

FY 2014-15

**Regional Surface Transportation Program
Policy and Allocation**



September 2015

Humboldt County Association of Governments
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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The Federal Aid Urban (FAU) and Federal Aid Secondary (FAS) regulations implemented through Section 182.6(d) were repealed by the federal government through the passage of Moving Ahead for Progress in the 21st Century (MAP-21).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 2014-15**

Total Available to Region	\$1,154,886
Regional Apportionment	- \$262,188
Excess Fund Apportionment	\$892,698

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

Historically, McKinleyville's share (15%) is taken off the top, along with the \$100,000 transit-set-aside for the County. The transit-set-aside is a payment to the County for allocating \$200,000 of their Local Transportation Fund to the Humboldt Transit Authority for bus procurement. The resulting percentages to the three other areas were then calculated on 85% of the remaining funds to account for the 15% allocated off the top for McKinleyville.

For clarity, the \$100,000 transit set-aside is the only item taken off of the top. The remaining amount (\$162,188) is then apportioned to the four FAU areas based on the following percentages set in the 1990's.

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

Regional Apportionment	262,188
Transit Set Aside (County of Humboldt)	(100,000)
Balance	\$162,188

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
Total	\$162,188

The **Excess Fund Apportionment** is allocated to the former FAU recipients and the FAS recipient (Humboldt County) after funds for the Small Agency Program are deducted. The historical FAU/FAS ratio is as follows:

FAU 32.8% (Arcata, Eureka, Fortuna and McKinleyville)
FAS 67.2% (County of Humboldt)

Excess Fund Apportionment	892,698
Small Agency Program (8.9%)	79,450
Remainder to FAU/FAS	813,248

Entity	% of FAS 67.2% of \$813,248	% of FAU 32.8% of \$813,248	Allocation
County of Humboldt	100	n/a	546,503
Arcata	n/a	23.8	63,485
Eureka	n/a	46.6	124,303
Fortuna	n/a	14.6	38,945
McKinleyville	n/a	15	40,012
Total	100%	100%	\$813,248

Small Agency Program based on 8.9% of the Excess Fund Apportionment				
Jurisdictions	Population Estimates	% of Small Program population	% of Small Agency Program	Allocation
Blue Lake	1,260	0.9%	10.6%	8,434
Ferndale	1,369	1.0%	11.5%	9,164
Rio Dell	3,372	2.4%	28.4%	22,572
Trinidad	363	0.3%	3.1%	2,430
Tribal Areas	5,505	3.9%	46.4%	36,850
Total	11,869	8.9%	100%	\$79,450

City population data from Table E-1, California Department of Finance

Population data for tribal areas	
Bear River Band of the Rohnerville Rancheria	141
Blue Lake Rancheria	203
Cher-Ae Heights Indian Community	106
Hoopla Valley Tribe	2,748
Karuk Tribe	1,069
Yurok Tribe	1,236
Total	5,505

Population data provided from the Humboldt County Tribal Transportation Commission

Summary of Apportionments

County of Humboldt (100,000+24,328+546,503+40,012))	710,843
Arcata (38,601+63,485)	102,086
Blue Lake	8,434
Eureka (75,580+124,303)	199,883
Ferndale	9,164
Fortuna (23,679+38,945)	62,624
Rio Dell	22,572
Trinidad	2,430
Tribal Governments	36,850
Total	\$1,154,886

HUMBOLDT COUNTY ASSOCIATION OF GOVERNMENTS

REGIONAL SURFACE TRANSPORTATION PROGRAM (RSTP)

Section 182.6(d)(1)

Annual Project List – Fiscal Year 2014-15

(List all **Potential** Projects)

<u>Street/Road</u>	<u>Type of Project</u> <u>Functional Classification</u>	<u>Est. Amount</u>
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Authorized Signature

Date

Printed Name & Title

Agency

HUMBOLDT COUNTY ASSOCIATION OF GOVERNMENTS

REGIONAL SURFACE TRANSPORTATION PROGRAM (RSTP)

Section 182.6(d)(1)

**Statement of Compliance
with Exchange Agreement**

Pursuant to the Regional Surface Transportation Program Section 182.6(d)(1) program, the undersigned claimant hereby acknowledges that he/she has received a copy of the Exchange Agreement dated **April 22, 2015** between HCAOG and the State Department of Transportation (Caltrans), and agency agrees to comply with the applicable required conditions contained therein.

Undersigned claimant also acknowledges that jurisdictions receiving State RSTP funds have complied with Section 1220.4(6) *A special fund for the purpose of depositing exchange funds has been established within a jurisdiction's special gas tax street improvement fund or county road fund.*

Authorized Signature

Date

Printed Name and Title

HUMBOLDT COUNTY ASSOCIATION OF GOVERNMENTS

REGIONAL SURFACE TRANSPORTATION PROGRAM (RSTP)

Section 182.6(d)(1)

Annual Report

Reporting Period: **Fiscal Year ending 2013-14**

Amount Received \$_____

Briefly describe how the RSTP funds were expended by your agency during the previous fiscal year. If expenditures do not match the previously submitted project list, please provide a written explanation.

If your agency is "saving" the RSTP funds for a larger project that cannot be funded in a single year, please indicate below. If funds are being carried over for any other reason, please explain.

1. RSTP d(1) funds were expended on the following project(s):

<u>Street/Road</u>	<u>Type of Project Functional Classification</u>	<u>Amount</u>
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2. RSTP d(1) funds are being carried over as described below:

_____	_____	_____
Authorized Signature	Date	Printed Name & Title

Agency