



U.S. Department  
of Transportation  
Federal Highway  
Administration

1200 New Jersey Ave., SE  
Washington, D.C. 20590

APR 1 2016

In Reply Refer To:  
HEPE-1

Ms. Katrina Pierce  
Division Chief  
California Department of Transportation  
PO Box 942873  
Sacramento, CA 94273-0001

Dear Ms. Pierce:

In response to your letter dated March 17, 2016, requesting an extension for Caltrans to continue its participation in the Surface Transportation Project Delivery Pilot Program (23 U.S.C. 327), the Federal Highway Administration (FHWA) **approves an extension under the terms of the existing MOU until December 31<sup>st</sup>, 2016.** A draft bridging MOU will be developed and forwarded for approval by Caltrans to cover the time period from the current expiration date of April 16<sup>th</sup>, 2016, to the new expiration date of December 31<sup>st</sup>, 2016.

The following considerations were taken into account in determining the proposed new expiration date for Caltrans:

- 1) The purpose and need for the extension is to allow Caltrans to inform the California Governor and Legislature and seek their endorsement of the proposed stipulation 6.2.6 of the renewal MOU on appeals.
- 2) The current expiration date for the State of California's waiver of sovereign immunity for decisions made by Caltrans in performing Federal environmental responsibilities under the National Environmental Policy Act (NEPA) is January 1<sup>st</sup>, 2017. Caltrans letter indicated that September 30, 2016, would be the last date the Governor could approve or disapprove a determination made by the legislature on proposed Section 327 NEPA renewal. Therefore, FHWA believes an extension until December 31<sup>st</sup>, 2016, should be sufficient for FHWA, DOJ, and Caltrans to gain clarity and respond, as needed, on the issue of outstanding concern.
- 3) As required by the current MOU, Caltrans and the FHWA California Division office shall begin developing a work plan to allow for the transition back to the FHWA of the NEPA responsibilities Caltrans has assumed. The period between September 30, 2016 – December 31<sup>st</sup> 2016 will allow for FHWA to prepare for possible re-assumption of NEPA responsibilities assigned under 23 USC §327.

Please work with my staff to expeditiously finalize and execute the amended MOU with the termination date changed to December 31, 2016.

If you have any concerns related to the provided for extension, please contact me at your earliest convenience. [April.Marchese@dot.gov](mailto:April.Marchese@dot.gov) (202) 366-2074.

For questions related to the bridging MOU or next steps, please contact Owen Lindauer at (202) 366-2655, [Owen.Lindauer@dot.gov](mailto:Owen.Lindauer@dot.gov); Neel Vanikar at (202) 366-2068, [neel.vanikar@dot.gov](mailto:neel.vanikar@dot.gov); or Alan Strasser at (202) 366-1373, [alan.strasser@dot.gov](mailto:alan.strasser@dot.gov).

Sincerely yours,

A handwritten signature in black ink that reads "April Marchese". The signature is written in a cursive style with a large initial "A" and "M".

April L. Marchese  
Acting Director  
Office of Project Development  
And Environmental Review