



Memorandum

Subject: **ACTION:** Allocation of FY 2006 Transportation Construction and Remediation, Ottawa County, Oklahoma - Section 1944 of SAFETEA-LU

Date: January 23, 2007

Dwight A. Horne

From: Dwight A. Horne
Director, Office of Program
Administration

Reply to
Attn. of: HIPA-10

To: Gary Corino
Division Administrator
Oklahoma City, OK

Section 1944 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU, P.L. 109-59) authorized \$10,000,000 in FY 2006 from the Highway Trust Fund for the Transportation Construction and Remediation, Ottawa County, Oklahoma and the activities described in the Oklahoma Plan for Tar Creek. In applying the provisions of Section 1102(f) of SAFETEA-LU concerning redistribution of certain allocated funds, only the amount for which obligation authority is provided will be made available. Therefore, only \$8,613,000 is available after applying the one percent across-the-board rescission set in Section 3801 of the Department of Defense Appropriations Act, 2006 (Public Law 109-148), and the FY 2006 obligation limitation of 87.0 percent. The remaining funds will not be available for this activity, but instead are distributed to the States in accordance with Section 1102(f) of SAFETEA-LU.

Therefore, we are allocating \$8,613,000 of program code LL10 funds (DELPHI Code 15X0R71004-050LL10500) to Oklahoma, with an equal amount of obligation authority. These funds are available until expended but are subject to the annual August redistribution of obligation authority. Any funds not obligated by the end of the fiscal year will be withdrawn, along with the accompanying obligation authority (OA), for the August redistribution of OA. The withdrawn funds will be returned the following fiscal year with an equal amount of OA. Additionally, the Federal share for this project is determined by Section 120 of Title 23.

This allocation of funds and accompanying OA are available for the activities set forth in the Oklahoma Plan for Tar Creek and Section 2301 of the Emergency Supplemental



Appropriations Act for Defense, The Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109-234).

This includes general remediation activities in the vicinity of the Tar Creek Superfund site that are to be carried out by involved Federal and State entities. In addition, under the provisions of Section 2301 these funds shall not be subject to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. The provisions of Section 2301 also allows the State to assist individuals and entities in relocation from areas at risk or potential risk of damage caused by land subsidence, as determined by the State. This includes the buyout of one or more properties to facilitate relocation associated with Oklahoma Plan for Tar Creek. These activities are to be considered eligible for funding under any program apportioned under 23 U.S.C. §104(b).

By copy of this memorandum, we are requesting that the Office of Financial Management, in the Office of the Chief Financial Officer, process this allocation.

If you have any questions, please contact Joseph Taylor, of my staff, on 202-366-1564.

