



## **APPORTIONMENT**

**Statutory citation:** FAST Act §§ 1101, 1104; 23 U.S.C. 104, 130

### **Overview**

As under MAP-21, the FAST Act authorizes a single amount for each year for all the apportioned highway programs combined. That amount is apportioned among the States, and then each State's apportionment is divided among the individual apportioned programs.

### **Total funding for Federal-aid highway formula programs**

The FAST Act authorizes a total combined amount (\$39.7 billion in FY 2016, \$40.5 billion in FY 2017, \$41.4 billion in FY 2018, \$42.4 billion in FY 2019, and \$43.4 billion in FY 2020) in contract authority to fund six formula programs (including certain set-asides within the programs described below):

- National Highway Performance Program (NHPP);
- Surface Transportation Block Grant Program (STBG);
- Highway Safety Improvement Program (HSIP);
- Congestion Mitigation and Air Quality Improvement Program (CMAQ);
- Metropolitan Planning; and
- The new National Highway Freight Program (NHFP).

### **Determination of each State's apportionment**

#### Reservation of supplemental STBG and NHPP funds

Before making apportionments to States, the FAST Act requires FHWA to reserve from the total amount authorized for the apportioned programs: (1) for each of FY 2019 and 2020, an amount to supplement the base apportionments for the NHPP ("supplemental NHPP"); and (2) for each of FY 2016-2020, an amount to supplement the base apportionments for the STBGP ("supplemental STBG") [23 U.S.C 104(h)(1) and (2)]. The remainder, net of these amounts, is referred to as the "base apportionment." [23 U.S.C 104(i)]

#### Calculation of a State's initial apportionment (in three components)

For each of these three amounts (supplemental NHPP, supplemental STBGP, and base apportionment) FHWA determines a State's initial apportionment, calculating for the State a share of the amount equal to the State's share of FY 2015 apportionments. [23 U.S.C. 104(c)]

#### Adjustment based on Trust fund contributions

FHWA then adjusts each of the three amounts, if necessary, to ensure that the sum of the three amounts received by each State is at least 95% of the dollar amount of its contributions to the Highway Account of the Highway Trust Fund in the most recent year for which data are available. Any upward adjustment based on this comparison is offset by proportional decreases to the amounts of other States. [23 U.S.C 104(c)]

### **Division of a State's apportionment among programs**

After determining the three amounts for a State (supplemental NHPP, supplemental STBG, and base apportionment), FHWA divides the amounts among the State's individual formula programs in the following manner:

Step	Program	Calculation of amount													
1	NHFP [23 U.S.C. 104(b)(5)]	Funded in an amount equal to the national amount for the program:  ...multiplied by the following ratio:	<table border="1"> <thead> <tr> <th>FY</th> <th>\$ billions</th> </tr> </thead> <tbody> <tr> <td>2016</td> <td>1.15</td> </tr> <tr> <td>2017</td> <td>1.10</td> </tr> <tr> <td>2018</td> <td>1.20</td> </tr> <tr> <td>2019</td> <td>1.35</td> </tr> <tr> <td>2020</td> <td>1.50</td> </tr> </tbody> </table> $\frac{\text{State's base apportionment for FY}}{\text{Nat'l total base apportionment for FY}}$	FY	\$ billions	2016	1.15	2017	1.10	2018	1.20	2019	1.35	2020	1.50
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2A	CMAQ [23 U.S.C. 104(b)(4)]	Funded in an amount equal to the State's base apportionment (net of step #1), multiplied by the following ratio:	$\frac{\text{State's FY09 CMAQ \$}}{\text{State's total FY09 apportionments}}$												
2B	Metro Planning [23 U.S.C. 104(b)(5)(D) & (6)]	Funded in an amount equal to— <ul style="list-style-type: none"> <li>the State's base apportionment (net of step #1); plus</li> <li>the State's NHFP funding (under step #1), multiplied by the following ratio:</li> </ul>	$\frac{\text{State's FY09 Metro Planning \$}}{\text{State's total FY09 apportionments}}$												
3	NHPP [23 U.S.C. 104(b)(1)]  STBG [23 U.S.C 104(b)(2)]  HSIP [23 U.S.C. 104(b)(3)]	The remainder of the State's base apportionment (net of amounts under steps #1 through #2B) is divided on the following proportions:  ...and then the NHPP and STBG amounts are increased by the "supplemental NHPP and STBG" amounts calculated above.	63.7% to NHPP 29.3% to STBG 7.0% to HSIP												
4A	Railway-Highway Crossings set-aside [23 U.S.C. 130; § 126 of Division L of Pub. L. 114-113]	Funded via a set-aside from the States' initial HSIP amounts prior to apportionment— <ul style="list-style-type: none"> <li>based on apportionment formula under 23 U.S.C. 130; and</li> <li>such that the national total for the program is as follows:</li> </ul>	<table border="1"> <thead> <tr> <th>FY</th> <th>\$ millions</th> </tr> </thead> <tbody> <tr> <td>2016</td> <td>350<sup>1</sup></td> </tr> <tr> <td>2017</td> <td>230</td> </tr> <tr> <td>2018</td> <td>235</td> </tr> <tr> <td>2019</td> <td>240</td> </tr> <tr> <td>2020</td> <td>245</td> </tr> </tbody> </table>	FY	\$ millions	2016	350 <sup>1</sup>	2017	230	2018	235	2019	240	2020	245
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4B	Safety-related activities set-aside <sup>2</sup> [§ 1519(a) of Pub. L. 112-141, as amended by the FAST Act]	Funded via set-aside from the States' initial HSIP amounts prior to apportionment— <ul style="list-style-type: none"> <li>determined proportionally based on the initial HSIP amounts; and</li> <li>such that the national total is \$3.5 million for each fiscal year.</li> </ul>													

<sup>1</sup> The FAST Act set aside \$225M for FY 2016; the FY 2016 Appropriations Act increased this set-aside to \$350 M.

<sup>2</sup> Set-aside amount is not provided to States as apportionments, but instead funds an allocated program for safety-related activities and clearinghouses. Therefore, FHWA does not include it in the tables in its apportionment notice.