



U.S. Department
of Transportation

**Federal Highway
Administration**

Notice

Subject:

RESCISSION OF FEDERAL-AID APPORTIONMENTS

Classification Code

N4510.647

Date

June 20, 2007

Office of Primary Interest

HCFB-1

1. **What is the purpose of this Notice?** This Notice is to notify the States that \$871,022,000 of unobligated Federal-aid highway funds apportioned to States are hereby rescinded as required by Title IV, Chapter 8 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007, Public Law (Pub. L. No.) 110-28.
2. **What apportioned funds are being rescinded?** In accordance with Title IV, Chapter 8 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007, Pub. L. No. 110-28, an amount of \$871,022,000 is rescinded from the unobligated balances of funds apportioned under Chapter 1 of Title 23, United States Code (U.S.C.).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 in accordance with the first sentence of Title 23, U.S.C., Section 133(d)(3)(A), nor those funds distributed in accordance with Title 23, U.S.C., Sections 130(f), 104(b)(5), 133(d)(1), and 163 as in effect on the day before the date of enactment of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Pub. L. No. 109-59.
3. **How are the apportioned funds being rescinded?**
 - a. The rescission is being applied proportionately to States based upon the fiscal year (FY) 2007 apportionments to the States for the core apportioned programs excluding the Highway Safety Improvement Program. Table 1 shows each State's share of the total rescinded amount based upon FY 2007 apportionments for the Interstate Maintenance (IM), National Highway System (NHS), Bridge, Surface Transportation Program (STP) and Congestion Mitigation and Air Quality Improvement (CMAQ) programs, inclusive of funds programmatically distributed from Equity Bonus and Revenue Aligned Budget Authority, but exclusive of funds set aside for State Planning and Research and those funds withheld pursuant to Section 154 of Title 23, U.S.C., (Open Container Requirements), and Section 164 of Title 23, U.S.C., (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 Equity Act for the 21st Century, Pub. L. No. 105-178, as amended

by the Surface Transportation Extension Act, 2004, Part V, Pub. L. No. 108-310. 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 de-obligated and applied to the rescission. The States should ensure that a sufficient amount of unobligated funds is available within each program and category selected to bear the rescission. For guidance, refer to Fiscal Management Information System (FMIS) reports M28 and W10 to assist in determining the program code(s), prior fiscal years, and amount to be de-obligated and applied to the rescission. **Once the program code(s), fiscal years, and amount have been determined and submitted to the Federal Highway Administration's (FHWA) Office of Budget (HCFB), no obligations should be incurred by the State on the amounts identified to be rescinded.**
 - 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 Title 23, U.S.C., Section 130(f), Railway-Highway Crossing; Title 23 U.S.C., Section 133(d)(1), STP Safety Set-aside, as in effect prior to the date of enactment of Pub. L. No. 109-59; the first sentence of Title 23, U.S.C. Section 133(d)(3)(A), STP Suballocation to Areas; Title 23, U.S.C. Section 104(b)(5), Highway Safety Improvement Program; or Title 23, U.S.C., Section 163, Safety Incentives to Prevent Operation of Motor Vehicles by Intoxicated Persons, as in effect prior to the enactment of Pub. L. No. 109-59, based on the amounts shown on Table 1. When identifying the amounts to be rescinded, States must provide the following program code, program title, fiscal year from which the funds are to be rescinded, total unobligated balance, and the amount to be rescinded from the total unobligated balance. The information should be submitted on the attached Table 2 to the HCFB official electronic mailbox, "FHWA, Budget Division."
4. **What action is required?** Division Administrators should ensure that this Notice is provided to State departments of transportation. **In addition, Division Administrators should ensure that State departments of transportation officials are encouraged to reach out to stakeholders in considering how to implement the rescission.**



J. Richard Capka
Administrator

**U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION**

Table 1

**Rescission of Unobligated Balances
Pursuant to the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and
Iraq Accountability Appropriations Act, 2007, Pub. L. No. 110-28, Title IV, Chapter 8**

STATE	<u>TOTAL AMOUNT TO BE RESCINDED</u>
ALABAMA	\$16,495,312
ALASKA	6,934,209
ARIZONA	16,721,879
ARKANSAS	10,902,949
CALIFORNIA	79,178,801
COLORADO	11,973,731
CONNECTICUT	11,832,036
DELAWARE	3,586,794
DIST. OF COL.	3,920,001
FLORIDA	42,991,791
GEORGIA	29,940,949
HAWAII	3,864,410
IDAHO	6,379,616
ILLINOIS	30,156,677
INDIANA	22,451,964
IOWA	10,307,945
KANSAS	9,520,406
KENTUCKY	13,853,179
LOUISIANA	14,137,924
MAINE	4,034,828
MARYLAND	14,633,547
MASSACHUSETTS	15,777,563
MICHIGAN	26,335,040
MINNESOTA	13,916,174
MISSISSIPPI	10,650,293
MISSOURI	20,743,947
MONTANA	8,137,367
NEBRASKA	6,869,444
NEVADA	6,227,218
NEW HAMPSHIRE	4,143,890
NEW JERSEY	24,602,434
NEW MEXICO	8,364,521
NEW YORK	41,050,815
NORTH CAROLINA	24,430,091
NORTH DAKOTA	5,533,394
OHIO	31,687,592
OKLAHOMA	13,540,032
OREGON	10,591,101
PENNSYLVANIA	38,922,796
RHODE ISLAND	4,871,818
SOUTH CAROLINA	14,621,024
SOUTH DAKOTA	5,869,902
TENNESSEE	18,419,963
TEXAS	72,374,710
UTAH	6,641,382
VERMONT	3,828,965
VIRGINIA	22,984,417
WASHINGTON	15,971,433
WEST VIRGINIA	7,274,668
WISCONSIN	16,764,931
WYOMING	6,056,127
TOTAL	\$871,022,000

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

Table 2

Rescission of Unobligated Balances
Pursuant to the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and
Iraq Accountability Appropriations Act, 2007, Pub. L. No. 110-28, Title IV, Chapter 8

State: _____ Total Amount to be Rescinded: _____

<u>Program Code</u>	<u>Program Title</u>	<u>Fiscal Year</u>	<u>Total Unobligated Balance</u>	<u>Unobligated Balance to be Rescinded</u>
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\$XXX,XXX,XXX.XX*

*Amount should equal State total from Table 1