

## MEMORANDUM

To: CHAIR AND COMMISSIONERS  
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: October 9, 2019

From: STEVEN KECK, Chief Financial Officer

Reference Number: 3.14, Information Item

Prepared By: Rihui Zhang, Chief  
Division of Local Assistance

Subject: **THIRD QUARTER – BALANCE REPORT ON AB 1012 “USE IT OR LOSE IT”  
PROVISION FOR FEDERAL FISCAL YEAR 2017 UNOBLIGATED RSTP AND  
CMAQ FUNDS**

### **SUMMARY:**

As of June 30, 2019, the Regional Surface Transportation Program (RSTP) has approximately \$600,000 and the Congestion Mitigation and Air Quality Improvement Program (CMAQ) has approximately \$400,000 that are subject to reprogramming.

### **BACKGROUND:**

The Intermodal Surface Transportation Efficiency Act was enacted in 1991 and was in effect for six years. During that time, the Regions only obligated 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 declined to 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 RSTP and CMAQ funds not obligated within the first three years of federal eligibility are subject to reprogramming by the California Transportation Commission in the fourth year to prevent the funds from being lost by the state.

*“Provide a safe, sustainable, integrated and efficient transportation system  
to enhance California’s economy and livability”*

The annual notice to the Regions, under AB 1012 “Use It or Lose It” provisions for Federal Fiscal Year (FFY) 2017 (October 1, 2016 through September 30, 2017), was released on November 16, 2018. The total FFY 2017 funds identified as subject to reprogramming under the provisions of AB 1012 were approximately \$60 million. This included approximately \$25.2 million of RSTP funds and approximately \$34.8 million of CMAQ funds. As of June 30, 2019, the RSTP amount has decreased to \$623,961 and the CMAQ amount has decreased to \$419,145.

The California Department of Transportation (Department) is responsible for monitoring and reporting unobligated balances. Each month, the Department provides notification to the Regions of the unobligated RSTP and CMAQ balances that have one year remaining under the AB 1012 guidelines. Beginning in FFY 2000, and continuing through FFY 2018, the Department’s local partners have delivered enough projects to obligate a minimum of 100 percent of the available OA. The Department anticipates to fully deliver for the 20<sup>th</sup> consecutive year.

Attachments

Apportionment Status Report  
CMAQ and RSTP  
as of June 30, 2019

Reference No.: 3.14  
October 9, 2019  
Attachment 1

AB 1012  
Balances entering the 3rd Year  
(from FFY 2017\*)  
Regional Report Summary

\*Previously referred to as Cycle 20

Region	CMAQ Unobligated 06/30/2019 Delivery Balance <sup>1</sup>	CMAQ Amount Subject to AB 1012 Reprogramming 11/01/2019 <sup>2</sup>	RSTP Unobligated 06/30/2019 Delivery Balance <sup>1</sup>	RSTP Amount Subject to AB 1012 Reprogramming 11/01/2019 <sup>2</sup>
Butte	-	-	-	-
Fresno	14,210,376	-	16,865,604	-
Kern	4,429,548	-	5,357,268	-
Kings	244,743	-	-	-
Los Angeles	23,057,511	-	219,086,909	-
Madera	2,572,540	-	-	-
Merced	1,569,535	-	-	-
Monterey <sup>3</sup>	-	-	-	-
Orange	5,178,335	-	30,061,841	-
Riverside	10,112,519	-	48,110,168	-
S. F. Bay Area (MTC)	1,301,294	-	32,853,498	-
Sacramento (SACOG)	-	-	18,984,946	-
San Benito <sup>3</sup>	-	-	-	-
San Bernardino	44,000	-	55,634,986	-
San Diego	-	-	13,109,100	-
San Joaquin	9,650,611	-	1,380,824	-
San Luis Obispo	294,960	-	-	-
Santa Barbara <sup>3</sup>	-	-	-	-
Santa Cruz <sup>3</sup>	-	-	-	-
Stanislaus	5,643,022	-	13,975,877	93,670
Tahoe	1,584,730	-	1,323,601	-
Tulare	-	-	3,047,600	-
Ventura	6,859,278	-	995,779	-
Rural Counties & SCAG	5,625,444	419,145	6,389,931	530,291
<b>TOTAL</b>	<b>92,378,444</b>	<b>419,145</b>	<b>467,177,933</b>	<b>623,961</b>

**Footnotes:**

Balances in the 3rd year (October 1, 2018) are subject to reprogramming on November 1, 2019. These balances include the Federal Fiscal Year (FFY) 2018 "Actual" apportionments (dated October 17, 2018) and FFY 2019 "Estimated" apportionments (dated November 8, 2018).

<sup>1</sup> Indicates all apportionments not yet obligated.

<sup>2</sup> Totals reflect balances in the third year.

<sup>3</sup> 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 FFY.

Apportionment Status Report  
CMAQ and RSTP  
as of June 30, 2019

Reference No.: 3.14  
October 9, 2019  
Attachment 2

AB 1012  
Balances entering the 3rd Year  
(from FFY 2017\*)  
Rural Report Summary

\*Previously referred to as Cycle 20

Region	CMAQ Unobligated 06/30/2019 Delivery Balance <sup>1</sup>	CMAQ Amount Subject to AB 1012 Reprogramming 11/01/2019 <sup>2</sup>	RSTP Unobligated 06/30/2019 Delivery Balance <sup>1</sup>	RSTP Amount Subject to AB 1012 Reprogramming 11/01/2019 <sup>2</sup>
<b>Rural County Information:</b>				
Alpine	-	-	-	-
Amador <sup>3</sup>	344,863	-	-	-
Calaveras	63,660	-	-	-
Colusa	-	-	-	-
Del Norte	-	-	-	-
El Dorado	-	-	-	-
Glenn	-	-	-	-
Humboldt	-	-	-	-
Imperial (SCAG)	3,527,647	99,424	5,389,930	530,291
Inyo	-	-	-	-
Lake	-	-	-	-
Lassen	-	-	-	-
Mariposa	647,898	319,721	-	-
Mendocino	-	-	-	-
Modoc	-	-	-	-
Mono	-	-	-	-
Nevada	1,041,369	-	-	-
Placer	-	-	-	-
Plumas	-	-	-	-
Shasta	-	-	-	-
Sierra	-	-	-	-
Siskiyou	-	-	-	-
Tehama	4	-	1,000,000	-
Trinity	-	-	-	-
Tuolumne <sup>3</sup>	3	-	-	-
<b>Rural Combined Totals:</b>	<b>5,625,444</b>	<b>419,145</b>	<b>6,389,931</b>	<b>530,291</b>

**Footnotes:**

Balances in the 3rd year (October 1, 2018) are subject to reprogramming on November 1, 2019. These balances include the Federal Fiscal Year (FFY) 2018 "Actual" apportionments (dated October 17, 2018) and FFY 2019 "Estimated" apportionments (dated November 8, 2018).

<sup>1</sup> Indicates all apportionments not yet obligated.

<sup>2</sup> Totals reflect balances in the third year.

<sup>3</sup> Due to the 2015 Ozone factor, these Regions are back in non-attainment areas at the beginning of FFY 2019, and consequently receive FFY 2019 CMAQ funding. These Regions were previously in air quality attainment as of the beginning of FFY 2016 and did not receive any CMAQ funding.