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

**California Division**

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November 9, 2011

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Mr. Malcolm Dougherty, Acting 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 Mr. Dougherty:

SUBJECT: SCAG 2010/11 – 2013/14 FTIP/FSTIP AMENDMENT NO. 11-12 AND CONFORMITY DETERMINATION

The Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) have completed our reviews of Amendment No. 11-12 to the Southern California Association of Governments' (SCAG) 2010/11 – 2013/14 Federal Transportation Improvement Program (FTIP), which was submitted by your letter dated November 1, 2011. As detailed in your letter's enclosure, this amendment requests to add one-hundred two (102) new individual and three (3) new grouped project listings, to modify thirty two (32) individual and eight (8) grouped project listings previously approved for inclusion in the 2010/11 – 2013/14 Federal Statewide Transportation Improvement Program (FSTIP), and to remove eleven (11) individual project listings previously approved for inclusion in SCAG's FTIP and California's FSTIP.

We have determined that the added project listings and modifications from this amendment do not require a new regional emissions analysis because each project was found to conform in a previous analysis. All non-exempt projects have been incorporated into SCAG's model. Acceptance of this amendment is pursuant to a joint FHWA and FTA air quality conformity determination, which is required by the U.S. Environmental Protection Agency's (EPA) transportation conformity rule – 40 Code of Federal Regulations (CFR) Part 51 and 40 CFR § 93.122(g) – and the FHWA/FTA Metropolitan Planning Regulations – 23 CFR § 450. This finding has been coordinated with Region IX of the EPA in accordance with the procedures outlined in the *National Memorandum of Understanding (MOU) between the Department of Transportation (DOT) and EPA on Transportation Conformity*, dated April 25, 2000. Accordingly, we find that the SCAG 2010/11 – 2013/14 FTIP, including Amendment No. 11-12, conforms to the applicable State Implementation Plan (SIP) for air quality.

Pursuant to the July 15, 2004 *MOU, between the FHWA – California Division and FTA – Region IX*, and based on our review of information submitted with the State's proposed 2010/11 – 2013/14 FSTIP, which includes revenues, proposed project funding information to demonstrate financial constraint, and statewide and metropolitan planning process documentation, we accept these FSTIP modifications proposed for the SCAG region in accordance with the Final Rule on Statewide and Metropolitan Transportation Planning that was published in the February 14, 2007 Federal Register. We have determined that the amended SCAG FTIP, including Amendment No. 11-12, is financially constrained as

required by the Federal surface transportation programs authorizing legislation and statewide planning, metropolitan planning, and programming regulations. SCAG's FTIP was developed through a continuing, cooperative, and comprehensive transportation planning process in accordance with the metropolitan transportation planning provisions of 23 United States Code (U.S.C.) § 134 and 49 U.S.C. Chapter 53. Any project or project phase, however, listed in SCAG's FTIP that is not included in SCAG's Regional Transportation Plan (RTP) is not approved for inclusion in the FSTIP pursuant to 23 CFR § 450.216(k) and § 450.324(g).

Project listings and/or project phases that indicate no funds are proposed for obligation during the four-year SCAG FTIP period cannot be advanced to implementation without an action by the FHWA and FTA on the FSTIP pursuant to 23 CFR §§ 450.216(l) and 450.328(e). In addition, project or project phase funding included in SCAG's FTIP proposed for obligation outside the fiscally constrained portion of the FTIP is accepted by the FHWA and FTA as "informational" in accordance with 23 CFR §§ 450.216(a) and 450.324(a).

We are approving the 2010/11 – 2013/14 FSTIP with the understanding that the eligibility of individual projects for funding is subject to the applicant's satisfaction of all administrative and statutory 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 any questions or need additional information concerning our FSTIP approval for this SCAG FTIP amendment, please contact Michael Morris of the FHWA California Division's Cal-South office at (213) 894-4014, or by email at michael.morris@dot.gov; or Ted Matley of the FTA Region IX office at (415) 744-2590, or by email at ted.matley@dot.gov.

Sincerely,

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

Leslie T. Rogers
Regional Administrator
Federal Transit Administration

For
Vincent P. Mammano
Division Administrator
Federal Highway Administration

cc: (email)
Hasan Ikhrata, SCAG
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cc:
SCAG 2010/11 FTIP Binder

MM/km