



U.S. DEPARTMENT OF  
TRANSPORTATION

**Federal Highway  
Administration**

# Notice

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Subject

FEDERAL-AID HIGHWAY PROGRAM  
OBLIGATIONS FISCAL YEAR (FY) 2005

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Classification Code	Date	OPI
N 4520.180	January 25, 2005	HABF-10

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1. **What is the purpose of this Notice?** This Notice is to advise of the distribution among the States of the limitation on Federal-aid highway program obligations. This distribution is subject to revision upon the enactment of a multi-year law reauthorizing the Federal-aid highway program.
  
2. **What are the legislative provisions?**
  - a. Division H of the Consolidated Appropriations Act, 2005, Public Law (P.L.) 108-447, the Transportation, Treasury, Independent Agencies, and General Government Appropriations Act, 2005, provides an obligation limitation for the Federal-aid highway program for FY 2005 of \$34,700,000,000.
  - b. Division J, title I, section 122, of the Consolidated Appropriations Act, 2005, P.L. 108-447, contains a .8 percent across-the-board rescission of the obligation limitation imposed for FY 2005. The rescission reduces the Federal-aid highway program obligation limitation by \$277,600,000, to \$34,422,400,000.
  - c. Division H, title I, section 197 of the Consolidated Appropriations Act, 2005, P.L. 108-447, contains a Working Capital Fund reduction which further reduces the Federal-aid highway program obligation limitation by \$2,980,000, to \$34,419,420,000.
  - d. Section 2(e) of the Surface Transportation Extension Act of 2004, Part V (STEA04, Part V), P.L. 108-310, further limits the amount of obligation limitation that can be distributed to programs and to the States to \$22,946,280,000 until the enactment of a multi-year law reauthorizing the Federal-aid highway program.



- e. This limitation shall not apply to obligations for projects covered under:
- (1) section 125 of title 23, United States Code (U.S.C.);
  - (2) section 147 of the Surface Transportation Assistance Act of 1978;
  - (3) section 9 of the Federal-Aid Highway Act of 1981;
  - (4) sections 131(b) and 131(j) of the Surface Transportation Assistance Act of 1982;
  - (5) sections 149(b) and 149(c) of the Surface Transportation and Uniform Relocation Assistance Act of 1987;
  - (6) sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991;
  - (7) section 157 of title 23, U.S.C., as in effect on the day before the date of enactment of the Transportation Equity Act for the 21<sup>st</sup> Century; and
  - (8) section 105 of title 23, U.S.C., only in an amount equal to \$426,000,000 in FY 2005.

### **3. What are the Allocated Accounts?**

- a. Amounts authorized for administrative expenses, programs funded from the administrative takedown, and the programs, projects, and activities for which funds are made available in Division H, title I, section 117 and under the heading "National Highway Traffic Safety Administration" in the Consolidated Appropriations Act, 2005, P.L. 108-447, as well as the amounts authorized for the highway use tax evasion program and for the Bureau of Transportation Statistics, are subject to the limitation on obligations.
- b. Unobligated balances of funds from the previous fiscal year that are allocated by the Secretary are subject to the limitation on obligations but are excluded from the State-by-State distribution.
- c. Obligations of funds authorized for Transportation Research are subject to the limitation on obligations. Amounts remaining available for obligation that were authorized for such programs in FY 2004 shall be in addition to the overall obligation limitation for FY 2005.

- d. Amounts that are allocated will be covered by an equal amount of obligation limitation, which will be distributed with the allocation of the funds.

**4. What is the Distribution of Obligation Limitation to the States?**

- a. The attached Table 1 shows the amount of formula obligation limitation distributed to each State for FY 2005. Each State receives a proportional amount of the obligation limitation available to be distributed to the States based on the ratio that State's total apportionments, subject to the limitation on obligations, bears to the total of such apportionments for all States.
- b. After August 1, 2005, the Secretary will revise the distribution of limitation made available if a State does not plan to obligate the amount distributed during FY 2005 and redistribute such amount to those States able to obligate amounts in addition to those previously distributed during FY 2005.

**5. What are the Special Limitations?**

- a. Division H, title I, section 110(a)(4), of the Consolidated Appropriations Act, 2005, P.L. 108-447, as limited by section 2 of the STEA04, Part V, provides for an obligation limitation within the overall obligation ceiling for the funds authorized under the following:
  - (1) section 201 of the Appalachian Regional Development Act of 1965, and
  - (2) section 105 of title 23, U.S.C. (relating to Minimum Guarantee).
- b. The special limitation associated with the programs listed above shall remain available until used for the obligation of funds for which distributed and shall be in addition to any amount of any limitation imposed for future fiscal years.
- c. The State-by-State distribution of the special limitation associated with Minimum Guarantee and the Appalachian Regional Development Act of 1965 for FY 2005 is also shown on the attached Table 1.

- 6. Are there any transfer or withholding provisions?** Yes, limitation will be transferred to the State's 402 Safety Program for those States that failed to meet the provisions of title 23, U.S.C., section 154, the Open Container Requirements law; and title 23, U.S.C., section 164, the Minimum Penalties for Repeat Offenders for Driving While Intoxicated or Driving Under the Influence law for FY 2005. Limitation will be withheld from those States that

failed to meet the provisions of title 23, U.S.C., section 163, the Operation of Motor Vehicles by Intoxicated Persons law. The amounts of the transfers and associated obligation limitation are shown on Table 2.

7. **What action is required?** Division Administrators should ensure that copies of this Notice are provided to State departments of transportation.

Original signed by,  
Mary E. Peters  
Administrator

Attachments

TABLE 1

U. S. DEPARTMENT OF TRANSPORTATION  
FEDERAL HIGHWAY ADMINISTRATION

FY 2005 DISTRIBUTION OF OBLIGATION LIMITATION PURSUANT TO THE  
SURFACE TRANSPORTATION EXTENSION ACT OF 2004, PART V, P.L. 108-310  
AND THE CONSOLIDATED APPROPRIATIONS ACT, 2005, P.L. 108-447

STATE	Formula Obligation Limitation	Minimum Guarantee (Special)	Appalachia (Special)	Total
ALABAMA	315,238,273	23,319,863	36,567,272	375,125,408
ALASKA	155,830,653	34,460,903	0	190,291,556
ARIZONA	314,563,476	32,120,567	0	346,684,043
ARKANSAS	213,278,074	17,269,452	0	230,547,526
CALIFORNIA	1,665,263,616	107,431,226	0	1,772,694,842
COLORADO	231,109,794	16,262,581	0	247,372,375
CONNECTICUT	237,061,220	28,062,314	0	265,123,534
DELAWARE	74,510,875	4,546,159	0	79,057,034
DISTRICT OF COLUMBIA	72,810,673	386,651	0	73,197,324
FLORIDA	830,144,415	100,991,402	0	931,135,817
GEORGIA	614,589,804	66,870,231	14,616,066	696,076,101
HAWAII	90,429,304	6,229,792	0	96,659,096
IDAHO	126,381,745	12,796,525	0	139,178,270
ILLINOIS	614,051,055	27,596,555	0	641,647,610
INDIANA	436,897,721	43,465,981	0	480,363,702
IOWA	215,022,775	7,543,367	0	222,566,142
KANSAS	210,899,520	7,122,460	0	218,021,980
KENTUCKY	274,764,382	15,476,846	33,834,066	324,075,294
LOUISIANA	261,911,833	18,936,936	0	280,848,769
MAINE	92,434,899	4,750,525	0	97,185,424
MARYLAND	305,227,103	19,600,116	5,967,535	330,794,754
MASSACHUSETTS	337,812,949	13,782,159	0	351,595,108
MICHIGAN	551,265,161	42,033,244	0	593,298,405
MINNESOTA	238,970,057	12,894,315	0	251,864,372
MISSISSIPPI	212,254,037	12,808,073	4,149,137	229,211,247
MISSOURI	400,071,978	22,820,652	0	422,892,630
MONTANA	152,242,888	18,243,692	0	170,486,580
NEBRASKA	147,811,258	3,629,468	0	151,440,726
NEVADA	123,375,273	9,870,672	0	133,245,945
NEW HAMPSHIRE	88,872,362	6,191,395	0	95,063,757
NEW JERSEY	496,870,280	29,985,657	0	526,855,937
NEW MEXICO	157,805,891	13,014,746	0	170,820,637
NEW YORK	894,667,504	61,890,510	8,022,521	964,580,535
NORTH CAROLINA	473,206,015	41,924,268	21,747,994	536,878,277
NORTH DAKOTA	110,804,882	6,104,002	0	116,908,884
OHIO	591,389,942	43,723,709	16,585,396	651,699,047
OKLAHOMA	293,307,070	13,308,243	0	306,615,313
OREGON	205,118,797	12,477,256	0	217,596,053
PENNSYLVANIA	804,403,172	47,354,024	92,420,852	944,178,048
RHODE ISLAND	100,293,198	5,888,283	0	106,181,481
SOUTH CAROLINA	285,467,699	27,431,833	1,729,114	314,628,646
SOUTH DAKOTA	117,039,474	8,368,993	0	125,408,467
TENNESSEE	357,144,344	26,586,794	41,352,908	425,084,046
TEXAS	1,423,018,611	147,294,985	0	1,570,313,596
UTAH	145,473,361	6,099,969	0	151,573,330
VERMONT	79,862,001	3,400,655	0	83,262,656
VIRGINIA	432,898,442	39,960,741	8,348,152	481,207,335
WASHINGTON	318,607,339	13,733,605	0	332,340,944
WEST VIRGINIA	144,435,838	10,565,634	49,455,126	204,456,598
WISCONSIN	330,992,150	31,326,979	0	362,319,129
WYOMING	113,757,313	5,378,325	0	119,135,638
SUBTOTAL	17,481,660,496	1,333,333,333	334,796,139	19,149,789,968
ALLOCATED PROGRAMS				3,607,195,915
TRANSFER TO SECTION 154 & 164				180,570,164
WITHHELD FOR SECTION 163				8,723,953
TOTAL				22,946,280,000

TABLE 2

U. S. DEPARTMENT OF TRANSPORTATION  
FEDERAL HIGHWAY ADMINISTRATION

FY 2005 FUNDS TRANSFERRED TO THE SECTION 402 HIGHWAY  
SAFETY PROGRAM PURSUANT TO SECTION 154 AND 164  
AND FUNDS WITHHELD FROM SECTION 163 OF TITLE 23, UNITED STATES CODE,  
BASED ON THE SURFACE TRANSPORTATION EXTENSION ACT, 2004, PART V, P.L. 108-310

STATE	TOTAL FUNDS SECTIONS 154 & 164	OBLIGATION LIMITATION TRANSFER	TOTAL FUNDS SECTION 163	OBLIGATION LIMITATION WITHHELD
ALABAMA	0	0	0	0
ALASKA	8,557,104	7,699,169	0	0
ARIZONA	0	0	0	0
ARKANSAS	5,806,386	5,224,238	0	0
CALIFORNIA	39,007,265	35,096,399	0	0
COLORADO	6,634,222	5,969,075	0	0
CONNECTICUT	4,583,483	4,123,943	0	0
DELAWARE	1,994,177	1,794,241	0	0
DISTRICT OF COLUMBIA	0	0	0	0
FLORIDA	0	0	0	0
GEORGIA	0	0	0	0
HAWAII	0	0	0	0
IDAHO	0	0	0	0
ILLINOIS	0	0	0	0
INDIANA	12,878,058	11,586,905	0	0
IOWA	0	0	0	0
KANSAS	0	0	0	0
KENTUCKY	0	0	0	0
LOUISIANA	12,505,406	11,251,615	0	0
MAINE	0	0	0	0
MARYLAND	0	0	0	0
MASSACHUSETTS	6,434,214	5,789,120	0	0
MICHIGAN	0	0	0	0
MINNESOTA	7,272,061	6,542,965	9,696,081	8,723,953
MISSISSIPPI	5,697,912	5,126,640	0	0
MISSOURI	9,837,219	8,850,940	0	0
MONTANA	4,482,850	4,033,400	0	0
NEBRASKA	0	0	0	0
NEVADA	0	0	0	0
NEW HAMPSHIRE	0	0	0	0
NEW JERSEY	0	0	0	0
NEW MEXICO	4,811,342	4,328,957	0	0
NEW YORK	0	0	0	0
NORTH CAROLINA	0	0	0	0
NORTH DAKOTA	3,323,914	2,990,659	0	0
OHIO	15,383,349	13,841,015	0	0
OKLAHOMA	0	0	0	0
OREGON	5,432,842	4,888,146	0	0
PENNSYLVANIA	0	0	0	0
RHODE ISLAND	1,966,177	1,769,048	0	0
SOUTH CAROLINA	0	0	0	0
SOUTH DAKOTA	3,401,322	3,060,306	0	0
TENNESSEE	9,940,310	8,943,695	0	0
TEXAS	0	0	0	0
UTAH	0	0	0	0
VERMONT	1,913,126	1,721,316	0	0
VIRGINIA	11,453,220	10,304,921	0	0
WASHINGTON	0	0	0	0
WEST VIRGINIA	6,535,868	5,880,582	0	0
WISCONSIN	0	0	0	0
WYOMING	7,123,034	6,408,879	0	0
SUBTOTAL	196,974,861	177,226,174	9,696,081	8,723,953
Puerto Rico	3,343,990	3,343,990	0	0
TOTAL	200,318,851	180,570,164	9,696,081	8,723,953

NOTE: Puerto Rico Highway Program is an allocated program and is not treated as an apportionment to the States.