



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

# Notice

Subject:  
**REVISED FEDERAL-AID HIGHWAY PROGRAM OBLIGATION  
AUTHORITY – FISCAL YEAR (FY) 2010**

Classification Code	Date	Office of Primary Interest
<b>N 4520.205</b>	April 30, 2010	<b>HCFB-1</b>

1. **What is the purpose of this Notice?** This Notice is to advise the States of the revised distribution of the limitation on Federal-aid highway program obligations pursuant to the Department of Transportation Appropriations Act, 2010, division A, title I of Public Law (Pub. L.) 111-117. The calculation of the distribution of obligation limitation has been revised based on the contract authority made available under the Surface Transportation Extension Act of 2010, title IV of Pub. L. 111-147.
2. **What are the legislative provisions?**
  - a. The Department of Transportation Appropriations Act, 2010, division A, title I of Pub. L. 111-117, provides the limitation on obligations for FY 2010 of \$41,107,000,000.
  - b. The limitation shall not apply to obligations for projects covered under:
    - (1) section 125 of title 23, United States Code (U.S.C.);
    - (2) section 147 of the Surface Transportation Assistance Act of 1978;
    - (3) section 9 of the Federal-Aid Highway Act of 1981;
    - (4) sections 131(b) and 131(j) of the Surface Transportation Assistance Act of 1982;
    - (5) sections 149(b) and 149(c) of the Surface Transportation and Uniform Relocation Assistance Act of 1987;
    - (6) sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991;
    - (7) section 157 of title 23, U.S.C., as in effect on the day before the date of enactment of the Transportation Equity Act for the 21<sup>st</sup> Century;
    - (8) section 105 of title 23, U.S.C, as in effect for fiscal years 1998 through 2004, but only in an amount equal to \$639,000,000 for each of those fiscal years;



- (9) for Federal-aid highway programs for which obligation authority was made available under the Transportation Equity Act for the 21<sup>st</sup> Century or subsequent public laws for multiple years or to remain available until used, but only to the extent that the obligation authority has not lapsed or been used;
- (10) section 105 of title 23, U.S.C., but only in an amount equal to \$639,000,000 for each fiscal year 2005 through 2010; and
- (11) under section 1603 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), to the extent that funds obligated in accordance with that section were not subject to a limitation on obligations at the time at which the funds were initially made available for obligation.

**3. What are the allocated accounts?**

- a. Amounts authorized for administrative expenses and programs funded from the administrative takedown, the highway use tax evasion program, and the Bureau of Transportation Statistics are subject to the limitation on obligations.
- b. Unobligated balances of funds from the previous fiscal year that are allocated by the Secretary are subject to the limitation on obligations but are excluded from the State-by-State distribution.
- c. Obligations of funds authorized for Transportation Research are subject to the limitation on obligations. Obligation limitation made available for Transportation Research remains available for 3 years. Obligation limitation made available for Transportation Research in prior years is in addition to amounts made available for FY 2010.
- d. Amounts that are allocated will be covered by an equal amount of obligation limitation, which will be distributed with the allocation of the funds.

**4. What is the distribution of obligation limitation to the States?**

- a. The attached Table 1 shows the revised amount of formula obligation limitation distributed to each State for FY 2010. Each State receives a proportional amount of the obligation limitation available to be distributed to the States based on the ratio of that State's total apportionments subject to the limitation on obligations bears to the total of such apportionments for all States.
- b. After August 1, 2010, the Secretary will revise the distribution of obligation authority made available if a State does not plan to obligate the amount distributed during FY 2010 and redistribute such amount to those States able to obligate amounts in addition to those previously distributed during FY 2010. The revised distribution of obligation

5. **What are the special limitations?**

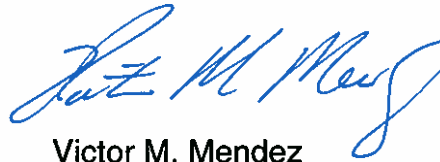
- a. Section 120(a)(4)(A) of the Department of Transportation Appropriations Act, 2010, provides for an obligation limitation within the overall obligation ceiling for the funds authorized under the following:
  - (1) section 117 of title 23, U.S.C., undesignated funds for the High Priority Projects Program; and
  - (2) section 14501 of title 40, U.S.C., Appalachian Development Highway System Program.
- b. Section 120(a)(4)(B) of the Department of Transportation Appropriations Act, 2010, provides that \$2,000,000,000 of the obligation limitation shall be distributed for the Equity Bonus Program (section 105 of title 23, U.S.C.).
- c. Section 120(f) of the Department of Transportation Appropriations Act, 2010, provides that the special limitation associated with the provision specified in section 120(a)(4) of the Department of Transportation Appropriations Act, 2010, shall:
  - (1) remain available until used for the obligation of funds for which distributed; and
  - (2) be in addition to any amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.
- d. The State-by-State revised distribution of the special limitation associated with the Equity Bonus Program and the Appalachian Development Highway System Program for FY 2010 is also shown on the attached Table 1.

6. **Are there any transfer provisions?** Yes, limitation will be transferred to the State's 402 Safety Program for those States that failed to meet the provisions of Section 154 of Title 23, U.S.C., the Open Container Requirements; and Section 164 of Title 23, U.S.C., the Minimum Penalties for Repeat Offenders for Driving While Intoxicated or Driving Under the Influence for FY 2010. The amounts of the transfers and associated obligation limitation are shown on Table 2. The penalty transfer amounts under section 164 of title 23, U.S.C., and associated obligation limitation for Montana and Washington will be withheld and reserved from transfer pending the outcome of the administrative review by the National Highway Traffic Safety Administration and the Federal Highway Administration.

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\* References to sections 1301, 1302, 1702, and 1934 of the SAFETEA-LU, and section 144(f)(1) of title 23, U.S.C. have not been included because the Surface Transportation Extension Act of 2010 does not continue the projects under these sections.

7. **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 "Victor M. Mendez".

Victor M. Mendez  
Administrator

Attachments

U. S. DEPARTMENT OF TRANSPORTATION  
FEDERAL HIGHWAY ADMINISTRATION

REVISED FY 2010 OBLIGATION LIMITATION DISTRIBUTION  
PURSUANT TO SECTION 120 OF THE DEPARTMENT OF TRANSPORTATION  
APPROPRIATIONS ACT, 2010, DIVISION A, TITLE I OF PUBLIC LAW 111-117

STATE	Formula Obligation Limitation	Equity Bonus (Special)	Appalachia (Special)	Total
ALABAMA	555,832,359	34,568,439	109,862,500	700,263,298
ALASKA	333,137,147	41,511,363	0	374,648,510
ARIZONA	629,029,445	56,193,464	0	685,222,909
ARKANSAS	427,950,126	25,894,890	0	453,845,016
CALIFORNIA	3,130,122,755	135,647,886	0	3,265,770,641
COLORADO	467,311,676	19,686,191	0	486,997,867
CONNECTICUT	424,969,116	27,177,250	0	452,146,366
DELAWARE	141,314,696	5,467,360	0	146,782,056
DISTRICT OF COLUMBIA	142,101,507	679,310	0	142,780,817
FLORIDA	1,582,910,598	167,463,923	0	1,750,374,521
GEORGIA	1,076,515,063	103,782,070	11,078,710	1,191,375,843
HAWAII	149,522,195	2,285,576	0	151,807,771
IDAHO	240,852,215	19,858,278	0	260,710,493
ILLINOIS	1,189,574,276	70,235,964	0	1,259,810,240
INDIANA	802,275,471	79,663,571	0	881,939,042
IOWA	418,571,785	12,798,289	0	431,370,074
KANSAS	344,491,936	4,556,589	0	349,048,525
KENTUCKY	533,965,091	36,244,041	36,540,575	606,749,707
LOUISIANA	584,060,920	26,893,321	0	610,954,241
MAINE	163,487,162	0	0	163,487,162
MARYLAND	521,032,260	17,900,146	12,806,188	551,738,594
MASSACHUSETTS	554,099,006	8,905,942	0	563,004,948
MICHIGAN	925,812,418	47,865,348	0	973,677,766
MINNESOTA	539,055,653	30,834,038	0	569,889,691
MISSISSIPPI	405,170,200	17,130,515	4,693,018	426,993,733
MISSOURI	776,976,527	51,057,739	0	828,034,266
MONTANA	312,989,929	27,749,919	0	340,739,848
NEBRASKA	256,856,105	7,164,060	0	264,020,165
NEVADA	292,271,340	17,171,314	0	309,442,654
NEW HAMPSHIRE	147,179,616	6,089,897	0	153,269,513
NEW JERSEY	857,616,985	53,904,115	0	911,521,100
NEW MEXICO	310,107,894	18,834,618	0	328,942,512
NEW YORK	1,481,717,945	49,286,981	8,787,770	1,539,792,696
NORTH CAROLINA	870,160,860	65,947,696	30,782,022	966,890,578
NORTH DAKOTA	218,541,228	6,193,040	0	224,734,268
OHIO	1,114,295,675	74,503,062	21,227,588	1,210,026,325
OKLAHOMA	540,720,662	24,273,010	0	564,993,672
OREGON	418,962,409	11,668,875	0	430,631,284
PENNSYLVANIA	1,358,712,289	56,472,918	104,503,144	1,519,688,351
RHODE ISLAND	189,490,250	0	0	189,490,250
SOUTH CAROLINA	526,879,662	42,228,625	6,707,941	575,816,228
SOUTH DAKOTA	231,942,475	12,143,826	0	244,086,301
TENNESSEE	680,167,907	50,347,133	23,055,568	753,570,608
TEXAS	2,690,309,717	250,985,782	0	2,941,295,499
UTAH	273,765,531	14,230,715	0	287,996,246
VERMONT	167,920,446	380,990	0	168,301,436
VIRGINIA	819,267,457	58,489,542	35,614,962	913,371,961
WASHINGTON	589,228,981	10,341,782	0	599,570,763
WEST VIRGINIA	321,262,797	29,472,337	33,790,014	384,525,148
WISCONSIN	620,607,531	58,234,673	0	678,842,204
WYOMING	216,380,510	9,583,587	0	225,964,097
<b>SUBTOTAL</b>	<b>32,567,497,804</b>	<b>2,000,000,000</b>	<b>439,450,000</b>	<b>35,006,947,804</b>
Allocated Programs				4,119,915,573
Section 157(d) of Public Law 111-68, As Amended				1,693,584,002
Undesignated High Priority Projects				1,531,593
Transfer to Sections 154 & 164				<u>285,021,028</u>
<b>TOTAL</b>				<b>41,107,000,000</b>

U. S. DEPARTMENT OF TRANSPORTATION  
FEDERAL HIGHWAY ADMINISTRATION

FY 2010 FUNDS TRANSFERRED TO THE SECTION 402 HIGHWAY  
SAFETY PROGRAM PURSUANT TO SECTIONS 154 AND 164

STATE	TOTAL FUNDS SECTIONS 154 & 164	OBLIGATION LIMITATION TRANSFER
ALABAMA	0	0
ALASKA	17,278,182	16,103,541
ARIZONA	0	0
ARKANSAS	10,338,903	9,636,022
CALIFORNIA	64,014,827	59,662,839
COLORADO	0	0
CONNECTICUT	6,523,646	6,080,142
DELAWARE	3,518,164	3,278,985
DISTRICT OF COLUMBIA	0	0
FLORIDA	0	0
GEORGIA	0	0
HAWAII	0	0
IDAHO	0	0
ILLINOIS	0	0
INDIANA	0	0
IOWA	0	0
KANSAS	0	0
KENTUCKY	0	0
LOUISIANA	22,308,082	20,791,488
MAINE	0	0
MARYLAND	0	0
MASSACHUSETTS	0	0
MICHIGAN	0	0
MINNESOTA	13,943,157	12,995,244
MISSISSIPPI	9,980,298	9,301,797
MISSOURI	18,471,191	17,215,444
MONTANA	8,471,715	7,895,773
NEBRASKA	0	0
NEVADA	0	0
NEW HAMPSHIRE	0	0
NEW JERSEY	0	0
NEW MEXICO	8,690,816	8,099,979
NEW YORK	0	0
NORTH CAROLINA	0	0
NORTH DAKOTA	0	0
OHIO	25,089,226	23,383,558
OKLAHOMA	0	0
OREGON	9,299,162	8,666,967
PENNSYLVANIA	0	0
RHODE ISLAND	3,077,068	2,867,876
SOUTH CAROLINA	0	0
SOUTH DAKOTA	6,269,799	5,843,553
TENNESSEE	17,581,979	16,386,685
TEXAS	0	0
UTAH	0	0
VERMONT	3,424,315	3,191,516
VIRGINIA	19,394,419	18,075,908
WASHINGTON	11,475,841	10,695,667
WEST VIRGINIA	6,900,475	6,431,353
WISCONSIN	0	0
WYOMING	12,509,796	11,659,329
SUBTOTAL	298,561,061	278,263,666
Puerto Rico	7,227,126	6,757,362
TOTAL	305,788,187	285,021,028

NOTE: Puerto Rico Highway Program is an allocated program and is not treated as an apportionment to the States.