

**Metropolitan Transportation Commission  
Programming and Allocations Committee**

July 11, 2018

Agenda Item 3b

**Federal Earmark Repurposing**

**Subject:** Potential projects to receive Federal Highway Administration (FHWA) repurposed earmark funds under the earmark repurposing provision of the Department of Transportation Appropriations Act, 2018.

**Background:** The Department of Transportation Appropriations Act, 2018 (P.L. No. 115-31) allows States to repurpose earmarks that were appropriated or authorized to be appropriated on or before September 30, 2007 and are completed and closed, or that otherwise have not substantially progressed (less than 10% of the earmark funds have been obligated).

Repurposed funds can be directed to any new or existing project that is eligible to receive Surface Transportation Block Grant Program (STBGP) funds. Repurposed earmarks must be directed to a project or projects located within 50 miles of the original earmark designation in the State. The distance requirement had been relaxed for the 2017 repurposing effort to 100 miles from the location of the original earmark, but is now back to 50 miles.

**Earmarks Available for Repurposing**

On June 15, 2018, Caltrans released the list of earmarks that are eligible for repurposing, totaling nearly \$20 million statewide. Within the Bay Area, \$5.7 million in unspent earmark balances are readily available for repurposing, as noted below:

**Table 1. Earmarks Available for Repurposing**

Sponsor	Earmark Description	Balance Available
San Francisco City/County	San Francisco 19 <sup>th</sup> Avenue Improvements	\$163,513
San Jose	Almaden Express Pedestrian Overcrossing	\$352,000
San Jose	Coyote Creek Trail Project – Story Road to Montague Expressway	\$1,799,800
San Jose	Construct Guadalupe River Trail from I-880 to Highway 237 in Santa Clara County	\$2,926,275
Solano County	Construct I-80 HOV lanes and interchange in Vallejo	\$424,212
<b>Total Available for Repurposing:</b>		<b>\$5,665,800</b>

**Recommendation for Projects to Receive Repurposed Funds**

Caltrans has requested regions to submit a recommended list of projects, if any, to receive repurposed funds (the projects to which the earmark funds will be directed) by August 17, 2018. Staff worked with project sponsors and Congestion Management Agencies (CMA’s) to verify the status of projects associated with the abovementioned earmarks.

In response to the requests from CMAs, staff recommends the Commission forward the following earmark balances to Caltrans for repurposing to new projects as identified below (Table 2). Projects in Table 3 are not to be repurposed; funds are to

remain committed to the respective projects with the expectations that they can be delivered in the near-term future.

**Table 2. MTC Earmark Repurposing Recommendation**

Sponsor	Earmark Description	Balance Available	MTC Recommendation
San Jose	Almaden Express Pedestrian Overcrossing, San Jose, California	\$352,000	Repurpose to new project: <b>VTA, US 101 Express Lanes Phase 5</b> Total: \$3,278,275
San Jose	Construct Guadalupe River Trail from I-880 to Highway 237 in Santa Clara County	\$2,926,275	
San Francisco City/County	San Francisco 19th Avenue Improvements, CA	\$163,513	Repurpose to new project: <b>SFDPW, Great Highway Restoration &amp; Reconfiguration</b> Total: \$163,513
<b>Repurposing Recommendation Total:</b>		<b>\$3,441,788</b>	

**Table 3. Remaining Bay Area Earmark Balances - Do Not Repurpose** (shown for informational purposes only)

Sponsor	Earmark Description	Balance Available	MTC Recommendation
San Jose	Coyote Creek Trail Project-- Story Road to Montague Expressway	\$1,799,800	Do not repurpose; next phase of project proceeding to construction
Solano County	Construct I-80 HOV lanes and interchange in Vallejo	\$424,212	Do not repurpose; funds programmed to Redwood-Fairgrounds Dr. Interchange Imps.

After approval, staff will forward the repurposing recommendation to Caltrans to be included in the State's submission to FHWA. The final statewide list of projects is due from Caltrans to FHWA Headquarters by September 12, 2018.

**Issues:**

**(1) Regional Role:** Although staff will work closely with Caltrans throughout the process, federal law gives the repurposing authority solely to the States.

**(2) Implementation Issues:** Project sponsors must submit required forms to Caltrans in order to proceed with the next steps of the repurposing process. Repurposed funds must be fully obligated by September 30, 2021. Additionally, once repurposed onto a new project, the earmark funds cannot be repurposed again.

**Recommendation:** Refer for approval to the Commission the recommended list of projects to receive repurposed earmark funds (Table 2) and direct staff to submit the recommendation to Caltrans.

**Attachments:** None