



U.S. Department
of Transportation

**Federal Highway
Administration**

Notice

Subject:

**DISTRIBUTION OF FEDERAL-AID HIGHWAY PROGRAM OBLIGATION
LIMITATION FOR FISCAL YEAR (FY) 2014**

Classification Code	Date	Office of Primary Interest
N 4520.226	October 15, 2013	HCFB-1

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 Moving Ahead for Progress in the 21st Century Act (MAP-21), Public Law (Pub. L.) 112-141.
2. **What is the overall limitation on obligations for FY 2014, and what provision determines its distribution?**
 - a. In the absence of a FY 2014 appropriations act or a continuing appropriations resolution (CR), the overall limitation on obligations and its distribution is determined according to section 1102 of MAP-21. Once an appropriations act or CR is enacted, the Federal Highway Administration will be subject to the terms and conditions of that legislation. Another Notice will be issued adjusting the obligation limitation distribution and obligation limitation levels so they are consistent with the CR or appropriations act. If a partial-year CR is passed, it will likely significantly reduce the amount of obligation limitation available to each State. States should plan accordingly.
 - b. Pursuant to section 1102(a) of MAP-21, the overall limitation on Federal-aid highway program obligations for FY 2014 is \$40,256,000,000.
 - c. The overall limitation on obligations shall be distributed pursuant to section 1102(c) of MAP-21.
 - d. Unless otherwise specified, all obligation limitation is available for one fiscal year and will expire at the end of FY 2014.
3. **What funds are exempt from the limitation on obligations?** The obligation limitation does not apply to obligations for projects covered under:
 - (1) section 125 of title 23, 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) the 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 of fiscal years 2005 through 2011;
- (11) 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; and
- (12) section 119 of title 23, U.S.C., but only in an amount equal to \$639,000,000 for each of fiscal years 2013 through 2014.

4. **How are the obligation limitation amounts associated with allocated programs determined?**

- a. Obligation limitation is provided for Federal Highway Administration administrative expenses, transfer to the Appalachian Regional Commission, and other programs for which funding is authorized under section 104(a) of title 23, U.S.C., and amounts authorized for the Bureau of Transportation Statistics. Obligation limitation is provided equal to the contract authority for each of these programs.

- b. Obligation limitation is provided for the unobligated balances of contract authority for allocated programs (or for the apportioned Tribal Transportation Program and Federal Lands Access Program) that are carried over from previous fiscal years and for which obligation limitation had been provided in a previous fiscal year. Obligation limitation is provided equal to such unobligated balances of contract authority.
- c. The ratio between the remaining obligation limitation and the remaining FY 2014 contract authority subject to obligation limitation is determined. The ratio calculated for FY 2014 under MAP-21 is 94.7 percent.
- d. Obligation limitation is distributed for each of the allocated programs (other than those allocated programs for which obligation limitation has already been provided) and for the Tribal Transportation Program and Federal Lands Access Program. The amount of obligation limitation provided for each such program is determined by multiplying the amount of contract authority authorized for FY 2014 by the above ratio. The authorized contract authority that is not provided associated obligation limitation is “lopped off,” resulting in equal amounts of contract authority and obligation limitation being available for such programs (except for the Tribal Transportation Program, which is not subject to the “lop off” of contract authority).

5. How is the distribution of formula obligation limitation to the States determined?

- a. After obligation limitation is provided for the allocated programs (and for the Tribal Transportation Program and Federal Lands Access Program) as described above, the remaining obligation limitation is distributed to the States as formula obligation limitation. The formula obligation limitation is distributed among the States in the proportions that the FY 2014 apportionments subject to the obligation limitation for each State bears to the total FY 2014 apportionments subject to the obligation limitation for all States.
- b. The attached Table 1 shows the amount of FY 2014 formula obligation limitation distributed to each State for FY 2014 net of any obligation limitation associated with the penalty funding or set aside under the high risk rural roads special rule (see paragraphs 6 and 7 of this Notice below).

6. Is there any obligation limitation associated with penalty funds?

- a. Yes, obligation limitation is associated with penalty funds for those States that failed to meet the provisions of section 154 of title 23, U.S.C. (Open Container Requirements) or section 164 of title 23, U.S.C. (Minimum Penalties for Repeat Offenders for Driving While Intoxicated or Driving Under the

Influence) for FY 2014 as determined by the National Highway Traffic Safety Administration. The amount of obligation limitation associated with the penalty funds is determined by multiplying the amount of the penalty funds by the ratio of a State's formula obligation limitation to that State's apportionments subject to the obligation limitation.

- b. Along with the penalty funds, the associated obligation limitation will be reserved and then released for use on eligible Highway Safety Improvement Program activities under section 148 of title 23, U.S.C., or transferred to the State's safety program under section 402 of title 23, U.S.C. The amounts of penalty funds and associated obligation limitation for FY 2014 are shown in Table 2.

7. Is there any obligation limitation set aside under the special rule for high risk rural roads?

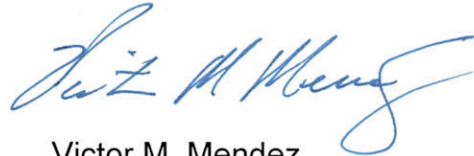
- a. Section 148(g)(1) of title 23, U.S.C., contains a special rule for high risk rural road safety. The special rule requires that, if the fatality rate on rural roads in a State increases over the most recent 2-year period for which data are available, the State must obligate during the next fiscal year for projects on high risk rural roads an amount at least equal to 200 percent of its FY 2009 high risk rural roads set-aside.
- b. The requirement to obligate such amounts during the next fiscal year is implemented by a set-aside of both Highway Safety Improvement Program funds and an equal amount of associated obligation limitation. The amounts of high risk rural roads special rule funds and associated obligation limitation for FY 2014 are shown in Table 3.

8. What other provisions apply that are related to the distribution of obligation limitation?

- a. Contract authority for transportation research programs under chapter 5 of title 23, U.S.C., or division E of Pub. L. 112-141 is subject to obligation limitation that remains available for a period of 4 fiscal years. Obligation limitation made available for Transportation Research in future fiscal years will be in addition to amounts made available for FY 2014.
- b. The amounts of contract authority "lopped off" from the allocated programs and the Federal Lands Access Program due to the imposition of the obligation limitation will be redistributed to the States. The redistribution will be provided via a separate notice to be issued no later than 30 days after the distribution of the obligation limitation.
- c. After August 1, 2014, the Secretary will revise the distribution of obligation authority made available if a State does not plan to obligate the amount

distributed during FY 2014 and redistribute such amount to those States able to obligate amounts in addition to those previously distributed during FY 2014. Procedures for this process (known as August Redistribution) will be provided via a separate notice to be issued in mid-to-late July.

9. **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

OBLIGATION LIMITATION DISTRIBUTION FOR
FISCAL YEAR 2014 UNDER THE MOVING AHEAD FOR
PROGRESS IN THE 21ST CENTURY ACT (MAP-21)

STATE	Formula Obligation Limitation
ALABAMA	649,306,359
ALASKA	430,364,833
ARIZONA	657,408,888
ARKANSAS	443,356,977
CALIFORNIA	3,234,950,109
COLORADO	480,559,320
CONNECTICUT	440,345,698
DELAWARE	148,693,806
DISTRICT OF COLUMBIA	143,353,848
FLORIDA	1,700,405,906
GEORGIA	1,159,717,683
HAWAII	145,291,755
IDAHO	251,095,118
ILLINOIS	1,277,711,417
INDIANA	833,150,877
IOWA	441,147,015
KANSAS	339,231,616
KENTUCKY	596,380,273
LOUISIANA	600,811,141
MAINE	162,162,519
MARYLAND	528,736,407
MASSACHUSETTS	546,124,667
MICHIGAN	946,043,371
MINNESOTA	572,605,757
MISSISSIPPI	424,138,651
MISSOURI	830,341,318
MONTANA	360,036,868
NEBRASKA	259,522,513
NEVADA	324,902,588
NEW HAMPSHIRE	147,536,748
NEW JERSEY	894,438,555
NEW MEXICO	322,169,859
NEW YORK	1,509,491,165
NORTH CAROLINA	936,674,270
NORTH DAKOTA	217,937,917
OHIO	1,178,287,898
OKLAHOMA	565,439,405
OREGON	438,707,354
PENNSYLVANIA	1,474,024,189
RHODE ISLAND	191,140,614
SOUTH CAROLINA	601,041,290
SOUTH DAKOTA	241,882,854
TENNESSEE	724,777,608
TEXAS	3,100,067,415
UTAH	304,783,898
VERMONT	178,315,299
VIRGINIA	893,788,510
WASHINGTON	595,521,868
WEST VIRGINIA	383,416,166
WISCONSIN	675,599,109
WYOMING	219,684,702
SUBTOTAL	34,722,623,991
Allocated Programs	5,070,708,889
Sections 154 and 164 Penalties	447,231,098
High Risk Rural Roads Special Rule	15,436,022
TOTAL	40,256,000,000

U. S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

PENALTY FUNDS AND ASSOCIATED OBLIGATION LIMITATION
FOR FISCAL YEAR 2014 FOR PENALTY PROVISIONS
UNDER SECTIONS 154 AND 164 OF TITLE 23, UNITED STATES CODE

STATE	TOTAL SECTIONS 154 & 164 PENALTY FUNDS	OBLIGATION LIMITATION FOR PENALTIES
ALABAMA	33,381,688	31,603,724
ALASKA	21,123,284	19,998,222
ARIZONA	0	0
ARKANSAS	22,587,216	21,384,184
CALIFORNIA	70,455,356	66,702,786
COLORADO	0	0
CONNECTICUT	10,139,278	9,599,243
DELAWARE	3,484,946	3,299,332
DISTRICT OF COLUMBIA	0	0
FLORIDA	0	0
GEORGIA	0	0
HAWAII	7,030,812	6,656,340
IDAHO	6,084,301	5,760,241
ILLINOIS	0	0
INDIANA	20,169,954	19,095,669
IOWA	0	0
KANSAS	0	0
KENTUCKY	0	0
LOUISIANA	30,774,190	29,135,106
MAINE	3,861,656	3,655,978
MARYLAND	12,081,663	11,438,173
MASSACHUSETTS	0	0
MICHIGAN	0	0
MINNESOTA	13,781,339	13,047,322
MISSISSIPPI	10,554,272	9,992,134
MISSOURI	20,579,338	19,483,248
MONTANA	8,820,859	8,351,045
NEBRASKA	0	0
NEVADA	0	0
NEW HAMPSHIRE	0	0
NEW JERSEY	0	0
NEW MEXICO	7,939,346	7,516,483
NEW YORK	0	0
NORTH CAROLINA	0	0
NORTH DAKOTA	5,289,006	5,007,305
OHIO	27,594,148	26,124,438
OKLAHOMA	0	0
OREGON	10,684,138	10,115,083
PENNSYLVANIA	0	0
RHODE ISLAND	4,623,531	4,377,274
SOUTH CAROLINA	0	0
SOUTH DAKOTA	12,007,356	11,367,824
TENNESSEE	35,988,162	34,071,372
TEXAS	0	0
UTAH	7,419,080	7,023,927
VERMONT	4,231,970	4,006,568
VIRGINIA	21,389,653	20,250,404
WASHINGTON	14,189,258	13,433,514
WEST VIRGINIA	9,435,745	8,933,181
WISCONSIN	0	0
WYOMING	10,942,372	10,359,564
SUBTOTAL	466,643,917	441,789,684
Puerto Rico	5,745,950	5,441,414
TOTAL	472,389,867	447,231,098

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

U. S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

FY 2014 HIGH RISK RURAL ROADS (HRRR) SPECIAL RULE FUNDS
AND ASSOCIATED OBLIGATION LIMITATION PURSUANT TO
SECTION 148(g)(1) OF TITLE 23, UNITED STATES CODE

STATE	TOTAL HRRR SPECIAL RULE FUNDS	OBLIGATION LIMITATION FOR HRRR SPECIAL RULE
ALABAMA	0	0
ALASKA	0	0
ARIZONA	0	0
ARKANSAS	0	0
CALIFORNIA	0	0
COLORADO	0	0
CONNECTICUT	1,502,890	1,502,890
DELAWARE	0	0
DISTRICT OF COLUMBIA	0	0
FLORIDA	0	0
GEORGIA	0	0
HAWAII	0	0
IDAHO	0	0
ILLINOIS	0	0
INDIANA	3,513,290	3,513,290
IOWA	0	0
KANSAS	0	0
KENTUCKY	0	0
LOUISIANA	0	0
MAINE	0	0
MARYLAND	0	0
MASSACHUSETTS	0	0
MICHIGAN	0	0
MINNESOTA	0	0
MISSISSIPPI	0	0
MISSOURI	0	0
MONTANA	0	0
NEBRASKA	0	0
NEVADA	1,487,814	1,487,814
NEW HAMPSHIRE	900,000	900,000
NEW JERSEY	3,333,210	3,333,210
NEW MEXICO	0	0
NEW YORK	0	0
NORTH CAROLINA	0	0
NORTH DAKOTA	0	0
OHIO	0	0
OKLAHOMA	3,798,818	3,798,818
OREGON	0	0
PENNSYLVANIA	0	0
RHODE ISLAND	900,000	900,000
SOUTH CAROLINA	0	0
SOUTH DAKOTA	0	0
TENNESSEE	0	0
TEXAS	0	0
UTAH	0	0
VERMONT	0	0
VIRGINIA	0	0
WASHINGTON	0	0
WEST VIRGINIA	0	0
WISCONSIN	0	0
WYOMING	0	0
TOTAL	15,436,022	15,436,022