



non-attainment areas of California do not need to meet project conformity when included in the FSTIP, however as the letter indicates, the projects must comply with project level conformity requirements prior to taking a Federal action on a project, such as National Environmental Policy Act (NEPA) decisions or Federal funding approval.

If you have questions or need additional information concerning our approval of this amendment to the 2006 FSTIP for the rural/non-metropolitan area of the State, please contact Wade Hobbs of the FHWA California Division office at (916) 498-5027 or by email at [Wade.Hobbs@fhwa.dot.gov](mailto:Wade.Hobbs@fhwa.dot.gov); or Ted Matley in the FTA, Region IX office at (415) 744-2590 or by email at [Ted.Matley@fta.dot.gov](mailto:Ted.Matley@fta.dot.gov).

Sincerely,

*/s/ Leslie T. Rogers*

Leslie T. Rogers  
Regional Administrator  
Federal Transit Administration

*/s/ K. Sue Kiser*

For  
Gene K. Fong  
Division Administrator  
Federal Highway Administration

cc: (e-mail)

Ted Matley, FTA Region IX

Penny Gray, Caltrans Programming

Randy Steen, Caltrans Federal Resources

Fardad Falakfarsa, Federal Resources Office

cc:

2006/07 FSTIP Binder (non-MPO)

WEH/ac