

## MEMORANDUM

To: CHAIR AND COMMISSIONERS  
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: December 5-6, 2024

From: STEVEN KECK, Chief Financial Officer

Reference Number: 3.11, Information Item

Prepared By: Dee Lam, Chief  
Division of Local Assistance

Subject: **FOURTH QUARTER – BALANCE REPORT ON AB 1012 “USE IT OR LOSE IT”  
PROVISION FOR FEDERAL FISCAL YEAR 2022 UNOBLIGATED RSTP AND  
CMAQ FUNDS**

### **SUMMARY:**

As of September 30, 2024, the Regional Surface Transportation Program (RSTP) and the Congestion Mitigation and Air Quality Improvement Program (CMAQ) do not have any funds subject to reprogramming on November 1, 2024.

### **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 2022 (October 1, 2021 through September 30, 2022), was released on December 21, 2023. The total 2022 funds identified as subject to reprogramming under the

*“Provide a safe and reliable transportation network that  
serves all people and respects the environment.”*

provisions of AB 1012 were approximately \$10 million. This included approximately \$7 million of RSTP funds and approximately \$3 million of CMAQ funds. As of September 30, 2024, the RSTP amount subject to reprogramming has decreased to \$0 and the CMAQ amount has decreased to \$0.

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.

Attachments

Apportionment Status Report  
CMAQ and RSTP  
as of September 30, 2024

Reference No.: 3.11  
December 5-6, 2024  
Attachment 1

AB 1012  
Balances entering the 3rd Year  
(from FFY 2022\*)  
Regional Report Summary

\*Previously referred to as Cycle 25

| Region                     | CMAQ<br>Unobligated<br>09/30/2024<br>Delivery<br>Balance <sup>1</sup> | CMAQ Amount<br>Subject to<br>AB 1012<br>Reprogramming<br>11/01/2024 <sup>2</sup> | RSTP<br>Unobligated<br>09/30/2024<br>Delivery<br>Balance <sup>1</sup> | RSTP Amount<br>Subject to<br>AB 1012<br>Reprogramming<br>11/01/2024 <sup>2</sup> |
|----------------------------|-----------------------------------------------------------------------|----------------------------------------------------------------------------------|-----------------------------------------------------------------------|----------------------------------------------------------------------------------|
| Butte                      | (554,567)                                                             | -                                                                                | -                                                                     | -                                                                                |
| Fresno                     | 11,758,139                                                            | -                                                                                | 17,149,271                                                            | -                                                                                |
| Kern                       | 11,821,956                                                            | -                                                                                | 8,085,495                                                             | -                                                                                |
| Kings                      | 3,929,862                                                             | -                                                                                | -                                                                     | -                                                                                |
| Madera                     | 4,097,368                                                             | -                                                                                | 1                                                                     | -                                                                                |
| Merced                     | 3,703,936                                                             | -                                                                                | (1)                                                                   | -                                                                                |
| Monterey <sup>3</sup>      | -                                                                     | -                                                                                | -                                                                     | -                                                                                |
| S. F. Bay Area (MTC)       | 15,840,915                                                            | -                                                                                | 55,474                                                                | -                                                                                |
| Sacramento (SACOG)         | 4,689,543                                                             | -                                                                                | 1,205,948                                                             | -                                                                                |
| San Benito <sup>3</sup>    | -                                                                     | -                                                                                | -                                                                     | -                                                                                |
| San Diego                  | (24,263,912)                                                          | -                                                                                | 1,016,062                                                             | -                                                                                |
| San Joaquin                | 9,807,011                                                             | -                                                                                | 11,441,947                                                            | -                                                                                |
| San Luis Obispo            | 2,610,294                                                             | -                                                                                | -                                                                     | -                                                                                |
| Santa Barbara <sup>3</sup> | 0                                                                     | -                                                                                | 3,069,848                                                             | -                                                                                |
| Santa Cruz <sup>3</sup>    | -                                                                     | -                                                                                | -                                                                     | -                                                                                |
| Southern CA (SCAG)         | 175,299,895                                                           | -                                                                                | 240,698,618                                                           | -                                                                                |
| Stanislaus                 | 14,981,060                                                            | -                                                                                | 10,020,498                                                            | -                                                                                |
| Tahoe                      | 1,257,670                                                             | -                                                                                | 656                                                                   | -                                                                                |
| Tulare                     | (6,263,006)                                                           | -                                                                                | (93)                                                                  | -                                                                                |
| Rural Counties             | 4,497,177                                                             | -                                                                                | 43,819                                                                | -                                                                                |
|                            |                                                                       |                                                                                  |                                                                       |                                                                                  |
| <b>TOTAL</b>               | <b>233,213,343</b>                                                    | <b>-</b>                                                                         | <b>292,787,543</b>                                                    | <b>-</b>                                                                         |

**Footnotes:**

Balances in the 3rd year (October 1, 2023) are subject to reprogramming on November 1, 2024. These balances include the FFY 2022 "Actual" Apportionments (dated October 19, 2022), the FFY 2023 "Actual" Apportionments (dated November 3, 2023), and the FFY 2024 "Estimated" Apportionments (dated December 8, 2023).

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

<sup>2</sup> Totals reflect balances in the 3rd 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 September 30, 2024

Reference No.: 3.11  
December 5-6, 2024  
Attachment 2

AB 1012  
Balances entering the 3rd Year  
(from FFY 2022\*)  
Rural Report Summary

\*Previously referred to as Cycle 25

| Region                           | CMAQ<br>Unobligated<br>09/30/2024<br>Delivery<br>Balance <sup>1</sup> | CMAQ Amount<br>Subject to<br>AB 1012<br>Reprogramming<br>11/01/2024 <sup>2</sup> | RSTP<br>Unobligated<br>09/30/2024<br>Delivery<br>Balance <sup>1</sup> | RSTP Amount<br>Subject to<br>AB 1012<br>Reprogramming<br>11/01/2024 <sup>2</sup> |
|----------------------------------|-----------------------------------------------------------------------|----------------------------------------------------------------------------------|-----------------------------------------------------------------------|----------------------------------------------------------------------------------|
| <b>Rural County Information:</b> |                                                                       |                                                                                  |                                                                       |                                                                                  |
| Alpine                           | -                                                                     | -                                                                                | -                                                                     | -                                                                                |
| Amador <sup>3</sup>              | (17,458)                                                              | -                                                                                | 43,821                                                                | -                                                                                |
| Calaveras                        | -                                                                     | -                                                                                | -                                                                     | -                                                                                |
| Colusa                           | -                                                                     | -                                                                                | -                                                                     | -                                                                                |
| Del Norte                        | -                                                                     | -                                                                                | -                                                                     | -                                                                                |
| El Dorado                        | -                                                                     | -                                                                                | -                                                                     | -                                                                                |
| Glenn                            | -                                                                     | -                                                                                | -                                                                     | -                                                                                |
| Humboldt                         | -                                                                     | -                                                                                | -                                                                     | -                                                                                |
| Inyo                             | -                                                                     | -                                                                                | -                                                                     | -                                                                                |
| Lake                             | -                                                                     | -                                                                                | -                                                                     | -                                                                                |
| Lassen                           | -                                                                     | -                                                                                | -                                                                     | -                                                                                |
| Mariposa                         | 1,885,926                                                             | -                                                                                | (3)                                                                   | -                                                                                |
| Mendocino                        | -                                                                     | -                                                                                | -                                                                     | -                                                                                |
| Modoc                            | -                                                                     | -                                                                                | -                                                                     | -                                                                                |
| Mono                             | -                                                                     | -                                                                                | -                                                                     | -                                                                                |
| Nevada                           | 38,761                                                                | -                                                                                | 1                                                                     | -                                                                                |
| Placer                           | -                                                                     | -                                                                                | -                                                                     | -                                                                                |
| Plumas                           | -                                                                     | -                                                                                | -                                                                     | -                                                                                |
| Shasta                           | -                                                                     | -                                                                                | -                                                                     | -                                                                                |
| Sierra                           | -                                                                     | -                                                                                | -                                                                     | -                                                                                |
| Siskiyou                         | -                                                                     | -                                                                                | -                                                                     | -                                                                                |
| Tehama                           | 2,055,761                                                             | -                                                                                | -                                                                     | -                                                                                |
| Trinity                          | -                                                                     | -                                                                                | -                                                                     | -                                                                                |
| Tuolumne <sup>3</sup>            | 534,187                                                               | -                                                                                | -                                                                     | -                                                                                |
|                                  |                                                                       |                                                                                  |                                                                       |                                                                                  |
| <b>Rural Combined Totals:</b>    | <b>4,497,177</b>                                                      | <b>-</b>                                                                         | <b>43,819</b>                                                         | <b>-</b>                                                                         |

**Footnotes:**

Balances in the 3rd year (October 1, 2023) are subject to reprogramming on November 1, 2024. These balances include the FFY 2022 "Actual" Apportionments (dated October 19, 2022), the FFY 2023 "Actual" Apportionments (dated November 3, 2023), and the FFY 2024 "Estimated" Apportionments (dated December 8, 2023).

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

<sup>2</sup> Totals reflect balances in the 3rd year.

<sup>3</sup> These Regions were previously in air quality attainment as of the beginning of FFY 2016 and did not receive any CMAQ funding. Due to the 2015 FFY Ozone factor, these Regions are back in non-attainment areas at the beginning of FFY 2019, and consequently receive FFY 2023 and future FFYs CMAQ funding.