



U.S. Department
of Transportation

**Federal Highway
Administration**

Notice

Subject:

**APPORTIONMENT OF FISCAL YEAR (FY) 2008
NATIONAL HIGHWAY SYSTEM PROGRAM FUNDS**

Classification Code

Date

Office of Primary Interest

N4510.650

October 1, 2007

HCFB-1

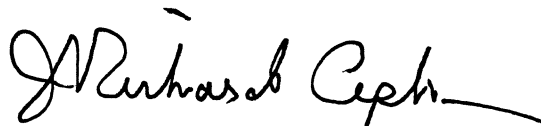
1. **What is the purpose of this Notice?** This Notice transmits the certificate of apportionment of National Highway System Program funds authorized for FY 2008 pursuant to the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) Public Law (Pub. L. No.) 109-59. The apportionment is effective immediately.
2. **What is the availability of these funds?**
 - a. The National Highway System Program funds resulting from this apportionment are available for obligation until September 30, 2011. Any amounts not obligated by the State on or before September 30, 2011, shall lapse.
 - b. The funds resulting from this apportionment are available for obligation immediately and will be subject to obligation controls in force at the time of obligation.
 - c. The Federal share will be in accordance with Section 120 of Title 23, United States Code (U.S.C.).
 - d. The program code to be used when obligating these funds is L050.
3. **What is the background information?**
 - a. Section 1101(a)(2) of the SAFETEA-LU authorizes a total of \$6,207,937,450 in contract authority for the National Highway System Program for FY 2008.
 - b. The terms of the continuing resolution, House Joint Resolution (H.J. Res.) 52, provides that a portion of the contract authority for the National Highway Traffic Safety Administration Operations and Research Program be funded from a percentage takedown (0.35%) to the amount authorized for the National Highway System Program. The percentage takedown reduces the amount authorized for the National Highway System Program by \$21,757,049.

- c. Section 104(f) of Title 23, U.S.C., applies a 1.25 percent takedown for Metropolitan Planning from the amount authorized for the National Highway System Program. This provision reduces the amount apportioned by \$77,599,218.
 - d. As required by Section 104(b)(1)(A) of Title 23, U.S.C., \$30,000,000 has been set aside for the Alaska Highway.
 - e. As required by Section 104(b)(1)(A) of Title 23, U.S.C., \$50,000,000 has been set aside for the Territorial Highway Program, which includes the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.
 - f. The total contract authority available for distribution in FY 2008 net of these reductions is \$6,028,581,183.
4. **Are certain States subject to penalty transfer?** Yes. Currently, the States that are listed under the following two requirements are subject to transfer of funds. The funds to be transferred will be transferred to the State's 402 Safety Program.
- a. **Open Container Requirements – 23 U.S.C. 154 – 3 percent**
 Funds subject to be transferred: National Highway System, Surface Transportation Program, and Interstate Maintenance.

Alaska, Arkansas, Connecticut, Delaware, Louisiana, Mississippi, Missouri, Tennessee, Virginia, West Virginia, and Wyoming
 - b. **Minimum Penalties for Repeat Offenders for Driving While Intoxicated or Driving Under the Influence – 23 U.S.C. 164 – 3 percent**
 Funds subject to be transferred: National Highway System, Surface Transportation Program, and Interstate Maintenance.

Alaska, California, Louisiana, Minnesota, New Mexico, Ohio, Oregon, Rhode Island, South Dakota, Vermont, and Wyoming
5. **How will the funds be transferred?** Funds will be transferred from the apportionment (Table 1) to the State's 402 Safety Program for those States that failed to meet the provisions of Section 154 Title 23, U.S.C., the Open Container Requirements (3 percent), and Section 164 of Title 23 U.S.C., the Minimum Penalties for Repeat Offenders (3 percent). Tables 2 and 3 illustrate the amounts to be transferred subject to a determination by the States under Section 154(c)(5) and 164(b)(5), which allows the States to designate the funds to be transferred.

6. **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 black ink, appearing to read "J. Richard Capka", with a long horizontal flourish extending to the right.

J. Richard Capka
Administrator

Attachment

**CERTIFICATE OF APPORTIONMENT FROM
THE SUM OF \$6,207,937,450 AUTHORIZED TO BE APPROPRIATED
FOR THE NATIONAL HIGHWAY SYSTEM PROGRAM
FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2008**

TO--

The Secretary of the Treasury of the United States and the State departments of transportation:

Pursuant to Section 9503 of the Internal Revenue Code of 1986, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, Title 23, United States Code, and the delegation of authority from the Secretary of Transportation to the Federal Highway Administrator, Section 1.48 of Title 49, Code of Federal Regulations, I certify--

First, that the Secretary of the Treasury has made the estimate required by Section 9503(d) of the Internal Revenue Code of 1986 and, based on that estimate, I have determined that the amount that can be apportioned for the National Highway System Program for the fiscal year ending September 30, 2008, pursuant to Section 1101(a)(2) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users is \$6,207,937,450, which is 100 percent of the amount authorized to be appropriated for the fiscal year.

Second, pursuant to the continuing resolution, House Joint Resolution 52, I have deducted 0.35% from the sum of \$6,207,937,450 authorized to be appropriated for the fiscal year ending September 30, 2008, by Section 1101(a)(2) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, for the purpose of providing contract authority for the National Highway Traffic Safety Administration

Operations and Research Programs. The amount deducted is \$21,757,049.

Third, pursuant to Section 104(f) of Title 23, United States Code, I have deducted 1.25 percent from the sum of \$6,207,937,450 authorized to be appropriated for the fiscal year ending September 30, 2008, by Section 1101(a)(2) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, for the purpose of carrying out Section 134 of Title 23, United States Code. The amount deducted is \$77,599,218.

Fourth, pursuant to Section 104(b)(1)(A) of Title 23, United States Code, and after making the deduction authorized by Section 104(f) of Title 23, United States Code, I have set aside \$30,000,000 from the sum of \$6,207,937,450 authorized to be appropriated for fiscal year ending September 30, 2008, by Section 1101(a)(2) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, for the purpose of carrying out Section 104(b)(1)(A) of Title 23, United States Code, for the Alaska Highway.

Fifth, pursuant to Section 104(b)(1)(A) of Title 23, United States Code, and after making the deduction authorized by Section 104(f) of Title 23, United States Code, I have set aside \$50,000,000 from the sum of \$6,207,937,450 authorized to be appropriated for fiscal year ending September 30, 2008, by Section 1101(a)(2) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, for the purpose of carrying out Section 104(b)(1)(A) of Title 23, United States Code, for the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of Northern Mariana Islands. The resulting amount is \$6,028,581,183.

Sixth, that in compliance with the provisions of Section 154 of Title 23, United States Code, the Open Container Law Requirements, 3 percent of the amount required to be apportioned to the States of Alaska, Arkansas, Connecticut, Delaware, Louisiana, Mississippi, Missouri, Tennessee, Virginia, West Virginia, and Wyoming will be transferred to the State's Section 402 Safety Program.

Seventh, that in compliance with the provisions of Section 164 of Title 23, United States Code, the Minimum Penalties for Repeat Offenders for Driving While Intoxicated or Driving Under the Influence, 3 percent of the amount required to be apportioned to the States of Alaska, California, Louisiana, Minnesota, New Mexico, Ohio, Oregon, Rhode Island, South Dakota, Vermont, and Wyoming will be transferred to the State's Section 402 Safety Program.

Eighth, that after making the deduction, set asides and transfers, I have computed the apportionment to each State and the District of Columbia of the remainder of the amounts authorized to be appropriated for the National Highway System Program in the manner provided by law in accordance with the formula set forth.

Ninth, that subject to the foregoing deduction, set asides and transfers, the sums that are hereby apportioned to each State and the District of Columbia, effective immediately, are respectively as follows:

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

N4510.650 - TABLE 1

APPORTIONMENT OF FUNDS FOR THE
NATIONAL HIGHWAY SYSTEM
AUTHORIZED FOR FISCAL YEAR 2008

<u>STATE</u>	<u>AMOUNT</u>
ALABAMA	\$106,307,212
ALASKA	37,217,033
ARIZONA	125,856,843
ARKANSAS	82,903,616
CALIFORNIA	563,012,006
COLORADO	108,849,552
CONNECTICUT	46,633,141
DELAWARE	46,569,111
DIST. OF COL.	52,083,330
FLORIDA	300,300,484
GEORGIA	175,120,460
HAWAII	45,848,381
IDAHO	50,461,520
ILLINOIS	177,741,569
INDIANA	134,678,607
IOWA	96,583,336
KANSAS	86,458,784
KENTUCKY	107,338,748
LOUISIANA	81,424,362
MAINE	29,355,452
MARYLAND	93,906,860
MASSACHUSETTS	81,643,413
MICHIGAN	172,526,525
MINNESOTA	106,134,040
MISSISSIPPI	91,970,111
MISSOURI	142,167,906
MONTANA	71,942,799
NEBRASKA	72,276,252
NEVADA	49,838,804
NEW HAMPSHIRE	35,881,426
NEW JERSEY	140,816,519
NEW MEXICO	82,195,427
NEW YORK	206,940,967
NORTH CAROLINA	154,440,250
NORTH DAKOTA	79,812,968
OHIO	179,910,181
OKLAHOMA	108,311,094
OREGON	85,257,333
PENNSYLVANIA	193,222,294
RHODE ISLAND	43,935,172
SOUTH CAROLINA	89,409,975
SOUTH DAKOTA	68,287,502
TENNESSEE	130,775,490
TEXAS	497,318,128
UTAH	47,420,933
VERMONT	38,455,835
VIRGINIA	139,976,326
WASHINGTON	105,775,416
WEST VIRGINIA	44,293,057
WISCONSIN	133,590,018
WYOMING	85,404,615
TOTAL	\$6,028,581,183

APPROVED EFFECTIVE October 1, 2007


FEDERAL HIGHWAY ADMINISTRATOR

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

N4510.650 - TABLE 2

TRANSFERS ASSESSED PURSUANT TO TITLE 23 U.S.C. 154 (Open Container Requirements) FOR THE
INTERSTATE MAINTENANCE, NATIONAL HIGHWAY SYSTEM, AND SURFACE TRANSPORTATION PROGRAMS
AUTHORIZED FOR FISCAL YEAR 2008

State	TRANSFERS ASSESSED ON APPORTIONMENTS						TOTAL TRANSFERS ASSESSED			
	PURSUANT TO TITLE 23 U.S.C. 104(b)			PURSUANT TO TITLE 23 U.S.C. 105(c)			PURSUANT TO TITLE 23 U.S.C. 154			Total
	Interstate Maintenance	National Highway System	Surface Transportation Program	Interstate Maintenance	National Highway System	Surface Transportation Program	Interstate Maintenance	National Highway System	Surface Transportation Program	
ALABAMA	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
ALASKA	941,368	1,116,511	952,370	988,407	1,172,301	999,958	1,929,775	2,288,812	1,952,328	6,170,915
ARIZONA	0	0	0	0	0	0	0	0	0	0
ARKANSAS	1,987,324	2,487,108	2,584,930	551,125	689,725	716,853	2,538,449	3,176,833	3,301,783	9,017,065
CALIFORNIA	0	0	0	0	0	0	0	0	0	0
COLORADO	0	0	0	0	0	0	0	0	0	0
CONNECTICUT	1,514,694	1,398,994	1,790,573	352,680	325,741	416,915	1,867,374	1,724,735	2,207,488	5,799,597
DELAWARE	247,726	1,397,073	952,370	34,103	192,327	131,107	281,829	1,589,400	1,083,477	2,954,706
DIST. OF COL.	0	0	0	0	0	0	0	0	0	0
FLORIDA	0	0	0	0	0	0	0	0	0	0
GEORGIA	0	0	0	0	0	0	0	0	0	0
HAWAII	0	0	0	0	0	0	0	0	0	0
IDAHO	0	0	0	0	0	0	0	0	0	0
ILLINOIS	0	0	0	0	0	0	0	0	0	0
INDIANA	0	0	0	0	0	0	0	0	0	0
IOWA	0	0	0	0	0	0	0	0	0	0
KANSAS	0	0	0	0	0	0	0	0	0	0
KENTUCKY	0	0	0	0	0	0	0	0	0	0
LOUISIANA	2,617,723	2,442,731	2,938,223	287,812	268,572	323,050	2,905,535	2,711,303	3,261,273	8,878,111
MAINE	0	0	0	0	0	0	0	0	0	0
MARYLAND	0	0	0	0	0	0	0	0	0	0
MASSACHUSETTS	0	0	0	0	0	0	0	0	0	0
MICHIGAN	0	0	0	0	0	0	0	0	0	0
MINNESOTA	0	0	0	0	0	0	0	0	0	0
MISSISSIPPI	1,891,430	2,759,103	2,706,266	307,428	448,457	439,869	2,198,858	3,207,560	3,146,135	8,552,553
MISSOURI	3,827,851	4,265,037	4,665,890	1,049,268	1,169,107	1,278,987	4,877,119	5,434,144	5,944,877	16,256,140
MONTANA	0	0	0	0	0	0	0	0	0	0
NEBRASKA	0	0	0	0	0	0	0	0	0	0
NEVADA	0	0	0	0	0	0	0	0	0	0
NEW HAMPSHIRE	0	0	0	0	0	0	0	0	0	0
NEW JERSEY	0	0	0	0	0	0	0	0	0	0
NEW MEXICO	0	0	0	0	0	0	0	0	0	0
NEW YORK	0	0	0	0	0	0	0	0	0	0
NORTH CAROLINA	0	0	0	0	0	0	0	0	0	0
NORTH DAKOTA	0	0	0	0	0	0	0	0	0	0
OHIO	0	0	0	0	0	0	0	0	0	0
OKLAHOMA	0	0	0	0	0	0	0	0	0	0
OREGON	0	0	0	0	0	0	0	0	0	0
PENNSYLVANIA	0	0	0	0	0	0	0	0	0	0
RHODE ISLAND	0	0	0	0	0	0	0	0	0	0
SOUTH CAROLINA	0	0	0	0	0	0	0	0	0	0
SOUTH DAKOTA	0	0	0	0	0	0	0	0	0	0
TENNESSEE	3,873,955	3,923,265	4,228,394	1,264,762	1,280,861	1,380,479	5,138,717	5,204,126	5,608,873	15,951,716
TEXAS	0	0	0	0	0	0	0	0	0	0
UTAH	0	0	0	0	0	0	0	0	0	0
VERMONT	0	0	0	0	0	0	0	0	0	0
VIRGINIA	4,272,695	4,199,290	5,074,286	1,421,306	1,396,888	1,687,954	5,694,001	5,596,178	6,762,240	18,052,419
WASHINGTON	0	0	0	0	0	0	0	0	0	0
WEST VIRGINIA	1,310,948	1,328,792	1,435,717	380,335	385,512	416,533	1,691,283	1,714,304	1,852,250	5,257,837
WISCONSIN	0	0	0	0	0	0	0	0	0	0
WYOMING	\$1,486,657	\$2,562,138	\$952,370	\$232,596	\$400,861	\$149,004	1,719,253	2,962,999	1,101,374	5,783,626
Total	\$23,972,371	\$27,880,042	\$28,281,389	\$6,869,822	\$7,730,352	\$7,940,709	\$30,842,193	\$35,610,394	\$36,222,098	\$102,674,685

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

N4510.650 - TABLE 3

TRANSFERS ASSESSED PURSUANT TO TITLE 23 U.S.C. 164 (Minimum Penalties for Repeat Offenders for Driving While Intoxicated or Driving Under the Influence) FOR THE
INTERSTATE MAINTENANCE, NATIONAL HIGHWAY SYSTEM, AND SURFACE TRANSPORTATION PROGRAMS FY 2008

State	AMOUNT WITHHELD FROM APPORTIONMENTS						TOTAL TRANSFERS ASSESSED			
	PURSUANT TO TITLE 23 U.S.C. 104(b)			PURSUANT TO TITLE 23 U.S.C. 105(c)			PURSUANT TO TITLE 23 U.S.C. 164			Total
	Interstate Maintenance	National Highway System	Surface Transportation Program	Interstate Maintenance	National Highway System	Surface Transportation Program	Interstate Maintenance	National Highway System	Surface Transportation Program	
ALABAMA	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
ALASKA	941,368	1,116,511	952,370	988,407	1,172,301	999,958	1,929,775	2,288,812	1,952,328	6,170,915
ARIZONA	0	0	0	0	0	0	0	0	0	0
ARKANSAS	0	0	0	0	0	0	0	0	0	0
CALIFORNIA	13,346,217	16,890,360	18,536,412	2,395,035	3,031,047	3,326,438	15,741,252	19,921,407	21,862,850	57,525,509
COLORADO	0	0	0	0	0	0	0	0	0	0
CONNECTICUT	0	0	0	0	0	0	0	0	0	0
DELAWARE	0	0	0	0	0	0	0	0	0	0
DIST. OF COL.	0	0	0	0	0	0	0	0	0	0
FLORIDA	0	0	0	0	0	0	0	0	0	0
GEORGIA	0	0	0	0	0	0	0	0	0	0
HAWAII	0	0	0	0	0	0	0	0	0	0
IDAHO	0	0	0	0	0	0	0	0	0	0
ILLINOIS	0	0	0	0	0	0	0	0	0	0
INDIANA	0	0	0	0	0	0	0	0	0	0
IOWA	0	0	0	0	0	0	0	0	0	0
KANSAS	0	0	0	0	0	0	0	0	0	0
KENTUCKY	0	0	0	0	0	0	0	0	0	0
LOUISIANA	2,617,723	2,442,731	2,938,223	287,812	268,572	323,050	2,905,535	2,711,303	3,261,273	8,878,111
MAINE	0	0	0	0	0	0	0	0	0	0
MARYLAND	0	0	0	0	0	0	0	0	0	0
MASSACHUSETTS	0	0	0	0	0	0	0	0	0	0
MICHIGAN	0	0	0	0	0	0	0	0	0	0
MINNESOTA	2,624,847	3,184,021	4,050,149	698,472	847,269	1,077,745	3,323,319	4,031,290	5,127,894	12,482,503
MISSISSIPPI	0	0	0	0	0	0	0	0	0	0
MISSOURI	0	0	0	0	0	0	0	0	0	0
MONTANA	0	0	0	0	0	0	0	0	0	0
NEBRASKA	0	0	0	0	0	0	0	0	0	0
NEVADA	0	0	0	0	0	0	0	0	0	0
NEW HAMPSHIRE	0	0	0	0	0	0	0	0	0	0
NEW JERSEY	0	0	0	0	0	0	0	0	0	0
NEW MEXICO	2,049,343	2,465,863	1,760,351	517,925	623,191	444,889	2,567,268	3,089,054	2,205,240	7,861,562
NEW YORK	0	0	0	0	0	0	0	0	0	0
NORTH CAROLINA	0	0	0	0	0	0	0	0	0	0
NORTH DAKOTA	0	0	0	0	0	0	0	0	0	0
OHIO	6,083,786	5,397,305	6,665,395	1,907,252	1,692,042	2,089,585	7,991,038	7,089,347	8,754,980	23,835,365
OKLAHOMA	0	0	0	0	0	0	0	0	0	0
OREGON	2,006,805	2,557,720	2,498,171	207,482	264,441	258,284	2,214,287	2,822,161	2,756,455	7,792,903
PENNSYLVANIA	0	0	0	0	0	0	0	0	0	0
RHODE ISLAND	326,742	1,318,055	952,370	0	0	0	326,742	1,318,055	952,370	2,597,167
SOUTH CAROLINA	0	0	0	0	0	0	0	0	0	0
SOUTH DAKOTA	1,047,641	2,048,625	1,301,513	221,540	433,213	275,225	1,269,181	2,481,838	1,576,738	5,327,757
TENNESSEE	0	0	0	0	0	0	0	0	0	0
TEXAS	0	0	0	0	0	0	0	0	0	0
UTAH	0	0	0	0	0	0	0	0	0	0
VERMONT	491,118	1,153,675	952,370	599	1,408	1,162	491,717	1,155,083	953,532	2,600,332
VIRGINIA	0	0	0	0	0	0	0	0	0	0
WASHINGTON	0	0	0	0	0	0	0	0	0	0
WEST VIRGINIA	0	0	0	0	0	0	0	0	0	0
WISCONSIN	0	0	0	0	0	0	0	0	0	0
WYOMING	1,486,657	2,562,138	952,370	232,596	400,861	149,004	1,719,253	2,962,999	1,101,374	5,783,626
Total	\$33,022,247	\$41,137,004	\$41,559,694	\$7,457,120	\$8,734,345	\$8,945,340	\$40,479,367	\$49,871,349	\$50,505,034	\$140,855,750