

Memorandum

To: CHAIR AND COMMISSIONERS
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: December 11-12, 2013

Reference No.: 3.5
Information Item

From: STEVEN KECK
Acting Chief Financial Officer

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Local Assistance

Subject: NOTIFICATION OF AB 1012 “USE IT OR LOSE IT” PROVISIONS FOR FEDERAL FISCAL YEAR 2012 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) 2012 (October 1, 2011 through September 30, 2012), was released in mid-November 2013. With this notification, the total FFY 2012 funds identified as subject to reprogramming under the provisions of AB 1012 are approximately \$13.4 million. This includes about \$6.9 million of Regional Surface Transportation Program (RSTP) funds and about \$6.5 million of Congestion Mitigation and Air Quality Improvement Program (CMAQ) funds.

BACKGROUND:

The Intermodal Surface Transportation Efficiency Act was enacted in 1991 and was 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, 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 as low as 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 on October 10, 1999, with a goal of improving the delivery of transportation projects and addressing the significant 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. According to FHWA Notice 4520.227 dated October 25, 2013, the Federal Highway Administration has released a portion of the OA level for FFY 2014. Congress has authorized a Continuing Resolution for 107-days through January 15, 2014, this provides OA to Regions for this period. At this time, it is not known when the full annual amount of OA for FFY 2014 will become available. The unavailability of OA limits the ability for Regions to expend their annual apportionments.

Attachments

Apportionment Status Report
CMAQ and RSTP
as of October 1, 2013

Reference No.: 3.5
December 11-12, 2013
Attachment 1

AB 1012
Balances entering the 3rd Year
(from FFY 2012*)
Regional Report Summary

*Previously referred to as Cycle 15

Region	CMAQ Unobligated 10/01/13 Delivery Balance ¹	CMAQ Amount Subject to AB 1012 Reprogramming 11/01/2014 ²	RSTP Unobligated 10/01/13 Delivery Balance ¹	RSTP Amount Subject to AB 1012 Reprogramming 11/01/2014 ²
Butte	3,393,369	-	2,667,297	-
Fresno	21,535,485	-	22,097,965	-
Kern	21,722,575	1,732,133	22,324,426	1,693,233
Kings	2,240,377	-	1,856,832	-
Los Angeles	155,560,254	-	238,466,679	1,674,481
Madera	5,692,557	2,100,672	1,824,118	-
Merced	3,318,341	-	3,101,773	-
Monterey ³	-	-	6,191,109	-
Orange	42,597,238	-	30,433,234	-
Riverside	50,982,842	-	55,693,244	2,656,325
S. F. Bay Area (MTC)	74,651,093	-	89,511,240	-
Sacramento (SACOG)	33,933,904	-	36,977,351	-
San Benito ³	-	-	698,662	-
San Bernardino	49,221,332	-	38,954,691	-
San Diego	28,898,446	-	36,008,005	-
San Joaquin	9,176,998	-	8,687,013	-
San Luis Obispo	4,585,486	-	4,157,797	-
Santa Barbara ³	-	-	6,710,781	-
Santa Cruz ³	-	-	3,388,874	-
Stanislaus	7,781,304	-	12,289,680	-
Tahoe	918,640	-	509,672	-
Tulare	9,656,136	-	7,001,579	-
Ventura	18,821,778	2,020,020	18,663,511	-
Rural Counties & SCAG	7,868,421	673,380	21,914,305	860,576
TOTAL	552,556,578	6,526,206	670,129,840	6,884,616

Footnotes:

* Balances entered the 3rd year on October 1, 2013, and are subject to reprogramming on November 1, 2014. These balances include the federal fiscal year 2014 "Advance" apportionments (dated November 1, 2013).

¹ Indicates all apportionments not yet obligated.

² Totals reflect balances in the third year.

³ These Regions are in air quality attainment and cannot use unobligated CMAQ apportionments, which are deobligations of closed out projects. It is anticipated that any CMAQ balance that accumulates in a Region in air quality attainment will be included in a future CMAQ rescission or transferred to another Region that over-delivered prior to the end of the current federal fiscal year.

Apportionment Status Report
CMAQ and RSTP
as of October 1, 2013

Reference No.: 3.5
December 11-12, 2013
Attachment 2

AB 1012
Balances entering the 3rd Year
(from FFY 2012*)
Rural Report Summary

*Previously referred to as Cycle 15

Region	CMAQ Unobligated 10/01/13 Delivery Balance ¹	CMAQ Amount Subject to AB 1012 Reprogramming 11/01/2014 ²	RSTP Unobligated 10/01/13 Delivery Balance ¹	RSTP Amount Subject to AB 1012 Reprogramming 11/01/2014 ²
Rural County Information:				
Alpine	-	-	153,886	-
Amador	672,496	24,715	487,003	-
Calaveras	382,689	-	582,347	-
Colusa	-	-	285,306	-
Del Norte	-	-	365,011	-
El Dorado	-	-	1,017,729	-
Glenn	-	-	363,999	-
Humboldt	-	-	1,691,306	-
Imperial (SCAG)	3,214,297	246,248	5,259,548	860,576
Inyo	-	-	885,491	-
Lake	-	-	804,915	-
Lassen	-	-	507,868	-
Mariposa	712,796	402,417	248,644	-
Mendocino	-	-	1,147,575	-
Modoc	-	-	348,742	-
Mono	-	-	387,234	-
Nevada	1,013,862	-	1,209,618	-
Placer	-	-	934,620	-
Plumas	-	-	298,420	-
Shasta	-	-	2,190,896	-
Sierra	-	-	158,975	-
Siskiyou	-	-	770,099	-
Tehama	1,079,261	-	802,533	-
Trinity	-	-	312,442	-
Tuolumne	793,020	-	700,096	-
Rural Combined Totals:	7,868,421	673,380	21,914,305	860,576

Footnotes:

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