



U.S. Department
of Transportation

**Federal Highway
Administration**

Notice

Subject:

**APPORTIONMENT OF FUNDS FOR THE PERIOD BEGINNING ON
OCTOBER 1, 2015, AND ENDING ON OCTOBER 29, 2015,
PURSUANT TO THE HIGHWAY AND TRANSPORTATION FUNDING
ACT OF 2014, AS AMENDED**

Classification Code	Date	Office of Primary Interest
N 4510.793	October 1, 2015	HCFB-10

1. **What is the purpose of this Notice?** This Notice transmits the certificate of apportionment for apportioned Federal-aid highway program funds authorized for the period beginning on October 1, 2015, and ending on October 29, 2015, pursuant to the Highway and Transportation Funding Act of 2014 (Extension Act), Public Law (Pub. L.) 113-159, as amended by the Highway and Transportation Funding Act of 2015, Pub. L. 114-21, and the Surface Transportation and Veterans Health Care Choice Improvement Act of 2015, Pub. L. 114-41. 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. **What is the background information?**
 - a. The Extension Act extends the surface transportation programs, including the Federal-aid highway programs, under the Moving Ahead for Progress in the 21st Century Act (MAP-21), Pub. L. 112-141, through October 29, 2015.
 - b. Section 1001(a) of the Extension Act incorporates by reference and continues in effect the requirements, authorities, conditions, eligibilities, limitations, and other provisions authorized under divisions A and E of MAP-21; the SAFETEA-LU Technical Corrections Act of 2008; titles I, V, and VI of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU); titles I and V of the Transportation Equity Act for the 21st Century; the National Highway System Designation Act of 1995; titles I and VI of the Intermodal Surface Transportation Act of 1991; and title 23, United States Code (U.S.C.) (excluding chapter 4 of that title), which would have otherwise expired or ceased to apply after September 30, 2014.
 - c. Pursuant to section 1001(b)(1) of the Extension Act, except as provided in section 1002 for the administrative expenses of the Federal Highway

Administration, there is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) for the period beginning on October 1, 2015, and ending on October 29, 2015, a sum equal to 29/366 of the total amount authorized to be appropriated out of the Highway Trust Fund for programs, projects, and activities for Fiscal Year (FY) 2015 under divisions A and E of MAP-21 and title 23, U.S.C. (excluding chapter 4 of that title).

- d. Pursuant to section 1001(c)(1) of the Extension Act, except as otherwise expressly provided in the Act, the funds authorized to be appropriated for the period beginning on October 1, 2015, and ending on October 29, 2015, shall be distributed, administered, limited, and made available for obligation in the same manner and at the same levels as 29/366 of the amounts of funds authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) for FY 2015 to carry out programs, projects, activities, eligibilities, and requirements under MAP-21; the SAFETEA-LU Technical Corrections Act of 2008; SAFETEA-LU; titles I and V of the Transportation Equity Act for the 21st Century; the National Highway System Designation Act of 1995; titles I and VI of the Intermodal Surface Transportation Act of 1991; and title 23, U.S.C. (excluding chapter 4 of that title).

3. What is the availability of these funds?

- a. The funds shall be available for obligation and administered in the same manner as if the funds were apportioned under chapter 1 of title 23, U.S.C.
- b. The funds resulting from this apportionment are available for obligation until September 30, 2019. Any amounts not obligated by the State on or before September 30, 2019, shall lapse.
- c. 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.
- d. For the period beginning on October 1, 2015, and ending on October 29, 2015, an amount of National Highway Performance Program funds equal to \$50,631,148 prior to sequestration (\$47,188,230 after sequestration) that is exempt from obligation controls is provided. See FHWA Notice N4510.794 for additional information on sequestration.
- e. 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.

- f. Program codes to be used when obligating these funds were provided in a program code memorandum dated September 23, 2014.
 - g. The Catalog of Federal Domestic Assistance (CFDA) number for these funds is 20.205, with the exception that the CFDA number for the Recreational Trails Program is 20.219.
4. **How were the State-by-State and program-by-program amounts determined?**
- a. The base amount of apportioned funds available for each program and each State for the period beginning on October 1, 2015, and ending on October 29, 2015, is equal to 29/366 of the amount for each such program and State in FY 2015.
 - b. Table 1 shows the State-by-State, program-by-program apportionment amounts (before post-apportionment set-asides and before penalties) available under the Extension Act for the period beginning on October 1, 2015, and ending on October 29, 2015.
5. **Are certain States subject to penalties?** Yes. Currently, the States that are listed under the following requirements are subject to penalties. The penalty funds for a State under sections 154 and 164 of title 23, U.S.C., are 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, Hawaii, Louisiana, Maine, Mississippi, Missouri, Ohio, Tennessee, Virginia, and Wyoming**
- The penalty under section 154 of title 23, U.S.C., for Ohio is subject to an administrative review by the National Highway Traffic Safety Administration and the Federal Highway Administration; the penalty amount for Ohio will be reserved pending the completion of the administrative review and then either administered under the provisions of section 154 or restored to the State's apportionments depending on the outcome of that process.
- 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, California, Colorado, Hawaii, Indiana, Louisiana, Minnesota, Montana, New Mexico, North Dakota, Ohio, Oregon, Rhode Island, South Dakota, Vermont, and Wyoming

The penalty under section 164 of title 23, U.S.C., for Colorado is subject to an administrative review by the National Highway Traffic Safety Administration and the Federal Highway Administration; the penalty amount for Colorado will be reserved pending the completion of the administrative review and then either administered under the provisions of section 164 or restored to the State's apportionments depending on the outcome of that process.

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. **What action is required?** Division Administrators should ensure that copies of this Notice are provided to the State departments of transportation.



Gregory G. Nadeau
Administrator

Attachments

**CERTIFICATE OF APPORTIONMENT FROM THE SUM OF \$2,994,923,497
AUTHORIZED TO BE APPROPRIATED FOR APPORTIONED FEDERAL-AID HIGHWAY
PROGRAMS FOR THE PERIOD BEGINNING OCTOBER 1, 2015, AND
ENDING ON OCTOBER 29, 2015**

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 Surface Transportation and Veterans Health Care Choice Improvement Act of 2015, and title 23 of the United States Code, 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 Highway and Transportation Funding Act of 2014, Public Law 113-159, as amended by the Highway and Transportation Funding Act of 2015, Public Law 114-21, and the Surface Transportation and Veterans Health Care Choice Improvement Act of 2015, Public Law 114-41, is \$2,994,923,497, which is 100 percent of the amount authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) for the period beginning on October 1, 2015, and ending on October 29, 2015.

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, Hawaii, Louisiana, Maine, Mississippi, Missouri, Ohio, Tennessee, Virginia, and Wyoming are reserved for release for use on eligible Highway Safety Improvement Program activities or transfer to the States' 402 Safety Programs (except that the penalty amount for Ohio will be reserved pending the outcome of the administrative review by the National Highway Traffic Safety Administration and the Federal Highway Administration).

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, California, Colorado, Hawaii, Indiana, Louisiana, Minnesota, Montana, New Mexico, North Dakota, Ohio,

Oregon, Rhode Island, South Dakota, Vermont, and Wyoming are reserved for release for use on eligible Highway Safety Improvement Program activities or transfer to the States' 402 Safety Programs (except that the penalty amount for Colorado will be reserved pending the outcome of the administrative review by the National Highway Traffic Safety Administration and the Federal Highway Administration).

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:

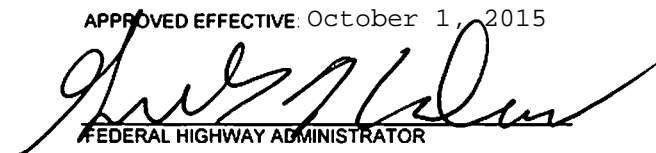
U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

N4510.793 - TABLE 1

**FEDERAL-AID HIGHWAY PROGRAM APPORTIONMENTS FOR THE PERIOD BEGINNING ON OCTOBER 1, 2015, AND
ENDING ON OCTOBER 29, 2015, PURSUANT TO THE HIGHWAY AND TRANSPORTATION FUNDING ACT OF 2014, AS AMENDED
(before post-apportionment set-asides; before penalties; before sequestration)**

State	National Highway Performance Program	Surface Transportation Program	Highway Safety Improvement Program	Railway-Highway Crossings Program	Congestion Mitigation & Air Quality Improvement	Metropolitan Planning	Apportioned Total
Alabama	36,233,618	16,666,326	3,622,655	359,062	903,056	236,126	58,020,843
Alaska	22,927,930	10,546,128	2,432,394	87,158	2,178,423	174,131	38,346,164
Arizona	32,740,716	15,059,701	3,385,824	212,057	4,106,638	449,381	55,954,317
Arkansas	24,516,930	11,277,018	2,396,201	297,967	974,777	131,944	39,594,837
California	152,949,266	70,351,860	15,596,875	1,210,737	36,736,328	3,842,322	280,687,388
Colorado	23,658,088	10,881,978	2,348,656	251,134	3,348,184	406,159	40,894,199
Connecticut	22,011,033	10,124,384	2,315,337	103,458	3,502,161	354,421	38,410,794
Delaware	7,565,358	3,479,827	744,200	87,158	923,146	136,844	12,936,533
Dist. of Col.	7,176,720	3,301,066	701,482	87,158	799,660	136,304	12,202,400
Florida	90,600,312	41,673,299	9,285,448	670,630	1,076,385	1,590,048	144,896,122
Georgia	59,094,638	27,181,678	5,869,929	623,987	5,378,798	596,665	98,745,695
Hawaii	7,631,481	3,510,242	751,466	87,158	819,997	134,306	12,934,650
Idaho	13,208,213	6,075,363	1,310,676	140,776	1,014,342	124,339	21,873,709
Illinois	62,873,951	28,920,044	6,089,557	819,668	8,715,118	1,310,378	108,728,716
Indiana	43,786,306	20,140,326	4,227,547	584,135	3,729,673	401,955	72,869,942
Iowa	23,274,890	10,705,719	2,143,676	414,005	894,131	152,328	37,584,749
Kansas	17,834,133	8,203,141	1,493,350	466,445	753,310	149,585	28,899,964
Kentucky	31,553,032	14,513,404	3,177,932	289,434	1,084,445	194,544	50,812,791
Louisiana	33,403,350	15,364,492	3,352,072	318,626	906,098	330,165	53,674,803
Maine	8,383,146	3,855,984	824,112	97,113	815,120	141,469	14,116,944
Maryland	26,227,694	12,063,916	2,700,644	181,520	4,250,548	532,541	45,956,863
Massachusetts	25,948,957	11,935,706	2,659,398	192,136	5,020,368	690,323	46,446,888
Michigan	47,052,401	21,642,627	4,584,228	586,366	5,858,302	795,260	80,519,184
Minnesota	29,917,466	13,761,095	2,815,772	471,862	2,551,010	351,138	49,868,343
Mississippi	22,911,929	10,538,768	2,250,107	267,688	888,104	130,592	36,987,188
Missouri	44,675,024	20,549,108	4,472,874	436,469	1,865,911	399,172	72,398,558
Montana	19,148,918	8,807,901	1,958,194	146,082	1,178,480	138,065	31,377,640
Nebraska	13,480,849	6,200,767	1,199,061	282,351	814,398	127,282	22,104,708
Nevada	15,886,384	7,307,238	1,658,598	87,158	2,578,206	252,098	27,769,682
New Hampshire	7,449,678	3,426,618	731,488	87,158	819,243	121,403	12,635,586
New Jersey	42,781,747	19,678,261	4,413,788	287,503	8,240,031	956,040	76,357,370
New Mexico	17,235,271	7,927,684	1,766,070	127,916	903,462	123,609	28,084,012
New York	71,311,009	32,800,825	7,347,740	488,635	14,501,627	1,917,829	128,367,665
North Carolina	47,938,393	22,050,156	4,757,282	510,674	4,057,126	446,706	79,760,337
North Dakota	11,481,733	5,281,237	974,488	287,241	832,789	128,939	18,986,427
Ohio	59,903,249	27,553,614	5,902,233	680,542	7,580,121	889,617	102,509,376
Oklahoma	30,176,485	13,880,236	2,905,420	410,678	930,547	198,566	48,501,932
Oregon	23,193,852	10,668,444	2,319,886	228,889	1,535,751	277,990	38,224,812
Pennsylvania	74,024,708	34,049,042	7,613,195	521,388	8,272,312	996,117	125,476,762
Rhode Island	10,037,075	4,616,739	1,015,817	87,158	825,668	142,613	16,725,070
South Carolina	31,806,198	14,629,852	3,160,632	334,555	1,036,973	241,896	51,210,106
South Dakota	13,033,192	5,994,859	1,248,250	183,969	971,052	135,709	21,567,031
Tennessee	39,062,772	17,967,649	3,919,261	373,351	2,932,257	369,173	64,624,463
Texas	158,655,749	72,976,663	16,047,985	1,386,713	13,032,239	1,879,632	263,978,981
Utah	16,105,843	7,408,182	1,645,642	124,231	1,022,730	248,861	26,555,489
Vermont	9,187,049	4,225,754	922,407	87,158	937,729	160,990	15,521,087
Virginia	46,434,110	21,358,233	4,749,109	353,540	4,347,419	580,597	77,823,008
Washington	30,803,003	14,168,414	3,062,987	321,959	2,925,154	562,318	51,843,835
West Virginia	20,483,754	9,421,884	2,093,660	157,302	1,133,792	130,725	33,421,117
Wisconsin	35,049,438	16,121,641	3,407,110	444,476	2,168,795	351,108	57,542,568
Wyoming	11,877,221	5,463,149	1,218,031	87,158	824,876	121,412	19,591,847
Apportioned Total	1,774,704,262	816,308,242	177,590,756	17,431,692	183,496,810	25,391,735	2,994,923,497

APPROVED EFFECTIVE: October 1, 2015



FEDERAL HIGHWAY ADMINISTRATOR

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

N4510.793 - TABLE 2

PENALTIES ASSESSED PURSUANT TO 23 U.S.C. 154 FOR THE PERIOD
BEGINNING ON OCTOBER 1, 2015, AND ENDING ON OCTOBER 29, 2015
(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	573,198	263,653	836,851
ARIZONA	0	0	0
ARKANSAS	612,923	281,925	894,848
CALIFORNIA	0	0	0
COLORADO	0	0	0
CONNECTICUT	550,276	253,110	803,386
DELAWARE	189,134	86,996	276,130
DIST. OF COL.	0	0	0
FLORIDA	0	0	0
GEORGIA	0	0	0
HAWAII	190,787	87,756	278,543
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	835,084	384,112	1,219,196
MAINE	209,579	96,400	305,979
MARYLAND	0	0	0
MASSACHUSETTS	0	0	0
MICHIGAN	0	0	0
MINNESOTA	0	0	0
MISSISSIPPI	572,798	263,469	836,267
MISSOURI	1,116,876	513,728	1,630,604
MONTANA	0	0	0
NEBRASKA	0	0	0
NEVADA	0	0	0
NEW HAMPSHIRE	0	0	0
NEW JERSEY	0	0	0
NEW MEXICO	0	0	0
NEW YORK	0	0	0
NORTH CAROLINA	0	0	0
NORTH DAKOTA	0	0	0
OHIO	1,497,581	688,840	2,186,421
OKLAHOMA	0	0	0
OREGON	0	0	0
PENNSYLVANIA	0	0	0
RHODE ISLAND	0	0	0
SOUTH CAROLINA	0	0	0
SOUTH DAKOTA	0	0	0
TENNESSEE	976,569	449,191	1,425,760
TEXAS	0	0	0
UTAH	0	0	0
VERMONT	0	0	0
VIRGINIA	1,160,853	533,956	1,694,809
WASHINGTON	0	0	0
WEST VIRGINIA	0	0	0
WISCONSIN	0	0	0
WYOMING	296,931	136,579	433,510
Total	\$8,782,589	\$4,039,715	\$12,822,304

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

N4510.793 - TABLE 3

PENALTIES ASSESSED PURSUANT TO 23 U.S.C. 164 FOR THE PERIOD
BEGINNING ON OCTOBER 1, 2015, AND ENDING ON OCTOBER 29, 2015
(before election of penalty shifts by States)

<u>State</u>	23 U.S.C. 164 Penalty Amounts (Minimum Penalties for DWI or DUI Repeat Offenders)		
	<u>National Highway Performance Program</u>	<u>Surface Transportation Program</u>	<u>Total</u>
ALABAMA	\$0	\$0	\$0
ALASKA	573,198	263,653	836,851
ARIZONA	0	0	0
ARKANSAS	0	0	0
CALIFORNIA	3,823,732	1,758,797	5,582,529
COLORADO	591,452	272,049	863,501
CONNECTICUT	0	0	0
DELAWARE	0	0	0
DIST. OF COL.	0	0	0
FLORIDA	0	0	0
GEORGIA	0	0	0
HAWAII	190,787	87,756	278,543
IDAHO	0	0	0
ILLINOIS	0	0	0
INDIANA	1,094,658	503,508	1,598,166
IOWA	0	0	0
KANSAS	0	0	0
KENTUCKY	0	0	0
LOUISIANA	835,084	384,112	1,219,196
MAINE	0	0	0
MARYLAND	0	0	0
MASSACHUSETTS	0	0	0
MICHIGAN	0	0	0
MINNESOTA	747,937	344,027	1,091,964
MISSISSIPPI	0	0	0
MISSOURI	0	0	0
MONTANA	478,723	220,198	698,921
NEBRASKA	0	0	0
NEVADA	0	0	0
NEW HAMPSHIRE	0	0	0
NEW JERSEY	0	0	0
NEW MEXICO	430,882	198,192	629,074
NEW YORK	0	0	0
NORTH CAROLINA	0	0	0
NORTH DAKOTA	287,043	132,031	419,074
OHIO	1,497,581	688,840	2,186,421
OKLAHOMA	0	0	0
OREGON	579,846	266,711	846,557
PENNSYLVANIA	0	0	0
RHODE ISLAND	250,927	115,418	366,345
SOUTH CAROLINA	0	0	0
SOUTH DAKOTA	325,830	149,871	475,701
TENNESSEE	0	0	0
TEXAS	0	0	0
UTAH	0	0	0
VERMONT	229,676	105,644	335,320
VIRGINIA	0	0	0
WASHINGTON	0	0	0
WEST VIRGINIA	0	0	0
WISCONSIN	0	0	0
WYOMING	296,931	136,579	433,510
Total	\$12,234,287	\$5,627,386	\$17,861,673