

**FY 2016-17**

**Regional Surface Transportation Program  
Policy and Allocation**



**June 2017**

Humboldt County Association of Governments  
611 I Street, Suite B  
Eureka, CA 95501  
Phone: 707.444.8208  
[www.hcaog.net](http://www.hcaog.net)

## **Background**

The Regional Surface Transportation Program (RSTP) was established by California State Statute utilizing Surface Transportation Program Funds that are identified in Section 133 of Title 23 of the United States Code. California Streets and Highways Code Section 182.6(d) was enacted under federal transportation bills, beginning in 1991 with the Intermodal Surface Transportation Efficiency Act (ISTEA) legislation, subsequently under the Transportation Equity Act for the 21st Century (TEA-21) and the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU).

The Federal Aid Urban (FAU) and Federal Aid Secondary (FAS) regulations implemented through Section 182.6(d) were repealed by the federal government through the passage of Moving Ahead for Progress in the 21st Century (MAP-21). However, the FAU/FAS regulations currently remain in State law.

RSTP funds originate from the federal excise tax on gasoline. The State of California distributes the funds to regional agencies and counties based on population. As a rural agency, HCAOG is allowed to participate in an exchange of these federal funds to nonfederal State Highway Account funds. Prior to an annual distribution of funds, an Exchange Agreement is executed between HCAOG and the State Department of Transportation (Caltrans). This exchange allows for greater flexibility with fewer administrative burdens. The County of Humboldt receives RSTP funds through a separate Exchange Agreement.

RSTP funds support a broad range of transportation projects. In the Humboldt region, most are used to augment city and county road budgets. Beginning with the 2007-08 RSTP cycle, HCAOG began setting aside funds for tribal governments. The County of Humboldt has agreed to administer the funds for a single project.

Exchange funds are subject to financial and compliance audits by State of California auditors.

### **Eligible Projects**

The exchange of funds requires agreement to projects defined under Title 23-Section 133 of the Federal Aid for Highway and in accordance with the State of California Constitution. Section 133(b) provides for the following eligible projects:

- (1) Construction, reconstruction, rehabilitation, resurfacing, restoration, and operational improvements for highways (including Interstate highways) and bridges (including bridges on public roads of all functional classifications), including any such construction or reconstruction necessary to accommodate other transportation modes, and including the seismic retrofit and painting of and application of calcium magnesium acetate, sodium acetate/formate, or other environmentally acceptable, minimally corrosive anti-icing and de-icing compositions on bridges and approaches thereto and other elevated structures, mitigation of damage to wildlife, habitat, and ecosystems caused by a transportation project funded under this title.
- (2) Capital costs for transit projects eligible for assistance under chapter 53 of title 49, including vehicles and facilities, whether publicly or privately owned, that are used to provide intercity passenger service by bus.
- (3) Carpool projects, fringe and corridor parking facilities and programs, bicycle transportation and pedestrian walkways in accordance with section 217, and the modification of public sidewalks to comply with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

- (4) Highway and transit safety infrastructure improvements and programs, hazard eliminations, projects to mitigate hazards caused by wildlife and railway-highway grade crossings.
- (5) Highway and transit research and development and technology transfer programs.
- (6) Capital and operating costs for traffic monitoring, management, and control facilities and programs, including advanced truck stop electrification systems.
- (7) Surface transportation planning programs.
- (8) Transportation enhancement activities.
- (9) Transportation control measures listed in section 108 (f)(1)(A) (other than clause (xvi)) of the Clean Air Act (42 U.S.C. 7408 (f)(1)(A)).
- (10) Development and establishment of management systems under Section 303.
- (11) In accordance with all applicable Federal law and regulations, participation in natural habitat and wetlands mitigation efforts related to projects funded under this title, which may include participation in natural habitat and wetlands mitigation banks; contributions to statewide and regional efforts to conserve, restore, enhance, and create natural habitats and wetlands; and development of statewide and regional natural habitat and wetlands conservation and mitigation plans, including any such banks, efforts, and plans authorized pursuant to the Water Resources Development Act of 1990 (including crediting provisions). Contributions to such mitigation efforts may take place concurrent with or in advance of project construction. Contributions toward these efforts may occur in advance of project construction only if such efforts are consistent with all applicable requirements of Federal law and regulations and State transportation planning processes. With respect to participation in a natural habitat or wetland mitigation effort related to a project funded under this title that has an impact that occurs within the service area of a mitigation bank, preference shall be given, to the maximum extent practicable, to the use of the mitigation bank if the bank contains sufficient available credits to offset the impact and the bank is approved in accordance with the Federal Guidance for the Establishment, Use and Operation of Mitigation Banks (60 Fed. Reg. 58605 (November 28, 1995)) or other applicable Federal law (including regulations).
- (12) Projects relating to intersections that—
  - (A) have disproportionately high accident rates;
  - (B) have high levels of congestion, as evidenced by—
    - (i) interrupted traffic flow at the intersection; and
    - (ii) a level of service rating that is not better than “F” during peak travel hours, calculated in accordance with the Highway Capacity Manual issued by the Transportation Research Board; and
  - (C) are located on a Federal-aid highway.
- (13) Infrastructure-based intelligent transportation systems capital improvements.
- (14) Environmental restoration and pollution abatement in accordance with Section 328.
- (15) Control of noxious weeds and aquatic noxious weeds and establishment of native species in accordance with section 329.

## **Agreement with Jurisdictions**

The following administrative requirements are hereby implemented to assure that the agencies receiving the RSTP funds are using the funds properly, and to assure that HCAOG is properly tracking the funds.

1. Project Lists. Each entity shall be required to submit to HCAOG a list of eligible projects on which they expect to expend the funds, prior to funds being distributed by HCAOG. The list shall include the name of all streets and roads with potential projects, the type of project (*rehabilitation, maintenance, etc.*) and the functional classification based on the “annual maintained mileage report” prepared by each agency. (Form is attached)
2. Exchange Agreement Compliance. HCAOG is required to sign an annual Exchange Agreement with the State which states that HCAOG (and project sponsors) agree to comply with required conditions. Therefore, each entity shall receive a copy of the agreement and be required to sign a statement of compliance in order to receive funds. Compliance includes a requirement that a special fund for the purpose of depositing exchange funds has been established within a jurisdiction’s special gas tax street improvement funds or county road fund. (Form is attached)
3. Annual Report. Each entity shall be required to submit an annual report before receiving new RSTP funds each annual cycle. The report shall indicate how funds were expended or explain if funds are being carried over for a larger project. (Note: The annual report should agree with the project list submitted, otherwise a written explanation will be required). (Form is attached)

## **RSTP Formula Distribution**

During a normal funding cycle, HCAOG receives instructions from the State to begin the process to exchange the RSTP funds sometime during the calendar year, resulting in an executed Exchange Agreement and receipt of funds by or near June 30 of each fiscal year. HCAOG staff then prepares a draft RSTP Program for stakeholder and public review and discussion at HCAOG Technical Advisory Committee and Board meetings. Upon HCAOG Board approval, HCAOG notifies eligible claimants of the amount of available funding per the formula distribution. Funds are then distributed to the County and Cities upon compliance with the Agreement with Jurisdictions, as explained above.

**Humboldt County Association of Governments**

**Regional Surface Transportation Program FY 2016-17**

<b>Total Available to Region</b>	1,150,510
<b>Regional Apportionment</b>	<u>-262,188</u>
<b>Excess Fund Apportionment</b>	\$ 888,322

The **Regional Apportionment** is apportioned to the four former Federal Aid Urban (FAU) recipients (Arcata, Eureka, Fortuna, and McKinleyville) in 1990-era urbanized proportions. The amount of \$262,188 has remained constant in this formula of distribution.

Of this amount, \$100,000 is taken off of the top and allocated to Humboldt County in exchange for an annual dedication of \$200,000 of County Local Transportation Funds to transit agencies supporting capital improvements. The remaining amount (\$162,188) is then apportioned to the four FAU areas based on the following percentages set in the 1990s:

23.8% Arcata      46.6% Eureka      14.6% Fortuna      15.0% McKinleyville

Regional Apportionment	262,188
Transit Set Aside (County of Humboldt)	(100,000)
<b>Balance</b>	<b>\$162,188</b>
McKinleyville (County of Humboldt) (15%)	24,328
City of Arcata (23.8%)	38,601
City of Eureka (46.6%)	75,580
City of Fortuna (14.6%)	23,679
<b>Total</b>	<b>\$162,188</b>

The **Excess Fund Apportionment** is apportioned to the former FAU recipients and the FAS recipient (Humboldt County) after funds for the Small Agency Program are deducted.

The amount apportioned to the Small Agency program has been based on the population percentages of the four small cities (Blue Lake, Ferndale, Rio Dell and Trinidad) and tribal land populations for tribes that are members of the TAC (Blue Lake Rancheria, Bear River Band of the Rohnerville Rancheria, Hoopa Valley Tribe, Karuk Tribe, Trinidad Rancheria and the Yurok Tribe).

Population data for the small cities is taken from the California Department of Finance (DOF) Table E-1. The North Coast Tribal Transportation Commission provides population data annually. This year the Small Agency Program, based on population, is 8.95% of the Excess Fund (\$79,516).

Small Agency Program based on 8.95% of the Excess Fund Apportionment				
	Population Estimates*	% of total population **	% of Small Agency Program	Allocation
Blue Lake	1,295	0.95%	10.6%	8,400
Ferndale	1,445	1.06%	11.8%	9,373
Rio Dell	3,447	2.52%	28.1%	22,358
Trinidad	369	0.27%	3.0%	2,393
Tribal Areas	5,703	4.16%	46.5%	36,992
<b>Total</b>	<b>12,259</b>	<b>8.95%</b>	<b>100.0%</b>	<b>\$79,516</b>

\* City data from Table E-1, California Department of Finance  
\*\*Total population (136,953) from Table E-1

The FAU recipients and FAS recipient ratios:

FAU 32.8% (Arcata, Eureka, Fortuna and McKinleyville)

FAS 67.2% (County of Humboldt)

Total Allocation	\$1,150,510
Regional Apportionment	-\$262,188
Excess Fund Apportionment	<b>\$888,322</b>
Small Agency Program (8.95%)	-\$79,516
<b>FAU/FAS funds</b>	<b>\$808,806</b>

FAU/FAS Funds (Remaining Excess Fund Apportionment)			
	67.2 % of FAS	32.8% of FAU	Allocation
	<b>\$543,518</b>	<b>\$265,288</b>	
County of Humboldt	100%	n/a	543,518
Arcata	n/a	23.8%	63,139
Eureka	n/a	46.6%	123,624
Fortuna	n/a	14.6%	38,732
McKinleyville	n/a	15.0%	39,793
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>\$808,806</b>

RSTP 16-17 Allocations	
County of Humboldt	707,639
Arcata	101,739
Blue Lake	8,400
Eureka	199,204
Ferndale	9,373
Fortuna	62,412
Rio Dell	22,358
Trinidad	2,393
Tribal Governments	36,992
<b>Total</b>	<b>\$1,150,510</b>

