

Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: May 12-13, 2021

From: MITCH WEISS, Executive Director

Reference Number: 4.23, Action

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Subject: Adoption of the Federal Coronavirus Response and Relief Supplemental Appropriations Act of 2021 – CRRSAA Program Guidelines, Resolution G-21-43

Recommendation:

Staff recommends the California Transportation Commission (Commission) adopt the Federal Coronavirus Response and Relief Supplemental Appropriations Act of 2021 – CRRSAA Program Guidelines as proposed in Attachment A. These Guidelines are the policies and procedures specific to the development and adoption of the CRRSAA Program.

Issue:

The CRRSAA Program Guidelines will establish the policies and procedures for the development and adoption of the CRRSAA Program as a result of the funds appropriated from the Federal Coronavirus Response and Relief Supplemental Appropriations Act of 2021. The regional apportionment distribution for the CRRSAA Program was approved by the Commission at the March 2021 Commission meeting. The Guidelines are intended to provide a degree of flexibility while providing accountability and transparency of these federal funds.

The Draft Guidelines were released to the stakeholders on April 13, 2021. Two public workshops were held on April 16, 2021 and April 19, 2021. The Commission held a public hearing on May 12, 2021, prior to adoption of the Guidelines.

Background:

The Federal Coronavirus Response and Relief Supplemental Appropriations Act of 2021 apportioned \$911.8 million to California (COVID Relief Funds). Under the Act, the COVID Relief Funds may be used for a broad range of surface transportation purposes listed in Section 113(b) of Title 23 of the U.S. Code and are meant to “prevent, prepare for, and respond to coronavirus.” Specifically, the Act allows states to cover revenue losses, which is important given that California’s state-generated transportation revenues have declined by

about \$1.5 billion due to the pandemic. Additionally, the Act allows COVID Relief Funds to be used for preventive and routine maintenance; operations; personnel; salaries; contracts; debt service payments; and availability payments; as well as transfers to public tolling agencies. The federal share of costs may be up to 100 percent.

At the March Commission meeting, the Commission approved the COVID Relief funding distribution and regional apportionments for the CRRSAA Program. A total of \$182.4 million will be distributed to the regions from the CRRSAA Program.

Resolution G-21-43:

Be it Resolved, that the Commission hereby adopts the Federal Coronavirus Response and Relief Supplemental Appropriations Act of 2021 – CRRSAA Program Guidelines. These guidelines shall establish the policies and procedures to implement the CRRSAA Program as presented on Attachment A

Attachments:

- Attachment A: CRRSAA Program Guidelines

CRRSAA Program Guidelines Resolution G-21-43

The California Transportation Commission (Commission) intends to adopt the following policies and procedures for the CRRSAA Program. The CRRSAA Program is funded from the Non-STIP regional distribution of the Coronavirus Response and Relief Supplemental Appropriation Act of 2021 funds (COVID Relief Funds).

- **Schedule:** The Commission intends to adopt the guidelines for the CRRSAA Program at the May 12-13, 2021 Commission meeting.
- **Funding:** The total funding available for the CRRSAA Program is \$182,364,599.
- **Apportionment Distribution:** The apportionment distribution for the CRRSAA Program approved on March 14, 2021 is consistent with the formula distribution of the Surface Transportation Block Grant Program with a minimum guarantee of \$200,000 for each county.
- **Eligibility:** Project eligibility for the CRRSAA program is outlined in the Highway Infrastructure Programs - [Coronavirus Response and Relief Supplemental Appropriations Act, 2021](#) Implementation Guidance and includes all activities eligible under the Surface Transportation Block Grant Program in addition to: routine maintenance; operations; personnel, including salaries of employees or contractors; debt service payment; availability payments and coverage for other revenue losses.
- **Allocations:** The allocation of funding for the CRRSAA Program will not be included as part of the annual allocation of federal funding to the Department of Transportation (Caltrans). The following will be the allocation process:
 1. **Allocation of a Project List:** Prior to obligation of funds, a region must submit a project list that identifies each project that will receive COVID Relief funding through the CRRSAA Program to Caltrans. The list may be for the region's full apportionment or reflect a portion of available funding. The project list must include project name(s), brief description, the amount of COVID Relief funding that is requesting for each project (rounded to the nearest thousand), and total project cost. No region may program more than their regional apportionment. The Commission will allocate to Caltrans the total amount of CRRSAA funding that is supported by this list. The Director of Caltrans is authorized to sub-allocate the CRRSAA funds to individual projects that are enumerated on a project list approved by the Commission. If a list that only requests partial funding is presented and approved by the Commission, the region may amend its project list to request the remaining funds at any time prior to October 2023.
 2. **Obligation Amount:** If there are changes to project estimates for Commission allocated projects that require less or more funding at time of obligation, the Caltrans Director is delegated the authority to approve changes to individual

project allocations to allow the advertisement, award, and completion of contracts so long as the total of such increase does not exceed 20% of the amount on the list approved by the Commission and the total allocated or obligated by that region does not exceed that region's total CRRSAA funding.

3. **Allocation Amendments:** With the exception to Section 2 above, any changes to the project(s) on a Commission's approved list, shall be submitted to the Commission for an allocation amendment. The Commission will approve the amended list at a Commission meeting. The deadline to obligate this funding is September 2024. In order to ensure no federal funding is lost to the state, allocation amendments will not be considered after the October 2023 Commission meeting. This will allow the state, in coordination with the regions, a year to obligate and repurpose the funds so that all COVID Relief funds are utilized. **Any regional funds not obligated by June 2024 will be transferred to the state for obligation.**
 4. **Timing:** The Commission may approve project lists at any Commission meeting after approval of these guidelines. A list may not be approved or amended after October 2023 (see Section 3 above). CRRSAA Program funds not obligated by September 2024 will lapse.
 5. **Submittal:** Regions will submit their project list to Caltrans Division of Local Assistance (Local Assistance). Local Assistance will compile all lists and place it on the Commission's Agenda in one book item.
- **Federal Statewide Transportation Improvement Program:** Projects receiving funding from the CRRSAA Program must be programmed in the Federal Statewide Transportation Improvement Program, if required to do so under the Act.
 - **Local Assistance Process:** Other than the allocation requirement above, the CRRSAA Program will follow the existing Local Assistance process for obligation and implementation.
 - **State Exchange:** Local Assistance shall establish a process by which rural and small urbanized areas with a population less than 200,000 may request state exchange. Urbanized areas with a population of 200,000 or greater, as identified in the Federal Highway Administration apportionment notice dated January 15, 2021, are not eligible for state exchange. Local Assistance in coordination with the Division of Budgets will make the determination as to whether the state can approve these requests. The allocation process, reporting requirements, and all other requirements of these guidelines shall apply to all agencies receiving state funds in lieu of the federal funds. Projects funded with state-only funds are subject to Article 19 restrictions.
 - **Reporting:** Local Assistance will report projects that have been obligated, date of obligation and the dollar amount of the obligation on a quarterly basis beginning in December 2021.