Agenda Item 4a

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COMMISSION

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Memorandum

TO: Legislation Committee DATE: July 12, 2012

FR: Executive Director

RE: <u>Overview & Analysis of Moving Ahead for Progress in the 21st Century (MAP 21)</u>

Overview

On June 29, 2012 Congress passed H.R. 4348 (Mica), *Moving Ahead for Progress in the 21st Century* (MAP 21). Signed by President Obama the following week, Public Law 112-141 authorizes $105 billion for federal highway and transit programs through FY 2014.

The bill consolidates almost 100 separate funding programs and eliminates earmarks, a dramatic change from SAFETEA, which included over 5,600 individual earmarks totaling almost $22 billion. As a result, a much larger share of MAP 21 funding is distributed by formula: 93% compared to 83% under SAFETEA. The bill also eliminates the Equity Bonus program established under SAFETEA, replacing it with a guarantee that each state receives 95% back in federal highway funds relative to gasoline tax payments to the Highway Trust Fund. Overall, California is estimated to receive approximately $3.5 billion and $3.6 billion in FY 2013 and FY 2014, respectively, in comparison to $3.4 billion in FY 2011.

Nationally, the bill provides $39.7 billion and $40.3 billion in highway funding obligation authority in FY 2013 and FY 2014, respectively, as shown in Attachment A. This represents a 1.4% annual increase over FY 2012 levels, but this increase masks reductions in certain highway programs that affect MTC, including the Congestion Mitigation & Air Quality (CMAQ) program, as noted below.

With respect to public transit, the bill provides $8.5 billion and $8.6 billion in FY 2013 and FY 2014 respectively, a 1.3% increase over the $8.3 billion and $8.4 billion provided in FY 2011 and FY 2012, respectively, as shown in Attachment B. The bill largely retains the historic 80/20 split between highway and transit funding.

Unfinished Business

Highway Trust Fund Crisis Unresolved

Unfortunately, MAP 21 punts on the long-term structural problem facing federal transportation funding — the fact that current funding levels substantially exceed dedicated revenues generated by the federal gas tax and placed into the Highway Trust Fund (HTF). To keep the HTF solvent, the bill makes a one-time transfer of $2.4 billion of gasoline and diesel taxes already collected but deposited to a different fund, as well as a $19 billion transfer from the General Fund to the Highway Trust Fund, offset by unrelated changes to pension law and other tax loopholes.

Additional bailouts of the Highway Trust Fund will be necessary after FY 2014 if fuel tax rates remain unchanged. As *The New York Times* put it in a recent editorial, "At some point, Congress must summon the courage to increase the tax. Until then, it's all patchwork."

Because of the challenge of finding revenue to simply maintain existing programs at current levels, the bill creates no significant new programs, other than those that replace similar programs that are eliminated. Instead, following the recommendations of the Surface Transportation Revenue and Policy Study Commission, the bill consolidates nearly 100 funding programs into several core highway and transit programs and broadens project eligibility to include projects that were previously only eligible under discrete funding pots.

Metro Mobility

With respect to metro mobility, the bill falls short. Rather than creating a new stand-alone program dedicated to metro mobility, MAP 21 unfortunately reduces the share of Surface Transportation Program (STP) funds that are distributed to urbanized areas of 200,000 or greater on the basis of population from 62.5% to 50%, although the smaller percentage applies to a larger, consolidated STP program. This issue is one that MTC will seek to address through legislation at the state level, as discussed in greater detail under "next steps."

Goods Movement

There is also no new program for goods movement, as was proposed in the Senate bill, though freight is given a higher profile than ever before. The bill establishes a national freight policy, including core national goals, requires the U.S. Department of Transportation (DOT) Secretary to designate a primary freight network of up to 300,000 miles, and requires development of a National Freight Strategic Plan. It also lowers the local/state match requirement from 20% (standard match) to 10 percent for *any* freight project and 5% for freight projects on the interstate system as a way to encourage states to pursue goods movement projects.

Pre-Tax Parity between Parking & Transit Not Restored

Another disappointment is the absence of a provision to provide parity between parking and transit/vanpooling benefits in the transportation fringe benefit program. The Senate bill had raised the allowable withholding amount for public transit and vanpooling from $125 per month to the same level allowed for parking ($240 per month) but this was dropped from the conference report bill. MTC will continue to urge our Congressional delegation to address this disparity in the future.

Bay Area Funding Estimates

Highway Programs

The bill provides the San Francisco Bay Area with approximately $346 million in combined CMAQ/STP/Transportation Alternatives (formerly Enhancements) funding over the next two years, as shown in Attachment C. This compares with $378 million assumed in our fund estimate for the One Bay Area Grant program — a cut of 8 percent. We estimate the Bay Area will receive approximately $175 million in STP funding over the two years ($16 million less than estimated) and $156 million in CMAQ ($22 million less than estimated). The lower-than-forecast funding levels in STP are attributable to optimistic revenue assumptions that ultimately did not materialize. For instance, funding levels for the CMAQ program were cut by one-third relative to the Senate version of MAP 21, and a $200 million cut relative to SAFETEA. Similarly, STP funding levels in the final bill were approximately $400 million lower than in the Senate bill. The reduction is partly offset by a higher-than-forecast degree of funding from the Transportation Alternatives program ($15 million vs. $9 million over the two-year period). The net change for the MTC fund estimate is a $32 million hit over two years.

Transit Formula Funding
In total, we estimate the region will receive approximately $399 million and $405 million in FY 2013 and FY 2014, respectively, from the various FTA formula grants, compared to $353 million in FY 2012, as shown in Attachment D. When the former Bus and Bus Facilities discretionary program is included in our FY 2012 share, the increase from MAP 21 drops to just $3 million in FY 2012 and about $8 million in FY 2013-14. In sum, the region's share of FTA funding largely stays largely the same despite a number of programmatic changes.

Highway Program: Key Funding & Policy Changes

America Fast Forward Proposal Adopted: TIFIA Funds Expanded & Made More Accessible
The most notable funding change to MAP 21 is in the TIFIA (Transportation Infrastructure Finance and Innovation Act) loan program. The bill includes most of the recommendations included in "America Fast Forward" — a policy platform advanced by the Los Angeles Metropolitan Transportation Authority. Specifically, TIFIA funding grows from $120 million per year in FY 2012 to $750 million in FY 2013 and $1 billion in FY 2014. This translates into lending capacity of approximately $7.5 billion and $10 billion in each of these fiscal years, compared to about $1.2 billion in FY 2012.

In addition to raising the amount of TIFIA funding available, the bill also increases the maximum share of a project's cost that can be financed through TIFIA from 33% to 49%. With regard to project eligibility, the bill allows projects to be grouped together to help more project sponsors meet the minimum cost threshold. It also standardizes the selection process and adds deadlines so that applicants must be notified about the status of their application within 90 days. The bill permits a public agency to line up TIFIA credit assistance to support a public-private partnership in advance of completing the procurement. Access to TIFIA funding is also simplified by moving to a rolling application process.

MAP 21 Broadens States' Ability to Toll Bridges and Highways, Including Interstates
While the Senate version of MAP 21 contained very few provisions related to tolling, the final bill includes a number of important tolling-related changes. Specifically, MAP 21:

- Relaxes the general prohibition against tolling on the national highway system. New toll lanes may be constructed on existing highways, bridges and tunnels as long as the number of toll-free lanes remains the same before and after construction
- Makes it explicit that federal funds may be used to convert an HOV lane to a high-occupancy toll (HOT) lane
- Imposes sanctions for failure to maintain minimum speeds in an HOV lane within 180 days of being notified, thereby facilitating the conversion from HOV lane to HOT lane

- Removes the requirement for an agreement between a tolling facility and FHWA, permitting the tolling agreement to be self-executing
- Allows toll revenue to be used to provide a reasonable rate of return on investment, opening the door to public–private partnerships
- Permits the DOT Secretary to discontinue the authority for a public agency to impose tolls in the event that the agency is not complying with limitations on the use of toll revenue

CMAQ Revisions
Overall, MAP 21 provides $2.2 billion for CMAQ, a cut of almost $300 million relative to the original FY 2010-11 apportionment. For California, this translates into approximately $445 million in CMAQ in FY 2012-13, a cut of 9 percent relative to FY 2010-11. The bill also revises the distribution of CMAQ funds from a needs-based formula, with funds distributed on the basis of air quality considerations (population size and exposure to levels of carbon monoxide and ozone in areas designated by the United States Environmental Protection Agency (EPA) as "nonattainment") to one based on the funding levels each state received in 2009.

New Emphasis on Fine Particulate Matter (PM 2.5)
The final bill eliminated a set-aside that would have required 15 percent of the region's CMAQ funds to be spent on the retrofit of diesel engines. MTC and other California transportation agencies had strongly opposed this provision. Instead, the bill requires that regions that are nonattainment for fine particulate matter (PM 2.5) prioritize projects that reduce PM 2.5. In addition, the bill contains a provision requiring that each state dedicate 25 percent of the share of their CMAQ funds attributable to PM 2.5 to nonattainment areas for projects that reduce PM 2.5. Caltrans is currently seeking guidance from FHWA to determine what this means for California, both in terms of how funds will be distributed as well as the types of projects that will be eligible.

Broader Eligibility
The bill significantly broadens the types of projects eligible for CMAQ funds, adding:

- Turning lanes
- Real-time traffic, transit, and multimodal traveler information (i.e. 511)
- Incident and emergency response
- Electric vehicle charging stations and natural gas fueling stations
- Clarifies that highway capacity expansion for single-occupant vehicles is permissible as long as the capacity is not accessible during peak-hours.

MPOs Permitted Broader CMAQ Flexibility if "Program of Projects" Reduces Emissions
Notably, the bill broadens CMAQ eligibility significantly for MPOs that chose to conduct a "technical assessment" of a program of projects that demonstrates an overall reduction in emissions. In that event, *any* project within the program is eligible to use CMAQ funds without a requirement that each individual project reduce emissions.

Surface Transportation Program Changes

As noted previously, the bill retains the Surface Transportation Program, but reduces the share of funds distributed to urbanized areas on the basis of population from 62.56% to 50%. While this is consistent with the provisions that were included in the original version of MAP 21, the funding level provided for STP in the conference bill is about 4% lower than the amount included in the Senate bill. The bill broadens STP eligibility to include a number of projects that were formerly provided their own separate funding categories, such as Safe Routes to Schools and Recreational Trails. Notably, the bill expands STP eligibility to include "installation of safety barriers and nets on bridges," a change clearly made to allow the Golden Gate Bridge's suicide barrier to be eligible for STP funds.

Transportation Alternatives

A major point of conflict in the SAFETEA reauthorization debate was how to treat the former Transportation Enhancements (TE) program. While a significant number of House Republicans sought its wholesale elimination, the final bill strikes a compromise through the creation of a new "Transportation Alternatives" (TA) program. The TA program receives about 2% of formula-based funding, the same share that TE received in SAFETEA. However, considering that MAP 21 eliminated the stand-alone Safe Routes to Schools and consolidated the Recreational Trails program in with TA — the bill actually cuts funding by 34 percent when compared to FY 2011 funding for all three prior programs. In addition, MAP 21 significantly broadens TA eligibility to allow work that would otherwise be funded as part of an overall project's costs (such as environmental mitigation or ADA compliance) to qualify for TA funding. Attachment E provides a list of changes to eligibility within the TA program, as well as provisions that allow a state to partially opt-out of the program.

In terms of funding distribution, MAP 21 requires states to fund Recreational Trails at 2009 levels unless a Governor chooses to opt out. After this initial take-down, 50% of TA is suballocated to localities based on population, while the other half is left to state discretion. Funds distributed to the state and MPOs must be awarded competitively. With respect to MPO funds, the bill also requires consultation with the state prior to the award of funding. This is similar to the approach we have followed for TE funds under California state law for many years, except that the state has retained 25%, while regions have had programming responsibility for the remaining 75%.

Intelligent Transportation System

MAP 21 includes a number of changes to current law that broaden eligibility of various programs to allow funds to be used for intelligent transportation system technology improvements. According to ITS America, the leading advocacy organization on the subject, H.R. 4348:

- Ensures that ITS technologies are eligible for funding within *every* major formula program
- Restores the ITS research program from $50 million to $100 million per year
- Creates a new $62.5 million per year Technology and Innovation Deployment program to accelerate the adoption of innovative technologies.

Public Transit Program

New State of Good Repair Program
The public transit section of MAP 21 includes some significant changes. The Fixed Guideway Modernization Program (Section 5309) has been replaced by a new, larger State of Good Repair program (Section 5337). Both programs provide funding for replacement and rehabilitation of rail, ferry and bus rapid transit capital assets. The SGR program apportions funds using a new formula based on system age and service levels that provides the region roughly the same share we received under the Fixed Guideway Program (7.9 % vs. 8.0%).

New Bus & Bus Facilities Formula Program
The Bus and Bus Facilities program (Section 5309), a discretionary program managed by FTA and previously earmarked by Congress, is replaced by a Bus and Bus Facilities formula program (Section 5339) that will be managed by designated recipients of FTA funds, such as MTC. As with the former program, eligible projects include expansion, enhancement, replacement and rehabilitation of buses and bus facilities. While the formula program provides roughly half the level of funding under the former, discretionary program, the Bay Area will be guaranteed almost 4% of the federal program in comparison to no predictable funding levels under the discretionary program.

Changes to Human Services Programs
The Section 5316 Jobs Access and Reverse Commute (JARC) program has been combined with the Section 5307 Urbanized Area Formula program, FTA's primary capital and operating support program. Three percent of Section 5307 funds will be apportioned based on low-income population shares, and JARC projects will be eligible for 5307 funding. MTC has been using JARC funds to support the Lifeline program.

The Section 5317 New Freedom Program, which provided funding for projects to serve disabled persons above and beyond Americans for Disabilities Act (ADA) requirements, has been combined with Section 5310 Elderly and Disabled Program, with increased funding and revised project eligibility.

New Starts Program Reforms
The bill broadens eligibility in the Capital Investment Grant program to include "core capacity" projects whereby a renovation of an existing system would be eligible for the first time. Considering the age of the Bay Area's rail systems, this provides a significant new opportunity for the Bay Area's rail operators. A core capacity improvement project is defined as a substantial corridor-based capital investment in an existing fixed guideway system that increases capacity by at least 10 percent. The term does not include project elements designed to maintain a state of good repair of the existing fixed guideway system. It also includes changes to the new starts application and review process that staff will be reviewing in further detail over the next few weeks.

Performance Measures & Metropolitan Planning

MAP 21 requires the use of performance measures related to highway condition and performance, safety, congestion and air quality, and freight movement in transportation planning and programming. These requirements apply to both states and MPOs. With respect to the metropolitan planning, current law is largely retained, including the much-disputed population threshold for MPOs, which is left at 50,000. Key changes include:

- Board Structure – within two years of enactment, each MPO is required to include representation by providers of public transportation
- An MPO may restructure to meet the new structure requirements without going through a re-designation
- Plans and transportation improvement programs (TIPs) must be developed through a performance-driven, outcome-based approach as detailed below:
    - MPOs establish targets to track progress towards attainment of outcomes for the region
    - Targets established in coordination with the state and providers of public transportation to ensure consistency
    - Establish target not later than 180-days after the state or the public transportation establish performance targets
    - MPOs integrate goals, objectives, performance measures, and targets of state and transit plans into the regional transportation plan (RTP).
- The RTP shall include: a description of performance measures and targets; system performance report (evaluation of condition and performance with respect to targets).
- The TIP is required to contain projects consistent with current RTP, reflect investment priorities in the plan, and be designed to make progress toward achieving targets.
- TIP is required to include, to the maximum extent practicable, anticipated effect of the TIP toward achieving targets linking investments to targets
- The DOT Secretary must report to Congress in five years on the effectiveness of performance based planning of each MPO.

Project Delivery

MAP 21 includes an entire section on "Acceleration of Project Delivery," an issue championed in the California Consensus Principles given that federally-funded transportation projects often take 15 years or longer to obtain all the necessary project approvals. While the bill does not impose firm deadlines on the environmental review process or curtail the ability of project opponents to use the National Environmental Policy Act (NEPA) to challenge a project, it does:

- Establish a process for DOT and environmental agencies to establish deadlines for issuance of project approvals and elevation of disputes among agencies. Imposes monetary penalties on agencies that miss the deadlines
- Expand the NEPA delegation program to include transit projects.
- Direct DOT to adopt rules regarding programmatic approaches to environmental reviews (rather than on a project-by-project basis)
- Broaden the types of projects that are categorically exempt to include projects that are:

- In the operational right-of-way (could apply to many HOV and HOT lane projects)
- Receive less than $5 million in federal funds
- Have a total estimated cost less than or equal to $30,000,000 receiving Federal funds comprising less than 15 percent of the total.

Next Steps

MTC staff has already begun consulting with our partner MPOs from the other major metro areas in California to discuss options for state legislation to address both technical implementation issues, as well as substantive concerns related to how funds are distributed within the state. In particular, we believe there may be an opportunity to significantly increase the Bay Area's share of STP and TA funds, as noted below.

Surface Transportation Program
MTC, along with MPOs across California, are discussing the merits of pursuing a statutory change to raise the share of STP funding that is suballocated on the basis of population from 50% in MAP 21 to 62.5% — the level provided for in SAFETEA and prior acts. Staff believes this approach has merit, not simply to maintain the status quo, but rather to ensure that this highly flexible source of federal funds is spent where it will have the most benefit, in metro areas where the vast majority of the population lives, works and gets stuck in traffic. This approach is also consistent with California's 15-year old policy that dedicates 75 percent of State Transportation Improvement Program funds to regions for the selection of projects consistent with RTPs, established by Senate Bill 45 (Kopp, 1997).

Transportation Alternatives
In addition, preliminary discussions also indicate support for a statutory change that would distribute the new Transportation Alternatives funding to regions on the basis of population. Considering its emphasis on non-motorized transportation, this program could be a useful source of funding to help implement the sustainable communities strategies required by SB 375 (Steinberg, 2008).

Ideally, any implementing legislation will be enacted in August when the Legislature returns from its summer recess in order to ensure that it goes into effect as soon as possible. Staff will continue to analyze the details of MAP 21 over the next month and keep you apprised of any legislative developments to shape the bill's implementation in Sacramento.

Steve Heminger

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Attachment A

Comparison of MAP 21 Highway & Transit Funding with FY 2011 and FY 2012

	FY 2010-11 Actual	FY 2011-12 Estimated	FY 2013	FY 2014	Percent Change FY 2011-2013
Office of the Secretary (DOT)					
National Infrastructure Investments - (TIGER Program)[1]	$ 528,000	$ 500,000	$ 500,000	$ -	0.00%
Federal Highway Administration (FHWA)					
Federal Aid Highways Obligation Limitation	$ 41,024,786	$ 39,143,583	$ 39,699,000	$ 40,256,000	-1.87%
Emergency Relief (not subject to obligation limitation)		$ 1,662,000			
Transportation Enhancements	$ 726,891	Info not available	---	---	
Safe Routes to Schools	$ 202,440	$ 21,751,779	---	---	
Recreational Trails	$ 96,571	Info not available			
Subtotal	*$ 1,025,902*				
Transportation Alternatives	(compare to subtotal above)		$ 808,760	$ 819,900	21.17%
Surface Transportation Program (STP)	$ 7,268,691	$ 8,791,317	$ 10,005,135	$ 10,089,729	38.81%
National Highway Performance Program	---	---	$ 21,751,779	$ 21,935,692	
Congestion Mitigation & Air Quality (CMAQ)	$ 1,977,277	$ 2,320,919	$ 2,209,173	$ 2,227,860	12.67%
Transportation Innovationa Financing (TIFIA)		$ 120,000	$ 750,000	$ 1,000,000	
Metropolitan Planning	$ 341,837	$ 283,769	$ 311,667	$ 314,303	-8.05%
Ferry Boats & Terminal Facilities	$ 67,000	$ 67,000	$ 67,000	$ 67,000	0.00%
Federal Transit Administration (FTA)					
Formula & Bus Grants	$ 8,633,366	$ 8,360,565	$ 8,343,000	$ 8,361,000	-3.15%
Urbanized Area Formula	$ 4,529,825	$ 4,160,365	$ 4,397,950	$ 4,458,650	-1.57%
Job Access and Reverse Commute Set-Aside	$ 164,157	$ 164,500	*$ 131,939*	*$ 133,760*	-18.52%
Non Urbanized Area Formula Program	$ 439,783	$ 465,000	$ 599,500	$ 607,800	38.20%
Fixed Guide way Modernization	$ 1,663,033	$ 1,666,500	---	---	
State of Good Repair Formula Program	---	---	$ 2,136,300	$ 2,165,900	
Growing & High Density States	$ 232,500	$ 465,000	$ 518,700	$ 525,900	126.19%
Alternative Analysis Program	$ 26,844	$ 25,000	---	---	
Alternative Transportation in Parks and Park Land	$ 24,947	$ 26,900	---	---	
Bus & Bus Facilities Formula	---	---	$ 422,000	$ 427,800	
Bus and Bus Facility Discretionary Program	$ 981,953	$ 984,000	---	---	
Clean Fuels	$ 51,392	$ 51,500	---	---	
Elderly and Disabled	$ 133,232	$ 133,500	$ 254,800	$ 258,300	93.87%
Job Access and Reverse Commute (JARC)	$ 164,157	$ 164,500	---	---	
New Freedom	$ 99,499	$ 92,500	---	---	
Over the Road Bus	$ 8,782	$ 8,800	---	---	
Planning and Research	$ 113,262	$ 113,500	$ 126,900		-100.00%
Major Capital Investment Program *(New & Small Starts)*	$ 1,600,000	$ 1,955,000	$ 1,907,000	$ 1,907,000	19.19%
Federal Transit Administration Total[2]	$ 10,278,484	$ 10,458,278	$ 10,578,000	$ 10,701,000	2.91%
Grand Total	$ 51,831,270	$ 50,101,861	$ 50,777,000	$ 50,957,000	-2.03%

Notes:

1) H.R. 4348 authorizes $500 million for a Projects of National and Regional Significance from the General Fund, but the funds must be subsequently appropriated by Congress.

2) Figures may not sum due to exclusion of certain programs & administration costs.

Source: Text of H.R. 4348, FHWA web site (http://www.fhwa.dot.gov/map21/funding.cfm) and 6/29/12 issue of *Transportation Weekly.*

J:/Committee/Legislation/Meeting Packet/2012/07_Legis_Jul2012/4a_AttachA_MAP 21Overall Funding Summary.xlsx

MAP-21 FY 2013 - FY 2014 FTA Formula & Bus Grants Authorizations

Dollars in millions

					Annual % Change	
Program	FY11	FY12	FY13	FY14	FY13	FY14
Section 5307 Urbanized Area Formula Program	4,542.6	4,551.9	4,707.1	4,772.1	3.4%	1.4%
Section 5316 Job Access and Reverse Commute	164.2	164.5	135.0	136.9	-17.9%	1.4%
Subtotal 5307 + 5316	4,706.7	4,716.4	4,842.1	4,908.9	2.7%	1.4%
Section 5309 Bus and Bus Facilities Program	982.0	984.0			-100.0%	N/A
Section 5309 Fixed Guideway Modernization	1,663.0	1,666.5			-100.0%	N/A
Section 5337 State of Good Repair			2,136.3	2,165.9	N/A	1.4%
Section 5339 Bus and Bus Facilities Program			422.0	427.8	N/A	1.4%
Subtotal SGR Programs	2,645.0	2,650.5	2,558.3	2,593.7	-3.5%	1.4%
Section 5310 Elderly and Disabled	133.2	133.5	254.8	258.3	90.9%	1.4%
Section 5317 New Freedom Program	92.3	92.5			-100.0%	N/A
Subtotal 5310 + 5317	225.5	226.0	254.8	258.3	12.7%	1.4%
Section 5305 Planning Programs	113.3	113.5	136.9	138.8	20.6%	1.4%
Section 5308 Clean Fuels Grant Program	51.4	51.5			-100.0%	N/A
Section 5311 Nonurbanized Area Formula Program	537.2	538.5	674.1	683.4	25.2%	1.4%
Section 5320 Paul S. Sarbanes Transit in Parks	26.8	26.9			-100.0%	N/A
Section 5339 Alternative Analysis Program	24.9	25.0			-100.0%	N/A
Over-the-Road Bus Accessibility Program	8.8	8.8			-100.0%	N/A
Research and University Research Centers	3.5	3.5			-100.0%	N/A
Section 5318 Bus Testing Facility			3.0	3.0	N/A	0.0%
Section 5322(d) National Transit Institute			5.0	5.0	N/A	0.0%
Section 5335 National Transit Database			3.9	3.9	N/A	0.0%
Total Formula & Bus Grants	8,343.2	8,360.6	8,478.0	8,595.0	1.4%	1.4%

Notes:
Sections 5307 and 5311 include Section 5340 Growing & High Density States.

J:\COMMITTE\Legislation\Meeting Packets\Legis2012\07_Legis_Jul2012\[4a_Attachment B_FTA FY13 - FY14 Reauthorization Apportionment Estimates.xlsx]Authorization Summary

Comparison of MAP 21 Funding Levels With Assumed STP/CMAQ Funding Levels for FY 2012-13 and FY 2013-14

MAP 21 Funding Category	MAP 21 Estimate FY 2012-13	MAP 21 Estimate FY 2013-14	MAP 21 Two-Year Total
STP - Assumed for Programming	95	95	191
STP - Estimated Apportionments	87	88	175
STP - Difference	(8)	(7)	(16)
CMAQ - Assumed for Programming	89	89	178
CMAQ - Estimated Apportionments	78	78	156
CMAQ - Difference	(11)	(11)	(22)
TA - Assumed for Programming	5	5	9
TA - Estimated Apportionments	7	7	15
TA - Difference	**3**	**3**	**6**
TOTAL Assumed for Programming	189	189	378
TOTAL Estimated Apportionments	172	174	346
TOTAL Difference	(17)	(15)	(32)

Acronyms:
STP: Surface Transportation Program
CMAQ: Congestion Mitigation & Air Quality Program
TA: Transportation Alternatives (formerly known as Transportation Enhancements)

MAP-21 - FTA Formula Programs - MTC Apportionment Estimates Summary

Dollars in millions

Program	SAFETEA FY 2012		MAP-21 FY 2013		MAP-21 FY14		Percent Change FY 2012 - FY 2012	
	MTC Share	Share of total	MTC Share	Share of total	MTC Share	Share of total	MTC Share	% Change
5307 Urbanized Area	212.0	4.67%	207.5	4.49%	210.5	4.49%	(4.6)	-2.1%
5316 JARC	3.6	2.02%	2.9	2.11%	2.9	2.11%	(0.7)	-20.1%
Subtotal 5307/JARC	215.6	4.57%	210.3	4.42%	213.3	4.42%	(5.3)	-2.4%
5309 Fixed Guideway	132.7	8.01%					(132.7)	-100.0%
5309 Bus & Bus Facilities	42.9	4.40%					(42.9)	-100.0%
5337 State of Good Repair			168.1	7.93%	170.4	7.93%	168.1	N/A
5339 Bus & Bus Facilities			13.0	3.64%	13.2	3.64%	13.0	N/A
Subtotal SGR Programs	175.6	6.67%	181.1	7.31%	183.6	7.31%	**5.5**	3.1%
5310 Elderly & Disabled	2.6	1.91%	7.6	3.00%	7.7	3.00%	5.1	198.4%
5317 New Freedom	2.3	2.26%					(2.3)	-100.0%
Subtotal 5310/5317	4.8	2.06%	7.6	3.00%	7.7	3.00%	**2.8**	57.6%
Total	396.1	5.22%	399.0	5.33%	404.7	5.33%	**3.0**	0.8%
Total excluding 5309 Bus	353.1	5.34%	399.0	5.33%	404.7	5.33%	**45.9**	13.0%

Notes:

Total apportionments reflect admin, safety oversight and ferry discretionary takedowns, and reapportioned prior-year funds, which is why they are different than authorized

5307 includes portion of 5340 Growing/High-Density states that is apportioned through 5307; remainder is apportioned through 5311 Non-Urban.

JARC combined with 5307 in MAP-21; FY13 & FY14 JARC shown separately for comparison with FY12.

3.07% of 5307 apportioned by JARC low-income formula. JARC % of 5307/JARC total is only 2.84% because JARC set-aside not applied to 5340 funds included in 5307.

Est. MTC FY12 apportionments for 5307, 5316 (large UAs) and 5317 (large UAs) based on FY12 partial-year apportionments.

Est. MTC FY12 apportionments for 5309 FG based on FY11 apportionments.

Est. MTC FY12 apportionments for 5309 Bus, 5310, 5316 (small UAs) and 5317 (small UAs) based on historical averages. Used SGR and Livability discretionary grants fc

Est. MTC FY13 apportionments for 5307, JARC, 5337 SGR and 5339 Bus from House T&I formula run.

Est. MTC FY13 apportionments for 5310 extrapolated from Senate Banking table (for Senate version of bill).

J/Committee/Legislation/Meeting Packet/2012/07_Jul2012/4a_AttachD_FTA_BayArea_Estimates.xls

MAP 21's "Transportation Alternatives" Program: Changes to Project Eligibility from SAFETEA's "Transportation Enhancement" Program

Removed or Modified	Additions or Modifications
• Transportation museums • Landscaping and scenic beautification • Archeological planning and research **<u>Opt-Out Provisions</u>** • While the bill does not allow a state to opt out of the Transportation Alternatives program entirely, beginning in August 2013, a state opt out of an entire year's worth of its TA funding and transfer it to any CMAQ-eligible project. This could encourage states that would prefer to spend the money on other types of projects to sit on the funds until they accumulate a backlog of funding.	• Planning, designing, or constructing boulevards and other roadways largely in the right-of-way of former Interstate System routes or other divided highways. • Construction of new turnouts, overlooks and viewing areas. • Construction, planning and design of infrastructure-related projects that will achieve compliance with the Americans with Disabilities Act. • Archeological activities related to impacts from a transportation project eligible under Title 23 (narrowed) • Vegetation management to improve roadway safety, prevent invasive species and provide erosion control (similar to landscaping & beautification, though more specific). • *Any* environmental mitigation activity, including pollution prevention and pollution abatement activities related to stormwater management, control and water pollution prevention and reduction of wildlife mortality and restoration and maintenance of natural habitat (emphasis added).