



U.S. Department
of Transportation
**Federal Highway
Administration**

Memorandum

Subject: **ACTION:** Allocation of Surface Transportation
Priorities Projects designated in Division A of
the Consolidated Appropriations Act, 2010

Date: March 4, 2010

Reply to
Attn. of: HIPA-10

From: Dwight A. Horne
Director, Office of Program Administration

To: Division Administrators

The Transportation, Housing And Urban Development and Related Agencies Appropriations Act, 2010 (Division A of the Consolidated Appropriations Act, 2010, Public Law 111-117) identifies 353 projects totaling \$292,879,000 for Surface Transportation Priorities projects. The project descriptions can be found in the *Conference Report to Accompany the Consolidated Appropriations Act*. Additionally the actual amount made available and allotted by the Office of the Chief Financial Officer (HCF) for these projects is \$292,829,000. Since the total amount appropriated is lower than the total amount after totaling all of the designated projects, each project under this section was proportionately reduced.

Therefore with this memorandum, we are allocating \$292,829,000 of program code 56C0 funds (DELPHI code 15X0564B50.0000.05056C0500) to the States, with an equal amount of obligation authority as indicated in the attachment to this memorandum.

These funds are available until expended, and the Federal share is 100 percent. These funds are not subject to obligation limitation and the obligation authority is available until used. Since the contract authority is available until expended and the obligation authority is available until used, there is no deadline by which the funds must be obligated or transferred to another Federal agency.

The funding for these projects will be treated as demo or high priority project funding, and Demo IDs have been assigned for each project. We have determined that this is the best way to properly track these funds to ensure that they are only obligated and expended for the particular project for which they were designated. Each project has been assigned a unique Demo ID that links the funding to the specific project description as listed in the Conference Report accompanying this Act. The Demo IDs under which these funds are being distributed are also included in the attachment to this memorandum.



Additionally, the Surface Transportation Priorities Section allows for these funds to be transferred to another Federal agency. The State should submit an FHWA Transfer Request Form to the Division Office, as outlined in Tom Park's July 19, 2007 memorandum titled, "*Fund Transfers to Other Agencies and Among Title 23 Programs.*" The Division Office concurrence should then be forwarded to the Office of Budget.

For non-traditional projects unrelated to highway improvements or other activities that are normally not eligible under title 23, the receiving Federal agency may administer the project in accordance with their own appropriate Federal requirements. However, since the project description defines the scope of work on which the funds may be legally expended the funding for the project can be only utilized for the activities within the scope and physical limits of the project, as defined by the project description.

In cases where the transfer is for a highway or other Federal-aid eligible activity, the project must be carried out by the receiving agency in accordance with Title 23 U.S.C. requirements although the receiving Federal agency may utilize their own Federal Acquisition Regulations for letting of contracts.

By copy of this memorandum, we are requesting that the Office of Financial Management process this request through the Demo Tracking System in FMIS.

If you have any questions, please contact Joe Taylor at 202-366-1564.

Attachment