



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

# Notice

Subject:

**ADVANCE NOTIFICATION OF FEDERAL-AID HIGHWAY FUNDS  
TO BE APPORTIONED ON OCTOBER 1, 2024**

Classification Code

Date

Office of Primary Interest

**N4510.891**

**July 1, 2024**

**HCFB-10**

1. **What is the purpose of this Notice?**

- a. As required by Section 104(e) of Title 23, United States Code (U.S.C.), this Notice is to notify States of the anticipated amounts of funds to be apportioned for Fiscal Year (FY) 2025 under 23 U.S.C. 104. The anticipated apportionment amounts are subject to change before issuing the certificate of apportionment, which is effective on October 1, 2024.
- b. This Notice also provides the procedures for States to opt out of the Recreational Trails Program and the procedures for the Governor of a land border State to designate up to 5 percent of the State's FY 2025 Surface Transportation Block Grant (STBG) Program (Any Area) funds for use on border infrastructure projects.

2. **What are the anticipated FY 2025 apportionments?** The following table shows the FY 2025 anticipated apportionment amounts effective on October 1, 2024. The table shows the anticipated apportionments of the National Highway Performance Program (NHPP), STBG, Highway Safety Improvement Program (HSIP), Railway-Highway Crossings Program, Congestion Mitigation and Air Quality Improvement (CMAQ) Program, Metropolitan Planning Program, National Highway Freight Program, Carbon Reduction Program, and Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation Formula Program.

3. **Are certain States subject to potential withholdings or transfers?** Currently, the States that are listed under the following requirements are subject to potential withholdings or transfers on October 1, 2024. Note that States subject to penalties under 23 U.S.C. 148(g) and 23 U.S.C. 119(f) will be notified directly by the applicable program office.

a. **Use of Safety Belts and Motorcycle Helmets – 23 U.S.C. 153**

Funds subject to 2 percent transfer to the State's Highway Safety Program under 23 U.S.C. 402: NHPP, STBG, and CMAQ Program.

New Hampshire

Note: To avoid a transfer on October 1, 2024, the National Highway Traffic Safety Administration must receive from the State by September 30, 2024, a certification that it has achieved a seat belt use rate of not less than 50 percent.

**b. Open Container Requirements – 23 U.S.C. 154**

Funds are subject to a 2.5 percent transfer to the State’s Highway Safety Program under 23 U.S.C. 402 or use for HSIP under 23 U.S.C. 148: NHPP and STBG.

Alaska, Connecticut, Delaware, Hawaii, Louisiana, Maine, Mississippi, Missouri, Ohio, Puerto Rico\*, Tennessee, Virginia, and Wyoming

**c. National Minimum Drinking Age – 23 U.S.C. 158**

Funds subject to 8 percent withholding: NHPP and STBG.

Puerto Rico\*

**d. Repeat Offenders – 23 U.S.C. 164**

Funds are subject to a 2.5 percent transfer to the State’s Highway Safety Program under 23 U.S.C. 402 or use for HSIP under 23 U.S.C. 148: NHPP and STBG.

Alaska, California, Colorado, Hawaii, Indiana, Louisiana, Michigan, Minnesota, Missouri, Montana, Nevada, New Mexico, North Dakota, Ohio, Oregon, Puerto Rico\*, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, Washington, and Wyoming

Note: States that do not have complying laws may be eligible to establish compliance with 23 U.S.C. 164 by submitting a certification pursuant to 23 Code of Federal Regulations 1275.5. To avoid a penalty on October 1, 2024, such States are encouraged to submit their certification by August 15, 2024.

4. **Are there obligation controls?** Yes. The obligation limitation associated with the funds transferred pursuant to 23 U.S.C. 153, 23 U.S.C. 154, and 23 U.S.C. 164 is subject to obligation controls in force at the time of the transfer.

**5. What are the requirements of the Recreational Trails Program set-aside?**

- a. **Participation in the Recreational Trails Program set aside:** Section 133(h)(5) of Title 23, U.S.C., provides for a set-aside from each State’s Transportation Alternatives funding for the Recreational Trails Program (RTP). The amount of the set-aside is equal to each State’s FY 2009 apportionment for the RTP. Each

---

\*Puerto Rico Highway Program funds are not apportioned. Section 165 of Title 23, U.S.C., states that, for the purpose of imposing penalties, such funds will be treated as being apportioned under 23 U.S.C. 104(b) and 144 (as in effect for FY 1997) in the same proportions as Puerto Rico’s FY 1997 apportionments. Funds treated as being apportioned for the National Highway System, STBG, and Interstate maintenance program shall be deemed to have been apportioned 50 percent for NHPP and 50 percent for STBG, for purposes of imposing penalties.

State subject to the set-aside must comply with the provisions for the administration of the RTP under Section 206 of Title 23, U.S.C., and must return 1 percent of the set-aside funds to the Secretary for administration of the RTP under Section 133(h)(5)(B) of Title 23, U.S.C.

The Federal Highway Administration (FHWA) will process the return of the 1 percent of the set-aside funds for administration automatically and may complete the return on an incremental basis consistent with the obligation controls in force at the time of the action (i.e., when operating under a continuing resolution, a proportional amount equal to the obligation authority will be transferred).

- b. **Procedures to opt-out of the RTP set-aside:** Section 133(h)(6)(A) of Title 23, U.S.C., allows a State to opt out of the RTP set-aside. In order to opt out of the set-aside, a State must inform FHWA of its decision to opt-out no later than 30 days prior to apportionments being made for a fiscal year. Since apportionments for FY 2025 will be effective on October 1, 2024, a State must make notification of its decision to opt out by September 1, 2024.

**Any State that desires to opt out of the RTP set-aside for FY 2025 shall notify FHWA via email, with a letter signed by the Governor or the Governor's designee accompanying the opt-out notification, to FHWA Office of Budget's official mailbox (BudDiv@dot.gov) no later than September 1, 2024.**

- c. **Effect of not opting out by deadline:** If a State does not affirmatively opt-out by September 1, 2024, FHWA will apply the RTP set-aside to a State's Transportation Alternatives funding and 1 percent of the RTP set-aside amount will be returned to the Secretary for administration as provided in paragraph a.

**6. What are the procedures for the Governor of a land border State to designate up to 5 percent of the State's FY 2025 Surface Transportation Block Grant Program (Any Area) funds for use on border infrastructure projects?**

- a. Pursuant to Section 1437(a) of the Fixing America's Surface Transportation (FAST) Act, after consultation with relevant transportation planning organizations, the Governor of a State that shares a land border with Canada or Mexico may designate for a fiscal year not more than 5 percent of the STBG (Any Area) funds made available to the State under Section 133(d)(1)(B) of Title 23, U.S.C., for border infrastructure projects eligible under Section 1303 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users Act.
- b. For the purposes of this provision, land border States are: Alaska, Arizona, California, Idaho, Maine, Michigan, Minnesota, Montana, New Hampshire, New Mexico, New York, North Dakota, Texas, Vermont, and Washington.

- c. Pursuant to Section 1437(c) of the FAST Act, before making a designation, the Governor shall certify that the designation is consistent with transportation planning requirements under Title 23, U.S.C.
- d. In order to make a designation, the Governor of a land border State must inform FHWA of the decision to designate funds no later than 30 days prior to the first day of the fiscal year for which the designation is being made. Therefore, notification of the decision to designate funds must be made by September 1, 2024. Note that any designation that was made for FY 2024 funds will not be carried over for FY 2025 funds; a new designation must be made for FY 2025 funds if the Governor elects to do so.

**Any Governor of a land border State that desires to designate a portion of the State's FY 2025 funds distributed under Section 133(d)(1)(B) of Title 23, U.S.C., for use on border infrastructure projects shall notify FHWA via email, with a letter signed by the Governor or the Governor's designee indicating the designated percentage of funds to be set-aside (up to 5 percent) under this provision, to FHWA Office of Budget's official mailbox (BudDiv@dot.gov) no later than September 1, 2024.**

**7. What action is required?**

- a. Division Administrators must ensure that this Notice is provided to State departments of transportation (State DOT). The State DOTs should also share this Notice with the State's Office of the Governor regarding the designation that may be made under Section 1437 of the FAST Act.
- b. A State shall notify FHWA **no later than September 1, 2024**, of any decision to opt out of the RTP set aside for FY 2025.
- c. The Governor of a land border State shall notify FHWA **no later than September 1, 2024**, of any decision to designate up to 5 percent of the State's FY 2025 STBG (Any Area) funds for use on border infrastructure projects.



Shailen P. Bhatt  
Administrator

Attachment

**U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL HIGHWAY ADMINISTRATION**

N4510.891

**ADVANCE NOTICE OF ANTICIPATED FEDERAL-AID HIGHWAY PROGRAM APPORTIONMENTS FOR FY 2025  
(before post-apportionment set-asides; before penalties; before sequestration)**

State	National Highway Performance Program	Surface Transportation Block Grant Program	Highway Safety Improvement Program <sup>1</sup>	Railway-Highway Crossings Program	CMAQ Program	Metropolitan Planning	National Highway Freight Program	Carbon Reduction Program	PROTECT Formula Program	Apportioned Total
Alabama	603,339,600	293,516,562	63,178,666	5,238,573	13,190,759	4,304,448	27,921,819	26,171,894	29,759,318	1,066,621,629
Alaska	384,907,951	187,252,517	42,422,616	1,225,000	31,819,781	3,174,317	18,453,688	16,696,683	18,985,324	704,937,877
Arizona	551,544,308	268,318,852	59,205,008	3,338,761	59,984,819	8,191,972	26,927,473	23,925,098	27,204,550	1,028,640,841
Arkansas	408,954,688	198,950,929	42,274,476	4,099,981	14,238,373	2,405,273	19,054,544	17,739,791	20,171,414	727,889,469
California	2,610,421,307	1,269,934,559	280,055,476	15,959,857	536,600,051	70,043,490	135,078,829	113,235,831	128,757,254	5,160,086,384
Colorado	404,206,160	196,640,835	42,131,501	3,704,484	48,906,243	7,404,067	19,904,718	17,533,808	19,937,196	760,369,012
Connecticut	372,228,376	181,084,075	40,853,716	1,356,068	51,155,357	6,460,907	18,464,853	16,146,663	18,359,913	706,129,928
Delaware	127,388,140	61,972,609	13,220,502	1,225,000	13,484,203	2,494,589	6,225,581	5,525,891	6,283,334	237,819,849
Dist. of Col.	120,694,672	58,716,327	12,461,479	1,225,000	11,680,475	2,484,743	5,872,285	5,235,539	5,953,183	224,323,703
Florida	1,506,125,843	732,709,870	160,936,271	9,854,699	15,722,539	28,985,729	69,729,476	65,333,297	74,288,639	2,663,686,363
Georgia	991,577,012	482,388,817	103,594,542	8,847,856	78,567,006	10,876,883	47,520,324	43,013,003	48,908,866	1,815,294,309
Hawaii	128,285,560	62,409,191	13,322,268	1,225,000	11,977,525	2,448,318	6,224,671	5,564,819	6,327,599	237,784,951
Idaho	221,262,560	107,641,245	23,099,771	1,990,880	14,816,290	2,266,628	10,526,484	9,598,011	10,913,626	402,115,475
Illinois	1,060,692,724	516,012,677	109,083,378	11,196,571	127,299,951	23,887,494	52,324,691	46,011,130	52,317,952	1,998,826,568
Indiana	734,220,604	357,188,402	75,284,348	7,974,464	54,478,579	7,327,425	35,067,879	31,849,299	36,214,935	1,339,605,935
Iowa	388,170,732	188,839,815	38,265,405	5,752,203	13,060,393	2,776,863	18,087,213	16,838,217	19,146,259	690,937,100
Kansas	297,558,197	144,758,042	27,115,651	6,626,718	11,003,451	2,726,855	13,907,768	12,907,592	14,876,857	531,281,131
Kentucky	525,984,244	255,884,227	55,690,017	3,955,304	15,840,263	3,546,436	24,453,044	22,816,344	25,943,817	934,113,696
Louisiana	556,333,541	270,648,750	58,488,487	4,598,370	13,235,183	6,018,729	25,830,348	24,132,847	27,440,776	986,727,031
Maine	140,755,378	68,475,589	14,678,464	1,282,851	11,906,288	2,578,902	6,793,634	6,105,740	6,942,664	259,519,510
Maryland	443,666,123	215,837,573	47,875,279	2,435,369	62,086,880	9,707,944	22,116,339	19,245,517	21,883,532	844,854,556
Massachusetts	440,507,655	214,301,022	47,408,259	2,544,227	73,331,493	12,584,228	22,352,196	19,108,508	21,727,742	853,865,330
Michigan	792,523,135	385,551,796	81,733,892	8,136,285	85,571,027	14,497,161	38,749,082	34,378,368	39,090,668	1,480,231,414
Minnesota	501,654,691	244,048,228	50,407,380	6,479,029	37,262,077	6,401,049	23,998,609	21,760,967	24,743,779	916,755,809
Mississippi	382,136,527	185,904,257	39,533,112	3,800,231	12,972,352	2,380,616	17,799,643	16,576,463	18,848,626	679,951,827
Missouri	745,346,052	362,600,782	78,437,091	6,083,320	27,254,978	7,276,702	34,840,954	32,331,903	36,763,691	1,330,935,473
Montana	320,219,587	155,782,502	34,208,845	2,103,270	17,213,815	2,516,856	15,100,134	13,890,606	15,794,615	576,830,230
Nebraska	225,399,280	109,653,704	21,615,626	3,944,098	11,895,748	2,320,287	10,637,641	9,777,455	11,117,667	406,361,506
Nevada	268,753,672	130,745,030	29,189,301	1,286,706	37,659,327	4,595,618	13,363,915	11,658,098	13,256,093	510,507,760
New Hampshire	125,267,901	60,941,141	12,980,073	1,225,000	11,966,521	2,213,114	6,080,751	5,433,918	6,178,755	232,287,174
New Jersey	726,222,735	353,297,547	78,691,922	3,659,952	120,360,457	17,428,091	36,746,370	31,502,364	35,820,446	1,403,729,884
New Mexico	287,912,194	140,065,392	30,747,363	1,901,173	13,196,677	2,253,324	13,515,106	12,489,164	14,201,074	516,281,467
New York	1,211,940,325	589,592,590	131,076,024	6,355,031	211,822,310	34,961,005	61,775,946	52,572,006	59,778,138	2,359,873,375
North Carolina	803,791,563	391,033,733	83,860,701	7,287,287	59,261,617	8,143,216	38,383,807	34,867,175	39,646,476	1,466,275,575
North Dakota	192,241,353	93,522,821	17,888,426	3,911,271	12,164,385	2,350,482	9,137,010	8,339,118	9,482,175	349,037,041
Ohio	1,009,236,198	490,979,772	105,028,666	9,416,240	110,721,287	16,217,239	49,331,650	43,779,030	49,779,893	1,884,489,975
Oklahoma	502,827,344	244,618,708	51,247,632	5,771,754	13,592,305	3,619,748	23,340,967	21,811,835	24,801,619	891,631,912
Oregon	388,051,231	188,781,680	40,605,486	3,398,570	22,432,406	5,067,613	18,395,267	16,833,033	19,140,365	702,705,651
Pennsylvania	1,245,038,090	605,694,206	133,960,164	7,224,097	120,831,982	18,158,683	60,384,438	54,007,733	61,410,663	2,306,710,056
Rhode Island	168,237,655	81,845,345	17,852,736	1,225,000	12,060,371	2,599,757	8,048,762	7,297,877	8,298,209	307,465,712
South Carolina	530,086,257	257,879,801	55,248,688	4,861,791	15,146,851	4,409,637	24,644,247	22,994,282	26,146,146	941,417,700
South Dakota	218,269,977	106,185,394	22,108,013	2,643,266	14,183,954	2,473,894	10,378,898	9,468,198	10,766,019	396,477,613
Tennessee	654,243,317	318,280,533	68,739,786	5,449,799	42,830,881	6,729,829	31,099,816	28,380,014	32,270,109	1,188,024,084
Texas	3,014,619,170	1,466,571,488	320,701,367	21,149,041	201,803,060	36,324,579	143,563,981	130,769,291	148,694,054	5,484,196,031
Utah	269,367,472	131,043,635	28,647,985	1,897,624	14,938,816	4,536,603	12,779,536	11,684,724	13,286,369	488,182,764
Vermont	154,338,594	75,083,640	16,276,617	1,225,000	13,697,211	2,934,758	7,469,366	6,694,958	7,612,647	285,332,791
Virginia	779,354,303	379,145,337	83,492,273	4,884,590	63,501,867	10,583,968	37,451,511	33,807,126	38,441,124	1,430,662,099
Washington	517,046,710	251,536,237	54,333,983	4,297,844	42,727,135	10,250,760	24,949,314	22,428,648	25,502,979	953,073,610
West Virginia	342,297,633	166,523,173	36,668,643	2,147,068	16,561,068	2,383,041	16,083,528	14,848,316	16,883,599	614,396,069
Wisconsin	586,121,574	285,140,225	60,111,299	6,353,447	31,679,152	6,400,504	27,691,714	25,425,004	28,910,051	1,057,832,970
Wyoming	198,794,082	96,710,634	21,317,761	1,225,000	12,048,793	2,213,283	9,428,360	8,623,365	9,805,384	360,166,662
<b>Apportioned Total</b>	<b>30,180,163,727</b>	<b>14,682,241,816</b>	<b>3,177,356,425</b>	<b>245,000,000</b>	<b>2,691,744,332</b>	<b>464,937,657</b>	<b>1,458,028,180</b>	<b>1,309,166,561</b>	<b>1,488,616,183</b>	<b>55,697,254,881</b>

<sup>1</sup> Reflects \$3,500,000 takedown for safety-related programs.