

**ASSEMBLY BUDGET SUBCOMMITTEE NO. 5
ON TRANSPORTATION AND
INFORMATION TECHNOLOGY**

Assemblymember Manny Diaz, Chair

**WEDNESDAY, MAY 5, 2004
STATE CAPITOL, ROOM 127
2:00 P.M.**

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CONSENT CALENDAR**ITEM 2600 CALIFORNIA TRANSPORTATION COMMISSION (CTC)**

ISSUE 1: TECHNICAL CORRECTION TO PRO-RATA BUDGET

The Department of Finance submitted a Finance Letter to reduce the Transportation Commission's budget by \$484,000 to correct a technical error made during the development of the Governor's proposed budget. This reduction has no impact on the CTC's programs.

ITEM 2640 SPECIAL TRANSPORTATION PROGRAMS

ISSUE 1: DEPARTMENT'S BUDGET

The Special Transportation Programs (STP) budget reflects mass transit program funding that is appropriated to the State Controller for allocation to regional transportation planning agencies. The State Controller and the Department of Transportation perform administration of the STP.

The STP is funded from the Public Transportation Account (PTA). Revenues from the sales tax of diesel fuel as well as a portion of gasoline sales tax revenues are deposited in the PTA. Under current law, 50 percent of PTA revenues are allocated to the STP to provide financial assistance for public transportation, including transit planning, operations, and capital acquisition. The remaining 50 percent of PTA funds are used to support inter-city rail services, the Mass Transportation program is in the Department of Transportation, and transportation planning.

The Governor's Budget proposes \$101.4 million for the STP, a decrease of 3.0 percent from the current fiscal year.

There are several significant issues surrounding the PTA in this year's budget, including the proposed suspension of Proposition 42 and the escalating prices of gasoline. Therefore, the budget for the STP may need to be reopened at a later time to be adjusted according to actions in other areas of the budget.

ITEM 2660 CALTRANS

ISSUE 1: TRANSPORTATION PERMITS MANAGEMENT SYSTEM

The Governor's proposed budget requests a reappropriation of \$5.253 million for the Transportation Permits Management System (TPMS) information technology project. The TPMS will automate the issuance of permits for extralegal weights or vehicle dimensions and

should reduce permit errors. A 1999 highway fatality involved an erroneous permit and this project was implemented to increase public safety by reducing oversize-truck permit errors.

ISSUE 2: ELIMINATION OF UNDERGROUND STORAGE TANKS PROGRAM

The Governor's proposed budget eliminates 1.9 personnel years and \$4,687,000 due to the completion of the program's activities. Caltrans has removed nearly all of the approximately 900 known Department-owned underground storage tanks.

ISSUE 3: LOS ANGELES REGIONAL TRAFFIC MANAGEMENT CENTER (LARTMC) OPERATIONS AND SUPPORT—FINANCE LETTER

The Department of Finance has submitted a Finance Letter to augment Caltrans' funding by \$1,223,000 (including \$375,000 in reimbursement authority) to provide resources for moving, start up, and initial operations costs for the stand-alone LARTMC opening in May 2005. Add 0.9 personnel years, effective October 1, 2004, to establish a building manager, because this facility is stand-alone, while the old facility was part of the district headquarters office building. The California Highway Patrol (CHP) will also occupy this facility. A conforming issue is in the CHP section.

ISSUE 4: PROJECT RESOURCING AND SCHEDULE MANAGEMENT (PRSM) REAPPROPRIATION (PLUS LAO PROPOSED BUDGET BILL LANGUAGE) - FINANCE LETTER

The Department of Finance has submitted a Finance Letter to reappropriate \$7.1 million for development and implementation of PRSM, which is an information technology system for the scheduling and resource management of transportation projects. This project is intended to help Caltrans meet the objectives of Senate Bill 45 (Chapter 622, Statutes of 1997).

The LAO recommends the following Budget Bill Language:

At the time the 2005-06 Governor's Budget is submitted to the Legislature, the Department of Transportation shall report to the chairperson of the Joint Legislative Budget Committee on the progress of developing and implementing the Project Resourcing and Schedule Management System. The report shall include, but is not limited to, (1) the revised project schedule, (2) the activities completed to date, and (3) the proposed activities funded by the 2005-06 Governor's Budget.

ISSUE 5: LOS ANGELES DISTRICT HEADQUARTERS BUILDING OPERATIONS AND MAINTENANCE – FINANCE LETTER

The Department of Finance has submitted a Finance Letter to increase Caltrans funding by \$3,598,000 in 2004-05 and \$323,000 in 2005-06 and ongoing for costs associated with operations and maintenance of the new Los Angeles office building. The Finance Letter deletes 1.9 personnel years effective January 1, 2005, that performed activities in the old facility that will be performed by the Department of General Services in the new facility.

**ISSUE 6: LOS ANGELES DISTRICT HEADQUARTERS BUILDING MOVING COSTS
- FINANCE LETTER**

The Department of Finance has submitted a Finance Letter to increase Caltrans funding by \$821,000, one time, for moving costs for the new Los Angeles office building.

ISSUE 7: OAKLAND DISTRICT HEADQUARTERS BUILDING SEISMIC RETROFIT

The Department of Finance has submitted a Finance Letter to increase one-time funding by \$1,338,000 to provide funding for preliminary plans to seismically retrofit the Caltrans District 4 office building in Oakland. This retrofit would upgrade the building from a seismic risk level V to a risk level III, which is consistent with the state seismic program performance standards. Future construction and working drawing costs will need funding in 2005-06 and are estimated to be \$33.4 million.

**ISSUE 8: PROVISIONAL LANGUAGE TO ALLOW PURCHASE OF MODULAR
BUILDINGS – FINANCE LETTER**

The Department of Finance has submitted a Finance Letter requesting provisional language to provide Caltrans the authority to exercise purchase option agreements on seven modular office units. The lease agreement allows Caltrans to purchase these buildings for \$1 each at the end of the lease period. The Administration indicates the office space is still required and it would cost more to relocate to other facilities.

ISSUE 9: CALTRANS FACILITY STUDY FUNDING

The Governor's proposed budget provides \$100,000 to fund a portion of the pre-planning, budget packages, and facility studies for office facility capital outlay projects reflected in the Department's 2004-05 Five Year Capital Outlay Plan.

ITEM 2665 HIGH SPEED RAIL AUTHORITY**ISSUE 1: DEPARTMENT'S BUDGET**

The California High-Speed Rail Authority (HSRA) was created by Chapter 796, Statutes of 1996, to direct development and implementation of inter-city high-speed rail service that is fully coordinated with other public transportation services. The HSRA is required to prepare a plan for the financing, construction, and operation of a high-speed network for the state that would be capable of achieving speeds of at least 200 miles per hour.

The HSRA has completed its business plan, initial finance plan, and currently is completing an initial program environmental impact report (EIR) and related technical studies.

The Governor's proposed budget includes \$1.1 million for the HSRA for 2004-05.

ITEMS TO BE HEARD**ITEM 2600****CALIFORNIA TRANSPORTATION COMMISSION**

The California Transportation Commission (CTC) is responsible for the programming and allocating of funds for the construction of highway, passenger rail and transit improvements throughout California. The CTC also advises and assists the Secretary of Business, Transportation and Housing Agency and the Legislature in formulating and evaluating state policies and plans for California's transportation programs.

The Governor's proposed budget includes \$76.7 million in total funding for the CTC.

ISSUE 1: POSITION RESTORATION – FINANCE LETTER

The Department of Finance has submitted a Finance Letter to restore three positions proposed to be eliminated in the Governor's budget on a one-year limited term basis.

In addition, the Department of Finance reports it will complete a craft the 2005-06 budget using a zero based budgeting methodology.

COMMENTS:

The positions were originally established to perform workload associated with the Traffic Congestion Relief Program (TCRP). As a result of the proposed elimination of the TCRP, the Governor also proposed eliminating these positions.

Subsequent to the release of the budget, the CTC reported that the positions have absorbed other workload since the TCRP workload has been significantly less than originally anticipated.

In addition, the CTC lost five positions due to vacancies in the current year.

The LAO the three positions be approved on a permanent basis rather than just for one year. Since the Department of Finance intends to do a zero based review for CTC for 2005-06, the positions can then be adjusted in accordance the results of that review.

ITEM 2660 CALTRANS

The Department of Transportation (Caltrans) is responsible for planning, coordinating, and implementing the development and operation of the state's transportation systems. These responsibilities are carried out in five programs. Three programs—Highway Transportation, Mass Transportation, and Aeronautics—concentrate on specific transportation modes. Transportation Planning seeks to improve the planning for all travel modes and Administration encompasses management of the department.

The Governor's proposed budget includes total expenditures of \$7.3 billion by Caltrans in 2004-05. This is about \$1.1 billion, or 13 percent, less than estimated current-year expenditures.

ISSUE 1: TRANSPORTATION ACCOUNT BALANCES AND OUTSTANDING LOANS

The Department of Finance should report at the hearing regarding the balances of the State Highway Account (SHA) and the Public Transportation Account.

In addition, the Department of Finance should report on the outstanding balances on various loans made to the General Fund and among various transportation funds.

COMMENTS:

Transportation accounts have been used to make loans and transfer to the General Fund in recent years in order to balance the budget.

This year, transportation funds will once again be needed to help close the \$16 billion General Fund gap.

It is necessary for the subcommittee to understand to context of existing loans and fund balances in order to make the critical decisions that will be necessary during this budget process.

ISSUE 2: CONTINUATION OF STORMWATER POSITIONS

The Administration requests \$8.214 million to provide permanent funding and authority for 81 positions (77 personnel years) out of the 154 positions established in 2002-03 as two-year limited term. The position request is less than the 154 positions established in 2002-03 to reflect the number of positions that were abolished due to vacancies on June 30, 2003.

The Administration indicates that actual workload has exceeded the resources provided in 2002-03, however, other maintenance staff have been redirected to perform the "storm water" workload required to fulfill the Caltrans' Storm Water Management Plan approved by the State Water Resources Control board and various Regional Water Quality Control Boards.

COMMENTS:

The LAO recommends making permanent all the 154 positions (147.8 personnel years) authorized as two-year limited term in 2002-03 and add intent language to the Item 2660-007-0042 citing the intent of the Legislature that these positions be exempt from the statewide hiring freeze. This would be an increase of 70.8 personnel years and \$2,853,000 above the Administration's proposal.

At the Senate Budget Committee hearing the Administration indicated that there may be a May Revision proposal on this issue.

The Administration should provide an update to this subcommittee on whether this will be dealt with in the May Revision.

ITEM 2660 CALTRANS

ISSUE 3: MAJOR MAINTENANCE CONTRACTS – FINANCE LETTER

The Administration requests an increase of \$45.8 million for major maintenance contracts to perform work on the state's highways. The Finance Letter indicates that funding for this purpose in recent years has been redirected to cover higher utility and equipment costs and also reduced as part of department-wide cuts.

This one-year limited-term request would restore the funding available for major maintenance contracts to \$90.4 million – the amount available in 2001-02. Funding is requested as one-time so the Administration can re-evaluate the permanent funding need for this activity.

COMMENTS:

In their analysis released in February, the LAO recommended the enactment of legislation requiring Caltrans to develop a long-range plan for the maintenance of the state's highways and requiring Caltrans to develop performance measures to track the results of the state's maintenance investment.

This Senate Budget Subcommittee approved the Governor's proposal but requested the Administration to share Caltrans' long-range maintenance plan with the Legislature, upon completion by January 10, 2005.

ITEM 2660 CALTRANS

ISSUE 4: REPEAL OF TWO-WAY TRAFFIC SIGNAL MANDATE

The Administration proposes to repeal this mandate that requires that any traffic signal controller that is newly installed or upgraded shall be of a standard traffic signal communication protocol capable of two-way communication. This mandate is suspended in 2003-04. When the mandate was active in the late 1990s, the annual cost was approximately \$100,000. A proposed trailer bill amends statute to encourage locals to continue this activity, but repeals the local mandate.

COMMENTS:

The Assembly Committee on Mandates has been reviewing various state mandates and crafting legislation to repeal several mandates.

The Committee on Mandates has approved the elimination of this mandate. Therefore, Subcommittee #5 should approve the budget to conform with this action.

ITEM 2660 CALTRANS**ISSUE 5: ENVIRONMENT ENHANCEMENTAL AND MITIGATION PROGRAM (EEM)**

The EEM Program provides grants to local agencies to support non-mandatory transportation mitigation projects (such as bicycle and hiking trails) and has been historically funded by annual transfers of \$10 million from the State Highway Account (SHA). The 2003 Budget Act included a \$5 million EEM Fund appropriation and no SHA transfer to the EEM fund.

The Administration's Mid-Year proposal indicates that a \$5 million State Highway Account to EEM transfer was inadvertently omitted from the Budget Act. A fund balance of over \$10 million currently exists in the EEM fund to make new grants. The Administration's Mid-Year proposal included the deletion of the 2003-04 EEM appropriation and the Governor's Budget for 2004-05 proposes a 2004-05 EEM appropriation of \$10 million – with grants supported by the EEM fund balance (no new SHA transfer is proposed).

COMMENTS:

The Senate Budget Subcommittee denied the Administration's request to delete the current year \$5 million EEM appropriation. This would allow \$5 million in new 2003-04 grants to go forward using carryover EEM funds.

In addition, the Senate Budget Subcommittee reduced the proposed 2004-05 \$10 million EEM appropriation to \$5 million to reflect the above recommendation to retain the \$5 million appropriation in 2003-04. This would utilize existing EEM funding to allow \$5 million in new EEM grants in the budget year. No SHA funding would be provided.

ITEM 2660 CALTRANS

ISSUE 6: AERONAUTICS ACCOUNT TRANSFER

The Governor's proposed budget includes a \$745,000 transfer from the Aeronautics Account to the General Fund. This amount is half the \$1,490,000 transfer approved in the current year. This funding would otherwise be available to provide grants to local general aviation airports.

COMMENTS:

In order to close the over \$16 billion General Fund gap, the Governor has proposed to transfer various available special funds to the General Fund.

ITEM 2660 CALTRANS**ISSUE 7: MID-YEAR GENERAL FUND RELIEF PROPOSAL – INCLUDING FINANCE LETTER**

The Governor proposed over \$920 million in General Fund solutions that related to the budget for transportation.

The proposal includes:

- Acceleration of \$800 million in federal reimbursements by utilizing cash management of locally-subvented federal Obligation Authority (OA). With this additional \$800 million in federal reimbursement to the SHA, which was not anticipated in the 2004 State Transportation Improvement Program (STIP) Fund Estimate, the Administration proposes the following:
 - Reimburse the General Fund for debt service on current transportation general-obligation bonds (\$406 million).
 - Loan \$200 million to the General Fund for up to 3 years (Proposition 2 loan).
 - Retain \$194 million to support highway project allocations.
- Transfer income from the sale of property, rental income, and miscellaneous revenues (“non-Article XIX revenue”) to the General Fund (\$108 million over two years).
- Retain gasoline sales tax revenue in the General Fund (\$17 million). The sales tax on gasoline and diesel sales is allocated for transportation purposes. A portion of the sales tax on gasoline (and diesel sales) is allocated to the PTA. When gasoline prices are high relative to other sales, the PTA receives the “spillover” sales tax revenues.
- Transfer \$189 million from the Traffic Congestion Relief Fund to the General Fund, and repeal the statutory authority for the projects in the Traffic Congestion Relief Program (TCRP). The Administration indicates that the TCRP sponsors will have to secure funding through the STIP, or local funding mechanisms.

In addition, the Department of Finance has submitted a Finance Letter to request 16.1 personnel years (two-year limited term) to implement cash management for locally subvented federal funds and new provisional language proposed for the transfer of non-Article XIX funds.

COMMENTS:

Several concerns exist with the Governor’s mid-year proposal, including:

- Whether the Legislature should commit to increased ongoing workload costs associated with the proposed change in cash management of locally subvented federal funds in return for one-time General Fund relief.

- Whether the change in the cash management of locally subvented federal funds will actually accelerate \$800 million in federal funds. The LAO reports that perhaps only half of that amount can be achieved.
- Whether the proposed transfer of \$108 million in non-article XIX funds to the General Fund can be done, since much of the revenue results from the sale of property that was originally purchased with federal funds. As a result the federal government would require that sale proceeds be dedicated to transportation purposes. (The Finance Letter responds to this issue by specifying the funds would be used to repay the General Fund for transportation General Obligation bond debt.)

In addition, the \$189 million TCRP transfer can no longer be achieved, since local agencies have continued to allocated funds pursuant to current law. However, even at the end of the current year, it is projected that \$74 million will still be unspent.

The LAO should report at the hearing regarding the specifics of their concerns with the proposal and to report on any new information regarding the viability of many of these proposals.

The Department of Finance should also report on any updates to the proposal and whether the subcommittee should expect to see these issues addressed in the May Revision.

ITEM 2660 CALTRANS

ISSUE 8: GARVEE BONDS

Grant Anticipation Revenue Vehicles (GARVEE) bond are revenue bonds pledged against future federal highway program receipts.

The Governor's proposed budget includes an appropriation of \$804 million to cover the debt service on GARVEE bonds issued in the current year and an appropriation of \$800 million for new allocations from GARVEE bond proceeds.

COMMENTS:

The California Transportation Commission has concerns with the \$800 million appropriation of new GARVEE bond proceeds being done through the budget.

The CTC's concerns, in part, are that including the appropriation in the state budget creates both an expectation and a limitation on CTC project bonding for the budget year without regard to the programming process. For example, additional bonding capacity exists beyond what is proposed in the budget, however, the CTC would not be able to go beyond the budgeted level under the Governor's proposal.

Instead, the CTC believes it should be permitted to use its programming process to determine the appropriate timing and amounts of GARVEE bonding, considering the overall availability of funding, project delivery, and other considerations.

ITEM 2660 CALTRANS**ISSUE 9: PROPOSITION 42**

The Governor's proposed budget includes a complete suspension of Proposition 42 and does not propose to repay the lost transportation funds at a future date (as was done with the current year partial suspension).

Under the Governor's proposal, the TCRP would lose \$678 million, the STIP would lose approximately \$200 million, local governments would lose approximately \$200 million, and the PTA would lose approximately \$100 million.

In addition, the Governor proposes to repeal the statutory designation of the TCRP projects, requiring projects to compete with other critical transportation projects for state funding through the STIP.

Since the release of the Governor's proposed budget, gas prices have been significantly higher than projected. If this is sustained, then Proposition 42 revenues will also be higher.

COMMENTS:

According to the LAO, should gas prices per gallon average \$2.02 for the budget year, then a total of \$178 million in sales tax on gasoline would be generated. Under current law, this amount would be divided between the PTA (\$83 million) and Proposition 42 (\$95 million). However, the Legislature could take action to transfer the entire amount to the General Fund (assuming suspension of Prop. 42).

The LAO and the Department of Finance should report at the hearing regarding the appropriate level of gas prices that should be used in crafting the budget.

The California Transportation Commission should provide an update on the status of the 141 TCRP projects.

PROPOSITION 42 OPTIONS:

The California Transportation Commission has compiled the following options for the TCRP other than the Governor's proposal to eliminate all funding for the program.

Each of the following assumes the Legislature does not approve the Governor's mid-year proposal to transfer \$189 million for the TCRP to the General Fund in the current year.

Alternative A – Provide new funding to cover the projected costs for projects with an existing allocation for Phase 4 Construction or Procurement and terminate other projects as of June 30, 2004.

	2003-04	2004-05	2005-06	2006-07	Beyond
Beginning Balance	\$566 M	\$74 M			
Cash-flow, existing allocations	\$492 M				
Cash flow, existing construction allocations		\$103 M	\$34 M	\$13 M	\$0 M
Contract termination costs, all other projects		\$24 M			
Resources needed	\$74 M	(\$53 M)	(\$34 M)	(\$13 M)	\$0 M

Alternative B - Provide new funding to cover the projected costs for projects with an existing allocation of TCRP funds.

	2003-04	2004-05	2005-06	2006-07	Beyond
Beginning Balance	\$566 M	\$74 M			
Cash-flow, existing allocations	\$492 M	\$237 M	\$65 M	\$25 M	\$3 M
Resources needed	\$74 M	(\$163 M)	(\$65 M)	(\$25 M)	(\$3 M)

Alternative C - Provide new funding to cover the projected costs for projects with an existing allocation of TCRP funds, and funding to reimburse agencies for eligible costs on projects completed under a currently approved AB 1335 Letter of No Prejudice (LONP).

	2003-04	2004-05	2005-06	2006-07	Beyond
Beginning Balance	\$566 M	\$74 M			
Cash-flow, existing allocations	\$492 M	\$237 M	\$65 M	\$25 M	\$3 M
Repayment - AB 1335 Letters of No Prejudice		\$6 M	\$113 M	\$0 M	\$150 M
Resources needed	\$74 M	(\$169 M)	(\$178 M)	(\$25 M)	(\$153 M)

Alternative D - Provide new funding to cover the projected costs for projects with an existing allocation of TCR funds, funding to reimburse agencies for eligible costs on projects completed under a currently approved AB 1335 Letter of No Prejudice (LONP), and funding to resume making allocations for Phase 4 Construction or Procurement.

	2003-04	2004-05	2005-06	2006-07	Beyond
Beginning Balance	\$566 M	\$74 M			
Cash-flow, existing allocations	\$492 M	\$237 M	\$65 M	\$25 M	\$3 M
Repayment - AB 1335 Letters of No Prejudice		\$6 M	\$113 M	\$0 M	\$150 M
Cash flow, 2004-05 Constr / Procurement Allocations		\$132 M	\$329 M	\$287 M	\$347 M
Resources needed	\$74 M	(\$301 M)	(\$507 M)	(\$312 M)	(\$500 M)

Alternative E - Provide funding to complete the TCRP.

	2003-04	2004-05	2005-06	2006-07	Beyond
Beginning Balance	\$566 M	\$74 M			
Cash-flow, existing allocations	\$492 M	\$237 M	\$65 M	\$25 M	\$3 M
Repayment - AB 1335 Letters of No Prejudice		\$6 M	\$113 M	\$0 M	\$150 M
Cash flow, 2004-05 Constr / Procurement Allocations		\$132 M	\$329 M	\$287 M	\$347 M
Cash flow, 2004-05 non-Construction allocations and future year new allocations.		\$197 M	\$254 M	\$554 M	\$1,046 M
Resources needed	\$74 M	(\$498 M)	(\$761 M)	(\$866 M)	(\$1,546 B)