



U.S. Department
of Transportation
**Federal Highway
Administration**

Notice

SUBJECT:

**APPORTIONMENT OF HIGHWAY INFRASTRUCTURE PROGRAM
FUNDS PURSUANT TO THE DEPARTMENT OF TRANSPORTATION
APPROPRIATIONS ACT, 2023**

Classification Code	Date	Office of Primary Interest
N4510.878	February 8, 2023	HCFB-10

1. **What is the purpose of this Notice?** The Department of Transportation Appropriations Act, 2023, Title I of Division L, Public Law (Pub. L.) 117-328, appropriated \$3,417,811,613 for Highway Infrastructure Programs (HIP). Of such amount, \$1,145,000,000 shall be set aside for a bridge replacement and rehabilitation program and \$100,000,000 shall be set aside for necessary expenses for construction of the Appalachian Development Highway System (ADHS) as authorized under Section 1069(y) of Pub. L. 102-240. This Notice transmits the certificate of apportionment for HIP funds for the above activities. The apportionment is effective immediately.

The remainder of the funding shall be set aside for other activities that are not the subject of this Notice. This includes:

- a. \$1,862,811,613 set aside for the purposes, and in the amounts, specified for Community Project Funding/Congressionally Directed Spending in the table entitled “Community Project Funding/Congressionally Directed Spending” included in the associated explanatory statement;
- b. \$40,000,000 set aside for the Nationally Significant Federal Lands and Tribal Projects Program under Section 1123 of the Fixing America’s Surface Transportation (FAST) Act, Pub. L. 114-94;
- c. \$12,000,000 set aside for the Regional Infrastructure Accelerator Demonstration Program authorized under Section 1441 of the FAST Act;
- d. \$20,000,000 set aside for the National Scenic Byways Program under Section 162 of Title 23, United States Code (U.S.C.);
- e. \$45,000,000 set aside for the Active Transportation Infrastructure Investment Program under Section 11529 of the Infrastructure Investment and Jobs Act (Bipartisan Infrastructure Law), Pub. L. 117-58;
- f. \$3,000,000 set aside to carry out the Pollinator-Friendly Practices on Roadsides and Highway Rights-of-Way Program under Section 332 of Title 23, U.S.C.;

- g. \$5,000,000 set aside for a cooperative series of agreements with universities, Federal agencies, the National Academy of Sciences, transportation agencies, or nonprofit organizations to examine the impacts of culverts, roads, and bridges on threatened or endangered salmon populations;
- h. \$15,000,000 set aside for transfer to the Northern Border Regional Commission to make grants, in addition to amounts otherwise made available to the Northern Border Regional Commission for such purpose, to carry out pilot projects that demonstrate the capabilities of wood-based infrastructure projects;
- i. \$125,000,000 set aside for competitive awards for activities eligible under 23 U.S.C. 176(d)(4)(A);
- j. \$25,000,000 set aside for competitive awards for activities eligible under 23 U.S.C. 176(d)(4)(C);
- k. \$5,000,000 set aside for transfer to the Denali Commission for activities eligible under Section 307(e) of the Denali Commission Act of 1998, Pub. L. 105–277; and
- l. \$15,000,000 set aside for transfer to the Denali Commission to carry out the Denali Access System Program under Section 309 of the Denali Commission Act of 1998, Pub. L. 105–277.

2. **What is the availability of these funds?**

- a. The funds resulting from this apportionment for the bridge replacement and rehabilitation program are available for obligation until September 30, 2026. Any amounts not obligated by the State on or before September 30, 2026, shall lapse.
- b. The funds resulting from this apportionment for necessary expenses for construction of the ADHS as authorized under Section 1069(y) of Pub. L. 102-240 are available for obligation until expended.
- c. The funds resulting from this apportionment are available for obligation immediately and are not subject to any limitation on obligations.
- d. The Federal share payable for the bridge replacement and rehabilitation program shall be in accordance with Section 120 of Title 23, U.S.C., except as provided by another provision of law. However, the application of the increased Federal share under 23 U.S.C. 120(c)(1) to funds from this apportionment is not subject to the cap on such uses that applies to funds apportioned under 23 U.S.C. 104.

- e. The Federal share payable for necessary expenses for construction of the ADHS as authorized under Section 1069(y) of Pub. L. 102-240 shall be up to 100 percent.
- f. The program codes to be used when obligating these funds are as follows:

Program Code	Program Description	CFDA Number
Y909	Bridge Replacement and Rehabilitation (FY 2023)	20.205
Y915	Appalachian Development Highway System	20.205

3. **What is the background information for the Bridge Replacement and Rehabilitation Program?**

- a. The funds resulting from this apportionment are available to qualifying States¹ for which the percentage of total deck area of bridges classified as in poor condition is at least 5 percent or in which the percentage of total number of bridges classified as in poor condition is at least 5 percent as determined based on the National Bridge Inventory as of December 31, 2018.
- b. Prior to making an apportionment to qualifying States, \$6,000,000 shall be reserved for each State that does not meet the definition of a qualifying State.
- c. No qualifying State shall receive more than \$60,000,000 and each State shall receive an amount not less than \$6,000,000.
- d. The funds available for distribution to qualifying States have been apportioned in the proportion that the percentage of total deck area of bridges classified as in poor condition in each qualifying State bears to the sum of the percentages of total deck area of bridges classified as in poor condition in all qualifying States.
- e. After calculating the distribution of funds pursuant to paragraph (3)(d), any amount in excess of \$60,000,000 shall be redistributed equally among each State that does not meet the definition of a qualifying State.

¹ “States” are defined as any of the 50 States or the District of Columbia.

- f. The funds resulting from this apportionment for both qualifying and non-qualifying States shall be used on highway bridge replacement or rehabilitation projects on public roads.
- g. The funds shall be administered as if apportioned under chapter 1 of Title 23, U.S.C., except as otherwise provided under the HIP heading.
- h. Section 11101(e) of the Infrastructure Investment and Jobs Act (Bipartisan Infrastructure Law), Pub. L. 117-58, which pertains to amounts for disadvantaged business enterprises, shall apply to funds resulting from this apportionment.

4. **What is the background information for the Appalachian Development Highway System Program?**

- a. The funds resulting from this apportionment are available to States that contain one or more counties (including any political subdivision located within the area) in the Appalachian region as defined in Section 14102(a) of Title 40, U.S.C.
- b. The funds shall be apportioned to Appalachian States according to the percentages derived from the 2012 Appalachian Development Highway System Cost-to-Complete Estimate, adopted in Appalachian Regional Commission Resolution Number 736, and confirmed as each Appalachian State's relative share of the estimated remaining need to complete the ADHS, adjusted to exclude those corridors that such States have no current plans to complete, as reported in the 2013 Appalachian Development Highway System Completion Report, unless those States have modified and assigned a higher priority for completion of an ADHS corridor, as reported in the 2020 Appalachian Development Highway System Future Outlook.
- c. The apportionments shall be adjusted so that no Appalachian State is apportioned an amount in excess of 30 percent of the amount made available.
- d. Adjustments to the apportionments shall be made only after consulting with the Appalachian Regional Commission.
- e. The funds shall be administered as if apportioned under chapter 1 of Title 23, U.S.C., except as provided in paragraph (4)(f).
- f. A project carried out with funds for construction of the ADHS shall be carried out in the same manner as a project under Section 14501 of Title 40, U.S.C.
- g. Section 11101(e) of the Infrastructure Investment and Jobs Act (Bipartisan Infrastructure Law), Pub. L. 117-58, which pertains to amounts for

disadvantaged business enterprises, shall apply to funds resulting from this apportionment.

5. **What is the distribution of funds for the Bridge Replacement and Rehabilitation Program?**

- a. The Department of Transportation Appropriations Act, 2023, appropriates a total of \$1,145,000,000 in HIP funds for bridge replacement and rehabilitation.
- b. The amount of funds available for distribution to the States is \$1,145,000,000. The attached Table 1 shows the State-by-State distribution of funds.

6. **What is the distribution of funds for the Appalachian Development Highway System Program?**

- a. The Department of Transportation Appropriations Act, 2023, appropriates a total of \$100,000,000 in HIP funds for the ADHS.
- b. The amount of funds available for distribution to the States is \$100,000,000. The attached Table 1 shows the State-by-State distribution of funds.

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



Shailen P. Bhatt
Administrator

Attachments

**CERTIFICATE OF APPORTIONMENT FROM
THE SUM OF \$1,245,000,000 APPROPRIATED
FOR THE HIGHWAY INFRASTRUCTURE PROGRAMS**

TO--

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

Pursuant to the Department of Transportation Appropriations Act, 2023, Title I of Division L, Public Law (Pub. L.) 117-328, and the delegation of authority from the Secretary of Transportation to the Federal Highway Administration Administrator, Section 1.85 of Title 49, Code of Federal Regulations, I certify—

First, that pursuant to the Department of Transportation Appropriations Act, 2023, Title I of Division L, Pub. L. 117-328, the amount appropriated for the Highway Infrastructure Program (HIP) for a bridge replacement and rehabilitation program, for the fiscal year ending September 30, 2023, is \$1,145,000,000.

Second, that I have computed the apportionment to each State and the District of Columbia of the amounts appropriated for the HIP bridge replacement and rehabilitation program in the manner provided by law.

Third, that pursuant to the Department of Transportation Appropriations Act, 2023, Title I of Division L, Pub. L. 117-328, the amount appropriated for the HIP for necessary expenses for construction of the Appalachian Development Highway System (ADHS) as authorized under Section 1069(y) of Pub. L. 102-240 for the fiscal year ending September 30, 2023, is \$100,000,000.

Fourth, that I have computed the apportionment to each Appalachian State of the amounts appropriated for the HIP for necessary expenses for construction of the ADHS as authorized under Section 1069(y) of Pub. L. 102-240 in the manner provided by law.

Fifth, 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

N4510.878 - TABLE 1

**APPORTIONMENT OF HIGHWAY INFRASTRUCTURE PROGRAM FUNDS FOR THE BRIDGE REPLACEMENT
AND REHABILITATION PROGRAM, AND FOR THE APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM PURSUANT
TO THE DEPARTMENT OF TRANSPORTATION APPROPRIATIONS ACT, 2023, TITLE I OF DIVISION L, PUBLIC LAW 117-328**

State	Bridge Replacement and Rehabilitation			Appalachian Development Highway System	Total
	Qualifying States	Non-Qualifying States	Subtotal		
Alabama	-	8,485,348.75	8,485,348.75	30,000,000.00	38,485,348.75
Alaska	29,875,026.00	-	29,875,026.00	-	29,875,026.00
Arizona	-	8,485,348.75	8,485,348.75	-	8,485,348.75
Arkansas	-	8,485,348.75	8,485,348.75	-	8,485,348.75
California	25,010,474.00	-	25,010,474.00	-	25,010,474.00
Colorado	15,500,015.00	-	15,500,015.00	-	15,500,015.00
Connecticut	44,844,647.00	-	44,844,647.00	-	44,844,647.00
Delaware	21,959,181.00	-	21,959,181.00	-	21,959,181.00
Dist. of Col.	-	8,485,348.75	8,485,348.75	-	8,485,348.75
Florida	-	8,485,348.75	8,485,348.75	-	8,485,348.75
Georgia	-	8,485,348.75	8,485,348.75	3,422,578.00	11,907,926.75
Hawaii	8,110,360.00	-	8,110,360.00	-	8,110,360.00
Idaho	18,145,733.00	-	18,145,733.00	-	18,145,733.00
Illinois	41,602,134.00	-	41,602,134.00	-	41,602,134.00
Indiana	14,922,419.00	-	14,922,419.00	-	14,922,419.00
Iowa	37,914,363.00	-	37,914,363.00	-	37,914,363.00
Kansas	10,569,267.00	-	10,569,267.00	-	10,569,267.00
Kentucky	17,926,106.00	-	17,926,106.00	13,674,706.00	31,600,812.00
Louisiana	31,345,177.00	-	31,345,177.00	-	31,345,177.00
Maine	31,123,734.00	-	31,123,734.00	-	31,123,734.00
Maryland	12,097,887.00	-	12,097,887.00	1,669,957.00	13,767,844.00
Massachusetts	44,142,131.00	-	44,142,131.00	-	44,142,131.00
Michigan	34,938,291.00	-	34,938,291.00	-	34,938,291.00
Minnesota	13,182,605.00	-	13,182,605.00	-	13,182,605.00
Mississippi	15,735,692.00	-	15,735,692.00	480,355.00	16,216,047.00
Missouri	31,932,680.00	-	31,932,680.00	-	31,932,680.00
Montana	29,067,256.00	-	29,067,256.00	-	29,067,256.00
Nebraska	19,394,966.00	-	19,394,966.00	-	19,394,966.00
Nevada	-	8,485,348.75	8,485,348.75	-	8,485,348.75
New Hampshire	31,012,994.00	-	31,012,994.00	-	31,012,994.00
New Jersey	26,549,221.00	-	26,549,221.00	-	26,549,221.00
New Mexico	18,131,576.00	-	18,131,576.00	-	18,131,576.00
New York	38,118,014.00	-	38,118,014.00	-	38,118,014.00
North Carolina	34,207,848.00	-	34,207,848.00	10,923,419.00	45,131,267.00
North Dakota	19,296,052.00	-	19,296,052.00	-	19,296,052.00
Ohio	12,974,038.00	-	12,974,038.00	4,669,659.00	17,643,697.00
Oklahoma	23,317,915.00	-	23,317,915.00	-	23,317,915.00
Oregon	13,929,032.00	-	13,929,032.00	-	13,929,032.00
Pennsylvania	31,536,916.00	-	31,536,916.00	4,100,364.00	35,637,280.00
Rhode Island	60,000,000.00	-	60,000,000.00	-	60,000,000.00
South Carolina	24,428,529.00	-	24,428,529.00	-	24,428,529.00
South Dakota	29,966,735.00	-	29,966,735.00	-	29,966,735.00
Tennessee	-	8,485,348.75	8,485,348.75	7,954,743.00	16,440,091.75
Texas	-	8,485,348.75	8,485,348.75	-	8,485,348.75
Utah	-	8,485,348.75	8,485,348.75	-	8,485,348.75
Vermont	-	8,485,348.75	8,485,348.75	-	8,485,348.75
Virginia	-	8,485,348.75	8,485,348.75	8,313,424.00	16,798,772.75
Washington	28,055,147.00	-	28,055,147.00	-	28,055,147.00
West Virginia	52,505,826.00	-	52,505,826.00	14,790,795.00	67,296,621.00
Wisconsin	15,793,936.00	-	15,793,936.00	-	15,793,936.00
Wyoming	34,011,892.00	-	34,011,892.00	-	34,011,892.00
Total	1,043,175,815.00	101,824,185.00	1,145,000,000.00	100,000,000.00	1,245,000,000.00

APPROVED EFFECTIVE: February 8, 2023



FEDERAL HIGHWAY ADMINISTRATOR