



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

N 4520.213

December 23, 2011

HCFB-1

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.
2. **Does this Notice cancel FHWA Notice 4520.205?** Yes, this Notice cancels FHWA Notice 4520.205, Federal-Aid Highway Program Obligation Authority – Fiscal Year (FY) 2010, dated April 30, 2010. The revision to the obligation limitation distribution is required based on the revised FY 2010 apportionments. The distribution of the \$2,000,000,000 in special limitation for the Equity Bonus program has been revised to match the revised Equity Bonus contract authority with which the special limitation is associated. None of the other obligation limitation amounts have been revised. All adjustments made based on the revised distribution will be entered into the Fiscal Management Information System as adjustments to the FY 2012 Equity Bonus special limitation distribution to the extent possible.
3. **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 21st 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 21st 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 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.

4. 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.

5. What is the distribution of obligation limitation to the States?

- a. The attached Table 1 shows the 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 authority shall not include such obligation authority that is available indefinitely (until used) or that is available to be used after FY 2010.

6. What are the special limitations?

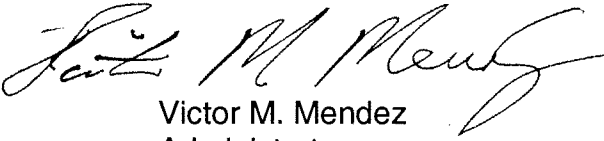
- a. Section 120(a)(4)(A) of the Department of Transportation Appropriations Act, 2010, provides for an obligation limitation within the overall obligation ceiling for the funds authorized under the following:
 - (1) section 117 of title 23, U.S.C., undesignated funds for the High Priority Projects Program; 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 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.

- 7. 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

* 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.

amounts of the transfers and associated obligation limitation are shown on Table 2.

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 black ink, appearing to read "Victor M. Mendez". The signature is fluid and cursive, with a large, sweeping flourish at the end.

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	Revised Equity Bonus (Special)	Appalachia (Special)	Total
ALABAMA	555,832,359	34,512,953	109,862,500	700,207,812
ALASKA	333,137,147	41,599,623	0	374,736,770
ARIZONA	629,029,445	56,130,656	0	685,160,101
ARKANSAS	427,950,126	25,875,012	0	453,825,138
CALIFORNIA	3,130,122,755	135,412,697	0	3,265,535,452
COLORADO	467,311,676	19,709,046	0	487,020,722
CONNECTICUT	424,969,116	27,199,027	0	452,168,143
DELAWARE	141,314,696	5,462,254	0	146,776,950
DISTRICT OF COLUMBIA	142,101,507	677,671	0	142,779,178
FLORIDA	1,582,910,598	167,362,202	0	1,750,272,800
GEORGIA	1,076,515,063	103,781,466	11,078,710	1,191,375,239
HAWAII	149,522,195	2,263,729	0	151,785,924
IDAHO	240,852,215	19,858,686	0	260,710,901
ILLINOIS	1,189,574,276	70,287,054	0	1,259,861,330
INDIANA	802,275,471	79,713,573	0	881,989,044
IOWA	418,571,785	12,781,772	0	431,353,557
KANSAS	344,491,936	4,508,306	0	349,000,242
KENTUCKY	533,965,091	36,250,042	36,540,575	606,755,708
LOUISIANA	584,060,920	26,876,786	0	610,937,706
MAINE	163,487,162	0	0	163,487,162
MARYLAND	521,032,260	17,904,230	12,806,188	551,742,678
MASSACHUSETTS	554,099,006	8,918,660	0	563,017,666
MICHIGAN	925,812,418	48,096,159	0	973,908,577
MINNESOTA	539,055,653	30,986,716	0	570,042,369
MISSISSIPPI	405,170,200	17,118,181	4,693,018	426,981,399
MISSOURI	776,976,527	51,033,873	0	828,010,400
MONTANA	312,989,929	27,733,958	0	340,723,887
NEBRASKA	256,856,105	7,127,408	0	263,983,513
NEVADA	292,271,340	17,160,981	0	309,432,321
NEW HAMPSHIRE	147,179,616	6,131,404	0	153,311,020
NEW JERSEY	857,616,985	53,915,647	0	911,532,632
NEW MEXICO	310,107,894	18,779,655	0	328,887,549
NEW YORK	1,481,717,945	49,440,909	8,787,770	1,539,946,624
NORTH CAROLINA	870,160,860	65,972,164	30,782,022	966,915,046
NORTH DAKOTA	218,541,228	6,189,004	0	224,730,232
OHIO	1,114,295,675	74,547,488	21,227,588	1,210,070,751
OKLAHOMA	540,720,662	24,183,009	0	564,903,671
OREGON	418,962,409	11,653,032	0	430,615,441
PENNSYLVANIA	1,358,712,289	56,531,849	104,503,144	1,519,747,282
RHODE ISLAND	189,490,250	0	0	189,490,250
SOUTH CAROLINA	526,879,662	42,233,040	6,707,941	575,820,643
SOUTH DAKOTA	231,942,475	12,126,452	0	244,068,927
TENNESSEE	680,167,907	50,322,655	23,055,568	753,546,130
TEXAS	2,690,309,717	250,796,761	0	2,941,106,478
UTAH	273,765,531	14,236,278	0	288,001,809
VERMONT	167,920,446	407,865	0	168,328,311
VIRGINIA	819,267,457	58,467,576	35,614,962	913,349,995
WASHINGTON	589,228,981	10,323,310	0	599,552,291
WEST VIRGINIA	321,262,797	29,467,532	33,790,014	384,520,343
WISCONSIN	620,607,531	58,369,274	0	678,976,805
WYOMING	216,380,510	9,562,375	0	225,942,885
SUBTOTAL	32,567,497,804	2,000,000,000	439,450,000	35,006,947,804
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>
TOTAL				41,107,000,000

U. S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

FY 2010 OBLIGATION LIMITATION 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	20,408,128	16,103,541
ARIZONA	0	0
ARKANSAS	11,091,354	9,636,022
CALIFORNIA	67,891,346	59,662,839
COLORADO	0	0
CONNECTICUT	6,853,398	6,080,142
DELAWARE	3,825,818	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	23,847,376	20,791,488
MAINE	0	0
MARYLAND	0	0
MASSACHUSETTS	0	0
MICHIGAN	0	0
MINNESOTA	14,843,963	12,995,244
MISSISSIPPI	10,655,132	9,301,797
MISSOURI	19,652,790	17,215,444
MONTANA	9,142,704	7,895,773
NEBRASKA	0	0
NEVADA	0	0
NEW HAMPSHIRE	0	0
NEW JERSEY	0	0
NEW MEXICO	9,070,588	8,099,979
NEW YORK	0	0
NORTH CAROLINA	0	0
NORTH DAKOTA	0	0
OHIO	26,129,245	23,383,558
OKLAHOMA	0	0
OREGON	10,218,868	8,666,967
PENNSYLVANIA	0	0
RHODE ISLAND	3,383,394	2,867,876
SOUTH CAROLINA	0	0
SOUTH DAKOTA	6,799,912	5,843,553
TENNESSEE	18,501,856	16,386,685
TEXAS	0	0
UTAH	0	0
VERMONT	3,959,036	3,191,516
VIRGINIA	20,324,149	18,075,908
WASHINGTON	12,242,345	10,695,667
WEST VIRGINIA	7,437,916	6,431,353
WISCONSIN	0	0
WYOMING	12,950,374	11,659,329
SUBTOTAL	319,229,692	278,263,666
Puerto Rico	7,227,126	6,757,362
TOTAL	326,456,818	285,021,028

NOTE:

(1) Puerto Rico Highway Program is an allocated program and is not treated as an apportionment to the States.

(2) The Total Funds Sections 154 & 164 column reflects revised contract authority levels found in FHWA Notice 4510.743. The amount of obligation limitation transferred has not been revised.