



**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 #: S52397

Mr. Jesse Brown, Executive Director  
Merced County Association of Governments  
369 W. 18<sup>th</sup> Street  
Merced, CA 95340

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

Dear Mr. Brown and Mr. Kempton:

**SUBJECT:** FY 2009 FTIP Amendment No. 3 – Merced County Association of Governments (MCAG) and 2007 RTP Amendment No. 2 and Associated Conformity Determination

The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) have completed the review of Amendment No. 3 to the MCAG FY 2009 Federal Transportation Improvement Program (FTIP) and Amendment No. 2 to the 2007 Regional Transportation Plan (RTP) that was submitted on February 6, 2009. MCAG adopted Amendment No. 3 to the FY 2009 FTIP and Amendment No. 2 to the 2007 RTP on January 15, 2009. The primary purpose(s) of these amendments 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 MCAG 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 MCAG's FY 2009 FTIP, through Amendment No. 3, and 2007 RTP, though Amendment No. 2, 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).

**MOVING THE  
AMERICAN  
ECONOMY**



This amendment acceptance is pursuant to a joint FHWA and FTA air quality conformity determination for the amended MCAG FY 2009 FTIP and 2007 RTP. This joint FHWA/FTA air quality conformity determination for the amended MCAG 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 MCAG's 2009 FTIP through Amendment No. 3 and 2007 RTP through Amendment No. 2 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 Scott Carson ([scott.carson@fhwa.dot.gov](mailto:scott.carson@fhwa.dot.gov)) of the FHWA, California Division office at (916) 498-5029.

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

Eric Eidlin, FTA

Derek Winning, MCAG

Garth Hopkins, Caltrans HQ

Dara Wheeler, Caltrans HQ

Ryan Ong, Caltrans HQ

Penny Gray, Caltrans HQ

Steve Curti, Caltrans District 6

Karina O'Connor, EPA

cc: (other)

MCAG TIP Binder

SCarson/ac



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Sincerely,



/s/ Leslie T. Rogers

Leslie T. Rogers  
Regional Administrator  
Federal Transit Administration

For  
Walter C. Waidelich, Jr.  
Division Administrator  
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