

# Metropolitan Transportation Commission Programming and Allocations Committee

July 12, 2017

Agenda Item 2h

## Federal Earmark Repurposing

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**Subject:** Potential projects to receive Federal Highway Administration (FHWA) repurposed earmark funds under the earmark repurposing provision of the Consolidated Appropriations Act, 2017.

**Background:** Section 422 of the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2017 (P.L. No. 115-31) includes a provision that enables States to repurpose earmarks that were appropriated or authorized to be appropriated on or before September 30, 2006 and are completed and closed.

Repurposed funds can be directed to any new or existing project that is eligible to receive Surface Transportation Block Grant Program (STBGP) funds. The project must also be located within 100 miles of the original earmark designation in the State.

### **Bay Area Repurposed Earmarks** (the “*from*” list)

At this time, MTC has not received a list of potential eligible earmarks for repurposing. We expect to receive guidance and a potential project list from Caltrans within the next couple weeks. Upon receipt of this list, Staff will work with project sponsors and Caltrans to identify specific earmarked funds to be repurposed. It is expected that the list will be much shorter than the 2016 list as most large projects/balances were considered then; however that cannot be confirmed until we receive the list.

### **Bay Area Projects to Receive Repurposed Funds** (the “*to*” list)

For the next step in the process, Caltrans requests regions to submit a recommended list of projects to receive repurposed funds (or the projects *to* which the earmark funds will be directed). Staff will work with project sponsors to develop this list.

Depending on when MTC receives the “from” list from Caltrans, both of these lists may be presented to the Commission at the July 26, 2017 meeting for review and approval. After approval, staff will forward the lists to Caltrans to be included in the State’s submission to FHWA. The final complete list of projects is due to FHWA Headquarters by September 12, 2017.

**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 by a yet-to-be-announced date, in order to proceed with the next steps of the repurposing process. Repurposed funds must be fully obligated by September 30, 2020. Additionally, once repurposed onto a new project, the earmark funds cannot be repurposed again.

**Recommendation:** None. Information only.

**Attachments:** None