

Memorandum

To: CHAIR AND COMMISSIONERS
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: January 8, 2013

Reference No.: 3.7
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” PROVISIONS FOR FEDERAL FISCAL YEAR 2011 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) 2011 (October 1, 2010 through September 30, 2011), was signed on December 5, 2012. With this notification, the total FFY 2011 funds identified as subject to reprogramming under the provisions of AB 1012 are approximately \$15 million. This includes about \$13.7 million of Regional Surface Transportation Program (RSTP) funds and about \$1.2 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, 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 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 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 29, 2012, the Federal Highway Administration (FHWA) has not yet released the total OA level for FFY 2013. Congress has authorized a Continuing Resolution for 178-days through March 27, 2013, which provides OA to Regions for this period. At this time, it is not known when the full annual amount of OA for FFY 2013 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, 2012

Reference No.: 3.7
January 8, 2013
Attachment 1

AB 1012
Balances entering the 3rd Year
(from FFY 2011*)
Regional Report Summary

*Previously referred to as Cycle 14

Region	CMAQ Unobligated 10/1/2012 Delivery Balance ¹	CMAQ Amount Subject to AB 1012 Reprogramming 11/01/2013 ²	RSTP Unobligated 10/1/2012 Delivery Balance ¹	RSTP Amount Subject to AB 1012 Reprogramming 11/01/2013 ²
Butte	2,455,946	-	3,362,279	-
Fresno	22,326,096	-	27,956,141	6,174,652
Kern	19,410,146	606,650	20,333,894	2,250,881
Kings	1,823,383	-	2,141,782	-
Los Angeles	287,735,634	-	258,139,571	1,175,250
Madera	3,550,890	66,410	2,034,637	-
Merced	2,989,396	-	3,482,664	-
Monterey ³	-	-	7,867,426	-
Orange	51,936,268	-	37,630,257	-
Riverside	56,748,819	-	29,912,574	-
S. F. Bay Area (MTC)	75,580,133	-	87,719,178	-
Sacramento (SACOG)	29,969,079	-	30,481,963	-
San Benito	-	-	903,587	-
San Bernardino	44,410,894	-	26,324,988	-
San Diego	34,054,736	-	40,012,725	-
San Joaquin	8,869,582	-	6,758,364	-
San Luis Obispo	-	-	4,926,537	-
Santa Barbara	-	-	8,194,201	-
Santa Cruz	-	-	4,256,349	-
Stanislaus	7,652,516	-	10,653,535	-
Tahoe	1,758,755	385,495	762,884	-
Tulare	9,592,670	-	6,141,059	-
Ventura	9,801,922	-	24,631,160	4,100,244
Rural Counties & SCAG	5,587,224	168,199	\$22,767,036	-
TOTAL	676,254,087	1,226,754	667,394,792	13,701,027

Footnotes:

* Balances entered for the 3rd year on October 1, 2012, and are subject to reprogramming on November 1, 2013. The October 1, 2012 balances include the federal fiscal year 2013 "Advance" apportionments (Programming documents dated October 2011).

¹ Indicates all apportionments not yet obligated.

² Totals reflect balances in the third year.

³ Monterey's CMAQ apportionment of \$143,490 was subject to reprogramming on November 1, 2012.

Apportionment Status Report
CMAQ and RSTP
as of October 1, 2012

Reference No.: 3.7
January 8, 2013
Attachment 2

AB 1012
Balances entering the 3rd Year
(from FFY 2011*)
Rural Report Summary

*Previously referred to as Cycle 14

Region	CMAQ Unobligated 10/1/2012 Delivery Balance ¹	CMAQ Amount Subject to AB 1012 Reprogramming 11/01/2013 ²	RSTP Unobligated 10/1/2012 Delivery Balance ¹	RSTP Amount Subject to AB 1012 Reprogramming 11/01/2013 ²
Rural County Information:				
Alpine	-	-	132,836	-
Amador	572,106	-	581,422	-
Calaveras	452,628	-	671,528	-
Colusa	-	-	313,266	-
Del Norte	-	-	458,053	-
El Dorado	-	-	1,739,180	-
Glenn	-	-	440,504	-
Humboldt	-	-	2,106,810	-
Imperial (SCAG)	2,108,365	-	3,307,683	-
Inyo	-	-	681,834	-
Lake	-	-	970,978	-
Lassen	-	-	556,363	-
Mariposa	520,094	168,199	283,926	-
Mendocino	-	-	1,436,508	-
Modoc	-	-	300,088	-
Mono	-	-	232,574	-
Nevada	1,154,271	-	1,525,298	-
Placer	-	-	1,050,666	-
Plumas	-	-	345,532	-
Shasta	-	-	2,719,786	-
Sierra	-	-	132,832	-
Siskiyou	-	-	687,925	-
Tehama	-	-	933,590	-
Trinity	-	-	255,030	-
Tuolumne	779,759	-	902,823	-
Rural Combined Totals:	5,587,224	168,199	22,767,036	-

Footnotes:

* Balances entered for the 3rd year on October 1, 2012, and are subject to reprogramming on November 1, 2013. The October 1, 2012 balances include the federal fiscal year 2013 "Advance" apportionments (Programming documents dated October 2011).

¹ Indicates all apportionments not yet obligated.

² Totals reflect balances in the third year.