



U.S. Department
of Transportation

**Federal Highway
Administration**

Notice

Subject:

**REVISED APPORTIONMENT OF FEDERAL-AID HIGHWAY
PROGRAM FUNDS FOR FISCAL YEAR (FY) 2013**

Classification Code

Date

Office of Primary Interest

N 4510.765

July 19, 2013

HCFB-1

1. **What is the purpose of this Notice?** This Notice transmits the revised certificate of apportionment for apportioned Federal-aid highway program funds authorized for FY 2013 pursuant to the Moving Ahead for Progress in the 21st Century Act (MAP-21), Public Law (Pub. L.) 112-141, and the Consolidated and Further Continuing Appropriations Act, 2013, Pub. L. 113-6. The apportionments made available by this Notice are for the following programs: National Highway Performance Program, Surface Transportation Program, Highway Safety Improvement Program, Railway-Highway Grade Crossings Program, Congestion Mitigation and Air Quality Improvement Program, and the Metropolitan Planning Program. The apportionments are effective immediately.
2. **Does this Notice cancel FHWA Notice 4510.763?** Yes, this Notice cancels FHWA Notice 4510.763, Revised Apportionment of Federal-aid Highway Program Funds for Fiscal Year (FY) 2013, dated April 24, 2013. The revision to the apportionment is required due to the final outcome of the administrative review process for States newly subject to penalties under section 154 and section 164 of title 23, United States Code (U.S.C.).
3. **What is the availability of these funds?**
 - a. The funds resulting from this apportionment are available for obligation until September 30, 2016. Any amounts not obligated by the State on or before September 30, 2016, shall lapse.
 - b. The funds resulting from this apportionment are available for obligation immediately and shall be subject to obligation controls in force at the time of obligation.
 - c. The Federal share payable shall be in accordance with section 120 of title 23, U.S.C., except as provided by another provision of law.
 - d. The program codes to be used when obligating these funds were provided in a separate memorandum.

4. **How were the State-by-State and program-by-program amounts determined?**
- a. Section 1101(a)(1) of MAP-21 authorizes a total of \$37,476,819,674 for the Federal-aid highway apportioned programs.
 - b. Pursuant to section 104(c) of title 23, U.S.C., the combined FY 2013 apportionment for the National Highway Performance Program, Surface Transportation Program, Highway Safety Improvement Program, Congestion Mitigation and Air Quality Improvement Program, and the Metropolitan Planning Program for each State is equal to that State's combined amount of apportionments received for FY 2012.*
 - c. Pursuant to section 104(b)(4) of title 23, U.S.C., of the total amount apportioned to a State under section 104(c) of title 23, U.S.C., the amount distributed to the Congestion Mitigation and Air Quality Improvement Program is calculated by multiplying the total amount apportioned to the State by the ratio of the State's FY 2009 apportionment for the Congestion Mitigation and Air Quality Improvement Program to the State's total FY 2009 apportionments.
 - d. Pursuant to section 104(b)(5) of title 23, U.S.C., of the total amount apportioned to a State under section 104(c) of title 23, U.S.C., the amount distributed to the Metropolitan Planning Program is calculated by multiplying the total amount apportioned to the State by the ratio of the State's FY 2009 apportionment for the Metropolitan Planning Program to the State's total FY 2009 apportionments.
 - e. After distributing the amounts to the Congestion Mitigation and Air Quality Improvement Program and the Metropolitan Planning Program, pursuant to paragraphs (1) through (3) of section 104(b) of title 23, U.S.C., the remainder of the total amount apportioned to a State under section 104(c) of title 23, U.S.C., is distributed in the following proportions: 63.7 percent for the National Highway Performance Program, 29.3 percent for the Surface Transportation Program, and 7 percent for the Highway Safety Improvement Program.
 - f. Section 130(e) of title 23, U.S.C., instructs that a total of \$220 million shall be set aside from the Highway Safety Improvement Program prior to the apportionment of that program for the Railway-Highway Grade Crossings Program. The Railway-Highway Grade Crossings Program amount for each State is determined by distributing the \$220 million total amount according to the formula in section 130(f) of title 23, U.S.C. The resulting

* The sum of the States' combined FY 2012 apportionments exceeds the total amount of \$37,476,819,674 authorized by MAP-21 for the Federal-aid highway apportioned programs for FY 2013. Therefore, it is necessary to proportionally reduce the FY 2013 apportionments for the States in order to not exceed the MAP-21 authorization.

Railway-Highway Grade Crossings Program amount for each State is then set aside from that State's Highway Safety Improvement Program amount. A State's official Highway Safety Improvement Program apportionment is the initial Highway Safety Improvement Program amount net of the Railway-Highway Grade Crossings Program set-aside amount.

- g. As required by section 3004 of Pub. L. 113-6, the Office of Management and Budget has determined that there is a 0.2 percent across-the-board rescission that applies to Federal-aid highway program contract authority subject to obligation limitation (both apportioned and allocated). Contract authority that is exempt from obligation limitation is not subject to the across-the-board rescission. Of the \$37,476,819,674 in total apportioned contract authority, \$36,837,819,674 is subject to obligation limitation and \$639,000,000 is exempt from obligation limitation. The rescission has been made on a proportional basis, with a total proportional reduction of \$73,675,639 (\$36,837,819,674 times 0.2 percent) applied to the apportionments subject to obligation limitation under this Notice. The net amount apportioned by this Notice after the across-the-board rescission is \$37,403,144,035.
 - h. Table 1 shows the State-by-State, program-by-program FY 2013 apportionment amounts (after the 0.2 percent across-the-board rescission, before post-apportionment set-asides, and before penalties) available under MAP-21 and the Consolidated and Further Continuing Appropriations Act, 2013.
5. **Are certain States subject to penalties?** Yes. Currently, the States that are listed under the following requirements are subject to penalties as determined by the National Highway Traffic Safety Administration. The penalty funds for a State will be reserved and then, in the proportions elected by the State, released for use on eligible Highway Safety Improvement Program activities under section 148 of title 23, U.S.C., or transferred to the State's safety program under section 402 of title 23, U.S.C.

a. **Open Container Requirements – 23 U.S.C. 154 – 2.5 percent**

Funds subject to penalty: National Highway Performance Program and Surface Transportation Program.

Alaska, Arkansas, Connecticut, Delaware, District of Columbia, Hawaii, Louisiana, Maine, Maryland, Mississippi, Missouri, Nevada, New Mexico, North Carolina, South Dakota, Tennessee, Virginia, West Virginia, and Wyoming

Table 2 shows the penalty amounts under section 154 of title 23, U.S.C., subject to section 154(c)(5), which allows a State to designate how the total

penalty amount is to be derived from the National Highway Performance Program and the Surface Transportation Program.

b. **Minimum Penalties for Repeat Offenders for Driving While Intoxicated or Driving Under the Influence – 23 U.S.C. 164 – 2.5 percent**

Funds subject to penalty: National Highway Performance Program and Surface Transportation Program.

Alaska, Arizona, California, Hawaii, Idaho, Indiana, Iowa, Louisiana, Maryland, Minnesota, Montana, Nebraska, New Mexico, North Carolina, Ohio, Oklahoma, Oregon, Rhode Island, South Dakota, Utah, Vermont, Washington, and Wyoming

Table 3 shows the penalty amounts under section 164 of title 23, U.S.C., subject to section 164(c)(5), which allows a State to designate how the total penalty amount is to be derived from the National Highway Performance Program and the Surface Transportation Program.

6. **What other amounts are related to these apportionments?** Supplementary tables showing other amounts related to these apportionments will be issued at a later date via a separate notice. The amounts shown in the supplementary tables will include set-asides (State Planning & Research, Transportation Alternatives Program, etc.), suballocations for the Surface Transportation Program and the Transportation Alternatives Program, and various limiting amounts.
7. **Does this Notice reflect the impact of sequestration?** No, the amounts apportioned under this Notice are prior to any sequestration of funds. Of the amounts apportioned under this Notice, only \$639,000,000 in National Highway Performance Program funds exempt from the obligation limitation is subject to sequestration. For further details, see FHWA Notice N4510.762, Sequestration of Highway Funds for Fiscal Year (FY) 2013, dated March 22, 2013, which notifies the State of the impact of the sequestration on highway funds for FY 2013.
8. **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

**CERTIFICATE OF APPORTIONMENT FROM THE SUM OF \$37,403,144,035
AUTHORIZED TO BE APPROPRIATED FOR APPORTIONED FEDERAL-AID HIGHWAY
PROGRAMS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2013**

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 Moving Ahead for Progress in the 21st Century Act, title 23 of the United States Code, and the delegation of authority from the Secretary of Transportation to the Federal Highway Administrator under section 1.85 of title 49 of the 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 Federal-aid highway program under the Moving Ahead for Progress in the 21st Century Act, Public Law 112-141, and the Consolidated and Further Continuing Appropriations Act, 2013, Public Law 113-6, is \$37,403,144,035, which is 100 percent of the amount authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) for Fiscal Year 2013 (as reduced by the across-the-board rescission in section 3004 of Public Law 113-6).

Second, that I have computed the apportionment to each State and the District of Columbia of the amounts authorized to be appropriated for the apportioned Federal-aid highway programs and further computed the distribution among the programs within each State and the District of Columbia in the manner provided by law.

Third, that in compliance with section 154 of title 23, United States Code, the Open Container Requirements, 2.5 percent of the National Highway Performance Program and Surface Transportation Program apportionments for the States of Alaska, Arkansas, Connecticut, Delaware, District of Columbia, Hawaii, Louisiana, Maine, Maryland, Mississippi, Missouri, Nevada, New Mexico, North Carolina, South Dakota, Tennessee, Virginia, West Virginia, and Wyoming will be reserved for release for use on eligible Highway Safety Improvement Program activities or transfer to the States' 402 Safety Programs.

Fourth, 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, 2.5 percent of the National Highway Performance Program and Surface Transportation Program apportionments for the States of Alaska, Arizona, California, Hawaii, Idaho, Indiana, Iowa, Louisiana, Maryland, Minnesota, Montana, Nebraska, New Mexico, North Carolina, Ohio, Oklahoma, Oregon, Rhode Island, South Dakota,

Utah, Vermont, Washington, and Wyoming will be reserved for release for use on eligible Highway Safety Improvement Program activities or transfer to the States' 402 Safety Programs.

Fifth, subject to the above-mentioned penalties, that the sums that are hereby apportioned to each State and the District of Columbia, effective immediately, are respectively as follows:

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

N4510.765 - Table 1

**FY 2013 FEDERAL-AID HIGHWAY PROGRAM REVISED APPORTIONMENTS UNDER
THE MOVING AHEAD FOR PROGRESS IN THE 21ST CENTURY ACT (MAP-21)**
(after 0.2% across-the-board rescission; before post-apportionment set-asides; before penalties)

<u>State</u>	<u>National Highway Performance Program</u>	<u>Surface Transportation Program</u>	<u>Highway Safety Improvement Program</u>	<u>Railway-Highway Crossings Program</u>	<u>Congestion Mitigation & Air Quality Improvement</u>	<u>Metropolitan Planning</u>	<u>Apportioned Total</u>
Alabama	456,923,424	210,158,308	45,710,192	4,498,277	11,387,319	2,977,488	731,655,008
Alaska	289,132,270	132,984,097	30,673,145	1,097,800	27,469,383	2,195,751	483,552,446
Arizona	412,876,246	189,899,158	42,705,038	2,663,362	51,783,698	5,666,582	705,594,084
Arkansas	309,170,338	142,200,447	30,215,829	3,756,974	12,291,704	1,663,784	499,299,076
California	1,928,764,143	887,119,784	196,636,834	15,303,046	463,236,124	48,450,747	3,539,510,678
Colorado	298,339,917	137,219,081	29,621,795	3,160,920	42,219,785	5,121,568	515,683,066
Connecticut	277,569,755	127,666,009	29,195,167	1,305,245	44,161,399	4,469,164	484,366,739
Delaware	95,402,817	43,879,770	9,385,422	1,097,800	11,640,644	1,725,566	163,132,019
Dist. of Col.	90,501,907	41,625,635	8,846,891	1,097,800	10,083,522	1,718,756	153,874,511
Florida	1,142,513,715	525,490,130	117,035,286	8,508,431	13,572,954	20,050,118	1,827,170,634
Georgia	745,211,936	342,754,326	73,987,244	7,899,454	67,825,329	7,523,798	1,245,202,087
Hawaii	96,236,662	44,263,290	9,477,047	1,097,800	10,339,959	1,693,560	163,108,318
Idaho	166,561,947	76,608,847	16,538,795	1,763,660	12,790,608	1,567,881	275,831,738
Illinois	792,870,904	364,674,690	76,779,200	10,344,446	109,895,510	16,523,548	1,371,088,298
Indiana	552,166,474	253,964,594	53,371,971	7,302,164	47,030,270	5,068,555	918,904,028
Iowa	287,371,989	132,174,469	26,374,366	5,203,153	11,039,084	1,880,669	464,043,730
Kansas	224,897,038	103,439,610	18,815,721	5,896,814	9,499,060	1,886,231	364,434,474
Kentucky	397,898,973	183,010,480	40,029,492	3,693,149	13,674,583	2,453,155	640,759,832
Louisiana	421,232,377	193,742,494	42,151,058	4,135,544	11,425,669	4,163,298	676,850,440
Maine	105,715,520	48,623,016	10,392,024	1,224,396	10,278,460	1,783,888	178,017,304
Maryland	329,822,728	151,699,350	33,952,061	2,290,105	53,449,089	6,696,513	577,909,846
Massachusetts	327,228,891	150,506,335	33,547,521	2,409,624	63,305,616	8,704,810	585,702,797
Michigan	593,353,510	272,908,246	57,800,668	7,399,254	73,871,761	10,028,031	1,015,361,470
Minnesota	377,273,705	173,524,051	35,510,911	5,945,347	32,167,608	4,427,759	628,849,381
Mississippi	288,930,498	132,891,294	28,356,405	3,392,369	11,198,773	1,646,728	466,416,067
Missouri	563,373,635	259,119,240	56,394,472	5,511,149	23,528,679	5,033,468	912,960,643
Montana	241,477,106	111,065,482	24,717,657	1,816,759	14,860,343	1,740,968	395,678,315
Nebraska	170,000,015	78,190,160	15,131,220	3,549,023	10,269,362	1,604,999	278,744,779
Nevada	200,334,979	92,142,486	20,915,764	1,097,800	32,510,547	3,178,898	350,180,474
New Hampshire	93,944,041	43,208,817	9,225,126	1,097,800	10,330,459	1,530,863	159,337,106
New Jersey	539,498,504	248,138,062	55,630,147	3,651,984	103,904,782	12,055,425	962,878,904
New Mexico	217,345,099	99,966,156	22,303,206	1,579,494	11,392,428	1,558,677	354,145,060
New York	899,266,277	413,610,398	92,573,826	6,240,945	182,861,976	24,183,358	1,618,736,780
North Carolina	603,405,549	277,531,601	59,888,750	6,415,728	51,064,527	5,622,414	1,003,928,569
North Dakota	144,790,203	66,595,107	12,344,520	3,565,573	10,501,271	1,625,885	239,422,559
Ohio	755,408,909	347,444,342	74,453,429	8,553,752	95,583,480	11,217,849	1,292,661,761
Oklahoma	380,540,056	175,026,383	36,649,896	5,165,281	11,733,966	2,503,866	611,619,448
Oregon	292,485,684	134,526,473	29,252,507	2,886,924	19,365,448	3,505,388	482,022,424
Pennsylvania	933,487,333	429,350,102	96,030,158	6,544,952	104,311,840	12,560,793	1,582,285,178
Rhode Island	126,572,363	58,215,956	12,810,449	1,097,800	10,411,477	1,798,313	210,906,358
South Carolina	376,052,450	172,962,345	37,111,491	4,210,570	12,259,677	2,859,832	605,456,365
South Dakota	164,354,853	75,593,713	15,753,187	2,306,743	12,244,724	1,711,252	271,964,472
Tennessee	492,600,431	226,567,665	49,457,151	4,671,642	36,975,046	4,655,183	814,927,118
Texas	1,829,115,422	841,287,145	183,805,986	17,184,117	150,237,822	21,668,713	3,043,299,205
Utah	188,440,622	86,671,771	19,190,823	1,515,742	11,965,399	2,911,540	310,695,897
Vermont	115,853,130	53,285,729	11,632,579	1,097,800	11,824,530	2,030,042	195,723,810
Virginia	585,556,568	269,322,103	59,823,747	4,519,418	54,819,896	7,321,181	981,362,913
Washington	388,440,755	178,660,247	38,635,185	4,048,150	36,885,483	7,090,695	653,760,515
West Virginia	258,310,038	118,807,656	26,403,425	1,980,656	14,296,840	1,648,406	421,447,021
Wisconsin	441,990,353	203,289,960	42,902,103	5,665,464	27,347,980	4,427,381	725,623,241
Wyoming	149,777,498	68,888,973	15,360,317	1,097,800	10,401,482	1,530,979	247,057,049
Apportioned Total	22,160,389,557	10,192,495,583	2,215,507,204	219,560,000	2,297,527,375	317,664,316	37,403,144,035

APPROVED EFFECTIVE


 FEDERAL HIGHWAY ADMINISTRATOR

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

N4510.765 - TABLE 2

FY 2013 PENALTIES ASSESSED PURSUANT TO 23 U.S.C. 154
(before election of penalty shifts by States)

23 U.S.C. 154 Penalty Amounts (Open Container Requirements)			
<u>State</u>	<u>National Highway Performance Program</u>	<u>Surface Transportation Program</u>	<u>Total</u>
ALABAMA	\$0	\$0	\$0
ALASKA	7,228,307	3,324,602	10,552,909
ARIZONA	0	0	0
ARKANSAS	7,729,258	3,555,011	11,284,269
CALIFORNIA	0	0	0
COLORADO	0	0	0
CONNECTICUT	6,939,244	3,191,650	10,130,894
DELAWARE	2,385,070	1,096,994	3,482,064
DIST. OF COL.	2,262,548	1,040,641	3,303,189
FLORIDA	0	0	0
GEORGIA	0	0	0
HAWAII	2,405,917	1,106,582	3,512,499
IDAHO	0	0	0
ILLINOIS	0	0	0
INDIANA	0	0	0
IOWA	0	0	0
KANSAS	0	0	0
KENTUCKY	0	0	0
LOUISIANA	10,530,809	4,843,562	15,374,371
MAINE	2,642,888	1,215,575	3,858,463
MARYLAND	8,245,568	3,792,484	12,038,052
MASSACHUSETTS	0	0	0
MICHIGAN	0	0	0
MINNESOTA	0	0	0
MISSISSIPPI	7,223,262	3,322,282	10,545,544
MISSOURI	14,084,341	6,477,981	20,562,322
MONTANA	0	0	0
NEBRASKA	0	0	0
NEVADA	5,008,374	2,303,562	7,311,936
NEW HAMPSHIRE	0	0	0
NEW JERSEY	0	0	0
NEW MEXICO	5,433,627	2,499,154	7,932,781
NEW YORK	0	0	0
NORTH CAROLINA	15,085,139	6,938,290	22,023,429
NORTH DAKOTA	0	0	0
OHIO	0	0	0
OKLAHOMA	0	0	0
OREGON	0	0	0
PENNSYLVANIA	0	0	0
RHODE ISLAND	0	0	0
SOUTH CAROLINA	0	0	0
SOUTH DAKOTA	4,108,871	1,889,843	5,998,714
TENNESSEE	12,315,011	5,664,192	17,979,203
TEXAS	0	0	0
UTAH	0	0	0
VERMONT	0	0	0
VIRGINIA	14,638,914	6,733,053	21,371,967
WASHINGTON	0	0	0
WEST VIRGINIA	6,457,751	2,970,191	9,427,942
WISCONSIN	0	0	0
WYOMING	3,744,437	1,722,224	5,466,661
Total	\$138,469,336	\$63,687,873	\$202,157,209

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

N4510.765 - TABLE 3

FY 2013 PENALTIES ASSESSED PURSUANT TO 23 U.S.C. 164
(before election of penalty shifts by States)

23 U.S.C. 164 Penalty Amounts (Minimum Penalties for DWI or DUI Repeat Offenders)			
<u>State</u>	<u>National Highway Performance Program</u>	<u>Surface Transportation Program</u>	<u>Total</u>
ALABAMA	\$0	\$0	\$0
ALASKA	7,228,307	3,324,602	10,552,909
ARIZONA	10,321,906	4,747,479	15,069,385
ARKANSAS	0	0	0
CALIFORNIA	48,219,104	22,177,995	70,397,099
COLORADO	0	0	0
CONNECTICUT	0	0	0
DELAWARE	0	0	0
DIST. OF COL.	0	0	0
FLORIDA	0	0	0
GEORGIA	0	0	0
HAWAII	2,405,917	1,106,582	3,512,499
IDAHO	4,164,049	1,915,221	6,079,270
ILLINOIS	0	0	0
INDIANA	13,804,162	6,349,115	20,153,277
IOWA	7,184,300	3,304,362	10,488,662
KANSAS	0	0	0
KENTUCKY	0	0	0
LOUISIANA	10,530,809	4,843,562	15,374,371
MAINE	0	0	0
MARYLAND	8,245,568	3,792,484	12,038,052
MASSACHUSETTS	0	0	0
MICHIGAN	0	0	0
MINNESOTA	9,431,843	4,338,101	13,769,944
MISSISSIPPI	0	0	0
MISSOURI	0	0	0
MONTANA	6,036,928	2,776,637	8,813,565
NEBRASKA	4,250,000	1,954,754	6,204,754
NEVADA	0	0	0
NEW HAMPSHIRE	0	0	0
NEW JERSEY	0	0	0
NEW MEXICO	5,433,627	2,499,154	7,932,781
NEW YORK	0	0	0
NORTH CAROLINA	15,085,139	6,938,290	22,023,429
NORTH DAKOTA	0	0	0
OHIO	18,885,223	8,686,109	27,571,332
OKLAHOMA	9,513,501	4,375,660	13,889,161
OREGON	7,312,142	3,363,162	10,675,304
PENNSYLVANIA	0	0	0
RHODE ISLAND	3,164,309	1,455,399	4,619,708
SOUTH CAROLINA	0	0	0
SOUTH DAKOTA	4,108,871	1,889,843	5,998,714
TENNESSEE	0	0	0
TEXAS	0	0	0
UTAH	4,711,016	2,166,794	6,877,810
VERMONT	2,896,328	1,332,143	4,228,471
VIRGINIA	0	0	0
WASHINGTON	9,711,019	4,466,506	14,177,525
WEST VIRGINIA	0	0	0
WISCONSIN	0	0	0
WYOMING	3,744,437	1,722,224	5,466,661
Total	\$216,388,505	\$99,526,178	\$315,914,683