



Metro

JULY 25, 2012

TO: BOARD OF DIRECTORS

THROUGH: ARTHUR T. LEAHY 
CHIEF EXECUTIVE OFFICER

FROM: MICHAEL TURNER 
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SUBJECT: STATE IMPLEMENTATION OF MAP-21

ISSUE

The federal surface transportation bill, Moving Ahead for Progress in the 21st Century (MAP-21), was signed into law by President Obama earlier this month. MAP-21 provides authorization for our nation's surface transportation program for a total of twenty seven months.

When Congress authorizes the federal transportation program the body often changes the manner in which various programs are operated. These changes in how individual programs are operated and how their funds are apportioned often necessitate states, including the State of California, to amend their laws which help implement these federal transportation programs. This is an issue we believe must be addressed by the State Legislature in August as many of the MAP-21 programs will take effect prior to next year's Legislative session.

DISCUSSION

MAP-21 provides authorization, through September 30, 2014, in the amount of \$105 billion in federal transportation spending, which keeps funding levels for transit and highway programs at levels generally equal to Fiscal Year 2012. MAP-21 extends the life of the federal motor fuels tax to September 30, 2016.

The legislation authorizes a number of formula programs whose funds are apportioned to states and depending upon either the language in the federal authorization or in provisions in state law, these funds are then directed towards local transportation agencies. Our Planning staff has been analyzing MAP-21 to identify the specific changes in state law that will be required to effectively implement the new changes in federal law. We have also begun discussions with our counterparts around the state to ensure that there is a broad consensus in the changes needed to be made by legislators in Sacramento.

There are four major areas where we believe state legislation is needed. First, is to ensure that Surface Transportation Program (STP) funds continue to flow to local agencies in the same percentage as they were allocated under the previous federal statute. Second, is to ensure that Congestion Mitigation and Air Quality (CMAQ) program funds are allocated to local agencies in the same percentage as under the previous federal statute. Third is that MAP-21 consolidated many programs such as the Safe Routes to Schools program into the Transportation Alternatives Program. New state law is needed to ensure that these funds flow to local agencies and that they are allocated in a proportionate manner. Lastly, MAP-21 expands the NEPA delegation authority, which was granted to local agencies for highway projects under SAFETEA-LU, to now include transit projects. Staff is currently reviewing the options we have to ensure that local agencies responsible for the transit projects benefit from the NEPA delegation authority for transit projects. This last issue may need to be addressed in legislation next year as its implementation may require extensive work with the state and local transit agencies.

We have included a short matrix which outlines all of these issues below:

PROGRAM	MAP-21	State Legislative Change
STP	State/Local formula changed from 37.5/62.5 to 50/50	Reinstate 62.5 (local)/37.5%(state) formula.
CMAQ	Funds apportioned to state, no provision submitted to locals	Maintain allocation formula to eligible areas.
Transportation Enhancements Activities (TEA)	Folded into new Transportation Alternatives Program (TAP). Eligibility includes Safe Route To Schools and Recreational Trails. Does not include Public Art programs.	Need language that directs funds to local transportation agencies/commissions
NEPA-CEQA	Makes permanent that DOT delegates NEPA authority to states and expands project eligibility to include rail, public transit, and multimodal projects.	Need language to determine who will have the NEPA delegation authority for public transportation projects.

NEXT STEPS

Metro staff will continue to work with the Governor’s office and State Legislature on the implementation bill proposals and will keep the board informed as these proposals move forward.