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October 4, 2011

Mr. Muhaned Aljabiry  
California Department of Transportation  
Division of Transportation Programming, MS82  
P.O. Box 942874  
Sacramento, CA 94274-0001

Attention: Dennis Jacobs,

**Subject: Submittal of the Tulare County Association of Governments (TCAG) 2009 Public Participation Plan (PPP) Amendment No. 1 with TCAG Signed Resolution.**

Dear Mr. Aljabiry:

Enclosed for your approval and acceptance is TCAG's 2009 Public Participation Plan (PPP) Amendment No. 1 (attachment no. 1) and signed TCAG Board resolution (attachment no. 2) and response to comments (attachment no. 3). The 2009 PPP Amendment No. 1 amends the TYPE-I Administrative Modification Amendments to the Federal Transportation Improvement Program (FTIP). On June 3, 2011, Federal Highway Administration (FHWA) issued an update to the Federal Statewide Transportation Improvement Program (FSTIP) and FTIP Amendment and Administrative Modification Procedures. As per Caltrans' transmittal letter dated June 7, 2011, offering delegated authority to TCAG for TYPE-I Administrative Amendments to the FTIP. A 45 day public comment period was conducted August 5, 2011, through September 19, 2011, one comment received. The 2009 PPP Amendment No. 1 delegates TCAG Executive Director the authority to approve TYPE I Administrative Modifications to the FTIP as delegated by the current agreement between Caltrans and FHWA/FTA on TYPE I Administrative Modifications to the FTIP as per the June 7, 2011, transmittal letter.

The 2009 PPP Amendment No. 1 is available upon request, by email or can be downloaded online on TCAG's website at <http://www.tularecog.org/>. If you have any questions regarding this document, please contact Eddie Wendt 559-624-7265.

Sincerely,

A handwritten signature in black ink that reads 'Ted Smalley'.

Ted Smalley  
Executive Director  
Tulare County Association of Governments

EW:ew

## **ATTACHMENT 1**

- 1) 2009 Public Participation Plan Amendment No. 1

# **2009 PUBLIC PARTICIPATION PLAN <Final Amendment #1>**

April 20, 2009

Amendment #1: September 19, 2011

Prepared by:

**Tulare County Association of Governments**

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Preparation of this document was financed by the Federal Highway Administration, Federal Transit Administration, the California Department of Transportation and the Metropolitan Planning Organization.

# 2009 PUBLIC PARTICIPATION PLAN

Tulare County  
Association of Governments  
Metropolitan Planning Organization

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County of Tulare – District 4

Terry McKittrick  
Member-at-Large

In accordance with Title VI of the Civil Rights Act of 1964, the Metropolitan Planning Organization (MPO) does not discriminate based on race, color, national origin, sex, religion and disability in the execution of this Public Participation Plan.

Please direct any questions or comments regarding this plan to Benjamin Giuliani at the address, phone or fax number listed above or e-mail [bgiuliani@co.tulare.ca.us](mailto:bgiuliani@co.tulare.ca.us)

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## **I. Introduction**

### **Tulare County**

Tulare County, comprised of 4,824 square miles, is located in the southern portion of the San Joaquin Valley. The Valley is between the Coastal Range on the west and the Sierra Nevada Range on the east. The Valley extends from Sacramento on the north, to the Tehachapi Range on the south. The San Joaquin Valley is one of the richest farmlands in the world producing a wide variety of agricultural products. Tulare County has approximately one third of its land area in the Valley. The remaining portion is in the Sierra Nevada Range. This offers an abundance of scenic and recreational opportunities for residents and visitors. The land in the Valley produces a wide variety of agricultural products. Tulare County ranks second in the nation in total agricultural income. The population of Tulare County is concentrated in the Valley. There are eight incorporated cities accounting for 67 percent of the county's total approximate population of 435,000.

### **Tulare County Association of Governments**

The Board of Governors directs TCAG. This Board is composed of one representative from each of the eight city councils, the five members of the County Board of Supervisors, and three members-at-large. These sixteen members act as the Council of Governments (COG), the Regional Transportation Planning Agency (RTPA), and the Metropolitan Planning Organization (MPO). These members, plus the District 6 Director of Caltrans, sit as the Policy Advisory Committee. This body offers advice on issues that will be presented to the Board of Governors. The Tulare County Transportation Authority is governed by the elected members of the TCAG Board of Governors. The Authority is designated to act on Measure R (the Tulare County ½ percent sales tax) issues.

The Technical Advisory Committee (TAC) makes recommendations to the Board of Governors. This committee is comprised of representatives from each of the eight cities, the Tulare County Resource Management Agency, Caltrans, the Tule River Tribal Council and TCAG Staff. This committee meets once a month prior to TCAG Board meetings to review upcoming Board agenda items and to discuss outstanding issues of regional significance.

The Social Service Transportation Advisory Council (SSTAC), responsible for the annual review of the Unmet Transit Needs in the County, is another permanent committee of TCAG. This review results in a recommendation of findings to the TCAG Board of Governors, who then considers the recommendation and makes the final Unmet Needs Determination. This council meets 3 to 4 times a year and represents the following agencies and groups of people: disabled transit users, transit users – over 60 years of age, social service providers for Seniors, social service providers for the disabled, social service providers for persons of limited means, consolidated transportation service agency for non-urbanized areas, consolidated transportation service agency for urbanized areas and the Center for Independent Living.

The Environmental Advisory Committee (EAC) meets at least quarterly and is responsible for observing, analyzing, and reporting on new programs such as amendments to the State and Federal Endangered Species Acts, Sequoia National

Forest Service Management Plans, new listing or removing proposals, proposed changes to the California Environmental Quality Act (CEQA), and any federal, state, or local agency proposal that affects environmental issues in Tulare County, including important National Environmental Policy Act (NEPA) and CEQA documents, and any particular project TCAG may assign to the Committee. The EAC also makes recommendations to the TCAG Board regarding environmental mitigation banking sites. This committee is represented by the following agencies and organizations: Sequoia National Park, Irrigation Districts, TCAG, Tulare County City Managers, Sierra Los Tules Land Trust, Agricultural Commissioner, U.S. Fish & Wildlife Service, California Dept. of Fish & Game, Tulare County Redevelopment Agency, County of Tulare, County of Tulare Parks Dept., Kaweah Delta Water Conservation District, Bureau of Land Management and Caltrans.

The Rail Advisory Committee meets quarterly or on an as needed basis and provides a forum to identify, discuss and make recommendations regarding commercial rail in Tulare County. This includes rail abandonments, rail goods movement, rail consolidation and other pertinent issues related to commercial rail in the County. The Committee is comprised of members from the cities that are affected by rail, the County and representatives from the rail industry.

The Measure R Citizens Oversight Committee meets at least quarterly and additionally as needed and is responsible for providing input on implementation of the Measure R Expenditure Plan and to advise the TCAG Board if and when the Plan needs to be augmented and to ensure that the funds are being spent in accordance with the Plan. This committee is comprised of non-elected citizens from the following groups: the County of Tulare, the eight incorporated cities, a major private sector employer (nominated by the Tulare County Economic Development Corporation), the building industry (nominated by the Tulare County Building Association), the agriculture industry (nominated by the Tulare County Farm Bureau), the Hispanic community (nominated by the Tulare-Kings Hispanic Chamber of Commerce), an advocacy group representing bicyclists, pedestrians and/or transit (selected through application), a professional in the field of audit, finance and/or budgeting (selected through application) and an environmental advocacy group (selected through application).

There are also non-Board appointed committees that provide the public and other agencies and organizations the opportunity to participate in planning processes:

The Bicycle Advisory Committee (BAC) meets quarterly or as needed and is responsible for advising the TCAG Board regarding the development and maintenance of bicycle interests within Tulare County. This committee is comprised of members from the following groups: Planning and Public Works Staff from the County and eight incorporated cities, bicycle facility users, school officials, local service clubs, law enforcement officials, local citizens and TCAG staff.

The transit operators in Tulare County are represented on the TCAG Board of Governors and the Technical Advisory Committee by an elected official of the operator's decision-making body and by a technical staff person respectively. In addition, the Transit Forum is composed of representatives from each of the agencies that provide transit operations and TCAG Staff. The Forum meets every two months to exchange information and discuss transit related issues.

## II. Guidelines

### **Purpose**

The purpose of the Tulare County Association of Governments' (TCAG) Public Participation Plan is to help ensure that citizens, organizations and public agencies are kept informed and involved in TCAG's various programs, projects and work activities. This includes, but is not limited to, the development and the amendment of the Regional Transportation Plan (RTP), Federal Transportation Improvement Program (FTIP), and the Overall Work Program (OWP). The process used to update the Public Participation Plan is outlined in Appendix A. (Please refer to TCAG's 2007 Public Participation Plan for the process used to develop the initial plan.)

### **Background**

The Public Participation Plan is to be developed using principles as required by the Code of Federal Regulations, Title 23, Sec. 450.316:

- (a) *The MPO shall develop and use a documented participation plan that defines a process for providing citizens, affected public agencies, representatives of public transportation employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, and other interested parties with reasonable opportunities to be involved in the metropolitan transportation planning process.*
- (1) *The participation plan shall be developed by the MPO in consultation with all interested parties and shall, at a minimum, describe explicit procedures, strategies, and desired outcomes for:*
  - (i) *Providing adequate public notice of public participation activities and time for public review and comment at key decision points, including but not limited to a reasonable opportunity to comment on the proposed metropolitan transportation plan and the TIP;*
  - (ii) *Providing timely notice and reasonable access to information about transportation issues and processes;*
  - (iii) *Employing visualization techniques to describe metropolitan transportation plans and TIPs;*
  - (iv) *Making public information (technical information and meeting notices) available in electronically accessible formats and means, such as the World Wide Web;*
  - (v) *Holding any public meetings at convenient and accessible locations and times;*
  - (vi) *Demonstrating explicit consideration and response to public input received during the development of the metropolitan transportation plan and the TIP;*

- (vii) *Seeking out and considering the needs of those traditionally underserved by existing transportation systems, such as low-income and minority households, who may face challenges accessing employment and other services;*
- (viii) *Providing an additional opportunity for public comment, if the final metropolitan transportation plan or TIP differs significantly from the version that was made available for public comment by the MPO and raises new material issues which interested parties could not reasonably have foreseen from the public involvement efforts;*
- (ix) *Coordinating with the statewide transportation planning public involvement and consultation processes under subpart B of this part; and*
- (x) *Periodically reviewing the effectiveness of the procedures and strategies contained in the participation plan to ensure a full and open participation process.*

## **Participation Goals, Strategies and Procedures**

TCAG recognizes that the involvement of the public and agencies, organizations and other groups which represent the public is pivotal in to the success of transportation programs, plans and projects in Tulare County. Listed below are goals, strategies and procedures regarding public participation in TCAG's planning processes:

**Goal:** Raise the public's level of understanding of transportation planning processes in the County.

**Strategy:** Use a variety of presentation methods and modes of communication to disseminate information to the public.

**Procedures:**

- Use TCAG's 'On the Move' newsletter to highlight important transportation issues and announcements.
- Post important public documents such as the RTP, FTIP, OWP and Special Planning Studies on the TCAG website (<http://www.tularecog.org/>)
- Work with other agencies and organizations to educate and inform the public regarding transportation processes.
- Respond to the public's requests or questions in a timely and professional manner.
- Use maps, charts and other visualization techniques to convey transportation related information.
- Use TCAG's public relations consultant to issue news releases regarding important transportation processes and accomplishments.

**Goal:** Increase opportunities for public involvement in transportation planning processes.

**Strategy:** Provide varied opportunities for public review and input and be responsive to that input.

**Procedures:**

- Provide timely public notice of meetings.
- Conduct or attend project/process focused meetings outside the usual monthly TCAG Board meeting to gather public input.
- Work with other public agencies and organizations to gather public input regarding transportation processes and issues.
- Respond to public input in a professional, timely and accurate manner.

Goal: Involve traditionally under-served persons such as low-income and minority households, the elderly, those addressed by the Americans with Disabilities Act (ADA) and Native American tribal governments and communities in transportation planning processes.

Strategy: Provide forums and seek alternative methods to reach out and address the transportation related needs of traditionally under-served persons.

Procedures:

- Use SSTAC as a forum to address transit needs for traditionally under-served persons.
- Provide non-English language translation at meetings or for written documents when necessary or upon request.
- TCAG meeting locations should be reasonably accessible to those addressed by the ADA.
- Use TAC, through the Tule River Tribe's representative, as a forum to keep the Tribe informed of transportation issues both significant to the Tribe and to the County as a whole.
- Conduct formal consultation with the Tule River Tribe Council at least once a year to determine if Tribal transportation issues are being adequately addressed.
- Work with other public agencies and organizations which represent traditionally under-served persons to maintain a two-way dialogue regarding transportation processes and issues that are important to them.

Goal: Involve other public agencies, organizations and other groups which represent various segments of the public in transportation planning processes.

Strategy: Provide forums and seek alternative methods to seek input and involvement from other public agencies, organizations and groups.

Procedures:

- Provide opportunities for member public agencies to be kept informed and involved in transportation planning processes through TAC and other TCAG committees.
- Provide opportunities for resource agencies to be kept informed and involved in transportation planning process through EAC and other TCAG committees.
- Attend meetings and give presentations to other public agencies, organizations and other groups regarding transportation processes and issues.

## **Participation Plan Updates**

The Public Participation Plan is not intended to be a static document. It will need to be periodically reviewed to evaluate its effectiveness in promoting public participation in TCAG's transportation planning processes. The Plan will be comprehensively reviewed every four years (at a minimum) in the year preceding the adoption of an RTP update. The next currently scheduled RTP update is in 2010. This will ensure that the Public Participation Plan will be reviewed and revised as necessary preceding the public outreach efforts for the development of each successive RTP update. In addition, the Public Participation Plan may be subject to additional updates due to changes in state and federal law and to address any needed changes as a result from the input of the public, other public agencies, organizations and other stakeholders which represent various segments of the public in transportation planning processes.

### **III. Regional Transportation Plan**

#### **Background**

The RTP is a 20-year planning document that serves as TCAG's long-range plan. The RTP is a state-mandated document that describes existing and projected transportation conditions, needs, alternatives and their consequences. The RTP is inclusive of all types of transportation modes including mass transit, non-motorized (bicycle and pedestrian), rail and aviation. The first RTP was written and adopted in 1975 with updates every two years. In 1999 the California Transportation Commission changed the requirement to every three years and then changed it to every four years in 2006 to meet the Safe, Accountable, Flexible, and Efficient Transportation Equity Act – A Legacy for Users (SAFETEA-LU) requirements. The document is based on regional transportation facilities and proposed constrained improvements funded during the time frame of the Plan.

#### **Goals, Strategies and Procedures**

Goal: Raise the public's level of understanding of the Regional Transportation Plan.

Strategy: Use a variety of presentation methods and modes of communication to disseminate information to the public.

Procedures:

- Use TCAG's 'On the Move' newsletter to highlight the RTP.
- Post the RTP on the TCAG website (<http://www.tularecoq.org/>)
- Work with other agencies and organizations to educate and inform the public regarding the RTP.
- Respond to the public's requests or questions in a timely and professional manner.
- Use maps, charts and other visualization techniques to convey information regarding and within the RTP.
- Use TCAG's public relations consultant to issue news releases regarding important meetings, milestones and accomplishments relating to the RTP.

Goal: Increase opportunities for public involvement in transportation planning processes.

Strategy: Provide varied opportunities for public review and input and be responsive to input.

Procedures:

- Provide timely public notice of meetings for RTP updates and when required, RTP amendments.
- Conduct or attend project/process focused meetings outside the usual monthly TCAG Board meeting to gather public input. This includes giving presentations at city councils, town councils and community groups.
- Use exhibits and printed material to highlight and inform that public of the RTP and other transportation issues at the Tulare County Fair.

Goal: Involve traditionally under-served persons such as low-income and minority households, the elderly, those addressed by the Americans with Disabilities Act (ADA) and Native American tribes in transportation planning processes.

Strategy: Provide forums and seek alternative methods to reach out and address the transportation related needs of traditionally under-served persons.

Procedures:

- Use SSTAC as a forum to address transit needs for traditionally under-served persons.
- Provide Spanish language translation at meetings or for written documents when necessary.
- TCAG meeting locations regarding the RTP should be reasonably accessible to those addressed by the ADA.
- Meet with the Tule River Tribe Council at least once a year to determine if Tribal transportation issues are being adequately addressed in the RTP.

Goal: Involve other public agencies, organizations and other groups which represent various segments of the public in transportation planning processes.

Strategy: Provide forums and seek alternative methods to seek input and involvement from other public agencies, organizations and groups.

Procedures:

- Provide opportunities for member public agencies to be kept informed and involved in transportation planning processes through TAC and other TCAG committees.
- Provide opportunities for resource agencies to be kept informed and involved in transportation planning process through EAC and other TCAG committees.
- For Air Quality Conformity, follow the interagency consultation procedures as outlined in 40 CRF 93.105.
- Attend meetings and give presentations to other public agencies, organizations and other groups regarding transportation processes and issues.

## **Development and Circulation**

### Updates

The development of a RTP update generally begins about a year before anticipated adoption. The following is a general timeline and description of public and interested party involvement in the RTP update process.

Before work on the RTP update begins, a Request for Proposals is sent out to qualified consultants for the completion of an (Subsequent) Environmental Impact Report (EIR) for the RTP. TCAG staff reviews and grades the returned applications (for comprehension of the project, completeness, references, cost, etc.) and a consultant is selected by the Board. TCAG staff works with the consultant in data gathering, conducting meetings and enlisting public involvement in the development of the EIR.

The Draft EIR is subject to a 45-day public review period and is posted on the TCAG website. The distribution list for the Draft EIR includes the Resource Agencies (among others) listed in Exhibit 3 of Appendix A. The development of the EIR is done in coordination with the development of the RTP.

TCAG annually has a booth at the Tulare County Fair where information regarding the RTP and other transportation processes and issues are displayed and distributed (such as transit schedules, information regarding the Measure R sales tax, etc.). In addition, surveys are distributed in English and Spanish to gather information from the public regarding transportation related issues. With coordination from TCAG's public relations consultant, TCAG staff participates in a number of public outreach presentations at service clubs, member agencies, town councils, professional groups, Tule River Tribal Council and any other agency or group willing to hear a presentation on the RTP. After these initial outreach events, draft RTP policies are developed. These draft policies are posted on the TCAG website and circulated to member agencies and EAC (see description of EAC and its membership in Section I) for review.

Following the early review of the draft RTP policies, the Draft RTP is developed and released for a 45-day comment period (at minimum). The Draft is mailed to member agencies, Resource Agencies, Tule River Tribe and other interested parties and is posted on the TCAG website. During this period, another series of public outreach presentations are conducted and the Draft RTP is reviewed by the EAC and TAC. The Draft RTP is presented and additional comments are received at a public workshop during a TCAG Board hearing. The Draft RTP and EIR are subject to a 10-day public notice which is posted at least one Tulare County daily newspaper. In addition, through TCAG's public relations consultant, information regarding the RTP is distributed through press releases and TCAG's 'On the Move' newsletter. All comments regarding the RTP and associated EIR are considered and the final documents are presented to TCAG for approval at the following Board meeting. After approval, the Final RTP and EIR are posted TCAG's website and distributed to the Federal Highway Administration (FHWA), Federal Transit Administration (FTA), Caltrans, San Joaquin Valley COGs, San Joaquin Valley Air Pollution Control District (SJVAPCD), Environmental Planning Agency (EPA), Air Resource Board (ARB) and member agencies. [Note: All of TCAG's planning documents are available upon request in hard-copy format.]

#### Amendments

RTP amendments are usually triggered by a project specific need to be consistent with either the project's environmental document or the Federal Transportation Improvement Program (FTIP). The process of RTP amendments follows the process of the specific FTIP amendment.

## **IV. Federal Transportation Improvement Program**

### **Background**

The Federal Transportation Improvement Program (FTIP) is a federal requirement for Metropolitan Planning Organizations (MPOs) that was created in 1991. The FTIP is a financially constrained transportation-programming document developed in cooperation with state and federal agencies and the eight San Joaquin Valley Counties. The 2007 FTIP is a compilation of transportation projects that include full or partial federal funding and regionally significant projects. Projects include FTA urbanized and non-urbanized areas funding, Congestion Mitigation and Air Quality Program (CMAQ), Transportation Enhancement (TE) and other programs using federal funding.

The FTIP is composed of two parts. The first is a priority list of projects and project segments to be carried out in a four year period. The second is a financial plan that demonstrates how the FTIP can be implemented. The financial plan is also required to indicate all public and private resources and financing techniques that are expected to be used to carry out the program. The financial plan demonstrates that there is sufficient revenue to fund projects or project phases that are programmed in the FTIP. Federal legislation has further defined the FTIP process focusing on enhanced public and public agency participation.

The basic premise behind a FTIP is that it is the incremental implementation (four years) of the long-range RTP (20 years). The FTIP was developed, for federal funding agencies, to manage components of funding the RTP and is comprehensively updated every two years.

### **Goals, Strategies and Procedures**

Goal: Raise the public's level of understanding of the Federal Transportation Improvement Program.

Strategy: Use a variety of presentation methods and modes of communication to disseminate information to the public.

Procedures:

- Use TCAG's 'On the Move' newsletter to highlight the FTIP.
- Post the FTIP on the TCAG website (<http://www.tularecoq.org/>)
- Work with other agencies and organizations to educate and inform the public regarding the FTIP.
- Respond to the public's requests or questions in a timely and professional manner.
- Use maps, charts and other visualization techniques to convey information regarding FTIP.
- Use TCAG's public relations consultant to issue news releases regarding important meetings, milestones and accomplishments related to the FTIP.

Goal: Increase opportunities for public involvement in transportation planning processes.

Strategy: Provide varied opportunities for public review and input and be responsive to that input.

Procedures:

- Provide timely public notice of meetings for FTIP updates and when required, FTIP amendments.
- Conduct or attend project/process focused meetings outside the usual monthly TCAG Board meeting to gather public input. This includes giving presentations at city councils, town councils and community groups.
- Use exhibits and printed material to highlight and inform that public of the FTIP and other transportation issues at the Tulare County Fair.

Goal: Involve traditionally under-served persons such as low-income and minority households, the elderly, those addressed by the Americans with Disabilities Act (ADA) and Native American tribes in transportation planning processes.

Strategy: Provide forums and seek alternative methods to reach out and address the transportation related needs of traditionally under-served persons.

Procedures:

- Use SSTAC as a forum to address transit needs for traditionally under-served persons.
- Provide Spanish language translation at meetings or for written documents when necessary.
- TCAG meeting locations regarding the FTIP should be reasonably accessible to those addressed by the ADA.
- Meet with the Tule River Tribe Council at least once a year to determine if Tribal transportation issues are being adequately addressed in the FTIP.

Goal: Involve other public agencies, organizations and other groups which represent various segments of the public in transportation planning processes.

Strategy: Provide forums and seek alternative methods to seek input and involvement from other public agencies, organizations and groups.

Procedures:

- Provide opportunities for member public agencies to be kept informed and involved in transportation planning processes through TAC and other TCAG committees.
- Provide opportunities for resource agencies to be kept informed and involved in the FTIP process through EAC and timely distribution of FTIP amendment requests to Caltrans and FHWA (when required).
- Attend meetings and give presentations to other public agencies, organizations and other groups regarding the FTIP when necessary.

## Development and Circulation

### Expedited Project Selection Procedures (EPSP):

EPSP allows eligible projects to be moved between FTIP fiscal years within the four year FTIP as long as the project cost and scope do not change. TCAG staff is federally authorized to utilize EPSP without additional State or federal approval action.

### Amendment Type 1 – Administrative Modification:

Administrative modifications **are defined in the current agreement between Caltrans and FHWA/FTA (original agreement November 17, 2008) on Administrative Modifications, and include such changes as minor changes in project cost, scope, schedule or funding sources. They require action and approval by TCAG (delegated to the Executive Director or TCAG Chair).** As delegated by Caltrans, TCAG has agreed to the following procedures:

- I. Prior to the MPO (TCAG) approval of FTIP/FSTIP administrative modifications, TCAG may consult with Caltrans on proposed changes.
- II. Caltrans may provide cursory review of the administrative modification prior to the MPO's approval.
- III. TCAG shall send copies of the approved administrative modifications to Caltrans, FHWA, FTA, and other stakeholders. Caltrans will post the approved administrative modification on the Division Transportation Programming Website.
- IV. Caltrans will regularly review the MPO's (TCAG's) approved administrative modifications and will reject changes that do not comply with the attached procedures. In such cases the MPO (TCAG) must correct all noncompliance.
- V. Caltrans will withdraw its delegation from the MPO (TCAG) if it is found to be consistently noncompliant with the modification

Federal agencies are notified but do not take approval action. Public notification of the administrative modification is posted on TCAG's website (<http://www.tularecog.org/>) at the time of the action and subsequently posted on the Caltrans website ([www.dot.ca.gov/hq/transprog](http://www.dot.ca.gov/hq/transprog)) after their approval.

### Amendment Type 2 – Formal Amendment (Funding Changes):

Type 2 amendments include project cost changes that are greater than \$10 million or 40% of the total project cost, whichever is higher. Public notice of the amendment is posted at least 14 days prior to action (delegated to the Executive Director or TCAG Chair) on the TCAG website. The amendment is distributed to local agencies through the TAC and reaffirmed by the Board at the next available meeting following approval by the Executive Director or TCAG Chair (any amendments to the Measure R Expenditure Plan are still subject to direct action by the Tulare County Transportation Authority). TCAG Board approval is required for amendments over \$25 million. The TCAG Chair may approve an amendment over \$25 million if loss of funding may occur. These amendments require approval by TCAG, Caltrans and FHWA. The approved TCAG amendment is forwarded to Caltrans and FHWA for approval both in hard copy and electronic format.

### Amendment Type 3 – Formal Amendment (Exempt Projects):

Type 3 amendments included adding or deleting projects that are exempt from regional air quality emissions analysis such as transit buses, etc. These amendments typically include transit or safety projects. Public notice of the amendment is posted at least 14

days prior to action (delegated to the Executive Director or TCAG Chair) on the TCAG website. The amendment is distributed to local agencies through the TAC and reaffirmed by the Board at the next available meeting following approval by the Executive Director or TCAG Chair (any amendments to the Measure R Expenditure Plan are still subject to direct action by the Tulare County Transportation Authority). These amendments require approval by TCAG, Caltrans and FHWA. The approving TCAG resolution and amendment is forwarded to Caltrans and FHWA for approval both in hard copy and electronic format.

Amendment Type 4 – Formal Amendment (Conformity Determination that Relies on a Previous Regional Emissions Analysis):

Type 4 amendments include adding or deleting projects that have already been appropriately modeled for air quality purposes as part of the RTP. Federal approving agencies can use a previous analysis of the project's impact on air quality for approval purposes. These amendments may be accompanied by an RTP amendment to maintain consistency. The legally noticed public comment period is 30 days. The legal notice of the public hearing is posted in the Visalia Times-Delta (VTD) and posted on the TCAG website. These notices may be combined as long as they are compliant with state and federal noticing provisions. The amendment is distributed to local agencies through the TAC. These amendments require approval by TCAG, Caltrans and FHWA. The approving TCAG resolution and amendment is forwarded to Caltrans and FHWA for approval both in hard copy and electronic format.

Amendment Type 5 – Formal Amendment (Conformity Determination and New Regional Emissions Analysis):

Type 5 amendments are the highest level amendment and involve adding or deleting new projects that result in new modeling for air quality impacts or significantly changing the design concept, scope or schedule of an existing project. These are accompanied by a new Air Quality Conformity document that demonstrates conformity with applicable air quality requirements. If applicable, these amendments may be accompanied by an RTP amendment to maintain consistency. The legally noticed public comment period is 30 days. The legal notice of the public hearing is posted in the Visalia Times-Delta (VTD) and posted on the TCAG website. These notices may be combined as long as they are compliant with state and federal noticing provisions. The amendment is distributed to local agencies through the TAC. These amendments require approval by TCAG, Caltrans and FHWA and are distributed to the California Air Resources Board (CARB) and the San Joaquin Valley Air Pollution Control District. The approving TCAG resolution and amendment is forwarded to Caltrans and FHWA for approval both in hard copy and electronic format.

'Local agencies' include the Cities of Dinuba, Exeter, Farmersville, Lindsay, Porterville, Tulare, Visalia and Woodlake, Tulare County and the Tule River Indian Tribe. FTIP updates follow the same process as Type 5 amendments. Copies of all amendments and updates are posted on the TCAG website (<http://www.tularecog.org/>) and hardcopies are provided to other agencies, organizations or individuals upon request.

## V. Overall Work Program

### Background

The Program contains work elements with detailed tasks as well as revenues and expenditures anticipated for the year. The following is a summary of major work products and highlights from the 2009/10 OWP:

1. Continued Measure R Implementation and Planning.
2. Continued work on the Valley Regional Blueprint which includes a Tulare County Vision, Local and Regional Scenario development, and public outreach.
3. Monthly Board meetings.
4. Continued funding of \$1,000 to each member agency for transportation training.
5. Amendments and updates of the 2008 Interim Federal Transportation Improvement Program (FTIP).
6. Development of the 2010 FTIP
7. Development of the 2010 Regional Transportation Plan (RTP) and Environmental Impact Report (EIR)
8. Travel forecasting services.
9. Assistance to member agencies with the preparation of local bicycle transportation plans and grant requests.
10. Support for regional rideshare program through Kings County Transit and partnering with Fresno COG and Valleyrides.com for rideshare efforts for Tulare County citizens.
11. Special Studies
  - a. Completion of 2008/09 studies
  - b. High speed rail
  - c. As-needed traffic engineering services (non-federal funds)
  - d. Agricultural Mitigation Study
12. Continued City of Visalia and Porterville Urbanized Area transit planning efforts.
13. Continued public information and participation.
14. Continued Air Quality monitoring and planning efforts.
15. Continued TCAG Reasonably Available Control Measures (RACM) monitoring of commitments.

### Goals, Strategies and Procedures

Goal: Increase opportunities for public involvement and understanding of the Overall Work Program.

Strategy: Provide varied opportunities for public review and input and be responsive to that input.

Procedures:

- Provide timely public notice of public meetings related to the OWP.
- Conduct a public workshop to present the Draft OWP to the TCAG Board and any other interested party.

- Post the Draft and Final OWPs on the TCAG website.

Goal: Involve other public agencies, organizations and other groups which represent various segments of the public in transportation planning processes.

Strategy: Provide forums and seek alternative methods to seek input and involvement from other public agencies, organizations and groups.

Procedures:

- Provide opportunities for member public agencies to be kept informed and involved in the development of the OWP through TAC.
- Provide the Draft OWP to Caltrans, FHWA and FTA in a timely manner and address comments that are received.
- Attend meetings and give presentations as needed.

### **Development and Circulation**

- The Draft OWP is provided to TAC for initial review and posted on the TCAG website.
- The Draft OWP is provided for Interagency Consultation (this includes Caltrans, FHWA and FTA).
- Meet with Caltrans, FHWA and FTA staff to review the OWP and receive comments.
- The Draft OWP is updated to address comments received from TAC and the Interagency Consultation.
- The Draft OWP is presented at a public workshop to the TCAG Board and opportunity is given to receive additional comments.
- All additional comments are considered and the Final OWP is developed.
- The Final OWP is presented to the TCAG Board for approval.
- The Final OWP is posted on the TCAG website.
- The Final OWP is sent to FHWA/FTA for approval.

## **VI. Special Planning Studies**

### **Background**

TCAG engages in a variety of special planning studies in addition to the development of the RTP and FTIP. Recent examples of this include the San Joaquin Valley Regional Blueprint, the Regional Bike Plan and the Light Rail Preliminary Feasibility Study. The Regional Blueprint is currently the largest on-going special planning project at TCAG and is a prime example of a cross-jurisdictional plan that is being jointly developed by the eight San Joaquin Valley Councils of Government (COGs). Listed below is a description of the Blueprint:

Tulare County Association of Governments (TCAG) is one of eight Councils of Government that will collaboratively develop the San Joaquin Valley Regional Blueprint. In conjunction with Fresno (<http://www.fresnocog.org/>), Kern (<http://www.kerncog.org/>), Kings (<http://www.countyofkings.com/kcag/>), Madera (<http://www.maderactc.org/>), Merced (<http://www.mcagov.org/>), San Joaquin (<http://www.sjcog.org/>), and Stanislaus (<http://www.stancog.org/>) Councils of Government, the San Joaquin Valley Air Pollution Control District (<http://www.valleyair.org/>) and the Great Valley Center (<http://www.greatvalley.org/>), TCAG will be establishing the valley-wide fifty-year vision that the Blueprint is to represent. Three quality of life outcomes, called the 3Es, are stated goals for the Blueprint: a prosperous economy, a quality environment, and social equity. The 3Es are goals we think we can achieve as a valley by integrating our respective local plans in transportation, housing, land use, environmental resources, infrastructure, and other services into a cooperative valley-wide document.

### **Goals, Objectives and Policies**

Included, as necessary, within the individual study's plan. For example, the Citizen Participation Plan for the San Joaquin Valley Regional Blueprint is posted here: <http://www.tularecog.org/regionalblueprint.htm>

### **Development and Circulation**

Determined, as necessary, within the individual study's plan. For an example, refer to the Citizen Participation Plan for the San Joaquin Valley Regional Blueprint.

## **Appendix A – Development and Update of the Public Participation Plan**

Pursuant to SAFETEA-LU, an MPO's Public Participation Plan must be developed in consultation with 'all interested parties'. (Note: A more in-depth process was used to develop the initial plan. Please refer Appendix A of the 2007 Public Participation Plan for this process.) Listed below is the step by step process to be used to update the Plan:

- On February 27, 2009, notice of the 45-day public review period and the public hearing was posted in the Visalia Times-Delta. The Draft 2009 Public Participation Plan was mailed and/or e-mailed to all identified Resource Agencies, the Tule River Tribe and other interested agencies, organizations or individuals. In addition, a letter was sent to all remaining agencies, organizations and individuals on TCAG mailing lists notifying them that the Draft Plan was available for review and is posted on the TCAG website (<http://www.tularecog.org/>).
- March 16, 2009, Public Hearing at the Visalia Convention Center (1:00PM, 303 E Acequia Ave, Visalia CA 93291).
- April 13, 2009, end of public comment period. All comments are addressed with the comments and responses included in Appendix B of the final 2009 Public Participation Plan.
- April 20, 2009, anticipated adoption of the updated Plan.

Amendment #1 to the 2009 Plan was released for public review on August 5, 2011 with a public hearing and Board action scheduled for September 19, 2011. This amendment to the Plan would allow TCAG to receive delegated authority from Caltrans to approve Administrative Modifications to the FTIP. Any comments received during the 45-day public review period will be addressed in Appendix B.

## **Appendix B – Responses to Comments**

Comments regarding the Draft 2009 Public Participation Plan were received from Caltrans, Division of Transportation Programming and Caltrans, Central Planning Branch.

From: Joanne McDermott, Caltrans – Division of Transportation Programming

Dated: April 7, 2009

Response: #1 TCAG staff will review the best practices for Environmental Justice in the San Joaquin Valley including reviewing any Environmental Justice plans adopted by other Valley COGs.

Response: #2 The 3 C's will be reviewed and considered for the next update of the Public Participation Plan.

Response: #3 Executive Order 13166 will be reviewed and considered for the next update of the Public Participation Plan.

Response: #4 Executive Order 12372 will be reviewed and considered for the next update of the Public Participation Plan.

Response: #5 An extensive glossary and list of acronyms is included in TCAG's 2007 RTP. An appendix referencing related documents will be included in the next update of the Public Participation Plan.

Response: #6 Expanded language regarding Tribal Government consultation will be reviewed and considered for the next update of the Public Participation Plan.

Response: #7 The process for responding to comments is addressed in Appendix A.

Response: #8 Adding information regarding Measure R will be reviewed and considered for the next update of the Public Participation Plan.

Response: #9 Additional discussion of public participation techniques will be reviewed and considered for the next update of the Public Participation Plan.

Response: #10 Language regarding regional projects and the financial plan has been added.

Response: #11 Additional language regarding engaging traditionally underserved groups will be reviewed and considered for the next update of the Public Participation Plan.

Response: #12 Evaluation and update of the Public Participation Plan is addressed in Section II – Guidelines under Participation Plan Updates

Response: #13 Comment noted.

From: Lorena Mendibles, Caltrans – Central Planning Branch

Dated: April 3, 2009

Response: #1 TCAG staff will review the best practices for Environmental Justice in the San Joaquin Valley including reviewing any Environmental Justice plans adopted by other Valley COGs.

Response: #2 Language regarding translation has been added.

From Joanne McDermott, Caltrans, Division of Transportation Programming via e-mail (4/7/2009 3:55 PM):

Thank you for the opportunity to review TCAG's Draft Public Participation Plan (PPP). I did a quick review of TCAG's Draft Public Participation Plan and made some comments and edits (see attached document). In addition, I have the following comments:

- 1 - Suggest a short discussion on Environmental Justice, Executive Order 12898, and how you intend to address it. Consider adding some of the standard language used referring to Environmental Justice - "address avoiding, minimizing, or mitigating disproportionate high and adverse health or environmental effects on minority and low income populations."
- 2 - Suggest adding language the MPO provides early, continuing opportunities to participate and the provision of meaningful opportunities to participate (the 3C's).
- 3 - Consider addressing Executive Order 13166 improving access to services for persons with limited English Proficiency:
- 4 - Consider adding language on Executive Order 12372 on Intergovernmental Review of Federal Programs.
- 5 - Consider adding a glossary and list of acronyms as appendices.
- 6 - Consider expanding the language on Tribal Government consultation
- 7 - How do you plan to respond to written comments from the public?
- 8 - Consider adding language about Measure R what it is, how it was voter approved, and when it sunsets.
- 9 - Consider more discussion on public participation techniques – meetings, workshops, visualization techniques, mailings/flyers,
- 10 - Add language about regional significant projects inclusion in the FTIP and language about the financial plan demonstrates that there is sufficient revenue to ensure the funds committed or programmed to the projects are available to implement the projects or projects phases.
- 11 - Add language on engaging the traditionally underserved such as those with limited transportation access, minority and low income populations
- 12 - Consider adding language on when will the PPP be evaluated and updated
- 13 - Finally, consider referring to the document once introduced as the PPP rather than the plan.

Please call me if you have any questions regarding my comments.

Sincerely,

Joanne Hutton McDermott  
Caltrans, Division of Transportation Programming  
Office of Federal Transportation Management Program  
1120 N Street, MS-80, Sacramento, CA, 95814  
Mail: P O Box 942874, Sacramento, CA 94274-0001  
Office: (916) 651-7411 Fax: (916) 654-2738

## **ATTACHMENT 2**

- 1) Signed Resolution

BEFORE THE  
TULARE COUNTY ASSOCIATION OF GOVERNMENTS  
COUNTY OF TULARE, STATE OF CALIFORNIA

In the matter of:

APPROVING THE 2009 PUBLIC )  
PARTICIPATION PLAN AMENDMENT )  
NO. 1 AND REQUESTING DELEGATED )  
AUTHORITY FROM CALTRANS TO )  
APPROVE ADMINISTRATIVE )  
MODIFICATIONS TO THE FTIP )

Resolution No. 11-042

WHEREAS, the Tulare County Association of Governments (TCAG) is a Regional Transportation Planning Agency (RTPA) and a Metropolitan Planning Organization (MPO), pursuant to State and Federal designation; and

WHEREAS, Code of Federal Regulations, Title 23, Sec. 450.316(a) requires that MPOs develop and use a documented participation plan; and

WHEREAS, on April 20, 2009, TCAG adopted the 2009 Public Participation Plan (Resolution 09-036); and

WHEREAS, the 2009 Public Participation Plan was prepared in full compliance with federal guidelines; and

WHEREAS, the 2009 Public Participation Plan Amendment No. 1 amends the Federal Transportation Improvement Program TYPE I Amendment-Administration Modification Procedures in the 2009 Public Participation Plan; and

WHEREAS, Amendment No. 1 to the 2009 Public Participation Plan was prepared in full compliance with federal guidelines; and

WHEREAS, the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) in coordination with Caltrans have revised their FTIP Amendments and Administrative Modification Procedures to allow Caltrans to grant delegated authority to individual MPOs to approve Administrative Modifications to the FTIP; and

WHEREAS, Caltrans has distributed a letter (attached), dated June 7, 2011, which outlines the process MPOs need to follow to receive delegated authority to approve Administrative Modifications; and

WHEREAS, the TCAG Board has previously delegated the approval of Administrative Modifications to the TCAG Executive Director or TCAG Chair.

NOW, THEREFORE, BE IT RESOLVED THAT:

- 1) TCAG adopts the 2009 Public Participation Plan Amendment No. 1.
- 2) TCAG requests that Caltrans delegate authority to the TCAG Board to approve Administrative Modifications to the FTIP in accordance with the procedural requirements as outlined by Caltrans in their June 7, 2011 notice (attached).
- 3) TCAG reaffirms delegated authority to the TCAG Executive Director or TCAG Chair to approve Administrative Modifications to the FTIP.

The foregoing Resolution was adopted upon the motion of Member Worthley, seconded by Member Ennis, at a regular meeting on the 19th day of September, 2011, by the following vote:

AYES: Ishida, Vander Poel, Cox, Worthley, Ennis, Allwardt, Boyer, Kimball, Vejvoda, Link, McKittrick, McKinley

NOES:

ABSTAIN:

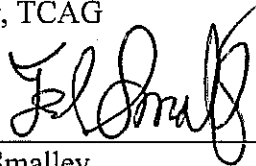
ABSENT: Hinesly, Irish, Mendoza, Sparks

TULARE COUNTY ASSOCIATION OF GOVERNMENTS



---

Pete Vander Poel  
Chair, TCAG



---

Ted Smalley  
Executive Director, TCAG

**DEPARTMENT OF TRANSPORTATION**  
DIVISION OF TRANSPORTATION PROGRAMMING  
P.O. Box 942873, MS-82  
SACRAMENTO, CA 94273-0001  
PHONE (916) 654-2983  
FAX (916) 654-2738  
TTY 711  
www.dot.ca.gov



*Flex your power!  
Be energy efficient!*

June 7, 2011

Metropolitan Planning Organizations Executive Directors  
Regional Transportation Planning Agencies Executive Directors

Dear Executive Directors:

The purpose of this letter is to inform you that the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) have revised the Federal Statewide Transportation Improvement Program (FSTIP)/ Federal Transportation Improvement Program (FTIP) Amendments and Administrative Modification Procedures.

The attached procedures, which are effective immediately, include revisions that expand the parameters of an administrative modification offering greater accountability and flexibility to the California Department of Transportation (Caltrans) and the Metropolitan Planning Organizations (MPOs). The revised procedures also allow Caltrans to delegate to an MPO the approval of administrative modifications to the FSTIP. Thus MPOs with delegated authority can approve administrative modifications without the need for state or federal approval. This will streamline and shorten the process of revising the FSTIP.

The following procedures apply to any MPO planning to receive a delegation from Caltrans to approve administrative modifications to the FSTIP.

1. The MPO must submit to Caltrans a board action to approve administrative modifications to the FSTIP in accordance with the attached Amendment and Administrative Modifications Procedures.
2. In addition, the MPO board may delegate the approval of administrative modifications to the MPO executive director. If the board delegates the approval to the executive director, the board action must also be submitted to Caltrans.
3. After receiving the board action, Caltrans will send a letter to each MPO delegating approval of FSTIP administrative modifications.

Once an MPO receives delegation from Caltrans to approve administrative modifications, the following procedures apply.

1. Prior to the MPO's approval of FTIP/FSTIP administrative modifications, the MPO may consult with Caltrans on proposed changes.

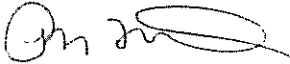
*"Caltrans improves mobility across California"*

2. Caltrans may provide cursory review of the administrative modification prior to the MPO's approval.
4. The MPO shall send copies of the approved administrative modifications to Caltrans, FHWA, FTA, and other stakeholders. Caltrans will post the approved administrative modifications on the Division of Transportation Programming Website.
5. Caltrans will regularly review the MPO's approved administrative modifications and will reject changes that do not comply with the attached procedures. In such cases the MPO must correct all noncompliance.
6. Caltrans will withdraw its delegation from any MPO that is found to be consistently noncompliant with the above and the attached procedures.

For those MPOs that do not apply for a Caltrans delegation, no action is required and the existing approval process will remain in effect.

If you have any questions, please call Muhaned Aljabiry at (916) 654-2983.

Sincerely,



RACHEL FALSETTI, Chief  
Division of Transportation Programming

Attachment



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

**Federal Highway Administration  
California Division**

June 3, 2011

650 Capitol Mall, Suite 4-100  
Sacramento CA 95814  
(916) 498-5001  
(916) 498-5008 fax

In Reply Refer To:  
HDA-CA

Doc ID: 62,530

Mr. Malcolm Dougherty, Acting Caltrans 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

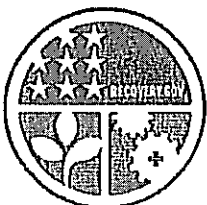
**SUBJECT:** Revised Federal – Federal Statewide Transportation Improvement Program  
(FSTIP) and Federal Transportation Improvement Program (FTIP) Amendment  
and Administrative Modification Procedures

In our letter dated November 17, 2008, the Federal Transit Administration (FTA) and the Federal Highway Administration (FHWA) provided the California Department of Transportation (Caltrans) procedures on the FSTIP/FTIP Administration Modification and Amendment process.

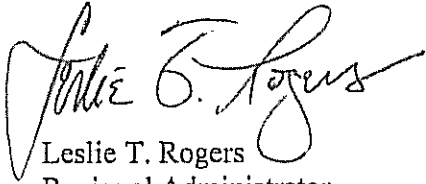
Working in coordination with Caltrans, FTA and FHWA have revised the FSTIP/FTIP Administration Modification and Amendment Procedures. The enclosed revised procedures provide much more flexibility, and in the spirit of FHWA's Every Day Counts Initiative, should shorten project delivery time by allowing for fewer formal amendments which generally take longer to process.

The revised procedures detail what specific types of programming changes to the FSTIP/FTIPs may be made as administrative modifications, for which approval has been delegated to the State, and what changes must be submitted to FHWA and/or FTA for approval as formal amendments. These procedures are intended to offer more flexibility to Caltrans and the Metropolitan Planning Organizations (MPOs) as well as clarify the parameters of an administrative modification.

Throughout the FSTIP/FTIP Administration Modification and Amendment Procedures update process, the FHWA and FTA have been very pleased with our partnership with Caltrans. This effort highlights Caltrans' continued dedication to the stewardship of the Federal-aid Program. More specifically, the FHWA and FTA extend great appreciation to Caltrans Office of Federal Transportation Management Program Chief, Mr. Muhaned Aljabiry and his staff.



If you have any questions regarding the attached procedures, please contact Ray Sukys, FTA, at 415-744-2802 ([Raymond.Sukys@dot.gov](mailto:Raymond.Sukys@dot.gov)) or Sue Kiser, FHWA, at 916-498-5009 ([Sue.Kiser@dot.gov](mailto:Sue.Kiser@dot.gov)).



Leslie T. Rogers  
Regional Administrator  
Federal Transit Administration

Sincerely,



For  
Robert F. Tally Jr.  
Acting Division Administrator  
Federal Highway Administration

Enclosure

## FSTIP/FTIP Administrative Modifications and Amendments Procedures

The following procedures are applicable for processing amendments and administrative modifications to the Federal – Statewide Transportation Improvement Program (FSTIP) and the Federal Transportation Improvement Programs (FTIPs).

Projects programmed in the FSTIP may be delivered in any of the recognized program years of the FSTIP provided Expedited Project Selection Procedures (EPSPs) have been adopted by the MPOs in accordance with 23 CFR 450, and the required interagency consultation or coordination is accomplished and documented. Changing the obligation year of a project using EPSP does not require an administrative modification or an amendment if the change does not require an air quality conformity determination.

### 1. Administrative Modifications:

An administrative modification is a minor change to the FSTIP/FTIP that does not require a conformity determination, a demonstration of fiscal constraint, public review and comment, or federal approval. The following changes to the FSTIP/FTIP can be processed through administrative modifications:

- i. Revise description of a project or a grouped project listing without changing the project scope or without conflicting with the approved environmental document;
- ii. Revise the funding amount listed for a project or a project phase. Additional funding is limited to the lesser of 40 percent of the total project cost or \$10 million. Programming capacity must be available in the FSTIP/FTIP prior to programming the modification and stated in the supporting documentation, See Table below for examples;

*(Note: Updated FTIP financial plans may be requested by Caltrans to validate fiscal constraint, if a MPO has processed only Administrative Modifications for a period of six months or more.)*

Initial Project Cost	New Project Cost	Total Sum Increase	% Change In Cost	% Change < or = 40%	Total Sum Increased Is < or = \$10M	Type of Amendment (Formal or Administrative)
\$1,000,000	\$1,400,000	\$400,000	40%	Yes	Yes	Administrative
\$10,000,000	\$15,000,000	\$5,000,000	50%	No	Yes	Formal
\$500,000,000	\$510,000,000	\$10,000,000	2%	Yes	Yes	Administrative
\$100,000	\$140,000	\$40,000	40%	Yes	Yes	Administrative
\$400,000	\$1,000,000	\$600,000	150%	No	Yes	Formal
\$2,500,000	\$3,000,000	\$500,000	20%	Yes	Yes	Administrative

- iii. Program Preliminary Engineering (PE) phase, provided the Right of Way and/or Construction phase(s) are already programmed in the current

FSTIP/FTIP and additional funding amounts stay within the limits specified in Section ii.

*(Note: Activities done prior to Federal Authorization are not eligible for Federal participation.)*

- iv. A cost decrease has no cap as long as reduction in cost does not result in deletion of a project or a phase, and the affected project phase is still fully funded.
- v. Change source of funds.
- vi. Change a project lead agency.
- vii. Program Federal funds for Advance Construction conversion, programming capacity must be available in the FSTIP/FTIP prior to programming the conversion.
- viii. Change the program year of funds within the current FSTIP/FTIP provided MPO has adopted EPSP in accordance with 23 CFR 450.
- ix. Split or combine an individually listed project or projects, provided that the schedule and scope remain unchanged.
  - x. Change grouped project listings description as long as it is consistent with the Programming Grouped Project Listings in Air Quality Non-Attainment or Maintenance Areas guidance.
  - xi. Add or delete a project or projects from a grouped project listing, provided the funding amount stays within the limits specified in Section ii.
- xii. Program emergency repair projects on the state highways as a result of a natural disaster or catastrophic failure from an external cause, and that are not covered by the Emergency Relief Program, provided that these projects are exempt from Air Quality Conformity Requirements.
- xiii. Re-program a project for which FHWA funds were transferred to FTA in the prior FSTIP/FTIP and FTA has not approved the grant yet. The project can be programmed in the current FSTIP/FTIP via an administrative modification provided there is no change in the original scope or cost. Program the project using fund type "FTA 5307 (FHWA Transfer Funds)" in the FSTIP/FTIP.
- xiv. Program an FTA funded project from the prior FSTIP/FTIP into the current FSTIP/FTIP provided there is no change in the original scope or cost. Use the project description field (or "CTIPS MPO Comments" section) to list the year, amount, and type of the prior year funds.
- xv. Make minor changes to an FTA funded grouped project listing. Minor changes include changing the number of transit vehicles purchased by 20% or less and changing the fuel type of transit vehicles. The MPO must take the change through its interagency consultation procedures to confirm that the change in scope is minor.

## 2. Amendments:

Amendments are all other modifications to the FSTIP/FTIP that are not included under administrative modifications and shall be approved in accord with the provisions of 23

CFR 450.326 for each metropolitan area in the State, and in accord with the provisions of 23 CFR 450.216 for the non-metropolitan area.

3. Procedures:

a. Administrative Modifications:

MPOs with approval delegation from Caltrans

Caltrans may delegate to an MPO's Board the authority to approve administrative modifications. In such a case, no Caltrans approval of administrative modifications is required. If the MPO Board has delegated the authority to the Executive Director to approve administrative modifications, the MPO must provide copies of the delegation to Caltrans, FHWA, and FTA. The MPO must send copies of the approved administrative modification to Caltrans, FHWA, and FTA. Once approved by the MPO, the administrative modification will be deemed part of the FSTIP. The MPO will demonstrate in a subsequent amendment that the net financial change from each administrative modification has been accounted for. Caltrans will conduct periodic reviews of MPO's administrative modification process to confirm adherence to these procedures. Noncompliance with these procedures will result in revocation of that MPO's delegation.

MPOs without approval delegation from Caltrans

Each MPO's administrative modification will be forwarded to Caltrans Division of Transportation Programming for approval. If the MPO Board has delegated the authority to the Executive Director to sign off on administrative modifications, the MPO must provide copies of the delegation to Caltrans, FHWA, and FTA. The MPO must send copies of the administrative modification to Caltrans, FHWA, and FTA. In addition, the MPO must demonstrate in a subsequent amendment that the net financial change from each administrative modification has been accounted for. Once approved by Caltrans, the administrative modification will be deemed part of the FSTIP since no Federal action is required. Caltrans will notify FHWA and FTA of the approved administrative modification.

*(Note: If it is found that an approved administrative modification does not meet the criteria of an administrative modification, FHWA and FTA reserves the right to reject that administrative modification and require a formal amendment.)*

b. Amendments:

Amendments to the FSTIP must be developed in accordance with the provisions of 23 CFR 450, and approved by FHWA and/or FTA in accordance with 23 CFR 450 and the July 15, 2004 MOU between FHWA – California Division and FTA Region 9. Each amendment must be forwarded to Caltrans Division of Transportation Programming for approval on behalf of the Governor. To expedite processing, the MPO will also forward a copy of the submitted amendment to FHWA and FTA at the same time the amendment is sent to Caltrans. Once

approved by Caltrans, the amendment will be forwarded to FHWA and/or FTA for federal approval. Once approved by FHWA and/or FTA, the amendment will be deemed part of the FSTIP. The FHWA and/or FTA approval letter and respective Conformity Determination will be addressed to Caltrans, with copies sent to the MPO.

4. Consultation:

If a question arises regarding the interpretation of what constitutes an administrative modification or an amendment, Caltrans, the MPO, FHWA and/or FTA will consult with each other to resolve the question. If after consultation the parties disagree, the final decision rests with FTA, for transit projects, and FHWA, for highway projects.

Any exception to these procedures is allowed only through consultation among MPOs, Caltrans, and FHWA/FTA. FTA, for transit projects, and FHWA, for highway projects, will have the final decision whether or not such an exception is granted.

## **ATTACHMENT 3**

- 1) Response to Comments (One Comment)

**DATE:** October 4, 2011

**TO:** Interagency Consultation Partners and Public

**FR:** Eddie Wendt, Associate Regional Planner

**RE: Response to Comments to the TCAG 2009 Public Participation Plan Amendment No. 1**

The Tulare County Association of Governments (TCAG) received one (1) comment to the **2009 Public Participation Plan Amendment No. 1**. The public review and comment period was open for 45 days commencing on August 5, 2011, through September 19, 2011, one comment received. The **2009 Public Participation Plan Amendment No. 1** was and is posted on TCAG website for public review at <http://www.tularecog.org/> comments were due by September 19, 2011.

1. **Comment No. 1** received by email from Scott Carson of FHWA dated 9/02/2011, to change the language on page 12 to “current Caltrans procedures.”

***Response:***

Changed the language to allow for future changes to Caltrans procedures without having to amend the 2009 Public Participation Plan Amendment No. 1 each time Caltrans changes its procedures.