

Memorandum

To: CHAIR AND COMMISSIONERS
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: December 11-12, 2013

Reference No.: 3.12
Information Item

From: STEVEN KECK
Acting Chief Financial Officer

Prepared by: Rihui Zhang
Acting Division Chief
Local Assistance

Subject: **FOURTH QUARTER – BALANCE REPORT ON AB 1012 “USE IT OR LOSE IT”
PROVISION FOR FEDERAL FISCAL YEAR 2011 UNOBLIGATED CMAQ AND RSTP
FUNDS**

SUMMARY:

As of September 30, 2013, the Regional Surface Transportation Program (RSTP) amount subject to redirection is zero. However, the Congestion Mitigation and Air Quality Program (CMAQ) amount subject to redirection is \$649,884.

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 Obligation Authority (OA).

Assembly Bill (AB) 1012 was enacted on October 10, 1999 (Chapter 783, Statutes of 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 not obligated within the first three years of federal eligibility are subject to redirection by the California Transportation Commission (Commission) in the fourth year in order to prevent the funds from being lost by the State.

The annual notice to the Regions, under AB 1012 "Use It or Lose It" provisions for Federal Fiscal Year (FFY) 2011 (October 1, 2010 through September 30, 2011), was released on December 5, 2012. With this notification, the total FFY 2011 funds identified as subject to redirection under the provisions of AB 1012 were approximately \$15 million. This included approximately \$13.7 million of RSTP funds and about \$1.2 million of CMAQ funds. As of September 30, 2013, the RSTP amount had decreased to zero, and the CMAQ amount had decreased to \$649,884. According to the Federal Highway Administration's data, these funds will not revert until FFY 2016.

Per the September 30, 2013 report, the CMAQ amount subject to redirection of \$649,884 belonged to two Regions – Madera County Transportation Commission and Mariposa County Local Transportation Commission. As of October 31, 2013, no additional CMAQ projects have been obligated by either of these Regions. However, both Regions have stated that they will use these funds by May 1, 2014, and each are requesting a time extensions concurrently at this month's Commission meeting.

The Department is responsible for monitoring and reporting unobligated balances. Each month, the Department provides notification to the Regions of the unobligated CMAQ and RSTP balances that have one year remaining under the AB 1012 guidelines. Beginning in FFY 2000, and continuing through FFY 2012, the Regions have delivered enough projects to obligate a minimum of 100 percent of the available OA.

Attachments

Apportionment Status Report
CMAQ and RSTP
as of September 30, 2013

Reference No.: 3.12
December 11-12, 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 9/30/2013 Delivery Balance ¹	CMAQ Amount Subject to AB 1012 Reprogramming 11/01/2013 ²	RSTP Unobligated 9/30/2013 Delivery Balance ¹	RSTP Amount Subject to AB 1012 Reprogramming 11/01/2013 ²
Butte	1,169,669	-	2,428	-
Fresno	8,368,859	-	10,896,992	-
Kern	11,821,355	-	11,959,308	-
Kings	436,360	-	(4,092)	-
Los Angeles	17,028,830	-	121,725,479	-
Madera	3,913,505	417,454	(4,671)	-
Merced	301,941	-	(8,369)	-
Monterey	-	-	1,179,219	-
Orange	-	-	(5,365,722)	-
Riverside	20,453,557	-	29,428,824	-
S. F. Bay Area (MTC)	6,877,502	-	4,112,172	-
Sacramento (SACOG)	5,197,963	-	11,679,525	-
San Benito	-	-	17,348	-
San Bernardino	20,935,361	-	14,264,108	-
San Diego	(2,388,128)	-	(957,515)	-
San Joaquin	(520,641)	-	468,834	-
San Luis Obispo	2,314,305	-	789,250	-
Santa Barbara	-	-	1,544,451	-
Santa Cruz	-	-	236,224	-
Stanislaus	501,374	-	6,124,677	-
Tahoe	419,205	-	3,183	-
Tulare	4,441,808	-	1,593,226	-
Ventura	10,499,906	-	8,777,525	-
Rural Counties & SCAG	3,707,072	232,430	2,987,195	-
TOTAL	115,479,805	649,884	221,449,601	-

Footnotes:

* Balances entered the 3rd year on October 1, 2012, and are subject to reprogramming on November 1, 2013. These balances include the federal fiscal year 2013 Revised "Advance" apportionments (dated February 22, 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. In September 2013, Los Angeles received \$31,403.23 of these CMAQ unobligated apportionments from 1) Monterey \$3,135.60 and 2) San Benito \$28,267.63 based on Los Angeles' FFY 2013 over-delivery of OA.

Apportionment Status Report
CMAQ and RSTP
as of September 30, 2013

Reference No.: 3.12
December 11-12, 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 9/30/2013 Delivery Balance ¹	CMAQ Amount Subject to AB 1012 Reprogramming 11/01/2013 ²	RSTP Unobligated 9/30/2013 Delivery Balance ¹	RSTP Amount Subject to AB 1012 Reprogramming 11/01/2013 ²
Rural County Information:				
Alpine	-	-	(120)	-
Amador	351,652	-	332	-
Calaveras	(1,219)	-	291	-
Colusa	-	-	(212)	-
Del Norte	-	-	110	-
El Dorado	-	-	3,466	-
Glenn	-	-	11	-
Humboldt	-	-	38	-
Imperial (SCAG)	1,744,229	-	2,994,511	-
Inyo	-	-	129	-
Lake	-	-	(386)	-
Lassen	-	-	5,556	-
Mariposa	559,066	232,430	168	-
Mendocino	-	-	634	-
Modoc	-	-	6	-
Mono	-	-	-	-
Nevada	181,963	-	791	-
Placer	-	-	(12,792)	-
Plumas	-	-	1,550	-
Shasta	-	-	(493)	-
Sierra	-	-	(6)	-
Siskiyou	-	-	(6)	-
Tehama	544,706	-	(7,439)	-
Trinity	-	-	(10)	-
Tuolumne	326,675	-	1,064	-
Rural Combined Totals:	3,707,072	232,430	2,987,195	-

Footnotes:

* Balances entered the 3rd year on October 1, 2012, and are subject to reprogramming on November 1, 2013. These balances include the federal fiscal year 2013 Revised "Advance" apportionments (dated February 22, 2013).

¹ Indicates all apportionments not yet obligated.

² Totals reflect balances in the third year.