



U.S. Department
of Transportation

**Federal Highway
Administration**

Notice

Subject:

RESCISSION OF FEDERAL-AID APPORTIONMENTS

Classification Code	Date	Office of Primary Interest
N4510.735	June 30, 2011	HCFB-1

1. **What is the purpose of this Notice?** This Notice is to notify the States that \$2,500,000,000 of unobligated balances of Federal-aid highway funds apportioned to States are hereby rescinded as required by section 2207 of the Full-Year Continuing Appropriations Act, 2011, division B of Public Law (Pub. L.) 112-10.
2. **What apportioned funds are being rescinded?**
 - a. Pursuant to section 2207 of the Full-Year Continuing Appropriations Act, 2011, an amount of \$2,500,000,000 is rescinded from the unobligated balances of funds apportioned under chapter 1 of title 23, United States Code (U.S.C.).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 2207 of the Full-Year Continuing Appropriations Act, 2011, 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 SAFETEA-LU.

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

- a. The total rescission amount of \$2,500,000,000 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) 2011. The programs included in the distribution calculation are Interstate Maintenance, National Highway System, Highway Bridge, Transportation Enhancements, Surface Transportation Program (only the funds available for any area), Congestion Mitigation and Air Quality Improvement, Recreational Trails, Metropolitan Planning, State Planning and Research, and Equity Bonus.
- 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 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, \$2,500,000,000, by the ratio that the aggregate amount of funds apportioned in FY 2011 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 2207 of the Full-Year Appropriations Act, 2011, 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 July 8, 2011**, 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 (N4510.735)_[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 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

N4510.735 - Table 1

**RESCISSION OF UNOBLIGATED BALANCES OF APPORTIONED CONTRACT
AUTHORITY PURSUANT TO SECTION 2207 OF THE FULL-YEAR CONTINUING
APPROPRIATIONS ACT, 2011, DIVISION B OF PUBLIC LAW 112-10**

STATE	<u>AMOUNT TO BE RESCINDED</u>
ALABAMA	\$40,577,594
ALASKA	37,205,268
ARIZONA	47,164,571
ARKANSAS	32,922,951
CALIFORNIA	238,421,585
COLORADO	35,030,977
CONNECTICUT	35,171,036
DELAWARE	10,628,872
DIST. OF COL.	10,497,108
FLORIDA	120,721,687
GEORGIA	82,437,910
HAWAII	12,985,655
IDAHO	19,120,790
ILLINOIS	93,556,070
INDIANA	62,926,886
IOWA	31,098,041
KANSAS	23,306,385
KENTUCKY	41,397,498
LOUISIANA	46,135,051
MAINE	11,225,644
MARYLAND	39,736,278
MASSACHUSETTS	42,481,280
MICHIGAN	65,607,265
MINNESOTA	39,300,550
MISSISSIPPI	29,797,736
MISSOURI	59,323,624
MONTANA	27,034,888
NEBRASKA	18,489,676
NEVADA	24,132,973
NEW HAMPSHIRE	10,884,741
NEW JERSEY	69,088,294
NEW MEXICO	23,799,238
NEW YORK	114,485,672
NORTH CAROLINA	66,327,579
NORTH DAKOTA	15,829,723
OHIO	85,937,803
OKLAHOMA	40,539,888
OREGON	32,478,293
PENNSYLVANIA	106,764,339
RHODE ISLAND	14,957,696
SOUTH CAROLINA	39,157,634
SOUTH DAKOTA	18,060,164
TENNESSEE	51,950,327
TEXAS	200,895,021
UTAH	21,428,634
VERMONT	12,343,391
VIRGINIA	62,861,937
WASHINGTON	43,727,418
WEST VIRGINIA	26,307,129
WISCONSIN	46,472,817
WYOMING	17,266,413
TOTAL	\$2,500,000,000

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

N4510.735 - Table 2

RESCISSION OF UNOBLIGATED BALANCES OF APPORTIONED CONTRACT
AUTHORITY PURSUANT TO SECTION 2207 OF THE FULL-YEAR CONTINUING
APPROPRIATIONS ACT, 2011, DIVISION B OF PUBLIC LAW 112-10

State name: _____

Amount to be Rescinded: _____

Date completed: _____

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

*Amount should equal State total from Table 1