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April 16, 2021

ELECTRONIC CORRESPONDENCE ONLY

Mr. Toks Omishakin, Director
Office of the Director, M.S. 49
California Department of Transportation
1120 N Street
Sacramento, CA 95814

SUBJECT: California 2021 FSTIP Approval

Dear Mr. Omishakin:

The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) have completed our reviews of the 2021 Federal Statewide Transportation Improvement Program (FSTIP), which was submitted by your letter dated April 1, 2021. As detailed in your letter enclosed, the 2021 FSTIP incorporates by reference the following metropolitan planning organizations' (MPO) Federal Transportation Improvement Programs (FTIP):

- Association of Monterey Bay Area Governments (AMBAG)
- Butte County Association of Governments (BCAG)
- Fresno Council of Governments (FresnoCOG)
- Kern Council of Governments (KCOG)
- Kings County Association of Governments (KCAG)
- Madera County Transportation Commission (Madera CTC)
- Merced County Association of Governments (MCAG)
- Metropolitan Transportation Commission (MTC)
- Sacramento Area Council of Governments (SACOG)
- San Diego Association of Governments (SANDAG)
- San Joaquin Council of Governments (SJCOG)
- San Luis Obispo Council of Governments (SLOCOG)
- Santa Barbara County Association of Governments (SBCAG)
- Shasta County Regional Transportation Planning Agency (SCRTPA)
- Southern California Association of Governments (SCAG)
- Stanislaus Council of Governments (StanCOG)

- Tahoe Metropolitan Planning Organization (TMPO)
- Tulare County Association of Governments (TCAG)

We find that the FSTIP and FTIPs, were developed through a continuing, cooperative, and comprehensive transportation planning process in accordance with the metropolitan planning provisions of 23 U.S.C. 134 and 49 U.S.C. Chapter 53 as amended by Public Law 114-94, the Fixing America's Surface Transportation (FAST) Act.

The United States Environmental Protection Agency (EPA) has designated the following planning areas as Nonattainment or Maintenance Areas for Criteria Pollutants:

- Butte County Association of Governments (BCAG)
- Fresno Council of Governments (FresnoCOG)
- Kern Council of Governments (KCOG)
- Kings County Association of Governments (KCAG)
- Madera County Transportation Commission (Madera CTC)
- Merced County Association of Governments (MCAG)
- Metropolitan Transportation Commission (MTC)
- Sacramento Area Council of Governments (SACOG)
- San Diego Association of Governments (SANDAG)
- San Joaquin Council of Governments (SJCOG)
- San Luis Obispo Council of Governments (SLOCOG)
- Southern California Association of Governments (SCAG)
- Stanislaus Council of Governments (StanCOG)
- Tulare County Association of Governments (TCAG)

As such, the above MPOs Policy Boards have made an initial conformity determination on the above FTIPs and associated Regional Transportation Plan (RTP) amendments, as applicable, before your letter dated April 1, 2021. The FHWA and FTA have reviewed the conformity determinations and find that the FTIPs, the associated RTP amendments, and associated conformity determinations conform to the applicable state implementation plan (SIP) in accordance with the provisions of 40 CFR Parts 51 and 93. This finding has been coordinated with Region IX of the EPA pursuant to the Transportation Conformity Rule.

Based on our review of the information provided and our ongoing oversight of the statewide and metropolitan transportation planning processes, the FHWA and FTA are approving the 2021 FSTIP. This approval is effective April 16, 2021. This approval is given with the understanding that an eligibility determination of individual projects for funding must be met, and the applicant must ensure the satisfaction of all administrative and statutory requirements.

Included with this approval is FHWA and FTA's Federal Planning Finding (FPF). FHWA and FTA are required under 23 CFR 450.220(b) to document and issue an FPF in conjunction with the approval of the FSTIP. At a minimum, the FPF verifies that the development of the FSTIP is consistent with the provisions of both the Statewide and Metropolitan transportation planning requirements. Furthermore, the FPF documents FHWA and FTA's recommendations for statewide and metropolitan transportation planning improvements.

If you have questions or need additional information concerning our approval and the FPF, please contact Mr. Antonio Johnson of the FHWA California Division at (916) 498-5889, or by email at antonio.johnson@dot.gov, or Mr. Ted Matley of the FTA Region 9 Office at (415) 734-9468, or by email at ted.matley@dot.gov.

Sincerely,

VINCENT PAUL MAMMANO

Digitally signed by VINCENT PAUL MAMMANO
Date: 2021.04.15 08:41:42 -07'00'

Vince Mammano
Division Administrator

Sincerely,

RAYMOND S TELLIS

Ray Tellis
Regional Administrator



U.S. Department
of Transportation

**Federal Highway
Administration**

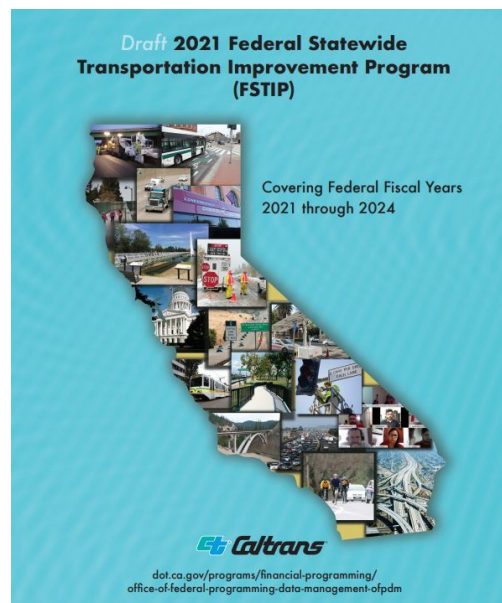
FHWA, California
Division
FTA, Region IX

Federal Planning Finding



2021 Federal State Transportation Improvement Program

April 15, 2021



FINAL REPORT



The Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) are required under 23 CFR 450.220(b) to document and issue a Federal Planning Finding in conjunction with the approval of the Federal Statewide Transportation Improvement Program (FSTIP). The Federal Planning Finding verifies, at a minimum, that the development of the FSTIP is consistent with the provisions of both the Statewide and Metropolitan transportation planning requirements of 23 U.S.C. 134, 135; 49 U.S.C. 5303-5305; 23 CFR parts 450 and 500, and 49 CFR part 613. This report substantiates the issuance of the FHWA/FTA Federal Planning Finding (FPF) to support FHWA/FTA approval of the FSTIP based on the review of FSTIP and FTIP documents, statewide and metropolitan planning self-certification statements (23 CFR 450.220; 23 CFR 450.336), and related supporting documentation.

The FPF is one part of the risk-based stewardship and oversight the FHWA and FTA conduct for Caltrans, the Metropolitan Planning Organizations (MPOs), and planning partners. The FPF serves as a “tool” for FHWA and FTA to support improvements to the planning process and ensure that Caltrans, the MPOs, and planning partners comply with Federal laws and regulations. The FPF ties the statewide, metropolitan, and non-metropolitan planning processes together into one formal risk-based action.

To determine if Caltrans transportation planning and programming processes substantially meet the Federal requirements, FHWA and FTA reviewed the following:

- 2018 California FSTIP FPF;
- 2019 and 2020 Transportation Management Area Certification Reviews Reports;
- California Division Planning and Air Quality Program Analysis and Risk Assessments for Years 2019, 2020, and 2021;
- And additional guidance received from the FHWA Office of Planning.

Based on the above, FHWA and FTA find that California’s statewide and metropolitan planning process substantially meets the Federal requirements. FHWA and FTA also finds that some improvements are warranted to ensure continued compliance with the Federal requirements and therefore are issuing the following Corrective Actions and recommendations:

Corrective Action - CMAQ and STBG programs administration and oversight

During the calendar year 2020, FHWA and FTA conducted three TMA Certification Reviews (Reviews). Two of the three Reviews found that the MPOs were sub-allocating the urbanized areas apportionments of STBG based on population and/or mode. On April 4, 2016, FHWA published "Sub-allocation of Apportioned Funds Questions and Answers." Question five asks, **"In developing an FTIP, can an MPO sub-allocate its STBG to individual jurisdictions or a specific transportation mode?" Answer five states, "As a general matter, no. Procedures or agreements that distribute sub-allocated STBG funds to individual jurisdictions or modes *within the Metropolitan Planning Area* by pre-determined percentages or formulas are inconsistent with**



the legislative provisions that require the MPO, in cooperation with the State and the public transportation operator, to develop a prioritized and financially constrained TIP."

The reviews also found that two MPOs had delegated CMAQ project selection authority to county transportation agencies. Per the Interim Program Guidance Section IX(A) Project Selection

(https://www.fhwa.dot.gov/environment/air_quality/cmaq/policy_and_guidance/2013_guidance/), only the State DOT and the MPO have project selection authority. Due to the county transportation agencies' CMAQ project selection processes, the Reviews found that projects were being selected before the required assessments of proposed projects' expected emission reduction benefits. Furthermore, a review of the proposed FTIPs found that another MPO was similarly sub-allocating STBG funds.

Caltrans is the primary recipient of the STBG and CMAQ programs apportionments. As such, Caltrans is required to ensure that Caltrans's sub-recipients are administering CMAQ and STBG funds per the applicable federal-aid program requirements. Caltrans shall review the DOT's CMAQ and STBG administrative policies, update the policies and procedures if warranted, and ensure and/or develop a process for ensuring the sub-recipients are administering the programs in compliance with Federal program guidance and regulations.

Recommendation - Periodic evaluation of facilities repeatedly requiring repair and reconstruction due to emergency events

Per 23 CFR 667, Caltrans is required to conduct statewide evaluations to determine if there are reasonable alternatives to all roads, highways, and bridges that have required repair and reconstruction activities on two or more occasions due to emergency events. The evaluations shall be completed prior to any affected portion of a road, highway, or bridge project being included in the FSTIP.

Several Divisions within Caltrans are responsible for documenting damages to the NHS caused by emergency events and the associated repairs and sustainability activities including conducting an evaluation. However, the evaluation and supporting documentation was not included in the 2018 California FSTIP and associated FTIPs and was not included in the 2021 California FSTIP and associated FTIPs. Failure to include the evaluation in the 2023 California FSTIP is likely to result in the issuing of a Corrective Action and/or non-approval of the FSTIP. Caltrans and the MPOs are encouraged to include consideration of the evaluations during the development of transportation plans and programs, including the 2023 California FSTIP and FTIPs.

Recommendation - Performance-Based Planning and Programming (PBPP) and Transportation Performance Management (TPM) Implementation

Caltrans, in coordination with the MPOs, has implemented a performance-based planning and programming process as required by 23 CFR 450. Also, Caltrans, in coordination with the MPOs, have established performance targets, reported the established targets, and continues to



monitor and report on progress toward achieving the performance targets. Despite completing the requirements, challenges persist in the coordination of data. Caltrans and the MPOs have established agreements that reference PBPP and TPMs; however, the agreements do not define the type of data needed for the California asset management plan and the information needed to satisfy the TPM reporting requirements.

FHWA and FTA recommend that Caltrans and the MPOs jointly agree upon and develop specific written provisions for cooperatively developing and sharing information related to transportation performance data, the selection of performance targets, the reporting of performance targets, the reporting of performance to be used in tracking progress toward attainment of critical outcomes for the region of the MPO (see §450.306(d)), and the collection of data for the State asset management plan for the NHS. This agreement shall be documented either as part of the metropolitan planning agreements, or documented in some other means outside of the metropolitan planning agreements as determined cooperatively by Caltrans and the MPOs.

Recommendation – Regional Transportation Conformity

FHWA/FTA makes conformity determinations. MPO policy boards make initial conformity determinations for the Regional Transportation Plan - Sustainable Communities Strategies (RTP-SCSs) and FTIPs in areas that either does not meet or previously have not met national ambient air quality standards (NAAQS) for ozone (O₃), carbon monoxide (CO), particulate matter (PM₁₀ and PM_{2.5}), or nitrogen dioxide (NO₂). These areas are known as “nonattainment areas” and “maintenance areas,” respectively. The State DOT, through the Self-Certification, certifies that the statewide and metropolitan transportation planning process is being carried out in accordance with sections 174 and 176(c) and (d) of the Clean Air Act, as amended (42 U.S.C. 7504, 7506(c) and (d)) and 40 CFR part 93. The Caltrans Air Quality, Environment, and Health Branch reviews the MPOs' transportation conformity analyses and supporting documentation and provided comments for improvements when necessary. Caltrans Office of Federal Programming and Data Management is responsible for developing and managing the FSTIP, including providing the Self-Certification to FHWA and FTA.

Historically, the regional transportation conformity process for the FTIPs and FSTIP and the review and approval of the FTIPs and FSTIP have been conducted as two separate processes. Conducting two different reviews for each FTIP and FSTIP update and amendment has caused delays in approval, inefficient communication, and a lack of documentation to justify FSTIP/FTIP amendments' approval. FHWA and FTA recommend that Caltrans develop a process to integrate the Air Quality, Environment, and Health Branch into the FSTIP/FTIP review process before Caltrans requests FHWA/FTA FSTIP or associated amendments approvals. FHWA and FTA also recommend that the updated process includes Caltrans providing the conformity analysis and their concurrence as part of the request for approval. Failure to integrate the Air Quality, Environment, and Health Branch into the process may result in FHWA and FTA determination that Caltrans has not satisfied the Self-Certification requirements.



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If you have questions or need additional information concerning the FPF, please contact Ted Matley of the FTA Region IX at (415) 734-9468, or Ted.Matley@dot.gov, or Antonio Johnson of the FHWA California Division office at (916) 498-5889 or Antonio.Johnson@dot.gov.



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