



U.S. Department
of Transportation

**Federal Highway
Administration**

Notice

Subject:

**REVISED APPORTIONMENT OF FISCAL YEAR (FY) 2009
EQUITY BONUS PROGRAM FUNDS**

Classification Code	Date	Office of Primary Interest
N 4510.741	December 23, 2011	HCFB-1

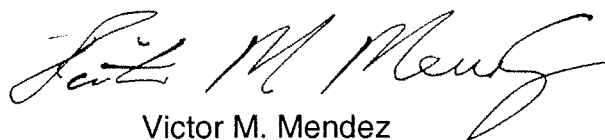
1. **What is the purpose of this Notice?** This Notice transmits the revised certificate of apportionment of Equity Bonus Program funds authorized for FY 2009 pursuant to section 105(a) of title 23, United States Code (U.S.C.). The apportionment is effective immediately.

2. **Does this Notice cancel FHWA Notice 4510.696?** Yes. This Notice cancels FHWA Notice 4510.696, Apportionment of Fiscal Year (FY) 2009 Equity Bonus Program Funds, dated October 1, 2008. The revision is required due to corrected non-highway recreational fuel use data, which is a formula factor for the Recreational Trails Program. The resulting change in the apportionment of Recreational Trails Program funds affects the Equity Bonus Program calculations. United States Comptroller General (Comp. Gen.) Decision B-275490 (December 5, 1996) requires that incorrect apportionments be appropriately adjusted to ensure compliance with the statutory formula for apportioning Federal highway funds enacted by Congress. See also 41 Comp. Gen. 16 (1961). All adjustments made based on the revised apportionments will be entered into the Fiscal Management Information System as adjustments to the FY 2012 apportionments to the extent possible.

3. **What is the availability of these funds?**
 - a. The Equity Bonus Program funds resulting from this apportionment are available for obligation until September 30, 2012. Any amounts not obligated by the State on or before September 30, 2012, shall lapse.
 - b. The funds resulting from this apportionment are subject to obligation controls in force at the time of obligation. Special obligation limitation will be provided with these funds. In addition, an amount of Equity Bonus Program funds is provided which is exempt from obligation controls.
 - c. The Federal share for the funds programmatically distributed to other programs has the same Federal share as those programs. For the remainder of the funds (\$2.639 million per year), the Federal share is determined under section 120 of title 23, U.S.C.; that is, the Federal share is generally 80 percent, subject to the sliding scale adjustment. When the funds are used for Interstate projects to add high occupancy vehicle or

auxiliary lanes, but not other lanes, the Federal share shall be 90 percent, also subject to the sliding scale adjustment.

- d. Funds will be transferred from the apportionment (Table 1) to the State's 402 Safety Program from the programmatically distributed portion of the Equity Bonus Program which adjusts to the National Highway System, Surface Transportation, and Interstate Maintenance programs for those States that failed to meet the provisions of section 154 of title 23, U.S.C., the Open Container Requirements (3 percent), and section 164 of title 23, U.S.C., the Minimum Penalties for Repeat Offenders (3 percent). Tables 2 and 3 illustrate the amounts to be transferred subject to a determination by the State under sections 154(c)(5) and 164(b)(5), which allow the States to designate the funds to be transferred.
 - e. Supplementary tables providing sub-allocation, appropriation codes, etc., will be issued in a separate Notice.
4. **What action is required?** Division Administrators should ensure that copies of this Notice are provided to the State departments of transportation.



Victor M. Mendez
Administrator

Attachments

**REVISED CERTIFICATE OF APPORTIONMENT FROM
THE SUM OF \$9,591,837,808
FOR THE EQUITY BONUS PROGRAM
FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2009**

TO--

The Secretary of the Treasury of the United States and the State departments of transportation:

Pursuant to section 9503 of the Internal Revenue Code of 1986, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, title 23, United States Code, and the delegation of authority from the Secretary of Transportation to the Federal Highway Administrator in Section 1.48, Title 49, Code of Federal Regulations, I certify--

First, that the Secretary of the Treasury has made the estimate required by section 9503(d) of the Internal Revenue Code of 1986, and based on that estimate, I have determined that the amount that can be apportioned for the Equity Bonus Program for the fiscal year ending September 30, 2009, pursuant to section 1104 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, is \$9,591,837,808, which is 100 percent of the amount authorized to be made available from the Highway Trust Fund.

Second, that in compliance with section 154 of title 23, United States Code, the Open Container Requirements, 3 percent of the amount required to be apportioned to the States of Alaska, Arkansas, Connecticut, Delaware, Louisiana, Mississippi, Missouri, Tennessee, Virginia, West Virginia, and Wyoming will be transferred to the State's 402 Safety Program.

Third, that in compliance with section 164 of title 23, United States Code, the Minimum Penalties for Repeat Offenders for Driving While Intoxicated or Driving Under the Influence, 3 percent of the amount required to be apportioned to the States of Alaska, California, Louisiana, Minnesota, New Mexico, Ohio, Oregon, Rhode Island, South Dakota, Vermont, and Wyoming will be transferred to the State's 402 Safety Program.

Fourth, that after making the transfers, I have computed the apportionment to each State of the amount authorized to be appropriated for the Equity Bonus Program in the manner provided by law in accordance with the formula set forth.

Fifth, the sums that are hereby apportioned to each State effective immediately are respectively as follows:

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

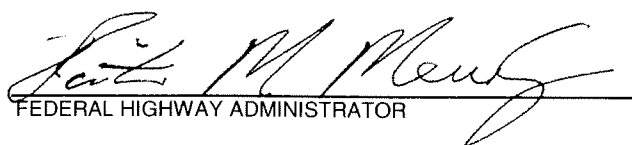
TABLE 1

REVISED APPORTIONMENT OF FUNDS
FOR THE EQUITY BONUS PROGRAM
AUTHORIZED FOR FISCAL YEAR 2009

<u>STATE</u>	<u>EQUITY BONUS FORMULA LIMITATION</u>	<u>SUBJECT TO SPECIAL LIMITATION</u>	<u>EXEMPT FROM LIMITATION</u>	<u>TOTAL</u>
ALABAMA	\$119,981,484	\$34,512,953	\$11,026,889	\$165,521,326
ALASKA	144,617,714	41,599,623	13,291,079	199,508,416
ARIZONA	195,133,674	56,130,656	17,933,745	269,198,075
ARKANSAS	89,952,381	25,875,012	8,267,066	124,094,459
CALIFORNIA	470,751,261	135,412,697	43,264,357	649,428,315
COLORADO	68,516,902	19,709,046	6,297,040	94,522,988
CONNECTICUT	94,555,212	27,199,027	8,690,089	130,444,328
DELAWARE	18,989,082	5,462,254	1,745,190	26,196,526
DIST. OF COL.	2,355,868	677,671	216,516	3,250,055
FLORIDA	581,821,123	167,362,202	53,472,224	802,655,549
GEORGIA	360,787,849	103,781,466	33,158,178	497,727,493
HAWAII	7,869,670	2,263,729	723,261	10,856,660
IDAHO	69,037,112	19,858,686	6,344,850	95,240,648
ILLINOIS	244,347,244	70,287,054	22,456,714	337,091,012
INDIANA	277,117,772	79,713,573	25,468,487	382,299,832
IOWA	44,434,792	12,781,772	4,083,776	61,300,340
KANSAS	15,672,762	4,508,306	1,440,404	21,621,472
KENTUCKY	126,020,333	36,250,042	11,581,889	173,852,264
LOUISIANA	93,434,968	26,876,786	8,587,133	128,898,887
MAINE	0	0	0	0
MARYLAND	62,242,605	17,904,230	5,720,401	85,867,236
MASSACHUSETTS	31,004,998	8,918,660	2,849,512	42,773,170
MICHIGAN	167,202,395	48,096,159	15,366,723	230,665,277
MINNESOTA	107,722,805	30,986,716	9,900,256	148,609,777
MISSISSIPPI	59,509,970	17,118,181	5,469,259	82,097,410
MISSOURI	177,415,119	51,033,873	16,305,322	244,754,314
MONTANA	96,414,856	27,733,958	8,861,000	133,009,814
NEBRASKA	24,777,856	7,127,408	2,277,207	34,182,471
NEVADA	59,658,758	17,160,981	5,482,933	82,302,672
NEW HAMPSHIRE	21,315,329	6,131,404	1,958,984	29,405,717
NEW JERSEY	187,433,376	53,915,647	17,226,049	258,575,072
NEW MEXICO	65,285,949	18,779,655	6,000,100	90,065,704
NEW YORK	171,877,309	49,440,909	15,796,370	237,114,588
NORTH CAROLINA	229,346,879	65,972,164	21,078,106	316,397,149
NORTH DAKOTA	21,515,571	6,189,004	1,977,387	29,681,962
OHIO	259,158,296	74,547,488	23,817,922	357,523,706
OKLAHOMA	84,070,270	24,183,009	7,726,471	115,979,750
OREGON	40,510,819	11,653,032	3,723,144	55,886,995
PENNSYLVANIA	196,528,387	56,531,849	18,061,926	271,122,162
RHODE ISLAND	0	0	0	0
SOUTH CAROLINA	146,819,738	42,233,040	13,493,456	202,546,234
SOUTH DAKOTA	42,156,628	12,126,452	3,874,401	58,157,481
TENNESSEE	174,942,628	50,322,655	16,078,088	241,343,371
TEXAS	871,874,601	250,796,761	80,129,565	1,202,800,927
UTAH	49,491,264	14,236,278	4,548,491	68,276,033
VERMONT	1,417,907	407,865	130,313	1,956,085
VIRGINIA	203,257,786	58,467,576	18,680,390	280,405,752
WASHINGTON	35,888,150	10,323,310	3,298,298	49,509,758
WEST VIRGINIA	102,441,486	29,467,532	9,414,877	141,323,895
WISCONSIN	202,916,048	58,369,274	18,648,983	279,934,305
WYOMING	33,242,822	9,562,375	3,055,179	45,860,376
TOTAL	\$6,952,837,808	\$2,000,000,000	\$639,000,000	\$9,591,837,808

APPROVED EFFECTIVE

12/23/2011


 FEDERAL HIGHWAY ADMINISTRATOR

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

TABLE 2

REVISED TRANSFERS ASSESSED PURSUANT TO TITLE 23 U.S.C. 154 (Open Container Requirements) FOR THE
INTERSTATE MAINTENANCE, NATIONAL HIGHWAY SYSTEM, AND SURFACE TRANSPORTATION PROGRAMS
AUTHORIZED FOR FISCAL YEAR 2009 *

State	TRANSFERS ASSESSED ON APPORTIONMENTS						TOTAL TRANSFERS ASSESSED			
	PURSUANT TO TITLE 23 U.S.C. 104(b)			PURSUANT TO TITLE 23 U.S.C. 105(d)			PURSUANT TO TITLE 23 U.S.C. 154			Total
	Interstate Maintenance	National Highway System	Surface Transportation Program	Interstate Maintenance	National Highway System	Surface Transportation Program	Interstate Maintenance	National Highway System	Surface Transportation Program	
ALABAMA	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
ALASKA	953,209	1,124,006	969,141	1,049,439	1,237,479	1,066,979	2,002,648	2,361,485	2,036,120	6,400,253
ARIZONA	0	0	0	0	0	0	0	0	0	0
ARKANSAS	2,055,880	2,566,501	2,653,313	562,757	702,529	726,293	2,618,637	3,269,030	3,379,606	9,267,273
CALIFORNIA	0	0	0	0	0	0	0	0	0	0
COLORADO	0	0	0	0	0	0	0	0	0	0
CONNECTICUT	1,524,434	1,405,638	1,793,928	430,439	396,895	506,533	1,954,873	1,802,533	2,300,461	6,057,867
DELAWARE	238,653	1,435,144	969,141	39,540	237,777	160,569	278,193	1,672,921	1,129,710	3,080,824
DIST. OF COL.	0	0	0	0	0	0	0	0	0	0
FLORIDA	0	0	0	0	0	0	0	0	0	0
GEORGIA	0	0	0	0	0	0	0	0	0	0
HAWAII	0	0	0	0	0	0	0	0	0	0
IDAHO	0	0	0	0	0	0	0	0	0	0
ILLINOIS	0	0	0	0	0	0	0	0	0	0
INDIANA	0	0	0	0	0	0	0	0	0	0
IOWA	0	0	0	0	0	0	0	0	0	0
KANSAS	0	0	0	0	0	0	0	0	0	0
KENTUCKY	0	0	0	0	0	0	0	0	0	0
LOUISIANA	2,763,864	2,580,149	3,125,882	518,773	484,290	586,724	3,282,637	3,064,439	3,712,606	10,059,682
MAINE	0	0	0	0	0	0	0	0	0	0
MARYLAND	0	0	0	0	0	0	0	0	0	0
MASSACHUSETTS	0	0	0	0	0	0	0	0	0	0
MICHIGAN	0	0	0	0	0	0	0	0	0	0
MINNESOTA	0	0	0	0	0	0	0	0	0	0
MISSISSIPPI	1,976,221	2,889,684	2,811,929	345,600	505,346	491,748	2,321,821	3,395,030	3,303,677	9,020,528
MISSOURI	3,885,971	4,354,795	4,694,539	1,157,788	1,297,470	1,398,694	5,043,759	5,652,265	6,093,233	16,789,257
MONTANA	0	0	0	0	0	0	0	0	0	0
NEBRASKA	0	0	0	0	0	0	0	0	0	0
NEVADA	0	0	0	0	0	0	0	0	0	0
NEW HAMPSHIRE	0	0	0	0	0	0	0	0	0	0
NEW JERSEY	0	0	0	0	0	0	0	0	0	0
NEW MEXICO	0	0	0	0	0	0	0	0	0	0
NEW YORK	0	0	0	0	0	0	0	0	0	0
NORTH CAROLINA	0	0	0	0	0	0	0	0	0	0
NORTH DAKOTA	0	0	0	0	0	0	0	0	0	0
OHIO	0	0	0	0	0	0	0	0	0	0
OKLAHOMA	0	0	0	0	0	0	0	0	0	0
OREGON	0	0	0	0	0	0	0	0	0	0
PENNSYLVANIA	0	0	0	0	0	0	0	0	0	0
RHODE ISLAND	0	0	0	0	0	0	0	0	0	0
SOUTH CAROLINA	0	0	0	0	0	0	0	0	0	0
SOUTH DAKOTA	0	0	0	0	0	0	0	0	0	0
TENNESSEE	3,888,307	3,962,735	4,257,098	1,332,709	1,358,219	1,459,112	5,221,016	5,320,954	5,716,210	16,258,180
TEXAS	0	0	0	0	0	0	0	0	0	0
UTAH	0	0	0	0	0	0	0	0	0	0
VERMONT	0	0	0	0	0	0	0	0	0	0
VIRGINIA	4,298,210	4,203,211	5,148,432	1,391,656	1,360,898	1,666,938	5,689,866	5,564,109	6,815,370	18,069,345
WASHINGTON	0	0	0	0	0	0	0	0	0	0
WEST VIRGINIA	1,328,981	1,339,568	1,449,551	651,354	656,542	710,447	1,980,335	1,996,110	2,159,998	6,136,443
WISCONSIN	0	0	0	0	0	0	0	0	0	0
WYOMING	1,520,826	2,591,760	969,141	256,094	436,430	163,195	1,776,920	3,028,190	1,132,336	5,937,446
Total	\$24,434,556	\$28,453,191	\$28,842,095	\$7,736,149	\$8,673,875	\$8,937,232	\$32,170,705	\$37,127,066	\$37,779,327	\$107,077,098

* Note: Tables 2 and 3 of this Notice supercede Tables 2 and 3 of the following FHWA Notices: N4510.684, N4510.685, and N4510.686.

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

TABLE 3

REVISED TRANSFERS ASSESSED PURSUANT TO TITLE 23 U.S.C. 164 (Minimum Penalties for Repeat Offenders for Driving While Intoxicated or Driving Under the Influence)
FOR THE INTERSTATE MAINTENANCE, NATIONAL HIGHWAY SYSTEM, AND SURFACE TRANSPORTATION PROGRAMS
AUTHORIZED FOR FISCAL YEAR 2009 *

State	TRANSFERS ASSESSED ON APPORTIONMENTS						TOTAL TRANSFERS ASSESSED			
	PURSUANT TO TITLE 23 U.S.C. 104(b)			PURSUANT TO TITLE 23 U.S.C. 105(d)			PURSUANT TO TITLE 23 U.S.C. 164			Total
	Interstate Maintenance	National Highway System	Surface Transportation Program	Interstate Maintenance	National Highway System	Surface Transportation Program	Interstate Maintenance	National Highway System	Surface Transportation Program	
ALABAMA	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
ALASKA	953,209	1,124,006	969,141	1,049,439	1,237,479	1,066,979	2,002,648	2,361,485	2,036,120	6,400,253
ARIZONA	0	0	0	0	0	0	0	0	0	0
ARKANSAS	0	0	0	0	0	0	0	0	0	0
CALIFORNIA	13,505,368	17,093,988	18,794,610	2,451,481	3,102,883	3,411,578	15,956,849	20,196,871	22,206,188	58,359,908
COLORADO	0	0	0	0	0	0	0	0	0	0
CONNECTICUT	0	0	0	0	0	0	0	0	0	0
DELAWARE	0	0	0	0	0	0	0	0	0	0
DIST. OF COL.	0	0	0	0	0	0	0	0	0	0
FLORIDA	0	0	0	0	0	0	0	0	0	0
GEORGIA	0	0	0	0	0	0	0	0	0	0
HAWAII	0	0	0	0	0	0	0	0	0	0
IDAHO	0	0	0	0	0	0	0	0	0	0
ILLINOIS	0	0	0	0	0	0	0	0	0	0
INDIANA	0	0	0	0	0	0	0	0	0	0
IOWA	0	0	0	0	0	0	0	0	0	0
KANSAS	0	0	0	0	0	0	0	0	0	0
KENTUCKY	0	0	0	0	0	0	0	0	0	0
LOUISIANA	2,763,864	2,580,149	3,125,882	518,773	484,290	586,724	3,282,637	3,064,439	3,712,606	10,059,682
MAINE	0	0	0	0	0	0	0	0	0	0
MARYLAND	0	0	0	0	0	0	0	0	0	0
MASSACHUSETTS	0	0	0	0	0	0	0	0	0	0
MICHIGAN	0	0	0	0	0	0	0	0	0	0
MINNESOTA	2,667,134	3,298,432	4,132,624	685,988	848,358	1,062,913	3,353,122	4,146,790	5,195,537	12,695,449
MISSISSIPPI	0	0	0	0	0	0	0	0	0	0
MISSOURI	0	0	0	0	0	0	0	0	0	0
MONTANA	0	0	0	0	0	0	0	0	0	0
NEBRASKA	0	0	0	0	0	0	0	0	0	0
NEVADA	0	0	0	0	0	0	0	0	0	0
NEW HAMPSHIRE	0	0	0	0	0	0	0	0	0	0
NEW JERSEY	0	0	0	0	0	0	0	0	0	0
NEW MEXICO	2,111,163	2,539,207	1,807,050	549,896	661,389	470,683	2,661,059	3,200,596	2,277,733	8,139,388
NEW YORK	0	0	0	0	0	0	0	0	0	0
NORTH CAROLINA	0	0	0	0	0	0	0	0	0	0
NORTH DAKOTA	0	0	0	0	0	0	0	0	0	0
OHIO	6,134,790	5,376,871	6,726,961	1,809,713	1,586,133	1,984,399	7,944,503	6,963,004	8,711,360	23,618,867
OKLAHOMA	0	0	0	0	0	0	0	0	0	0
OREGON	2,029,217	2,581,076	2,535,878	234,402	298,149	292,928	2,263,619	2,879,225	2,828,806	7,971,650
PENNSYLVANIA	0	0	0	0	0	0	0	0	0	0
RHODE ISLAND	314,178	1,359,618	969,141	0	0	0	314,178	1,359,618	969,141	2,642,937
SOUTH CAROLINA	0	0	0	0	0	0	0	0	0	0
SOUTH DAKOTA	1,065,351	2,058,618	1,342,277	249,942	482,972	314,911	1,315,293	2,541,590	1,657,188	5,514,071
TENNESSEE	0	0	0	0	0	0	0	0	0	0
TEXAS	0	0	0	0	0	0	0	0	0	0
UTAH	0	0	0	0	0	0	0	0	0	0
VERMONT	498,852	1,174,941	969,141	5,286	12,450	10,269	504,138	1,187,391	979,410	2,670,939
VIRGINIA	0	0	0	0	0	0	0	0	0	0
WASHINGTON	0	0	0	0	0	0	0	0	0	0
WEST VIRGINIA	0	0	0	0	0	0	0	0	0	0
WISCONSIN	0	0	0	0	0	0	0	0	0	0
WYOMING	1,520,826	2,591,760	969,141	256,094	436,430	163,195	1,776,920	3,028,190	1,132,336	5,937,446
Total	\$33,563,952	\$41,778,666	\$42,341,846	\$7,811,014	\$9,150,533	\$9,364,579	\$41,374,966	\$50,929,199	\$51,706,425	\$144,010,590

* Note: Tables 2 and 3 of this Notice supercede Tables 2 and 3 of the following FHWA Notices: N4510.684, N4510.685, and N4510.686.