



Federal Highway Administration
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Sacramento, CA 95814-4708
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Federal Transit Administration
Region IX Office
90 Seventh Street, Suite 15-300
San Francisco, CA 94103-6701
(415) 734-9490

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**

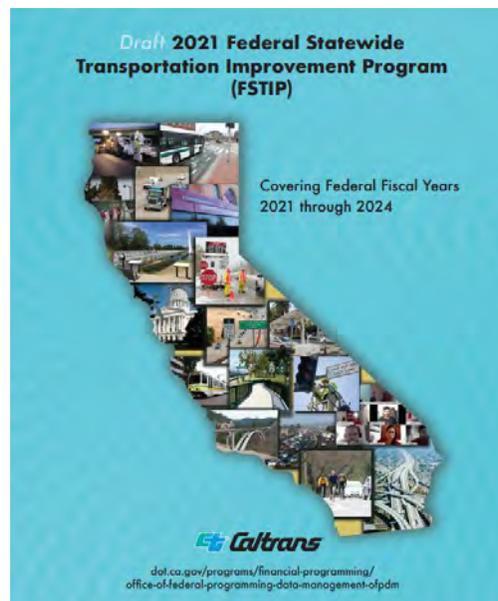
FHWA, California
Division
FTA, Region IX

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.



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



U.S. Department
of Transportation
**Federal Highway
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Report prepared by:

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650 Capitol Mall, Suite 4-100
Sacramento, CA 95814
Phone: (916) 498-5001
FAX: (916) 498-5008*

2018 REGIONAL TRANSPORTATION PLAN - AMENDMENT NO. 1



2018 REGIONAL TRANSPORTATION PLAN AMENDMENT NO. 1 KERN COUNCIL OF GOVERNMENTS KERN COUNTY, CALIFORNIA

Final – February 18, 2021

Contact: Joseph Stramaglia, Regional Planner
KERN COUNCIL OF GOVERNMENTS
1401 19TH Street, Suite 300
Bakersfield, CA 93301
Phone: 661/635-2914
E-mail: jstramaglia@kerncog.org

2018 REGIONAL TRANSPORTATION PLAN - AMENDMENT NO. 1

KERN COUNCIL OF GOVERNMENTS KERN COUNTY, CALIFORNIA February 18, 2021

The 2018 Regional Transportation Plan (2018 RTP), originally adopted on August 16, 2018 and federally approved on December 3, 2018, is Kern Council of Government's (Kern COG) major policy document, representing the region's transportation system's vision through 2042. The scope of the proposed 2018 RTP Amendment No. 1 will be targeted at incorporating a project update for the Metropolitan Bakersfield area.

Proposed Revision for 2018 RTP Amendment No. 1

The 2018 RTP Amendment No. 1 proposes the following revision to the start date for the project information provided in the current 2018 RTP as originally adopted:

- Hageman Road Extension – revise start date from “2018” to “2023” (KER08RTP013).

This amendment is being provided to ensure consistency between the 2018 RTP Table 5.1 as amended with the upcoming 2021 Federal Transportation Improvement Program (2021 FTIP). This revision is due to delays in local funding and in completing pre-construction phases.

As a result of this amendment, there are no changes to the net funding during the period from 2018 to 2042 in the 2018 RTP Amendment No. 1. The total number of projects does not change from those previously approved. The proposed change does not impact the analysis years for the Sustainable Community Strategy, the Environmental Justice evaluation, or the Air Quality Conformity.

Proposed Schedule

Kern COG is opening a public comment period on the proposed 2018 RTP Amendment No. 1 on December 23, 2020. At that time, Kern COG will commence its review of the draft air quality conformity determination analysis and the 2021 Federal Transportation Improvement Program. Public comment will close January 22, 2021.

Legal notice of the proposed air quality conformity determination will also be provided by December 23, 2020. On February 18, 2021, the Kern COG Board of Directors will formally consider the 2018 RTP Amendment No. 1, 2021 FTIP and the air quality conformity determination.

For purposes of this amendment, only the affected portion of the project category, “Major Highway Improvements” which is found in Table 5.1, will be provided in this amendment report. The revised project start-dates indicated will be highlighted in yellow for the benefit of the reader.

2018 REGIONAL TRANSPORTATION PLAN - AMENDMENT NO. 1

2018 through 2022 - Major Highway Improvements

Project	Location		YOE Cost	Project ID	Start
Route 14	Inyokern	Redrock / Inyokern Rd to Rt 178 - widen to four lanes (Phase1)	42,000,000	KER08RTP006	2019
Route 46	Lost Hills	Brown Material Rd to I-5 - interchange upgrade at I-5 - Phase 4A	27,000,000	KER14RTP001	2017
Route 46	Lost Hills	Brown Material Rd to I-5 - interchange upgrade at I-5 - Phase 4B	\$40,000,000	KER08RTP018	2019
Route 65	Bakersfield	James Rd to Merle Haggard Dr - widen to four lanes	3,000,000	KER08RTP094	2021
Route 99	Bakersfield	Olive Drive - construct interchange upgrades	6,100,000	KER08RTP091	2016
Route 178	Bakersfield	Rt 178 (24th/23rd St) from SR-99 to M Street - widen existing highway	55,000,000	KER08RTP014	2016
Route 184	Bakersfield	At Union Pacific Railroad - construct grade separation	26,400,000	KER08RTP108	2020
Hageman Flyover	Bakersfield	Knudsen Dr to Rt 204 - construct extension	68,900,000	KER08RTP013	2023
Centennial Corridor	Bakersfield	I-5 to Rt-58/Cottonwood Rd - element of the Bakersfield Beltway System - construct new freeway and/or operational improvements	698,000,000	KER08RTP020	2016
Sub-total			\$966,400,000		

2018 Regional Transportation Plan Amendment No. 1 Summary of Comments and Responses

As part of the development of the RTP, stakeholders, technical staff, and the general public were given the opportunity to comment. The public review period was held December 23, 2020 to January 22, 2021.

Troy Hightower – email dated 1/22/21

1. Has the modeling been run to determine if Amendment 1 will still meet the CARB GHG target for Kern?

Response: Amendments such as these typically do not have an effect on GHG output, as they do not make significant changes to the RTP goals, revenue assumptions, or SCS implementation. The contents of this amendment would make technical modifications to projects already included in the 2018 RTP/SCS. Further, it should be noted that the only remaining future year to be targeted for SB 375 is 2035 and the amendment does not affect the modeling network in that year. Analysis of SB 375 SCS Targets are made once every 4 years (at plan adoption) and are not required for RTP amendments.

2. Will amendments to a RTP/SCS trigger the updated CARB target?

Response: No – as noted, Amendments such as these typically do not have an effect on GHG output, as they do not make significant changes to the RTP goals, revenue assumptions, or SCS implementation. Further, the new SCS guidelines apply to the 3rd cycle RTP/SCS. Per the guidelines (https://ww2.arb.ca.gov/sites/default/files/2020-06/SB375_Final_Target_Staff_Report_%202018_Resolution_18-12.pdf), new targets would apply to newly adopted plans after October 2018. For Kern that is the 2022 RTP/SCS.

3. This item was not reviewed by the RPAC because the recent Jan 6th RPAC meeting was not held.

Response: The Kern COG adopted Public Information Policies and Procedures only require a public meeting for the draft FTIP and Conformity. An RTP amendment does not require a public workshop. However, consistent with Kern COG's open and inclusive public outreach process (recognized in the 2017 RTP guidelines as a best practice), we routinely go above and beyond the minimum requirements when it comes to public outreach. To that end, a public workshop was also held on January 13th. In addition, non-required public meetings were held at the Transportation Technical Advisory Committee and Transportation Planning Policy Committee meetings in January.

4. The Kern COG webpage for RPAC Agendas lists the Jan 6th meeting as Dark. The link goes to a cancellation notice. However, there is an "Information Item" link. The link goes to what appears to be an agenda staff report for this amendment. I regularly participate in RPAC meetings. I have never seen a case where there was a link to an "Information Item" separate from the agenda. Normally, any/all information items are part of an agenda. Can you explain what this is all about?

Response: The link to the amendment was provided to the RPAC and the public as a courtesy, consistent with our above-and-beyond, open and inclusive public outreach efforts.

BEFORE THE KERN COUNCIL OF GOVERNMENTS
STATE OF CALIFORNIA, COUNTY OF KERN

RESOLUTION NO. 21-06

In the Matter of:

2021 Federal Transportation Improvement Program, 2018 Regional Transportation Plan Amendment 1, and Corresponding Conformity Analysis

WHEREAS, the Kern Council of Governments (Kern COG) is a Regional Transportation Planning Agency and a Metropolitan Planning Organization, pursuant to State and Federal designation; and

WHEREAS, federal planning regulations require Metropolitan Planning Organizations to prepare and adopt a long-range Regional Transportation Plan (RTP) for their region; and

WHEREAS, a 2018 Regional Transportation Plan Amendment 1 (2018 RTP Amendment 1) has been prepared in full compliance with federal guidance; and

WHEREAS, a 2018 RTP Amendment 1 has been prepared in accordance with state guidelines adopted by the California Transportation Commission and;

WHEREAS, federal planning regulations require that Metropolitan Planning Organizations prepare and adopt a short range Federal Transportation Improvement Program (FTIP) for their region; and

WHEREAS, the 2021 Federal Transportation Improvement Program (2021 FTIP) has been prepared to comply with Federal and State requirements for local projects and through a cooperative process between the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), the State Department of Transportation (Caltrans), principal elected officials of general purpose local governments and their staffs, and public owner operators of mass transportation services acting through Kern COG forum and general public involvement; and

WHEREAS, the 2021 FTIP program listing is consistent with: 1) the 2018 RTP Amendment 1; 2) the 2020 State Transportation Improvement Program; and 3) the corresponding Conformity Analysis; and

WHEREAS, the 2021 FTIP contains the MPO's certification of the transportation planning process assuring that all federal requirements have been fulfilled; and

WHEREAS, the 2021 FTIP and 2018 RTP Amendment 1 meet all applicable transportation planning requirements per 23 CFR Part 450; and

WHEREAS, Kern COG has integrated into its metropolitan transportation planning process, directly or by reference, the goals, objectives, performance measures, and targets described in other State transportation plans and transportation processes, as well as any plans developed under 49 U.S.C. Chapter 53 by providers of public transportation, required as part of a performance-based program; and

WHEREAS, projects submitted in the 2021 FTIP and 2018 RTP Amendment 1 must be financially constrained and the financial plan affirms that funding is available; and

WHEREAS, the MPO must demonstrate conformity per 40 CFR Part 93 for the RTP and FTIP; and

WHEREAS, the corresponding Conformity Analysis supports a finding that the 2021 FTIP and 2018 RTP Amendment 1 meet the air quality conformity requirements for ozone and particulate matter; and

WHEREAS, the 2021 FTIP and 2018 RTP Amendment 1 do not interfere with the timely implementation of the Transportation Control Measures; and

WHEREAS, the 2021 FTIP and 2018 RTP Amendment 1 conform to the applicable SIPs; and

WHEREAS, the documents have been widely circulated and reviewed by Kern COG's advisory committees representing the technical and management staffs of the member agencies; representatives of other governmental agencies, including State and Federal; representatives of special interest groups; representatives of the private business sector; and residents of Kern County consistent with public participation process adopted by Kern COG; and

WHEREAS, a public hearing was conducted on January 21, 2021 to hear and consider comments on the 2021 FTIP, 2018 RTP Amendment 1, and corresponding Conformity Analysis;

NOW, THEREFORE, BE IT RESOLVED, that Kern COG adopts the 2021 FTIP, 2018 RTP Amendment 1, and corresponding Conformity Analysis.

BE IT FURTHER RESOLVED, that Kern COG finds that the 2021 FTIP and 2018 RTP Amendment 1 are in conformity with the requirements of the Federal Clean Air Act Amendments and applicable State Implementation Plans for air quality.

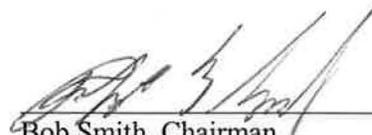
AUTHORIZED AND SIGNED THIS 18th DAY OF FEBRUARY 2021.

TRUJILLO, B.SMITH, LESSENEVITCH, CRUMP, BLADES, PROUT
AYES: KRIER, P.SMITH, GARCIA, COUCH, SCRIVNER, PARRA, KERSEY
NAVARRO

NOES: NONE

ABSTAIN: NONE

ABSENT: VASQUEZ, GONZALEZ



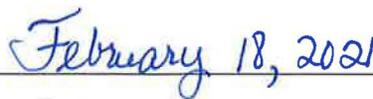
Bob Smith, Chairman
Kern Council of Governments

ATTEST:

I hereby certify that the foregoing is a true copy of a resolution of the Kern Council of Governments duly adopted at a regular meeting thereof held on the 18th day of February 2021.



Ahron Hakimi, Executive Director
Kern Council of Governments



Date