

Fiscal Year 2022-23

Regional Surface Transportation Program

Policy and Allocations

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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The Federal Aid Urban (FAU) and Federal Aid Secondary (FAS) regulations implemented through Section 182.6(d) were repealed by the federal government through the passage of Moving Ahead for Progress in the 21st Century (MAP-21).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. 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. Exchange funds are subject to financial and compliance audits by State of California auditors.

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.

Eligible Projects

Eligible projects are subject to Title 23-Section 133 of the Federal Aid for Highway regulations, 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. Prior to funds being distributed by HCAOG, each entity shall be required to submit to HCAOG a list of eligible projects on which they expect to expend the funds. 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).

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 (TAC) and Board meetings. Upon HCAOG Board approval, HCAOG notifies eligible claimants of the approved amount of available funding per the formula distribution. Funds are then distributed to the County, Cities, and tribes upon compliance with the Agreement with Jurisdictions, as explained above.

**Humboldt County Association of Governments
Regional Surface Transportation Program FY 2022-23**

FY 22-23 RSTP Allocation	1,729,549
Regional Apportionment	(262,188)
Excess Fund Apportionment	\$1,467,361

The **Regional Apportionment** is apportioned first, in the amount of \$262,188. This amount 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.

Regional Apportionment	262,188
Transit Set Aside (County of Humboldt)	(100,000)
Balance – Funding for FAU Jurisdictions	\$162,188

The remaining amount (\$162,188) is then apportioned to the four FAU areas based on the following percentages set in the 1990s:

Funding for FAU Jurisdictions		
FAU Jurisdiction	FAU %	Allocation
McKinleyville	15.0%	\$ 24,328
City of Arcata	23.8%	\$ 38,601
City of Eureka	46.6%	\$ 75,580
City of Fortuna	14.6%	\$ 23,679
Total	100.0%	\$ 162,188

The **Excess Fund Apportionment** (\$1,467,361) is then apportioned to the County, the seven cities and TAC tribal members. The first amount apportioned goes to the **Small Agency Program**. This is 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).

Small Agency Program				
Jurisdiction	Population Estimates	% of Small Agency Program	% of Total Population	Allocation
Blue Lake	1,146	9.40%	0.85%	\$ 12,540
Ferndale	1,371	11.25%	1.02%	\$ 14,941
Rio Dell	3,261	26.76%	2.43%	\$ 35,753
Trinidad	294	2.41%	0.22%	\$ 3,202
Tribal Areas*	6,115	50.18%	4.56%	\$ 66,970
Total	12,187	100.00%	9.09%	\$ 133,406

*Tribal populations provided by North Coast Tribal Transportation Commission

Population data for the small cities is taken from the California Department of Finance Estimate Table E-1. The North Coast Tribal Transportation Commission (NCTTC) provides tribal

population estimates. For FY 22-23, the Small Agency Program population is 9.09% of the total population in Humboldt County. The Excess Fund for FY 22-23 amounts to \$133,406.

The remaining Excess Fund Apportionment (\$1,333,955) is available to the FAU and Federal Aid Secondary (FAS) agencies. Humboldt County is the only FAS recipient and therefore receives 67.2% of the remaining Excess Fund Apportionments. The FAU recipients receive the remaining 32.8% of the Excess Fund Apportionment. The 32.8% allocation is apportioned according to the 1990 percentages for each FAU recipient. The FAU/FAS funds for FY 22-23 are equal to \$1,333,955.

FAU/FAS Program			
	FAS: 67.2 % of FAU/FAS Program	FAU: 32.8% of FAU/FAS Program	Allocation
	\$ 896,417	\$ 437,537	
County	100%	N/A	\$ 896,417
Arcata	N/A	23.8%	\$ 104,134
Eureka	N/A	46.6%	\$ 203,892
Fortuna	N/A	14.6%	\$ 63,880
McKinleyville	N/A	15.0%	\$ 65,631
Total	100%	100%	\$ 1,333,955

The final allocation for FY 22-23 is as follows:

RSTP 22-23 Allocations	
County	\$ 1,086,376
Arcata	\$ 142,735
Blue Lake	\$ 12,540
Eureka	\$ 279,472
Ferndale	\$ 14,941
Fortuna	\$ 87,560
Rio Dell	\$ 35,753
Trinidad	\$ 3,202
Tribal Governments	\$ 66,970
Total	\$ 1,729,549