



Darla Letourneau  
BikeWalkLee  
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### Analysis of FDOT's Rescission

**Background:** In early August Congress passed a \$26 billion Jobs Bill. The Bill includes \$6.7 billion in rescissions, of which \$2.2 billion will come from transportation funds. Unlike the last round of rescissions this Bill strips away the requirement that all transportation programs receive equal consideration to others- meaning that we will most likely see a disproportional impact on programs important to the non-motorized projects such as Transportation Enhancements (TE) and Congestion Mitigation & Air Quality (CMAQ).

On August 18<sup>th</sup>, BikeWalkLee wrote to Governor Crist urge him to take the rescission proportionately.

[http://www.bikewalklee.org/BWL/BWL\\_PDFs/BWL\\_PR/081810CristRescissionLetter.pdf](http://www.bikewalklee.org/BWL/BWL_PDFs/BWL_PR/081810CristRescissionLetter.pdf)

### FDOT Action:

However, FDOT did not take the cuts proportionately. Rather, they cut \$24.7 million from Transportation Enhancements (TE) funds that is the nation's largest source of funding for walking & biking. They also cut \$3 million from the Recreational Trails Program (RTP).

Attached is a modified version of the spreadsheet that FDOT shared with me in response to my request for the detailed data on all FDOT federal transportation funds (FHWA). I have added 3 analysis columns:

1. % funds available in 2010 that were estimated to be obligated by 9/30/10
2. % of unobligated funds that were rescinded
3. % of total available in 2010 that was rescinded

As shown on the table, for RTP, only 24% of the funds available for 2010 were actually obligated (or estimated to be obligated) by 9/30/10. And of the unobligated balances remaining 47% was rescinded in this latest round, which accounts for 36% of all the

funds available for RTP. Look at it this way—over 1/3 of the funds that had been made available by the federal government for RTP were taken away by FDOT's action.

With respect to TE, 56% of the funds available for 2010 were actually obligated (or estimated to be obligated) by 9/30/10. And of the unobligated balances remaining 73% was rescinded in the latest round, which account for 32% of all the funds available for TE. Again, 1/3 of the funds made available by the federal government for TE were taken away by FDOT's action. If you look at p. 2 of the spreadsheet, it has an "in & out" table for TE funds. Essentially what FDOT did was to take away the \$24.7 M of restored 2009 rescission funds that had been returned to TE by Congress in April 2010. We work to have the funds restored at the federal level, Congress acts, and in essence, FDOT negates the federal action. We can't seem to win!

While the federal legislation on this latest rescission exempted safety programs and local/regional STP (road projects) programs from the rescission, the remaining programs were not cut proportionately. An overall cut of 48.5% of unobligated balances was required. FDOT took the greatest cut from bridges, then biking/walking/trails programs, and only cut 2% out of the unobligated balances in the road programs subject to the rescission.

More importantly, of the \$2,318.7 M available for FL federal transportation funds (FHWA), the rescissions resulted in a 5% reduction on the total funds available to FL. While TE & RTP amount to \$86 M of the total availability, which is 3.7% of the total transportation funds; they lost 32-36% of their funds compared to the total cut of 5%--almost 7 times their "fair share". If you take out the 2 bridges programs (which also lost 30%), you'll see that only 0.1% was cut from all the other programs (e.g. road projects).

These cuts are not isolated incidents. In Florida over the past 5 years, we've seen a similar pattern of walking and bicycling programs being marginalized and under-prioritized.

<b>Fund Category</b>	<b>10-01-2009 Contract Authority Balances after rescission at 9-30-2009</b>	<b>FFY2010 Apportionments of Contract Authority (Includes transfer of 50% of IM to NH)</b>	<b>10-01-2009 Balance plus FFY2010 Apportionments</b>	<b>Contract Authority rescinded on 9-30-2009 and restored on 4-20-2010 (No Obligation Authority was restored with the Contract Authority)</b>	<b>10-01-2009 Balance plus FFY2010 Apportionments plus restoration of contract authority originally rescinded on 9-30-09</b>
Bridge - Off Federal System	8,688,470	21,987,559	30,676,029	16,651,470	47,327,499
Congestion Mitigation	-	14,057,578	14,057,578	2	14,057,580
Highway Planning	-	28,179,102	28,179,102	-	28,179,102
Highway Research	-	9,393,034	9,393,034	-	9,393,034
Metro Planning	-	20,335,985	20,335,985	1	20,335,986
<b>Recreational Trails</b>	4,785,690	2,041,024	6,826,714	1,610,047	8,436,761
<b>Surface Transportation Enhancements</b>	-	52,856,355	52,856,355	24,734,424	77,590,779
Safety Programs +	12,158,179	108,808,818	120,966,997	76,156,012	197,123,009
Surface Transportation - Pop. <5,000 +	3,962,218	16,734,111	20,696,329	13,200,584	33,896,913
Surface Transportation - Pop. <200,000 +	59,229,267	65,220,324	124,449,591	48,864,591	173,314,182
Surface Transportation - Pop. >200,000 +	87,512,729	215,362,563	302,875,292	163,096,911	465,972,203
Bridge - On Federal System	-	124,596,171	124,596,171	54,486,367	179,082,538
Interstate Maintenance	-	172,851,374	172,851,374	6	172,851,380
National Highway System	-	667,558,702	667,558,702	45,190,148	712,748,850
Surface Transportation - Any Area	-	178,390,199	178,390,199	13,027	178,403,226
	<b>176,336,553</b>	<b>1,698,372,899</b>	<b>1,874,709,452</b>	<b>444,003,590</b>	<b>2,318,713,042</b>

Obligations of projects during the FFY2010 (Actuals thru July plus projected for August and September)	% funds available (column H) obligated by 9/30/10 (column I)	Projected Contract Authority remaining at 9-30-10 after all production ready projects are obligated	Final Rescission Amounts August 2010	% of unobligated (column K) that was rescinded (column L)	% total available (column H) 2010 that was rescinded (column L)	Projected Ending Contract Authority Balances at 9-30-2010 after August rescission
30,676,029	0.65	16,651,470	16,033,360	0.96	0.34	618,110
11,944,748	0.85	2,112,832	1,000,000	0.47	0.07	1,112,832
23,633,308	0.84	4,545,794	-	-	-	4,545,794
7,082,863	0.75	2,310,171	-	-	-	2,310,171
20,069,219	0.99	266,767	-	-	-	266,767
2,045,431	0.24	6,391,330	3,000,000	0.47	0.36	3,391,330
43,570,844	0.56	34,019,935	24,700,000	0.73	0.32	9,319,935
86,657,791	0.44	110,465,218	-	-	-	110,465,218
15,444,329	0.46	18,452,584	-	-	-	18,452,584
59,645,085	0.34	113,669,097	-	-	-	113,669,097
148,583,149	0.32	317,389,054	-	-	-	317,389,054
102,320,171	0.57	76,762,367	54,400,000	0.71	0.30	22,362,367
160,788,374	0.93	12,063,006	12,000,000	0.99	0.07	63,006
660,976,702	0.93	51,772,148	-	-	-	51,772,148
153,071,430	0.86	25,331,796	1,500,000	0.06	0.01	23,831,796
<b>1,526,509,473</b>	0.66	<b>792,203,569</b>	<b>112,633,360</b>	<b>**</b>	0.05	<b>679,570,209</b>