



U.S. DEPARTMENT OF
TRANSPORTATION

**Federal Highway
Administration**

Notice

Subject

Rescissions of Federal-aid Apportionments

Classification Code	Date	OPI:
N 4510.540	January 25, 2005	HABF-10

1. **What is the purpose of this Notice?** This Notice is to notify the States that \$1,261,277,000 of unobligated Federal-aid highway funds apportioned to States are hereby rescinded as required by the Consolidated Appropriations Act, 2005, Public Law (P.L.) 108-447.

2. **What apportioned funds are being rescinded?**
 - a. In accordance with Division H of the Consolidated Appropriations Act, 2005, P.L. 108-447, the Transportation, Treasury, Independent Agencies, and General Government Appropriations Act, 2005, under the heading, "Federal-aid Highways, (Highway Trust Fund), (Rescission)," an amount of \$520,277,000 is rescinded from the unobligated balances of funds apportioned under chapter 1 of title 23, United States Code (U.S.C.). The rescission shall not apply to funds distributed to the Surface Transportation Program (STP) safety set aside, STP sub-allocation to areas, or to funds apportioned under the .08 Safety Incentive Grants (title 23, U.S.C., section 163).

 - b. In accordance with Division H of the Consolidated Appropriations Act, 2005, P.L. 108-447, the Transportation, Treasury, Independent Agencies, and General Government Appropriations Act, 2005, under the heading, "Federal-aid Highways, Emergency Relief Program, (Highway Trust Fund), (Including Rescission)," an amount of \$741,000,000 is rescinded from the unobligated balances of funds apportioned under chapter 1 of title 23, U.S.C. The rescission shall not apply to funds distributed to the STP safety setaside, STP sub-allocation to areas, or to funds apportioned under the .08 Safety Incentive Grants (title 23, U.S.C., section 163).

3. **How are the apportioned funds being rescinded?**
 - a. The rescission is being applied proportionately to States based upon the fiscal year (FY) 2005 apportionments to the States for the five core apportioned programs. Table 1 shows each State's share of the total



- rescinded amount based upon FY 2005 apportionments for the Interstate Maintenance (IM), National Highway System (NHS), Bridge, STP and Congestion Mitigation and Air Quality Improvement (CMAQ) programs, inclusive of funds programmatically distributed from Minimum Guarantee but excluding funds set aside for State Planning and Research and after application of penalties pursuant to title 23, U.S.C., section 154 (Open Container Requirements), section 163 (Operation of Motor Vehicles by Intoxicated Persons) and section 164 (Minimum Penalties for Repeat Offenders for Driving While Intoxicated or Driving Under the Influence), which are separate from, but impact the core programs by operation of law.
- b. The rescissions may be taken from any unobligated funds apportioned under chapter 1 of title 23, including apportionment categories authorized prior to the Transportation Efficiency Act of the 21st Century. These categories include IM, NHS, STP, CMAQ, Bridge, Recreational Trails, Minimum Guarantee, Minimum Allocation, Interstate Construction, Interstate Substitution, Consolidated Primary, Rural Secondary, and Urban System.
 - c. States are encouraged to review projects funded from the older apportionment categories to determine if any of the funds can be deobligated and applied to the rescission.
 - d. Not later than 30 days after the date of this Notice, the States must identify the amounts to be rescinded from funds apportioned under chapter 1 of title 23, U.S.C., excluding the STP safety set aside, STP sub-allocation to areas, and apportionments under the .08 Safety Incentive Grants (title 23, U.S.C., section 163), based on the amounts shown on Table 1. The States should ensure that a sufficient amount of unobligated funds are available within each program and category selected to bear the rescission. The information should be submitted on the attached Table 2 to the Budget Division's official electronic mailbox, "FHWA, BudgetDivision."
4. **What action is required?** Division Administrators should ensure that this Notice is provided to State departments of transportation.

Original signed by,
Mary E. Peters
Administrator

Attachments

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

Table 1

Rescission of Unobligated Balances Pursuant to the
Consolidated Appropriations Act, 2005, P.L. 108-447

<u>STATE</u>	<u>TOTAL AMOUNT TO BE RESCINDED</u>
ALABAMA	(\$22,825,312)
ALASKA	(11,108,117)
ARIZONA	(22,613,302)
ARKANSAS	(15,439,863)
CALIFORNIA	(119,840,564)
COLORADO	(16,628,707)
CONNECTICUT	(17,031,931)
DELAWARE	(5,360,959)
DIST. OF COL.	(5,266,839)
FLORIDA	(59,474,316)
GEORGIA	(44,319,151)
HAWAII	(6,515,112)
IDAHO	(9,093,206)
ILLINOIS	(44,339,218)
INDIANA	(31,540,736)
IOWA	(15,628,798)
KANSAS	(15,324,870)
KENTUCKY	(19,938,177)
LOUISIANA	(18,913,695)
MAINE	(6,662,743)
MARYLAND	(22,018,661)
MASSACHUSETTS	(24,383,206)
MICHIGAN	(39,762,455)
MINNESOTA	(17,257,817)
MISSISSIPPI	(15,384,815)
MISSOURI	(28,999,245)
MONTANA	(10,952,832)
NEBRASKA	(10,734,906)
NEVADA	(8,869,185)
NEW HAMPSHIRE	(6,396,091)
NEW JERSEY	(35,839,141)
NEW MEXICO	(11,396,820)
NEW YORK	(64,419,150)
NORTH CAROLINA	(34,185,921)
NORTH DAKOTA	(8,008,685)
OHIO	(42,679,914)
OKLAHOMA	(21,311,791)
OREGON	(14,826,534)
PENNSYLVANIA	(58,242,283)
RHODE ISLAND	(7,243,764)
SOUTH CAROLINA	(20,625,351)
SOUTH DAKOTA	(8,450,041)
TENNESSEE	(25,829,800)
TEXAS	(102,562,220)
UTAH	(10,504,193)
VERMONT	(5,757,365)
VIRGINIA	(31,214,517)
WASHINGTON	(23,018,578)
WEST VIRGINIA	(10,439,718)
WISCONSIN	(23,873,009)
WYOMING	(8,223,376)
TOTAL	(\$1,261,277,000)

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Table 2

Rescission of Unobligated Balances Pursuant to the
Consolidated Appropriations Act, 2005, P.L. 108-447

State: _____

<u>Program Title</u>	<u>Program Codes</u>	<u>Unobligated Balance to be Rescinded</u>
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Total

\$XXX,XXX.XXX*

*Amount should equal State total from Table 1