



U.S. Department  
of Transportation

**Federal Highway  
Administration**

# Notice

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Subject:

**FEDERAL-AID HIGHWAY PROGRAM OBLIGATION AUTHORITY –  
FISCAL YEAR (FY) 2012 (OCTOBER 1, 2011, TO MARCH 31, 2012)**

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Classification Code

Date

Office of Primary Interest

**N 4520.215**

December 23, 2011

**HCFB-1**

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1. **What is the purpose of this Notice?** This Notice is to advise the States of the distribution of the limitation on Federal-aid highway program obligations pursuant to the Department of Transportation Appropriations Act, 2012, division C, title I, of Public Law (Pub. L.) 112-55, and the Surface Transportation Extension Act of 2011, Part II, Pub. L. 112-30.
  
2. **What are the legislative provisions?**
  - a. The Department of Transportation Appropriations Act, 2012, provides the limitation on obligations for FY 2012 of \$39,143,582,670.
  
  - b. Section 111(c)(4) of the Surface Transportation Extension Act of 2011, Part II, requires that the contract authority for Federal-aid highways and highway safety construction programs provided under that Act for the period beginning on October 1, 2011, and ending on March 31, 2012, be annualized as necessary for purposes of calculating the distribution of obligation limitation under the Department of Transportation Appropriations Act, 2012. In addition, section 111(c)(4) of the Surface Transportation Extension Act of 2011, Part II, requires that the resulting distribution of obligation limitation be multiplied by  $\frac{1}{2}$ . Therefore, this Notice provides \$19,571,791,335 ( $\frac{1}{2}$  of \$39,143,582,670) in obligation limitation for the period beginning on October 1, 2011, and ending on March 31, 2012.
  
  - c. 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) the 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 2012;<sup>1</sup> and
- (11) 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 fiscal years. Obligation limitation made available for Transportation Research in prior fiscal years is in addition to amounts made available for FY 2012.
- 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.

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<sup>1</sup> \$319,500,000 for the period beginning on October, 1, 2011, and ending on March 31, 2012, pursuant to section 111(c)(3)(B) of the Surface Transportation Extension Act of 2011, Part II.

**4. 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 the period beginning on October 1, 2011, and ending on March 31, 2012. 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, 2012, the Secretary will revise the distribution of obligation authority made available if a State does not plan to obligate the amount distributed during FY 2012 and redistribute such amount to those States able to obligate amounts in addition to those previously distributed during FY 2012. 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 2012.

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

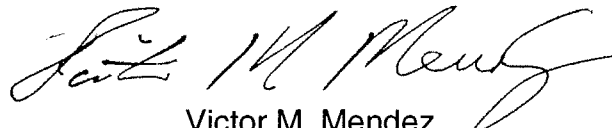
- a. Section 120(a)(4)(A) of the Department of Transportation Appropriations Act, 2012, provides for an obligation limitation within the overall obligation ceiling for the funds authorized under the following:<sup>2</sup>
  - (1) section 117 of title 23, U.S.C., undesignated funds for the High Priority 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, 2012, 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.).<sup>3</sup>
- c. Section 120(f) of the Department of Transportation Appropriations Act, 2012, provides that the special limitation associated with the provision specified in section 120(a)(4) of the Department of Transportation Appropriations Act, 2012, shall:
  - (1) remain available until used for the obligation of funds for which distributed; and

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<sup>2</sup> References to sections 1301, 1302, 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, as amended, does not continue the projects under these sections.

<sup>3</sup> \$1,000,000,000 for the period beginning on October, 1, 2011, and ending on March 31, 2012, pursuant to section 111(c)(4) of the Surface Transportation Extension Act of 2011, Part II.

- (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 the period beginning on October 1, 2011, and ending on March 31, 2012, 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 2012. The amounts of the transfers and associated obligation limitation for the period beginning on October 1, 2011, and ending on March 31, 2012, are shown on Table 2. The penalty transfer amounts under section 164 of title 23, U.S.C., and associated obligation limitation for Maryland 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.
7. **What action is required?** Division Administrators should ensure that copies of this Notice are provided to the State departments of transportation.



Victor M. Mendez  
Administrator

Attachments

U. S. DEPARTMENT OF TRANSPORTATION  
FEDERAL HIGHWAY ADMINISTRATION

FY 2012 OBLIGATION LIMITATION DISTRIBUTION FOR THE PERIOD BEGINNING ON  
OCTOBER 1, 2011, AND ENDING ON MARCH 31, 2012, PURSUANT TO THE DEPARTMENT OF  
TRANSPORTATION APPROPRIATIONS ACT, 2012, DIVISION C, TITLE I OF PUBLIC LAW 112-55  
AND THE SURFACE TRANSPORTATION EXTENSION ACT OF 2011, PART II, PUBLIC LAW 112-30

STATE	Formula Obligation Limitation	Equity Bonus (Special)	Appalachia (Special)	Total
ALABAMA	274,213,168	17,256,477	52,049,095	343,518,740
ALASKA	183,202,204	20,799,811	0	204,002,015
ARIZONA	300,225,952	28,065,328	0	328,291,280
ARKANSAS	216,220,729	12,937,506	0	229,158,235
CALIFORNIA	1,562,071,713	67,706,349	0	1,629,778,062
COLORADO	232,727,807	9,854,523	0	242,582,330
CONNECTICUT	210,161,583	13,599,514	0	223,761,097
DELAWARE	72,420,202	2,731,127	0	75,151,329
DISTRICT OF COLUMBIA	72,692,151	338,836	0	73,030,987
FLORIDA	763,712,978	83,681,101	0	847,394,079
GEORGIA	521,204,913	51,890,733	5,248,713	578,344,359
HAWAII	76,089,508	1,131,864	0	77,221,372
IDAHO	118,666,770	9,929,343	0	128,596,113
ILLINOIS	607,172,036	35,143,527	0	642,315,563
INDIANA	386,860,754	39,856,787	0	426,717,541
IOWA	210,970,520	6,390,886	0	217,361,406
KANSAS	170,348,558	2,254,153	0	172,602,711
KENTUCKY	264,573,041	18,125,021	17,311,675	300,009,737
LOUISIANA	294,341,162	13,438,393	0	307,779,555
MAINE	84,587,240	0	0	84,587,240
MARYLAND	252,642,085	8,952,115	6,067,134	267,661,334
MASSACHUSETTS	272,732,728	4,459,330	0	277,192,058
MICHIGAN	452,430,780	24,048,079	0	476,478,859
MINNESOTA	269,735,020	15,493,358	0	285,228,378
MISSISSIPPI	204,029,908	8,559,091	2,223,391	214,812,390
MISSOURI	381,948,146	25,516,936	0	407,465,082
MONTANA	159,330,811	13,866,979	0	173,197,790
NEBRASKA	127,998,278	3,563,704	0	131,561,982
NEVADA	155,682,320	8,580,490	0	164,262,810
NEW HAMPSHIRE	71,882,300	3,065,702	0	74,948,002
NEW JERSEY	421,654,671	26,957,824	0	448,612,495
NEW MEXICO	152,565,800	9,389,828	0	161,955,628
NEW YORK	734,140,459	24,720,454	4,163,345	763,024,258
NORTH CAROLINA	420,415,604	32,986,082	14,583,470	467,985,156
NORTH DAKOTA	109,900,080	3,094,502	0	112,994,582
OHIO	546,180,502	37,273,744	10,056,905	593,511,151
OKLAHOMA	275,521,425	12,091,505	0	287,612,930
OREGON	216,829,840	5,826,516	0	222,656,356
PENNSYLVANIA	667,180,949	28,265,924	49,510,015	744,956,888
RHODE ISLAND	98,720,752	0	0	98,720,752
SOUTH CAROLINA	258,153,691	21,116,520	3,177,993	282,448,204
SOUTH DAKOTA	118,667,066	6,063,226	0	124,730,292
TENNESSEE	336,579,517	25,161,327	10,922,940	372,663,784
TEXAS	1,289,475,656	125,398,380	0	1,414,874,036
UTAH	138,743,517	7,118,139	0	145,861,656
VERMONT	90,999,429	203,932	0	91,203,361
VIRGINIA	404,059,540	29,233,788	16,873,151	450,166,479
WASHINGTON	296,589,335	5,161,655	0	301,750,990
WEST VIRGINIA	162,639,701	14,733,766	16,008,553	193,382,020
WISCONSIN	296,208,996	29,184,637	0	325,393,633
WYOMING	105,722,689	4,781,188	0	110,503,877
<b>SUBTOTAL</b>	<b>16,111,824,584</b>	<b>1,000,000,000</b>	<b>208,196,380</b>	<b>17,320,020,964</b>
Allocated Programs				2,086,683,955
Undesignated High Priority Projects				725,616
Transfer to Sections 154 & 164				<u>164,360,800</u>
<b>TOTAL</b>				<b>19,571,791,335</b>

U. S. DEPARTMENT OF TRANSPORTATION  
FEDERAL HIGHWAY ADMINISTRATION

FY 2012 FUNDS TRANSFERRED TO THE SECTION 402 HIGHWAY  
SAFETY PROGRAM PURSUANT TO SECTIONS 154 AND 164 FOR THE  
PERIOD BEGINNING ON OCTOBER 1, 2011, AND ENDING ON MARCH 31, 2012

STATE	TOTAL FUNDS SECTIONS 154 & 164	OBLIGATION LIMITATION TRANSFER
ALABAMA	0	0
ALASKA	9,405,884	8,899,186
ARIZONA	0	0
ARKANSAS	5,151,359	4,873,854
CALIFORNIA	31,519,478	29,821,521
COLORADO	0	0
CONNECTICUT	3,181,708	3,010,309
DELAWARE	1,780,124	1,684,228
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	11,090,166	10,492,737
MAINE	0	0
MARYLAND	4,999,568	4,730,242
MASSACHUSETTS	0	0
MICHIGAN	0	0
MINNESOTA	6,895,132	6,523,691
MISSISSIPPI	4,956,154	4,689,166
MISSOURI	18,217,056	17,235,703
MONTANA	4,236,026	4,007,831
NEBRASKA	0	0
NEVADA	0	0
NEW HAMPSHIRE	0	0
NEW JERSEY	0	0
NEW MEXICO	4,212,126	3,985,219
NEW YORK	0	0
NORTH CAROLINA	0	0
NORTH DAKOTA	0	0
OHIO	12,126,749	11,473,480
OKLAHOMA	0	0
OREGON	4,749,547	4,493,688
PENNSYLVANIA	0	0
RHODE ISLAND	1,579,289	1,494,213
SOUTH CAROLINA	0	0
SOUTH DAKOTA	3,160,452	2,990,198
TENNESSEE	8,576,803	8,114,769
TEXAS	0	0
UTAH	0	0
VERMONT	1,847,623	1,748,091
VIRGINIA	9,429,526	8,921,554
WASHINGTON	5,705,912	5,398,533
WEST VIRGINIA	3,445,672	3,260,052
WISCONSIN	8,046,289	7,612,835
WYOMING	6,022,738	5,698,292
SUBTOTAL	170,335,381	161,159,392
Puerto Rico	3,373,454	3,201,408
TOTAL	173,708,835	164,360,800

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