



U.S. Department
of Transportation

**Federal Highway
Administration**

Notice

Subject:

**APPORTIONMENT OF FUNDS FOR THE PERIOD BEGINNING ON
OCTOBER 1, 2015, AND ENDING ON DECEMBER 4, 2015,
PURSUANT TO THE HIGHWAY AND TRANSPORTATION FUNDING
ACT OF 2014, AS AMENDED**

Classification Code

Date

Office of Primary Interest

N 4510.799

December 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 December 4, 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, the Surface Transportation and Veterans Health Care Choice Improvement Act of 2015, Pub. L. 114-41, the Surface Transportation Extension Act of 2015, Pub. L. 114-73, and the Surface Transportation Extension Act of 2015, Part II, Pub. L. 114-87. 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 4510.796?** Yes, this Notice cancels FHWA Notice N4510.796, Apportionment of Funds for the Period Beginning on October 1, 2015, and Ending on November 20, 2015, Pursuant to the Highway and Transportation Funding Act of 2014, as Amended, dated November 5, 2015. The revision to the apportionment is required due to the further extension of the Federal-aid highway program under the Surface Transportation Extension Act of 2015, Part II.
3. **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 December 4, 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 December 4, 2015, a sum equal to 65/366 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 December 4, 2015, shall be distributed, administered, limited, and made available for obligation in the same manner and at the same levels as 65/366 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).

4. 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 December 4, 2015, an amount of National Highway Performance Program funds equal to \$113,483,607 prior to sequestration (\$105,766,722 after sequestration) that is exempt from obligation controls is provided. See FHWA Notice N4510.800 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.

5. **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 December 4, 2015, is equal to 65/366 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 December 4, 2015.

6. **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.

7. **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.

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

A handwritten signature in blue ink, appearing to read "Gregory G. Nadeau", with a stylized flourish at the end.

Gregory G. Nadeau
Administrator

Attachments

**CERTIFICATE OF APPORTIONMENT FROM THE SUM OF \$6,712,759,563
AUTHORIZED TO BE APPROPRIATED FOR APPORTIONED FEDERAL-AID HIGHWAY
PROGRAMS FOR THE PERIOD BEGINNING ON OCTOBER 1, 2015, AND
ENDING ON DECEMBER 4, 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 Extension Act of 2015, Part II, 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, the Surface Transportation and Veterans Health Care Choice Improvement Act of 2015, Public Law 114-41, the Surface Transportation Extension Act of 2015, Public Law 114-73, and the Surface Transportation Extension Act of 2015, Part II, Pub. L. 114-87, is \$6,712,759,563, 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 December 4, 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

N4510.799 - TABLE 1

FEDERAL-AID HIGHWAY PROGRAM APPORTIONMENTS FOR THE PERIOD BEGINNING ON OCTOBER 1, 2015, AND
ENDING ON DECEMBER 4, 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	81,213,281	37,355,559	8,119,743	804,793	2,024,092	529,247	130,046,715
Alaska	51,390,187	23,637,873	5,451,918	195,355	4,882,672	390,294	85,948,299
Arizona	73,384,363	33,754,503	7,588,915	475,301	9,204,533	1,007,233	125,414,848
Arkansas	54,951,741	25,276,075	5,370,795	667,858	2,184,846	295,737	88,747,052
California	342,817,321	157,685,204	34,958,513	2,713,720	82,340,045	8,612,102	629,126,905
Colorado	53,026,748	24,390,639	5,264,229	562,886	7,504,551	910,357	91,659,410
Connecticut	49,335,073	22,692,584	5,189,549	231,888	7,849,672	794,392	86,093,158
Delaware	16,956,836	7,799,612	1,668,033	195,355	2,069,120	306,719	28,995,675
Dist. of Col.	16,085,752	7,398,941	1,572,310	195,355	1,792,342	305,508	27,350,208
Florida	203,069,666	93,405,670	20,812,211	1,503,137	2,412,587	3,563,901	324,767,172
Georgia	132,453,499	60,924,451	13,156,738	1,398,592	12,055,927	1,337,352	221,326,559
Hawaii	17,105,043	7,867,783	1,684,320	195,355	1,837,924	301,030	28,991,455
Idaho	29,604,615	13,617,194	2,937,721	315,533	2,273,526	278,690	49,027,279
Illinois	140,924,374	64,820,787	13,649,007	1,837,188	19,533,885	2,937,054	243,702,295
Indiana	98,141,720	45,142,110	9,475,537	1,309,268	8,359,613	900,934	163,329,182
Iowa	52,167,857	23,995,577	4,804,790	927,941	2,004,087	341,425	84,241,677
Kansas	39,973,057	18,386,351	3,347,163	1,045,481	1,688,454	335,277	64,775,783
Kentucky	70,722,312	32,530,043	7,122,951	648,731	2,430,652	436,047	113,890,736
Louisiana	74,869,577	34,437,654	7,513,264	714,162	2,030,909	740,024	120,305,590
Maine	18,789,810	8,642,723	1,847,148	217,666	1,826,993	317,085	31,641,425
Maryland	58,786,210	27,039,811	6,053,169	406,855	9,527,089	1,193,627	103,006,761
Massachusetts	58,161,456	26,752,444	5,960,720	430,649	11,252,549	1,547,277	104,105,095
Michigan	105,462,278	48,509,337	10,274,993	1,314,268	13,130,678	1,782,479	180,474,033
Minnesota	67,056,390	30,843,834	6,311,213	1,057,621	5,717,780	787,032	111,773,870
Mississippi	51,354,324	23,621,377	5,043,343	599,990	1,990,578	292,705	82,902,317
Missouri	100,133,674	46,058,346	10,025,408	978,293	4,182,214	894,697	162,272,632
Montana	42,919,988	19,741,847	4,389,056	327,426	2,641,420	309,457	70,329,194
Nebraska	30,215,695	13,898,271	2,687,551	632,855	1,825,375	285,288	49,545,035
Nevada	35,607,413	16,378,292	3,717,547	195,355	5,778,737	565,048	62,242,392
New Hampshire	16,697,555	7,680,351	1,639,541	195,355	1,836,235	272,110	28,321,147
New Jersey	95,890,123	44,106,446	9,892,974	644,403	18,469,036	2,142,847	171,145,829
New Mexico	38,630,781	17,768,946	3,958,432	286,709	2,025,000	277,054	62,946,922
New York	159,835,020	73,519,091	16,469,072	1,095,216	32,503,647	4,298,583	287,720,629
North Carolina	107,448,122	49,422,762	10,662,873	1,144,613	9,093,559	1,001,238	178,773,167
North Dakota	25,734,919	11,837,255	2,184,197	643,816	1,866,597	289,001	42,555,785
Ohio	134,265,902	61,758,099	13,229,143	1,525,352	16,989,927	1,993,968	229,762,391
Oklahoma	67,636,949	31,110,873	6,512,147	920,484	2,085,708	445,061	108,711,222
Oregon	51,986,221	23,912,029	5,199,745	513,027	3,442,201	623,081	85,676,304
Pennsylvania	165,917,449	76,316,817	17,064,058	1,168,628	18,541,390	2,232,676	281,241,018
Rhode Island	22,496,892	10,347,864	2,276,831	195,355	1,850,636	319,650	37,487,228
South Carolina	71,289,754	32,791,048	7,084,175	749,864	2,324,249	542,181	114,781,271
South Dakota	29,212,328	13,436,754	2,797,801	412,345	2,176,495	304,174	48,339,897
Tennessee	87,554,489	40,272,316	8,784,550	836,822	6,572,300	827,457	144,847,934
Texas	355,607,714	163,568,384	35,969,621	3,108,149	29,210,190	4,212,969	591,677,027
Utah	36,099,304	16,604,547	3,688,508	278,449	2,292,327	557,792	59,520,927
Vermont	20,591,662	9,471,518	2,067,465	195,355	2,101,806	360,839	34,788,645
Virginia	104,076,454	47,871,901	10,644,555	792,418	9,744,216	1,301,337	174,430,881
Washington	69,041,214	31,756,791	6,865,315	721,632	6,556,381	1,260,368	116,201,701
West Virginia	45,911,863	21,118,016	4,692,687	352,573	2,541,258	293,004	74,909,401
Wisconsin	78,559,086	36,134,713	7,636,627	996,240	4,861,093	786,965	128,974,724
Wyoming	26,621,358	12,244,989	2,730,069	195,355	1,848,859	272,131	43,912,761
Apportioned Total	3,977,785,419	1,829,656,402	398,048,241	39,071,037	411,285,960	56,912,504	6,712,759,563

APPROVED EFFECTIVE: December 1, 2015


FEDERAL HIGHWAY ADMINISTRATOR

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

N4510.799 - TABLE 2

PENALTIES ASSESSED PURSUANT TO 23 U.S.C. 154 FOR THE PERIOD
BEGINNING ON OCTOBER 1, 2015, AND ENDING ON DECEMBER 4, 2015
(before election of penalty shifts by States)

<u>State</u>	23 U.S.C. 154 Penalty Amounts (Open Container Requirements)		
	<u>National Highway Performance Program</u>	<u>Surface Transportation Program</u>	<u>Total</u>
ALABAMA	\$0	\$0	\$0
ALASKA	1,284,755	590,947	1,875,702
ARIZONA	0	0	0
ARKANSAS	1,373,794	631,902	2,005,696
CALIFORNIA	0	0	0
COLORADO	0	0	0
CONNECTICUT	1,233,377	567,315	1,800,692
DELAWARE	423,921	194,990	618,911
DIST. OF COL.	0	0	0
FLORIDA	0	0	0
GEORGIA	0	0	0
HAWAII	427,626	196,695	624,321
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	1,871,739	860,941	2,732,680
MAINE	469,745	216,068	685,813
MARYLAND	0	0	0
MASSACHUSETTS	0	0	0
MICHIGAN	0	0	0
MINNESOTA	0	0	0
MISSISSIPPI	1,283,858	590,534	1,874,392
MISSOURI	2,503,342	1,151,459	3,654,801
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	3,356,648	1,543,952	4,900,600
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	2,188,862	1,006,808	3,195,670
TEXAS	0	0	0
UTAH	0	0	0
VERMONT	0	0	0
VIRGINIA	2,601,911	1,196,798	3,798,709
WASHINGTON	0	0	0
WEST VIRGINIA	0	0	0
WISCONSIN	0	0	0
WYOMING	665,534	306,125	971,659
Total	\$19,685,112	\$9,054,534	\$28,739,646

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

N4510.799 - TABLE 3

PENALTIES ASSESSED PURSUANT TO 23 U.S.C. 164 FOR THE PERIOD
BEGINNING ON OCTOBER 1, 2015, AND ENDING ON DECEMBER 4, 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	1,284,755	590,947	1,875,702
ARIZONA	0	0	0
ARKANSAS	0	0	0
CALIFORNIA	8,570,433	3,942,130	12,512,563
COLORADO	1,325,669	609,766	1,935,435
CONNECTICUT	0	0	0
DELAWARE	0	0	0
DIST. OF COL.	0	0	0
FLORIDA	0	0	0
GEORGIA	0	0	0
HAWAII	427,626	196,695	624,321
IDAHO	0	0	0
ILLINOIS	0	0	0
INDIANA	2,453,543	1,128,553	3,582,096
IOWA	0	0	0
KANSAS	0	0	0
KENTUCKY	0	0	0
LOUISIANA	1,871,739	860,941	2,732,680
MAINE	0	0	0
MARYLAND	0	0	0
MASSACHUSETTS	0	0	0
MICHIGAN	0	0	0
MINNESOTA	1,676,410	771,096	2,447,506
MISSISSIPPI	0	0	0
MISSOURI	0	0	0
MONTANA	1,073,000	493,546	1,566,546
NEBRASKA	0	0	0
NEVADA	0	0	0
NEW HAMPSHIRE	0	0	0
NEW JERSEY	0	0	0
NEW MEXICO	965,770	444,224	1,409,994
NEW YORK	0	0	0
NORTH CAROLINA	0	0	0
NORTH DAKOTA	643,373	295,931	939,304
OHIO	3,356,648	1,543,952	4,900,600
OKLAHOMA	0	0	0
OREGON	1,299,656	597,801	1,897,457
PENNSYLVANIA	0	0	0
RHODE ISLAND	562,422	258,697	821,119
SOUTH CAROLINA	0	0	0
SOUTH DAKOTA	730,308	335,919	1,066,227
TENNESSEE	0	0	0
TEXAS	0	0	0
UTAH	0	0	0
VERMONT	514,792	236,788	751,580
VIRGINIA	0	0	0
WASHINGTON	0	0	0
WEST VIRGINIA	0	0	0
WISCONSIN	0	0	0
WYOMING	665,534	306,125	971,659
Total	\$27,421,678	\$12,613,111	\$40,034,789