

Memorandum

To: CHAIR AND COMMISSIONERS
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: December 14-15, 2011

Reference No.: 3.15
Information Item

From: NORMA ORTEGA
Chief Financial Officer

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Division Chief
Local Assistance

Subject: **NOTIFICATION OF AB 1012 “USE IT OR LOSE IT” PROVISION FOR FEDERAL FISCAL YEAR 2010 UNOBLIGATED CMAQ AND RSTP FUNDS**

SUMMARY:

The annual notice to the Regions, under Assembly Bill (AB) 1012 (Chapter 783, Statutes of 1999) “Use It or Lose It” provisions for Federal Fiscal Year (FFY) 2010 (October 1, 2009 through September 30, 2010), was released on November 15, 2011. With this notification, the total FFY 2010 funds identified as subject to reprogramming under the provisions of AB 1012 are approximately \$17 million. This includes approximately \$16.9 million of Regional Surface Transportation Program (RSTP) funds and approximately \$300,000 of Congestion Mitigation and Air Quality Program (CMAQ) funds.

BACKGROUND:

The Intermodal Surface Transportation Efficiency Act was enacted in 1991 and in effect for six years. During that time, the Regions were able to obligate only 87 percent of their federal funding. The next Federal Highway Act, known as the Transportation Equity Act for the 21st Century (TEA-21), was signed into law in 1998. During the first two years of TEA-21, the Regions’ obligation of federal funds dropped to a low of 41 percent. By October 1999, the Regions had accumulated a \$1.2 billion backlog in federal apportionments and \$854 million in Obligational Authority (OA).

AB 1012 was enacted October 10, 1999, with a goal of improving the delivery of transportation projects and addressing the backlog of the Regions’ federal apportionments and OA. AB 1012 states that CMAQ and RSTP funds that are not obligated within the first three years of federal eligibility are subject to reprogramming by the California Transportation Commission in the fourth year in order to prevent the funds from being lost by the state.

The Department is responsible for monitoring and reporting unobligated balances. The Department provides notification to the Regions of the unobligated CMAQ and RSTP balances that have one year remaining under the AB 1012 guidelines.

In order to expend apportionments, Regions require OA. As of November 7, 2011, the Federal Highway Administration (FHWA) has not yet released the total OA level for FFY 2012. Congress has authorized a Continuing Resolution for 49-days through November 18, 2011, which provides OA to Regions for this period. At this time, it is not known when the full annual amount of OA for FFY 2012 will become available. The unavailability of OA limits the ability of Regions to expend their annual apportionments.

Attachments

Apportionment Status Report
CMAQ and RSTP
(as of October 1, 2011)

Reference No.: 3.15
December 14-15, 2011
Attachment 1

AB 1012
Balances entering the 3rd Year
(from FFY 2010*)
Regional Report Summary

*Previously referred to as Cycle 13

Region	CMAQ Unobligated 10/1/2011 Delivery Balance ¹	CMAQ Amount Subject to AB 1012 Reprogramming 11/01/2012 ²	RSTP Unobligated 10/1/2011 Delivery Balance ¹	RSTP Amount Subject to AB 1012 Reprogramming 11/01/2012 ²
Butte	2,353,940	-	3,262,962	-
Fresno	19,234,460	-	27,141,797	4,859,756
Kern	16,155,772	-	17,367,458	-
Kings	1,571,431	-	2,078,586	-
Los Angeles	194,125,194	-	271,747,882	6,439,888
Madera	1,872,511	-	1,974,771	-
Merced	3,182,470	-	3,379,882	-
Monterey	143,485	-	7,665,016	-
Orange	53,246,699	-	67,711,003	-
Riverside	35,933,346	-	27,429,139	-
S. F. Bay Area (MTC)	85,185,957	-	129,310,669	-
Sacramento (SACOG)	31,154,361	-	31,995,600	-
San Benito	-	-	859,647	-
San Bernardino	36,608,413	-	41,055,689	-
San Diego	36,442,441	-	44,642,865	-
San Joaquin	9,798,063	-	11,396,338	-
San Luis Obispo	-	-	4,921,773	-
Santa Barbara	-	-	7,993,008	-
Santa Cruz	-	-	4,127,576	-
Stanislaus	8,581,232	-	10,062,051	-
Tahoe	1,295,386	-	740,404	-
Tulare	7,713,730	-	5,961,681	-
Ventura	12,870,110	-	26,566,886	5,574,964
Rural Counties & SCAG	\$5,520,543	277,445	\$22,091,825	-
TOTAL	562,989,543	277,445	771,484,505	16,874,608

Footnotes:

* Balances entered the 3rd year on October 1, 2011, and are subject to reprogramming on November 1, 2012. The October 1, 2011 balances include the November 2011 Revised "Advance" FFY 2012 apportionments.

¹ Indicates all apportionments not yet obligated.

² Totals reflect balances in the third year.

Assumes the use of all previous balances.

Apportionment Status Report
CMAQ and RSTP
(as of October 1, 2011)

Reference No.: 3.15
December 14-15, 2011
Attachment 2

AB 1012
Balances entering the 3rd Year
(from FFY 2010*)
Rural Report Summary

*Previously referred to as Cycle 13

Region	CMAQ Unobligated 10/1/2011 Delivery Balance ¹	CMAQ Amount Subject to AB 1012 Reprogramming 11/01/2012 ²	RSTP Unobligated 10/1/2011 Delivery Balance ¹	RSTP Amount Subject to AB 1012 Reprogramming 11/01/2012 ²
Rural County Information:				
Alpine	-	-	132,836	-
Amador	537,851	105,525	564,126	-
Calaveras	554,209	-	651,612	-
Colusa	-	-	303,654	-
Del Norte	-	-	444,196	-
El Dorado	-	-	1,686,689	-
Glenn	-	-	427,176	-
Humboldt	-	-	2,043,070	-
Imperial (SCAG)	2,092,174	-	3,171,520	-
Inyo	-	-	681,834	-
Lake	-	-	941,600	-
Lassen	-	-	535,381	-
Mariposa	350,107	-	275,362	-
Mendocino	-	-	1,393,048	-
Modoc	-	-	300,089	-
Mono	-	-	232,574	-
Nevada	1,215,318	-	1,479,325	-
Placer	-	-	1,013,074	-
Plumas	-	-	334,399	-
Shasta	-	-	2,636,331	-
Sierra	-	-	132,831	-
Siskiyou	-	-	675,161	-
Tehama	-	-	904,944	-
Trinity	-	-	255,027	-
Tuolumne	770,883	171,920	875,965	-
Rural Combined Totals:	5,520,543	277,445	22,091,825	-

Footnotes:

* Balances entered the 3rd year on October 1, 2011, and are subject to reprogramming on November 1, 2012. The October 1, 2011 balances include the November 2011 Revised "Advance" FFY 2012 apportionments.

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