

U.S. DEPARTMENT OF TRANSPORTATION

FEDERAL HIGHWAY ADMINISTRATION

CALIFORNIA DIVISION

650 Capitol Mall, Suite 4-100

Sacramento, CA. 95814

February 21, 2006

IN REPLY REFER TO

HDA-CA

Document #: S48777

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

Attention: Federal Resources Office, MS #82
For Ross A. Chittenden, Transportation Programming

Dear Mr. Kempton:

SUBJECT: SANDAG 2004/05-2006/07 FSTIP AMENDMENT NO. 13

The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) have completed our reviews of amendment number 13 to the San Diego Association of Governments (SANDAG) 2004 Regional Transportation Improvement Program (RTIP) that was submitted by your letter dated February 6, 2006. The SANDAG Board of Directors adopted Resolution No. 2006-09 on January 20, 2006, approving amendment number 13 to the 2004 RTIP. As detailed in the enclosure to your letter, this SANDAG RTIP amendment proposes to delete one previously listed project, add six new projects to the RTIP, and modify 24 RTIP projects previously listed in the triennial element of California's 2004/05-2006/07 Federal Statewide Transportation Improvement Program (FSTIP).

We are approving Amendment No. 13 to the 2004/05-2006/07 FSTIP for the SANDAG region pursuant to the Federal statewide and metropolitan transportation planning regulations codified in 23 CFR Part 450, and in accord with the *July 15, 2004, Memorandum of Understanding between the FHWA, California Division, and the FTA, Region IX*. Pursuant to 23 CFR 450.216, project programming information included in the amendment for additional years beyond the current FSTIP triennial element is accepted by the FHWA and the FTA only for information purposes.

We find that SANDAG's 2004/05-2006/07 RTIP, including Amendment No. 13, was developed through a continuing, cooperative and comprehensive transportation planning process in accord with the metropolitan transportation planning provisions of 23 USC § 139 and 49 USC Chapter 53. We have determined that the adopted modifications to the SANDAG RTIP, proposed for inclusion in California's FSTIP by this amendment, are exempt from the regional emissions analysis and conformity determination requirements of the U.S. Environmental Protection Agency's (EPA's) Transportation Conformity Rule as amended. Our transportation planning and air quality conformity findings have been coordinated with the regional offices of the U.S. EPA and FTA.



Based on our review of the project listings included in this SANDAG amendment to the FSTIP, we caution the programming staff from both the California Department of Transportation (Caltrans) and SANDAG that pursuant to the provisions of 23 CFR 450.216(a)(8)(iii) and 450.324(g)(3) both the metropolitan and statewide TIPs are required to identify, for each listed project, the amount of Federal funds proposed for obligation by project phase in each program year. Our review of this amendment identified a number of project listings where Federal funds are listed as proposed for obligation for a single phase of a project (i.e. preliminary engineering, right-of-way, or construction) in two or more years of the FTIP. Because the RTIP and FSTIP listings proposed by SANDAG and Caltrans for the following projects effectively limit the amount of funds that can be obligated for a project in any given year to the amount listed in the RTIP and FSTIP for that program year, we encourage SANDAG to review the RTIP/FSTIP listings for the following projects, and modify them as appropriate to accrue the proposed project funding to the RTIP/FSTIP program year during which the funds are proposed for obligation.

MPO Project ID

- | | | | |
|----------|----------|----------|----------|
| 1. CAL18 | 2. CAL26 | 3. CAL38 | 4. CAL66 |
| 5. COR05 | 6. SD103 | 7. SD113 | 8. SD125 |

We remind Caltrans and SANDAG that funding authorized for allocation or apportionment to State of California cannot be listed in RTIP or FSTIP in any program year preceding the fiscal year of apportionment or allocation of the funds. For example, highway program funds authorized for allocation or apportionment in FY 2007 or beyond cannot be programmed in the current RTIP or FSTIP for obligation in program years 2004/05 or 2005/06. Those agencies wishing to request and receive approval to construct Federal-aid projects in advance of the apportionment or allocation of authorized Federal-aid funds may utilize the advance construction procedures detailed in 23 CFR part 630 for advancing the construction of Federal-aid highway projects without obligating Federal funds apportioned or allocated to the State. We remind SANDAG and Caltrans staff that projects approved for implementation under the advance construction provisions must also be listed in the RTIP and FSTIP in each year a conversion occurs.

Our review of SANDAG's Amendment No. 13 also identified the following nine federally funded projects proposed for inclusion in the FSTIP where the proposed listing lacks the information regarding the source of state or local matching funds required by 23 CFR 450.216(a)(8) and 450.324(g)(4):

MPO Project ID

- | | | | |
|----------|----------|-----------|----------|
| 1. CAL18 | 2. CAL26 | 3. CAL38 | 4. CAL66 |
| 5. COR05 | 6. SD102 | 7. SD102A | 8. SD103 |
| 9. V04 | | | |

We recommend that SANDAG modify these listing in conjunction with a future RTIP and FSTIP amendment to include the source and amount of state or local funds revenues proposed as matching funds for the Federal-aid funds included in the RTIP and FSTIP for the above projects.

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

Sincerely,

/s/ Leslie T. Rogers

/s/ K. Sue Kiser

Leslie T. Rogers
Regional Administrator
Federal Transit Administration

For
Gene K. Fong
Division Administrator
Federal Highway Administration

cc: (e-mail)

Randy Steen, Caltrans - Federal Resources Branch,
Abhijit Bagde, Caltrans - Transportation Programming
Terry Abbott, Caltrans - Office of Local Programs
Sookyung Kim - SANDAG
Karina O'Connor - EPA Region IX,
Hymie Luden - FTA Region IX

cc: (other)

SANDAG FTIP Binder

WHobbs: