



U.S. Department
of Transportation

**Federal Highway
Administration**

Notice

Subject:

RESCISSION OF FEDERAL-AID APPORTIONMENTS

Classification Code	Date	Office of Primary Interest
N4510.729	August 13, 2010	HCFB-1

1. **What is the purpose of this Notice?** This Notice is to notify the States that \$2,200,000,000 of unobligated balances of Federal-aid highway funds apportioned to States are hereby rescinded as required by section 330 of Public Law (Pub. L.) 111-226.
2. **What apportioned funds are being rescinded?**
 - a. Pursuant to section 330 of Pub. L. 111-226, an amount of \$2,200,000,000 is rescinded from the unobligated balances of funds apportioned under chapter 1 of title 23, United States Code (U.S.C.).
 - b. Pursuant to section 330 of Pub. L. 111-226, 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 sub-allocation of Surface Transportation Program funds by population (Surface Transportation Program funds for urbanized areas with a population over 200,000; Surface Transportation Program funds for areas with a population equal to or less than 200,000; and Surface Transportation Program funds for areas with a population less than 5,000);
 - (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. 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 the SAFETEA-LU.



3. **How is the rescission amount for each State determined?**

- a. Pursuant to section 330 of Pub. L. 111-226, the total rescission amount of \$2,200,000,000 is distributed among the States in the same proportion as the funds subject to the rescission were apportioned to the States for Fiscal Year (FY) 2009. The programs included in the distribution calculation are Interstate Maintenance, National Highway System, Highway Bridge, Surface Transportation Program, Congestion Mitigation and Air Quality Improvement, Recreational Trails, Metropolitan Planning, Equity Bonus, Transportation Enhancements, and State Planning and Research.
- 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 (which are included in the calculation separately) 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 the 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, \$2,200,000,000, by the ratio that the aggregate amount of funds apportioned in FY 2009 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.

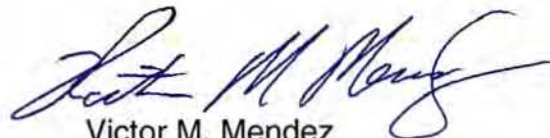
4. **How is each State's rescission amount to be met?** Section 330 of Pub. L. 111-226 provides that, notwithstanding section 1132 of Pub. L. 111-140, in administering the rescission, each State shall be allowed to determine the amount of the required rescission to be drawn from the programs to which the rescission applies. This means that each State may choose how to meet its rescission amount shown in Table 1 from the unobligated balances of funds which are subject to the rescission. **However, Division Administrators should encourage their State department of transportation officials to reach out to stakeholders in considering how to implement the rescission.**

5. **What actions are required?**

- a. Division Administrators should ensure that this Notice is provided to the State department of transportation.
- b. **No later than August 25, 2010**, the required information outlined below should be submitted on the attached Table 2 to the HCFB-1 official

electronic mailbox, "FHWA, BudgetDivision". A copy of the Table 2 response also should be sent to Steven.Frankel@dot.gov. When submitting the response, please include in the e-mail subject line the following: "Response to Rescission of Federal-aid Apportionments (N4510.729)_[insert name of State]."

- c. The States must identify the program codes from which amounts are to be rescinded in order to meet the State-by-State rescission amounts shown 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 the SAFETEA-LU; and the first sentence of section 133(d)(3)(A) of title 23, U.S.C.
- d. When identifying the program codes and amounts to be rescinded, States must provide the following: program code and program title from which the funds are to be rescinded, total unobligated balance, and the amount to be rescinded from the total unobligated balance.
- e. The States should ensure that a sufficient amount of unobligated funds are available within each program code selected to bear the rescission. For guidance, refer to the Fiscal Management Information System (FMIS) report W10A to assist in determining the program codes and amounts to be applied to the rescission. **Once the program codes and amounts have been determined and submitted to the Federal Highway Administration's Office of Budget (HCFB-1), no obligations should be incurred by the State against the amounts identified to be rescinded.**



Victor M. Mendez
Administrator

Attachments

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

N4510.729 - Table 1

RESCISSION OF UNOBLIGATED BALANCES OF APPORTIONED CONTRACT
AUTHORITY PURSUANT TO SECTION 330 OF PUBLIC LAW 111-226

STATE	<u>AMOUNT TO BE RESCINDED</u>
ALABAMA	\$36,760,232
ALASKA	23,640,506
ARIZONA	45,130,552
ARKANSAS	27,628,966
CALIFORNIA	204,757,984
COLORADO	30,446,020
CONNECTICUT	31,103,435
DELAWARE	8,592,589
DIST. OF COL.	8,507,622
FLORIDA	112,633,360
GEORGIA	76,258,519
HAWAII	10,680,309
IDAHO	17,024,352
ILLINOIS	76,424,382
INDIANA	58,758,140
IOWA	25,530,885
KANSAS	20,682,571
KENTUCKY	36,652,357
LOUISIANA	38,929,303
MAINE	8,779,960
MARYLAND	35,372,721
MASSACHUSETTS	38,113,703
MICHIGAN	59,689,106
MINNESOTA	33,387,079
MISSISSIPPI	25,246,182
MISSOURI	51,812,722
MONTANA	22,265,745
NEBRASKA	16,060,962
NEVADA	17,641,807
NEW HAMPSHIRE	9,923,891
NEW JERSEY	61,565,912
NEW MEXICO	21,308,142
NEW YORK	101,709,641
NORTH CAROLINA	61,521,837
NORTH DAKOTA	13,572,974
OHIO	77,653,180
OKLAHOMA	33,296,154
OREGON	25,356,119
PENNSYLVANIA	96,758,262
RHODE ISLAND	11,587,633
SOUTH CAROLINA	35,603,848
SOUTH DAKOTA	14,727,478
TENNESSEE	45,898,859
TEXAS	190,367,982
UTAH	17,828,231
VERMONT	8,469,540
VIRGINIA	56,128,081
WASHINGTON	37,537,831
WEST VIRGINIA	22,290,077
WISCONSIN	42,656,615
WYOMING	15,725,642
TOTAL	<u>\$2,200,000,000</u>

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

N4510.729 - Table 2

RESCISSION OF UNOBLIGATED BALANCES OF APPORTIONED CONTRACT
AUTHORITY PURSUANT TO SECTION 330 OF PUBLIC LAW 111-226

State name: _____

Amount to be Rescinded: _____

Date completed: _____

<u>Program Code</u>	<u>Program Title</u>	<u>Total Unobligated Balance</u>	<u>Unobligated Balance to be Rescinded</u>
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TOTAL * _____

*Amount should equal State total from Table 1