U.S. Department of Transportation
**Federal Highway Administration**

**Federal Highway Administration**
**California Division**

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August 4, 2010

In Reply Refer To:
HDA-CA

Ms. Cindy McKim, Director
California Department of Transportation
1120 N Street
Sacramento, CA 95814

Attention: Federal Resources Office, M.S. 82
For Rachel Falsetti, Division of Transportation Programming

Dear Ms. McKim:

SUBJECT: 2008/09 FSTIP AMENDMENT NO. 44, NON-METROPOLITAN AREA

We have completed our review of Amendment Number 44 to the non-metropolitan planning organization (non-MPO) portion of the 2008/09 Federal Statewide Transportation Improvement Program (FSTIP) that was submitted by your letter to the Federal Highway Administration dated July 29, 2010. As detailed in your letter, this amendment adds a new grouped project listing for the State Highway Operations and Protection Program (SHOPP) Minor Program, and modifies the project listings for eleven projects previously approved for inclusion in the FSTIP.

Based on our review we accept this amendment to the 2008/09 FSTIP in accord with the Final Rule on statewide and metropolitan transportation planning that was published in the Federal Register on February 14, 2007. We find that the non-MPO portion of California's FSTIP, including this amendment, 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). We are approving this amendment to the 2008/09 FSTIP in accord with the *July 15, 2004, Memorandum of Understanding between the Federal Highway Administration, California Division, and the Federal Transit Administration, Region IX.*

The changes proposed to the FSTIP by the amendment are associated with projects that are either: exempt from the requirement to determine conformity pursuant to 40 CFR 93.126 or

93.127; or are proposed for implementation in an area 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 requirements that a regional air quality conformity determination be made prior to FSTIP programming.

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

If you have questions or need additional information concerning our approval of this amendment, please contact Wade Hobbs of the FHWA California Division office at (916) 498-5027, or by email at wade.hobbs@dot.gov.

Sincerely,

***/s/ Leslie T. Rogers***

Leslie T. Rogers
Regional Administrator
Federal Transit Administration

Wade Hobbs

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

cc: (e-mail)
Ted Matley, FTA Region IX
Fardad Falakfarsa, Federal Resources Office
Muhaned Aljabiry, Caltrans Programming
Penny Gray, Caltrans Programming

cc: (other)
2008/09 FSTIP (non-MPO) Binder

WEH/