

CMAQ Programming and the 2009-14 TIP Update

At the time of the adoption of the 2007-12 TIP, there was about \$71M of CMAQ programmed, with about \$66M available, resulting in about \$5M of conscious over-programming for the five-year programming period. At that time, the TIP included CMAQ funds for project RG37A (TMC Operating Costs). In November 2007, CDTC consented to transferring CMAQ funds to STP-Flex, and using those funds for RG37A. Accordingly, the 2007-12 TIP currently shows \$52M of CMAQ programmed, with about \$48M available, resulting in over-programming of about \$4M.

The budget estimates proposed to CDTC by NYSDOT Region One for the 2009-14 TIP Update, and eventually approved by CDTC, included \$50M available for CMAQ programming for the five-year programming period. Although the \$50M was similar to the comparable five-year period funding in the current TIP (\$52M), from the time the budget estimates were first proposed, CDTC staff sought clarity as to whether or not the CMAQ to STP-Flex transfer occurred and if the transfer was reflected in the budget estimates. Recently, as discussed at the July, 2009 Planning Committee meeting, it has become apparent that the transfer is not reflected in the budget estimates being used by CDTC. At that meeting, the Planning Committee agreed that the budget estimates should be consistent with the project listings (RG37A). CDTC staff made the adjustments, resulting in the CMAQ budget estimate being reduced from \$50M to \$30M. With RG37A being funded with STP-Flex, the 2009-14 draft listings show \$48M in CMAQ programming (similar to the \$52M in the current TIP). This results in about \$18M of CMAQ over-programming. **It seems then, that the budget estimates approved by CDTC included a reduction in CMAQ that was coincidentally similar to the amount anticipated to be transferred to STP-Flex.**

If CDTC were proceeding with a normal TIP update, it would need to deal with the significant five-year over-programming soon. But because the STIP will not be updated statewide, CDTC is including its update work in the STIP in the form of wholesale amendments for the 2009-10 and 2010-11 years. As the Planning Committee has already discussed, in order to include the draft 2009-14 project listings for 2009-10 and 2010-11, CDTC must program to the same levels or lower as that of the 2007-12 TIP for the years in question. Given the uncertainty of the funding levels of new federal legislation, the possibility exists that the budget estimates for CMAQ for the 2009-14 TIP could be very different from the estimates that will eventually be used in the 2010-15 TIP. These factors point to the possibility that reducing CMAQ funding to match the lower CMAQ budget estimates for the 2009-14 TIP update may be a painful exercise that ultimately didn't need to be done.

In order to incorporate the 2009-10 and 2010-11 years from the draft 2009-14 TIP into the 2007-12 TIP, as stated above, the programming by year and fund source must not exceed the 2007-12 TIP. In order to achieve this for CMAQ, about \$9M would need to be moved from 2009-10 and

another \$1M from 2010-11. This assumes several things about CMAQ allocations and spending that are not fully known, which could reduce or increase the amount of the deferrals in order to meet the fiscal constraint requirements. CDTC staff examined each CMAQ expense in the years in question and found very few differences with the 2007-12 TIP that would require individual amendments if the TIP was amended for each project individually. Also, past experience indicates the possibility that the schedule for some of these projects might slip on their own, thereby reducing the need for amendments (although this might be less likely for CMAQ projects than for some others). Therefore, one option for handling the CMAQ amendments is to amend the TIP for each one if and when they are required and find offsets as needed, at that time.