



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

California Division

January 28, 2019

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

In Reply, Refer To:
HDA-CA

Ms. Laurie Berman
Director
California Department of Transportation
1120 N Street
Sacramento, CA 95814

SUBJECT: Caltrans LOI for Request of Delegated Authority to Caltrans for STIP Amendment Approvals under the SEP-16

Dear Ms. Berman:

This letter is in response to your November 7, 2018 letter of interest to participate in FHWA's Special Experimental Project (SEP-16) through a delegation of FHWA's responsibilities relating to amendments to the Statewide Transportation Improvement Program (STIP). In accordance with the process described in the FHWA's September 20, 2018, *Federal Register* Notice establishing SEP-16 (83 FR 47674), we have reviewed your proposal to determine whether it is within the scope of 23 U.S.C. 502(b) and appropriate for experimentation under SEP-16. We concluded that delegation of responsibilities relating to STIP amendments is not appropriate under the SEP-16 program. Key reasons for this decision include:

1. Approval of an amended STIP is a type of STIP approval, as described in 23 CFR 450.220(b). The approval decision requires a joint FHWA-FTA finding that the document is based on a statewide transportation planning process that meets or substantially meets the requirements in 23 U.S.C. 134-135, 49 U.S.C. 5303-5304, and 23 CFR part 450 subparts A-C (23 U.S.C. 135(g)(7)-(8) and 23 CFR 450.220(b)). This finding is a compliance determination by the two agencies. The FHWA has excluded compliance determinations from SEP-16 experimentation (83 FR at 47675).
2. Congress explicitly excluded planning responsibilities from the scope of assignments authorized under 23 U.S.C. 327 (*see* 23 U.S.C. 327(a)(2)(B)(iv)(I)). We believe that is a strong indication that FHWA and FTA are expected to continue to directly administer their planning responsibilities under 23 U.S.C. 134-135. Accordingly, FHWA does not believe delegation of STIP approvals is an appropriate area for SEP-16 experimentation.

While we are not inviting Caltrans to submit a concept paper for its STIP amendment proposal, we are interested in working with Caltrans and FTA to improve the STIP amendment process. We will contact your staff to initiate those discussions.

We appreciate your interest in SEP-16, and we look forward to working with you and your staff on other concepts that may be appropriate for SEP-16 experimentation. If you have any questions, please contact Zylkia Martin-Yambo, RBSO Manager, at 213-894-6663 or at Zylkia.Martin-Yambo@dot.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Vincent P. Mammamo", written in a cursive style.

Vincent P. Mammamo
Division Administrator