

E – MEMORANDUM

DATE: May 10, 2023

TO: Interagency Consultation Review (ICR) Group

FROM: Brian Lasagna, BCAG Regional Analyst

SUBJECT: ICR Review – Confirmation of Exempt Project Status for 2023 FTIP Amendment #02

The purpose of this memo is to provide the ICR with the opportunity to comment regarding BCAG's proposed action for a formal amendment to the 2023 Federal Transportation Improvement Program (FTIP). The ICR is also being asked to concur with BCAG's proposal regarding the exemption of four (4) new projects from air quality conformity.

The purpose of the amendment is to update financials for nine (9) existing exempt projects and program four (4) new exempt FTIP projects. Details regarding the amendment and projects are included below:

FINANCIAL UPDATES TO EXISTING EXEMPT FTIP PROJECTS & GROUPED LISTINGS:

1. **Federal Transit Administration (FTA) Section 5307 Program - BCAG**. The purpose of this modification was to update the funds reflected in the FTIP to the actual apportionment. FTA funds were changed from \$4 million to \$3.16 million and Local Funds were changed from \$4 million to \$2.9 million in FFY 2022/23. No other changes were made. The project is exempt from a regional emissions analysis per the Environmental Protection Agency's Transportation Conformity Rule Section 93.126 Exempt Projects, Table 2 "Mass Transit" indicating that operating assistance to transit agencies and purchase of new buses to replace existing vehicles or for minor expansion of the fleet are exempt.
2. **Federal Transit Administration (FTA) Section 5310 Enhancement Program Grouped Listing - Various**. The purpose of this modification was to update and reflect the FTA Section 5310 projects approved for BCAG by the California Transportation Commission (CTC) in June of 2022. This amendment reflects the adding to the grouped listing of 4 medium paratransit buses for \$288,000 and \$72,000 in FTA Coronavirus Response and Relief Supplemental Appropriations. The project is exempt from a regional emissions analysis per the Environmental Protection Agency's Transportation Conformity Rule Section 93.126 Exempt Projects, Table 2 "Mass Transit" indicating that operating assistance to transit agencies and purchase of new buses to replace existing vehicles or for minor expansion of the fleet are exempt.
3. **Federal Transit Administration (FTA) Section 5311 Enhancement Program Grouped Listing - Various**. The purpose of this minor modification was to update and reflect the American Rescue Plan Act of 2021 funds for the 2020/21 FFY for information. No other changes were made. No financial changes for the 4-year period of the FTIP. The project is exempt from a regional emissions analysis per the Environmental Protection Agency's Transportation Conformity Rule Section 93.126 Exempt Projects, Table 2 "Mass Transit" indicating that operating assistance to transit agencies and purchase of new buses to replace existing vehicles or for minor expansion of the fleet are exempt.

4. **Federal Transit Administration (FTA) Section 5311f Butte Regional Transit - BCAG.** The purpose of this minor modification was to update the local funding only. Local funds changed from \$255,000 to \$489,000 in FFY 22/23, \$275,000 to \$489,000 in FFY 23/24 and to \$400,000 in FFY 24/25 & 25/26. Federal funds were not changed. The project is exempt from a regional emissions analysis per the Environmental Protection Agency's Transportation Conformity Rule Section 93.126 Exempt Projects, Table 2 "Mass Transit" indicating that operating assistance to transit agencies and purchase of new buses to replace existing vehicles or for minor expansion of the fleet are exempt.
5. **Federal Transit Administration (FTA) Section 5339 Program- BCAG.** The project is a carryover project from the 2021 FTIP that was supposed to carry over into the 2023 FTIP. This amendment identifies the funding apportioned to BCAG for the FTA 5339(a) program. The funding for this program will be used towards bus acquisition, and/or facility, IT, or software upgrades. This amendment programs the apportioned funds and project for a total of \$862,000 in FTA Section 5339(a) funds. The project is exempt from a regional emissions analysis per the Environmental Protection Agency's Transportation Conformity Rule Section 93.126 Exempt Projects, Table 2 "Mass Transit" indicating that operating assistance to transit agencies and purchase of new buses to replace existing vehicles or for minor expansion of the fleet are exempt.
6. **Grouped Projects for Safety Improvements - HSIP Program – Various Agencies.** The purpose of this modification is to update the HSIP Grouped listing and financial data as listed in the updated Caltrans HSIP list dated 03/15/2023. This amendment adds HSIP Cycle 11 projects to the grouped listing including: H11-03-001 for Butte County. The project is described as various locations along: Forbestown Rd, Coutolenc Rd, Skyway, Cohasset Rd., Palermo Honcut Hwy, and Lwr Honcut Rd. This amendment programs \$249,930 in HSIP funding for FFY 23/24 and \$28,770 in County in local funds for total of \$249,930. The project is exempt from a regional emissions analysis per the Environmental Protection Agency's Transportation Conformity Rule Section 93.126 Exempt Projects, Table 2 "Safety" indicating that the Highway Safety Improvement Program implementation projects are exempt.
7. **ATP Gap Closure Project – Town of Paradise.** The purpose of this amendment is to carry over the project from the 2017 FTIP. This project is under a time extension approved by the California Transportation Commission (CTC) for construction. This amendment adds \$1 million in Congestion Mitigation and Air Quality (CMAQ) funds in the 22/23 FFY for the construction component. Project delays and cost increases are the result of the Paradise Camp Fire, COVID and change in construction bidding climate. The project is in downtown Paradise along Fir Street (Skyway to Black Olive), Birch Street (Skyway to Black Olive), in addition to portions of Foster Road (Pearson to Birch), Black Olive Drive (Pearson to Fir) and Elliott Road (Skyway to Almond). The scope is to construct new sidewalks, curbs and gutters and Class II Bicycle Lanes. The project is exempt from a regional emissions analysis per the Environmental Protection Agency's Transportation Conformity Rule Section 93.126 Exempt Projects, Table 2 "Air Quality" indicating that bicycle and pedestrian facilities are exempt.
8. **Hegan Lane Business Park Access Improvements – City of Chico.** The purpose of this amendment is to remove the CMAQ programming capacity of \$125,000 in FFY 22/23 and

\$1,889,000 in FFY 23/24. This project is temporarily delayed. These funds will be programmed for the City of Chico's Bikeway 99 Project listed below. The project is exempt from a regional emissions analysis per the Environmental Protection Agency's Transportation Conformity Rule Section 93.127 Exempt Projects, Table 3 "Projects Exempt from Regional Emissions Analyses" indicating that that intersection channelization projects are exempt.

9. **SR 99 Corridor Bikeway Phase 5 - 20th Street Crossing– City of Chico.** The purpose of this amendment is to carry over the project from the 2021 FTIP. This project is under a time extension approved by the California Transportation Commission (CTC) to award a contract for construction. This amendment addresses a cost increase due to COVID delays and a change in construction bid climate. This amendment adds \$3.5 million in Congestion Mitigation and Air Quality (CMAQ) and \$1.5 million in Local funds for the construction component. The total cost of the project changed from \$15.9 million to \$19.4 million. The project is exempt from a regional emissions analysis per the Environmental Protection Agency's Transportation Conformity Rule Section 93.126 Exempt Projects, Table 2 "Air Quality" indicating that bicycle and pedestrian facilities are exempt.

NEW EXEMPT FTIP PROJECTS:

1. **South Oroville Bike and Ped Connectivity Project – Butte County.** This amendment programs a new Active Transportation Program (ATP) Cycle 6 Project approved by the California Transportation Commission. The goal of the project is to connect all four schools in South Oroville with pedestrian and bike safety enhancements. The scope of the project is to install sidewalks, pedestrian crossing safety enhancements and driver feedback signs along Autrey Lane and Monte Vista Avenue connecting the sidewalks to the schools in the area. Project also installs an 8' Class 1 bike lane separated from traffic on the north end of Monte Vista Ave from Lincoln Blvd to Autrey Ln and 3' Class 2 Bike lanes along the south side of Monte Vista Ave, the West side of Autrey Ln and the west side of Lower Wyandotte connecting the bike lanes in the area. A total of \$7.786 million in ATP funds and \$1.5 million in local funds for a total of \$9.3 million is programmed. The project is exempt from a regional emissions analysis per the Environmental Protection Agency's Transportation Conformity Rule Section 93.126 Exempt Projects, Table 2 "Air Quality" indicating that bicycle and pedestrian facilities are exempt.
2. **Go Paradise: Neal Gateway Project – Town of Paradise.** This amendment programs a new Active Transportation Program (ATP) Cycle 6 Project approved by the California Transportation Commission. The project is on Neal Rd from County/Town Limits to Skyway/Neal Junction in Paradise. The scope of the project is to add a new Class I pathway for 1.78 miles. This amendment programs \$12.348 million in ATP funds and \$720,000 in Local funds for a total project cost of \$13.068 million. The project is exempt from a regional emissions analysis per the Environmental Protection Agency's Transportation Conformity Rule Section 93.126 Exempt Projects, Table 2 "Air Quality" indicating that bicycle and pedestrian facilities are exempt.
3. **Go Paradise: Pentz Student Pathway – Town of Paradise.** This amendment programs a new Active Transportation Program (ATP) Cycle 6 Project approved by the California Transportation Commission. This project is along Pentz Road from Pentz/Skyway to Wagstaff Rd and Bille Rd to Pearson Rd. This project completes a four-mile corridor of Class I path for bicyclists and pedestrians to create a continuous facility. This amendment programs \$22.009 million in ATP funds and \$1.284 million in Local funds for a total project cost of \$23.239 million. The project is

exempt from a regional emissions analysis per the Environmental Protection Agency's Transportation Conformity Rule Section 93.126 Exempt Projects, Table 2 "Air Quality" indicating that bicycle and pedestrian facilities are exempt.

4. **Go Paradise: Skyway Link Project – Town of Paradise.** This amendment programs a new Active Transportation Program (ATP) Cycle 6 Project approved by the California Transportation Commission. This project is on the Skyway between Bille Rd and Wagstaff Rd. The project consists of sidewalk infill and Class II bike lanes. The project length is approximately 0.61 miles. This amendment programs \$6.704 million in ATP funds and \$106,000 in Local funds for a total project cost of \$6.810 million. The project is exempt from a regional emissions analysis per the Environmental Protection Agency's Transportation Conformity Rule Section 93.126 Exempt Projects, Table 2 "Air Quality" indicating that bicycle and pedestrian facilities are exempt.

Since the 2023 FTIP Amendment #02 does not include any new non-exempt projects, per 40 CFR 93.126, the amendment is exempt from the requirement that a new conformity determination and regional emission analysis be performed.

For the purpose of the proposed amendment, BCAG states for the record:

1. **Exempt Projects:** No new conformity determination or regional emissions analysis is necessary for this proposed formal amendment. The projects being added, because of the amendment, are exempt from conformity or regional emissions analysis per EPA's Transportation Conformity Rule Section 93.126 Table 2 as referenced above.
2. **TCM Implementation:** There are no Transportation Control Measures in the approved Carbon Monoxide (CO) SIP and there is no approved Ozone or PM2.5 SIP applicable to Butte County. Because there are no TCMs in an approved SIP for Butte County, Butte County currently has no TCMs in place and therefore timely TCM implementation requirements do not apply.
3. **Financial Constraint:** The 2023 FTIP has been financially constrained in accordance with the requirements of 40 CFR 93.108 and consistent with the U.S. DOT metropolitan planning regulations (23 CFR Part 450).
4. **Interagency and Public Consultation:** The following portion applies after all consultation is complete - *For the 2023 FTIP Amendment #04, BCAG initially consulted on this amendment with its Interagency Consultation Review (ICR) group on May 10, 2023. BCAG staff provided a 15-day public review and comment period in compliance with BCAG's adopted Public Participation Plan (PPP). On May 10, 2023, legal notices were posted on the BCAG website. The proposed amendment has been circulated among staff from Federal Highway Administration (FHWA), Environmental Protection Agency (EPA), Federal Transit Agency (FTA), and Caltrans. Appendices contain copies of public notices and responses to public comments.*

BCAG staff is requesting that ICR members respond with any comments regarding the proposed amendment prior to Thursday, May 25, 2023. In addition, BCAG is requesting concurrence of the proposed action by email response from the following agencies: FHWA/FTA, EPA, and Caltrans.

If members prefer a separate conference call to discuss, please let me know and I will begin to schedule. If no significant requests or comments are received by the ICR, BCAG will then move forward with completing public outreach and having the BCAG Board of Director's approval.

Included for the ICRs information is the latest project exemption table, regionally significant project listing, and public notice to the amendment.

If you have any questions, please give me a call, or send me an email.

Brian Lasagna
Regional Analyst
Butte County Association of Governments
326 Huss Dr, Suite 150
Chico, CA 95928
Ph 530.809.4616
Fax 530.879.2444
Email blasagna@bcag.org