



U.S. DEPARTMENT OF TRANSPORTATION

FEDERAL HIGHWAY ADMINISTRATION

CALIFORNIA DIVISION

950 Capitol Mall, Suite 4-100

Sacramento, CA. 95814

February 27, 2009

IN REPLY REFER TO

HDA-CA

Document #: S52467

Mr. Ronald E. Brummett, Executive Director
Kern Council of Governments
1401 19th Street, Suite 300
Bakersfield, CA 93301

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

Dear Mr. Brummett and Mr. Kempton:

SUBJECT: FY 2009 FTIP Amendment No. 2 – Kern Council of Governments (Kern COG)
and 2007 RTP Amendment No. 1 and Associated Conformity Determination

The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) have completed the review of Amendment No. 2 to the Kern COG FY 2009 Federal Transportation Improvement Program (FTIP) and Amendment No. 1 to the 2007 Regional Transportation Plan (RTP) that was submitted on February 6, 2009. Kern COG adopted Amendment No. 2 to the FY 2009 FTIP and Amendment No. 1 to the 2007 RTP on January 15, 2009. The primary purpose(s) of these amendments to the FY 2009 FTIP and 2007 RTP is to include project phases and/or projects that were not included in these documents, and to bring the 2009 FTIP and 2007 RTP into compliance with Federal conformity requirements.

Pursuant to the July 15, 2004, *Memorandum of Understanding between the Federal Highway Administration, California Division (FHWA), and the Federal Transit Administration, Region IX, (FTA)* we accept the modifications to the 2008/09 – 2011/12 Federal Statewide Transportation Improvement Program (FSTIP) for the Kern COG 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 Kern COG's FY 2009 FTIP, through Amendment No. 2, and 2007 RTP through Amendment No. 1 was developed through a continuing, cooperative and comprehensive transportation planning process carried out in accordance with the metropolitan planning provisions of 23 U.S.C. 134, and 49 U.S.C. Chapter 53 as amended by Section 6001 of Public Law 109-59, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU).

This amendment acceptance is pursuant to a joint FHWA and FTA air quality conformity determination for the amended Kern COG FY 2009 FTIP and 2007 RTP. This joint FHWA/FTA

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air quality conformity determination for the amended Kern COG FY 2009 FTIP and 2007 RTP is required by the Environmental Protection Agency's (EPA) Transportation Conformity Rule, 40 CFR Parts 51 and 93, and the FHWA/FTA Metropolitan Planning Regulations, 23 CFR Part 450. This finding has been coordinated with EPA Region 9 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 Kern COG's 2009 FTIP through Amendment No. 2 and 2007 RTP through Amendment No. 1 conforms to the applicable State Implementation Plan (SIP), and thus the 2009 FTIP is no longer an Interim FTIP.

This approval is provided with the understanding that the FTA funding approval on the individual projects contained in the FSTIP are subject to grantees meeting all necessary FTA administrative requirements, and that approval of this programming action does not provide a federal eligibility determination for CMAQ projects or any other project funding source included in this amendment.

If you have any questions, please contact Joseph Vaughn (joseph.vaughn@fhwa.dot.gov) of the FHWA, California Division office at (916) 498-5346.

Sincerely,

/s/ Leslie T. Rogers

/s/ K. Sue Kiser

Leslie T. Rogers
Regional Administrator
Federal Transit Administration

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

cc: (e-mail)

Ray Sukys, FTA

Paul Page, FTA

Garth Hopkins, Caltrans HQ

Dara Wheeler, Caltrans HQ

Muhaned Aljabiry, Caltrans HQ

Penny Gray, Caltrans HQ

Rob Ball, KCOG

Cari Anderson, CA Consulting

Karina O'Connor, EPA

cc: (other)

Kern COG TIP Binder

jvaughn/ac



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Leslie T. Rogers
Regional Administrator
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For
Walter C. Waidelich, Jr.
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