

Memorandum

To: CHAIR AND COMMISSIONERS
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: December 11-12, 2013

Reference No.: 2.8f.(2)
Action Item

From: STEVEN KECK
Acting Chief Financial Officer

Prepared by: Rihui Zhang
Acting Division Chief
Local Assistance

Subject: **REQUEST FOR WAIVER OF AB 1012 “USE IT OR LOSE IT” PROVISIONS FOR REGIONAL AGENCY APPORTIONED FEDERAL FUNDS WAIVER 13-62**

RECOMMENDATION:

The California Department of Transportation (Department) recommends the California Transportation Commission (Commission) approve an extension for the period of availability of Congestion Mitigation and Air Quality Improvement Program (CMAQ) funds in the amount of \$232,430 subject to reprogramming under the provisions of Assembly Bill (AB) 1012 (Chapter 783 of the Statutes of 1999). The Department also recommends the Commission approve the reprogramming of the \$232,430 of extended CMAQ funds from Mariposa County Local Transportation Commission (LTC) to Ventura County Transportation Commission (VCTC).

ISSUE:

LTC has \$232,430 of unobligated CMAQ apportionments that are subject to reprogramming per AB 1012. LTC indicated that approximately a month ago they were contacted by the Director of Transportation for the School District who would like to purchase a new school bus utilizing CMAQ funds. However, that project is not programmed and LTC has indicated that it would be difficult to ensure a six-month delivery time frame. Therefore, the Department recommends reprogramming the \$232,430 of LTC's unobligated CMAQ apportionments to VCTC for contribution towards Project ID numbers VEN130401 (\$170,000) and VEN110308 (\$62,430).

Project VEN130401 is a Ventura County project and will use \$170,000 towards the construction of bike lanes and roadway improvements at Pleasant Valley Road from SR 1 to Las Posas Road. Project VEN110308 is a City of Thousand Oaks project and will use \$62,430 towards the construction of bike lanes, sidewalk/drainage improvements, and to extend turn lanes at Erbes Road from Falmouth to Thousand Oaks Boulevard. VCTC endeavors to submit these requests for authorization by March 2014.

The Department is in support of VCTC receiving these reprogrammed funds based on their prior year over-delivery and commitment to use these CMAQ funds timely.

In FFY 2013, VCTC over-delivered their FFY Obligation Authority (OA) and is eligible to receive additional funding consistent with the Division of Local Assistance's OA management policy. Since LTC has more OA than unobligated apportionments, the Department will also transfer \$232,430 of OA from LTC to VCTC.

BACKGROUND:

As of September 30, 2013, the balance subject to reprogramming under the provisions of AB 1012 for FFY 2011 is \$649,884. LTC has an unobligated balance subject to reprogramming of \$232,430.

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 Commission in the fourth year in order to prevent the funds from being lost by the state. Although this is a requirement of AB 1012, the apportionments will not lapse until FFY 2016 according to Federal Highway Administration records.

In past years, the Commission has granted extensions request submitted by regional agencies for the purpose of extending availability of the unobligated CMAQ balance that was subject to reprogramming. Also, at the January 2013 meeting, the Commission approved the reprogramming of unobligated CMAQ funds that were subject to reprogramming.

Attachment

**AB 1012 Extension Request
Waiver 13-62**

Reference No.: 2.8f.(2)
December 11-12, 2013
Attachment

Regional Agency Local Agency Reason for Project Delay:	Extension Amount Fund Type	Number of Months Requested Extended Deadline CT Recommendation
MARIPOSA COUNTY LOCAL TRANSPORTATION COMMISSION	\$170,000 CMAQ	5 months 03/2014
	\$62,430 CMAQ	Support
<p>The Mariposa County Local Transportation Commission (LTC) has \$232,430 of Federal Fiscal Year (FFY) 2011 Congestion Mitigation and Air Quality Improvement Program (CMAQ) funds subject to reprogramming under the provisions of Assembly Bill (AB) 1012 (Chapter 783 of the Statutes of 1999). LTC indicated in November 2013 that they were contacted by the Director of Transportation for the School District who would like to purchase a new school bus utilizing CMAQ funds. However, that project is not programmed and LTC has indicated that it would be difficult to ensure a six-month delivery time frame. Therefore, the Department recommends reprogramming the \$232,430 of LTC's unobligated CMAQ apportionments.</p>		
<p>In FFY 2013, VCTC over-delivered their FFY Obligation Authority (OA) and is eligible to receive additional funding consistent with the Division of Local Assistance's OA management policy. VCTC has identified two CMAQ projects that are ready to go to use the \$232,430. Project VEN130401 is a Ventura County project and will use \$170,000 towards the construction of bike lanes and roadway improvements at Pleasant Valley Road from SR 1 to Las Posas Road. Project VEN110308 is a City of Thousand Oaks project and will use \$62,430 towards the construction of bike lanes, sidewalk/drainage improvements, and to extend turn lanes at Erbes Road from Falmouth to Thousand Oaks Boulevard.</p>		