



METROPOLITAN  
TRANSPORTATION  
COMMISSION

Agenda Item 2d

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*Memorandum*

TO: Legislation Committee

DATE: April 5, 2013

FR: Executive Director

W. I. 1131

RE: AB 466 (Quirk-Silva): Congestion Mitigation & Air Quality Funds: Preserve Distribution Formula

**Background**

AB 466 would codify the distribution factors for the federal Congestion Mitigation and Air Quality (CMAQ) Improvement Program that were in effect prior to enactment of Moving Ahead for the 21<sup>st</sup> Century (MAP 21). Under MAP 21’s predecessor, the Safe Flexible Efficient Transportation Equity Act (SAFETEA), CMAQ funds were distributed on the basis of a state’s share of population residing in a “nonattainment” or “maintenance” area for carbon monoxide or ozone, or both, with a specific weighting assigned to each area according to the severity of nonattainment. MAP 21 eliminated these weighting factors such that each state’s CMAQ funding level is now determined simply on the basis of whatever share CMAQ comprised of its federal highway formula funds in FY 2009.

Without this change, there is no statutory basis for how California distributes its CMAQ funding, providing the Administration the flexibility to spend all CMAQ funds in one part of the state, rather than in all CMAQ eligible areas. AB 466 would provide assurance that the Bay Area will continue to receive its anticipated share of CMAQ funds by placing in state law the population weighting factors that were in effect prior to enactment of MAP 21.

**Recommendation: Support and Seek Amendments**

**Discussion**

While the Brown Administration has shown no interest in deviating from the status quo with respect to CMAQ funding, staff recommends a support and seek amendment position on this bill to provide assurance that CMAQ funds — a cornerstone of the region’s discretionary funding —continue to be suballocated to MTC. We recommend a technical amendment to clarify that if Congress reinstates weighting factors at the federal level to determine how much CMAQ each state receives, those weighting factors would also apply to how CMAQ funds are distributed within California, so that subsequent legislation is not required.

**Known Positions**

**Support**

None on file

**Oppose**

None on file

  
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Steve Heminger