State of California
DEPARTMENT OF TRANSPORTATION

California State Transportation Agency

Memorandum

Tab 34

To: CHAIR AND COMMISSIONERS
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: December 10, 2014

Reference No.: 3.11
Information Item

From: NORMA ORTEGA
Chief Financial Officer

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Division of Local Assistance

Subject: **NOTIFICATION OF AB 1012 "USE IT OR LOSE IT" PROVISIONS FOR FEDERAL FISCAL YEAR 2013 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) 2013 (October 1, 2012 through September 30, 2013), was released in mid-November 2014. With this notification, the total FFY 2013 funds identified as subject to reprogramming under the provisions of AB 1012 are approximately $12.5 million. This includes about $7.9 million of Regional Surface Transportation Program (RSTP) funds and about $4.6 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 4520.231 dated October 1, 2014, the Federal Highway Administration has released a portion of the OA level for FFY 2015. Congress has authorized a Continuing Resolution for 72 days through December 11, 2014, which provides OA to Regions for this period. At this time, it is not known when the full annual amount of OA for FFY 2015 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, 2014

Reference No.: 3.11
December 10, 2014
Attachment 1

AB 1012
Balances entering the 3rd Year
(from FFY 2013*)
Regional Report Summary

*Previously referred to as Cycle 16

Region	CMAQ Unobligated 10/01/2014 Delivery Balance [1]	CMAQ Amount Subject to AB 1012 Reprogramming 11/01/2015 [2]	RSTP Unobligated 10/01/2014 Delivery Balance [1]	RSTP Amount Subject to AB 1012 Reprogramming 11/01/2015 [2]
Butte	2,537,139	-	2,664,869	-
Fresno	24,189,802	-	23,267,869	865,923
Kern	20,576,882	774,442	23,081,770	2,351,534
Kings	3,156,142	-	1,860,924	-
Los Angeles	255,208,825	-	225,577,437	-
Madera	2,917,395	-	1,828,789	-
Merced	3,558,014	-	3,110,142	-
Monterey	-	- [3]	6,189,072	-
Orange	43,034,520	-	47,441,002	-
Riverside	42,702,639	-	43,032,173	-
S. F. Bay Area (MTC)	52,423,991	-	73,537,687	-
Sacramento (SACOG)	27,953,767	-	43,853,458	-
San Benito	-	- [3]	698,435	-
San Bernardino	50,244,041	-	45,199,079	-
San Diego	31,212,196	-	(490,224)	-
San Joaquin	14,937,467	-	9,359,784	-
San Luis Obispo	4,087,667	-	4,187,994	-
Santa Barbara	-	- [3]	6,173,795	-
Santa Cruz	-	- [3]	3,509,425	-
Stanislaus	10,284,590	-	10,503,464	-
Tahoe	478,640	-	506,489	-
Tulare	3,522,380	-	6,252,265	-
Ventura	19,867,473	3,223,729	23,714,644	3,942,672
Rural Counties & SCAG	7,150,610	624,008	18,373,195	760,441
TOTAL	620,044,181	4,622,178	623,433,537	7,920,569

Footnotes:

Balances in the 3rd year (October 1, 2014) are subject to reprogramming on November 1, 2015. These balances include the federal fiscal year 2015 "Advance" apportionments (dated November 4, 2013) and federal fiscal year 2014 "Actual" apportionments (dated July 7, 2014).

[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, 2014

Reference No.: 3.11
December 10, 2014
Attachment 2

AB 1012
Balances entering the 3rd Year
(from FFY 2013*)
Rural Report Summary

*Previously referred to as Cycle 16

Region	CMAQ Unobligated 10/01/2014 Delivery Balance [1]	CMAQ Amount Subject to AB 1012 Reprogramming 11/01/2015 [2]	RSTP Unobligated 10/01/2014 Delivery Balance [1]	RSTP Amount Subject to AB 1012 Reprogramming 11/01/2015 [2]
Rural County Information:				
Alpine	-	-	153,886	-
Amador	672,340	30,652	-	-
Calaveras	382,689	-	-	-
Colusa	-	-	285,518	-
Del Norte	-	-	364,901	-
El Dorado	-	-	1,014,262	-
Glenn	-	-	363,987	-
Humboldt	-	-	1,691,268	-
Imperial (SCAG)	1,822,359	-	5,290,515	760,441
Inyo	-	-	885,362	-
Lake	-	-	805,301	-
Lassen	-	-	502,311	-
Mariposa	464,109	156,649	-	-
Mendocino	-	-	1,146,941	-
Modoc	-	-	348,736	-
Mono	-	-	387,234	-
Nevada	1,485,931	-	-	-
Placer	-	-	947,410	-
Plumas	-	-	294,999	-
Shasta	-	-	2,191,388	-
Sierra	-	-	158,975	-
Siskiyou	-	-	770,100	-
Tehama	1,505,816	436,706	-	-
Trinity	-	-	770,100	-
Tuolumne	817,365	-	-	-
Rural Combined Totals:	7,150,610	624,008	18,373,195	760,441

Footnotes:

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