



U.S. Department
of Transportation

**Federal Highway
Administration**

Notice

Subject:

RESCISSION OF FEDERAL-AID APPORTIONMENTS

Classification Code	Date	Office of Primary Interest
N4510.707	April 13, 2009	HCFB-1

1. **What is the purpose of this Notice?** This Notice is to notify the States that \$3,150,000,000 of unobligated Federal-aid highway funds apportioned to States are hereby rescinded as required by Division I, Title I of the Omnibus Appropriations Act, 2009, Public Law (Pub. L. No.) 111-8.
2. **What apportioned funds are being rescinded?**
 - a. Pursuant to Division I, Title I of the Omnibus Appropriations Act, 2009, Pub. L. No. 111-8, an amount of \$3,150,000,000 is rescinded from the unobligated balances of funds apportioned under Chapter 1 of Title 23, United States Code (U.S.C.).
 - b. Pursuant to Division I, Title I of the Omnibus Appropriations Act, 2009, Pub. L. No. 111-8, the rescission shall not apply to funds distributed in accordance with:
 - (1) Section 130(f) of Title 23, U.S.C., for the Railway-Highway Crossings Program;
 - (2) Section 104(b)(5) of Title 23, U.S.C., for the Highway Safety Improvement Program;
 - (3) The first sentence of Section 133(d)(3)(A) of Title 23, U.S.C., for the division of Surface Transportation Program funds between urbanized areas of over 200,000 population and other areas;
 - (4) Section 133(d)(1) of Title 23, U.S.C., for the safety set-asides under the Surface Transportation Program, as in effect on the day before the date of enactment of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Pub. L. No. 109-59; or
 - (5) Section 163 of Title 23, U.S.C., for Safety Incentives to Prevent Operation of Motor Vehicles by Intoxicated Persons, as in effect on the day before the date of enactment of SAFETEA-LU.

3. **How are the apportioned funds being rescinded?**

- a. The amount to be rescinded by each State has been based on FY 2009 apportionments for the following programs apportioned under Chapter 1 of Title 23, U.S.C.: Interstate Maintenance, National Highway System, Highway Bridge, Surface Transportation Program, Congestion Mitigation and Air Quality Improvement, Recreational Trails, Metropolitan Planning, Equity Bonus, and Transportation Enhancements.
- b. The apportionments for such programs listed in subparagraph (a) are inclusive of funds programmatically distributed from the Equity Bonus Program, but exclusive of funds set aside for State Planning and Research and those funds withheld pursuant to Section 154 of Title 23, U.S.C. (Open Container Requirements), and Section 164 of Title 23, U.S.C. (Minimum Penalties for Repeat Offenders for Driving While Intoxicated or Driving Under the Influence), which are separate from, but impact the programs by operation of law. The apportionments used to calculate the distribution of the rescission are also exclusive of funds from Sections 130(f) and 104(b)(5) of Title 23, U.S.C.; Sections 133(d)(1) and 163 of Title 23, U.S.C., as in effect on the day before the date of enactment of SAFETEA-LU; and the first sentence of Section 133(d)(3)(A) of Title 23, U.S.C.
- c. The amount to be rescinded from each State has been determined by multiplying the total amount to be rescinded, \$3,150,000,000, by the ratio that the aggregate amount of funds apportioned to each State for all of the programs listed in subparagraph (a) bears to the aggregate amount of funds apportioned for all such programs for all States. Each State's share of the total amount to be rescinded is reflected in Table 1.

4. **What actions are required?**

- a. Division Administrators should ensure that this Notice is provided to State departments of transportation. **In addition, Division Administrators should ensure that State departments of transportation officials are encouraged to reach out to stakeholders in considering how to implement the rescission.**
- b. Not later than 30 days after the date of this Notice, the States must identify the program codes from which amounts are to be rescinded, based on the distribution of the rescission in Table 1. The program codes eligible for rescission exclude those for Sections 130(f) and 104(b)(5) of Title 23, U.S.C.; Sections 133(d)(1) and 163 of Title 23, U.S.C., as in effect prior to the date of enactment of SAFETEA-LU; and the first sentence of Section 133(d)(3)(A) of Title 23, U.S.C.
- c. The States should ensure that a sufficient amount of unobligated funds are available within each program code and fiscal year selected to bear the rescission. For guidance, refer to the Fiscal Management Information System (FMIS) report W10 to assist in determining the program codes,

fiscal years, and amounts to be applied to the rescission. **Once the program codes, fiscal years, and amounts have been determined and submitted to the Federal Highway Administration's (FHWA) Office of Budget (HCFB), no obligations should be incurred by the State against the amounts identified to be rescinded.**

- d. When identifying the program codes and amounts to be rescinded, States must provide the following: program code, program title, fiscal year from which the funds are to be rescinded, total unobligated balance, and the amount to be rescinded from the total unobligated balance. The information should be submitted on the attached Table 2 to the HCFB official electronic mailbox, "FHWA, Budget Division."



Jeffrey F. Paniati
Acting Deputy Administrator

Attachments

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

N4510.707 - Table 1

Rescission of Unobligated Balances
Pursuant to the Omnibus Appropriations Act, 2009, Pub. L. No. 111-8, Division I, Title I

STATE	<u>TOTAL AMOUNT TO BE RESCINDED</u>
ALABAMA	\$52,584,977
ALASKA	33,964,710
ARIZONA	64,592,477
ARKANSAS	39,535,907
CALIFORNIA	293,253,191
COLORADO	43,583,148
CONNECTICUT	44,603,309
DELAWARE	12,296,263
DIST. OF COL.	12,181,744
FLORIDA	161,117,494
GEORGIA	109,107,524
HAWAII	15,345,464
IDAHO	24,384,215
ILLINOIS	109,421,749
INDIANA	84,117,973
IOWA	36,532,869
KANSAS	29,565,954
KENTUCKY	52,476,786
LOUISIANA	55,768,892
MAINE	12,576,262
MARYLAND	50,679,943
MASSACHUSETTS	54,647,719
MICHIGAN	85,406,835
MINNESOTA	47,733,647
MISSISSIPPI	36,108,932
MISSOURI	74,160,262
MONTANA	31,910,049
NEBRASKA	22,978,046
NEVADA	25,261,881
NEW HAMPSHIRE	14,211,378
NEW JERSEY	88,242,502
NEW MEXICO	30,509,789
NEW YORK	145,830,156
NORTH CAROLINA	88,067,164
NORTH DAKOTA	19,443,205
OHIO	111,197,305
OKLAHOMA	47,627,650
OREGON	36,305,573
PENNSYLVANIA	138,715,427
RHODE ISLAND	16,610,343
SOUTH CAROLINA	50,911,437
SOUTH DAKOTA	21,082,534
TENNESSEE	65,679,045
TEXAS	272,403,085
UTAH	25,531,368
VERMONT	12,128,206
VIRGINIA	80,340,594
WASHINGTON	53,772,670
WEST VIRGINIA	31,926,094
WISCONSIN	61,015,614
WYOMING	22,550,639
TOTAL	\$3,150,000,000

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

N4510.707 - Table 2

Rescission of Unobligated Balances
Pursuant to the Omnibus Appropriations Act, 2009, Pub. L. No. 111-8, Division I, Title I

State: _____ Total Amount to be Rescinded: _____

<u>Program Code</u>	<u>Program Title</u>	<u>Fiscal Year</u>	<u>Total Unobligated Balance</u>	<u>Unobligated Balance to be Rescinded</u>
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\$XXX,XXX,XXX.XX*

*Amount should equal State total from Table 1