

## MEMORANDUM

To: CHAIR AND COMMISSIONERS  
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: March 25, 2020

From: STEVEN KECK, Chief Financial Officer

Reference Number: 3.8, Information Item

Prepared By: Rihui Zhang, Chief  
Division of Local Assistance

Subject: **FIRST QUARTER – BALANCE REPORT ON AB 1012 “USE IT OR LOSE IT”  
PROVISION FOR FEDERAL FISCAL YEAR 2018 UNOBLIGATED RSTP AND  
CMAQ FUNDS**

### **SUMMARY:**

As of December 31, 2019, the Regional Surface Transportation Program (RSTP) has approximately \$26.9 million and the Congestion Mitigation and Air Quality Improvement Program (CMAQ) has approximately \$113,000 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.

The annual notice to the Regions, under AB 1012 “Use It or Lose It” provisions for Federal Fiscal Year (FFY) 2018 (October 1, 2017 through September 30, 2018), was released on

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

November 22, 2019. The total FFY 2018 funds identified as subject to reprogramming under the provisions of AB 1012 were approximately \$74 million. This included approximately \$74 million of RSTP funds and approximately \$102 thousand of CMAQ funds. As of December 31, 2019, the RSTP amount has decreased to \$26,911,634 and the CMAQ amount has increased to \$113,295.

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 2019, the Department's local partners have delivered enough projects to obligate a minimum of 100 percent of the available OA. The Department has fully delivered the available OA for 20 consecutive years.

Attachments

Apportionment Status Report  
CMAQ and RSTP  
as of December 31, 2019

Reference No.: 3.8  
March 25-26, 2020  
Attachment 1

AB 1012  
Balances entering the 3rd Year  
(from FFY 2018\*)  
Regional Report Summary

\*Previously referred to as Cycle 21

Region	CMAQ Unobligated 12/31/2019 Delivery Balance <sup>1</sup>	CMAQ Amount Subject to AB 1012 Reprogramming 11/01/2020 <sup>2</sup>	RSTP Unobligated 12/31/2019 Delivery Balance <sup>1</sup>	RSTP Amount Subject to AB 1012 Reprogramming 11/01/2020 <sup>2</sup>
Butte	1,257,202	-	3,131,616	-
Fresno	12,688,420	-	26,704,100	530,529
Kern	25,353,082	-	16,711,624	-
Kings	1,892,492	-	2,181,172	-
Los Angeles	163,980,702	-	294,190,101	18,547,310
Madera	2,094,830	-	2,147,287	-
Merced	4,933,974	-	3,646,240	-
Monterey <sup>3</sup>	-	-	5,896,255	-
Orange	34,772,197	-	58,872,152	-
Riverside	44,636,713	-	62,243,908	733,998
S. F. Bay Area (MTC)	50,914,248	-	118,287,489	-
Sacramento (SACOG)	6,131,256	-	38,045,206	-
San Benito <sup>3</sup>	-	-	793,582	-
San Bernardino	27,399,727	-	77,150,462	5,163,439
San Diego	33,899,131	-	54,443,328	-
San Joaquin	8,847,229	-	9,788,173	-
San Luis Obispo	2,672,983	-	3,897,166	-
Santa Barbara <sup>3</sup>	-	-	6,048,802	-
Santa Cruz <sup>3</sup>	-	-	3,718,218	-
Stanislaus	8,035,391	-	12,713,693	-
Tahoe	1,221,225	-	2,276,198	-
Tulare	4,535,877	-	9,710,780	-
Ventura	11,864,241	-	12,767,861	-
Rural Counties & SCAG	10,808,946	113,295	26,640,143	1,936,357
TOTAL	457,939,866	113,295	852,005,557	26,911,634

**Footnotes:**

Balances in the 3rd year (October 1, 2019) are subject to reprogramming on November 1, 2020. These balances include the Federal Fiscal Year (FFY) 2019 "Actual" apportionments (dated October 18, 2019) and FFY 2020 "Estimated" apportionments (dated November 8, 2019).

<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 December 31, 2019

Reference No.: 3.8  
March 25-26, 2020  
Attachment 2

AB 1012  
Balances entering the 3rd Year  
(from FFY 2018\*)  
Rural Report Summary

\*Previously referred to as Cycle 21

Region	CMAQ Unobligated 12/31/2019 Delivery Balance <sup>1</sup>	CMAQ Amount Subject to AB 1012 Reprogramming 11/01/2020 <sup>2</sup>	RSTP Unobligated 12/31/2019 Delivery Balance <sup>1</sup>	RSTP Amount Subject to AB 1012 Reprogramming 11/01/2020 <sup>2</sup>
<b>Rural County Information:</b>				
Alpine	-	-	144,476	-
Amador <sup>3</sup>	696,950	-	556,884	-
Calaveras	478,481	-	1,824,043	-
Colusa	-	-	320,047	-
Del Norte	-	-	417,731	-
El Dorado	-	-	1,227,825	-
Glenn	-	-	413,713	-
Humboldt	-	-	1,950,703	-
Imperial (SCAG)	3,588,362	113,295	6,986,369	1,936,357
Inyo	-	-	797,410	-
Lake	-	-	932,863	-
Lassen	-	-	539,624	-
Mariposa	1,195,621	-	275,719	-
Mendocino	-	-	1,298,883	-
Modoc	-	-	326,860	-
Mono	-	-	321,896	-
Nevada	2,041,662	-	1,413,067	-
Placer	-	-	1,146,253	-
Plumas	-	-	310,710	-
Shasta	-	-	2,547,288	-
Sierra	-	-	147,341	-
Siskiyou	-	-	721,910	-
Tehama	1,810,393	-	927,302	-
Trinity	-	-	287,027	-
Tuolumne <sup>3</sup>	997,477	-	804,197	-
<b>Rural Combined Totals:</b>	<b>10,808,946</b>	<b>113,295</b>		

**Footnotes:**

Balances in the 3rd year (October 1, 2019) are subject to reprogramming on November 1, 2020. These balances include the Federal Fiscal Year (FFY) 2019 "Actual" apportionments (dated October 18, 2019) and FFY 2020 "Estimated" apportionments (dated November 8, 2019).

<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 2020 CMAQ funding. These Regions were previously in air quality attainment as of the beginning of FFY 2016 and did not receive any CMAQ funding.