



U.S. Department
of Transportation

**Federal Highway
Administration**

Notice

Subject:

**APPORTIONMENT OF FISCAL YEAR (FY) 2008
EQUITY BONUS PROGRAM FUNDS**

Classification Code

Date

Office of Primary Interest

N4510.661

October 1, 2007

HCFB-1

1. **What is the purpose of this Notice?** This Notice transmits the certificate of apportionment of Equity Bonus Program funds authorized for FY 2008 pursuant to Section 105(a) of Title 23, United States Code (U.S.C.). The apportionment is effective immediately.
2. **What is the availability of these funds?**
 - a. The Equity Bonus 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 subject to obligation controls in force at the time of obligation. Special obligation limitation will be provided with these funds. In addition, an amount of Equity Bonus Program funds is provided which is exempt from obligation controls.
 - c. The Federal share for the funds programmatically distributed to other programs has the same Federal share as those programs. For the remainder of the funds (\$2,639 million per year), the Federal share is determined under Section 120 of Title 23, U.S.C., that is, the Federal share is generally 80 percent, subject to the sliding scale adjustment. When the funds are used for Interstate projects to add high occupancy vehicle or auxiliary lanes, but not other lanes, the Federal share shall be 90 percent, also subject to the sliding scale adjustment.
 - d. Funds will be transferred from the apportionment (Table 1) to the State's 402 Safety Program from the programmatically distribution portion of the Equity Bonus Program which adjusts to the National Highway System, Surface Transportation Program, Interstate Maintenance and Congestion Mitigation and Air Quality Improvement programs for those States that failed to meet the provisions of Section 154 of 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 State under Sections 154(c)(5) and 164(b)(5), which allow the States to designate the funds to be transferred.

- e. Supplementary tables providing sub-allocation, appropriation codes, etc., will be issued in a separate Notice.
3. **What action is required?** Division Administrators should ensure that copies of this Notice are provided to the State departments of transportation.



J. Richard Capka
Administrator

Attachments

**CERTIFICATE OF APPORTIONMENT FROM
THE SUM OF \$9,230,521,396
FOR THE EQUITY BONUS 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 in Section 1.48, 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 Equity Bonus Program for the fiscal year ending September 30, 2008, pursuant to Section 1104 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, is \$9,230,521,396, which is 100 percent of the amount authorized to be made available from the Highway Trust Fund.

Second, pursuant to the continuing resolution, House Joint Resolution 52, I have deducted 0.35% from the sum of \$9,230,521,396 authorized to be appropriated for the fiscal year ending September 30, 2008, for the Equity Bonus Program, for the purpose of providing contract authority for the National Highway Traffic Safety Administration Operations and Research Programs. The amount deducted is \$32,350,343.

Third, that in compliance with Section 154 of Title 23, United States Code, the Open Container 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 402 Safety Program.

Fourth, that in compliance with 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 402 Safety Program.

Fifth, that after making the transfers, I have computed the apportionment to each State of the amount authorized to be appropriated for the Equity Bonus Program in the manner provided by law in accordance with the formula set forth.

Sixth, the sums that are hereby apportioned to each State effective immediately, are respectively as follows:

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

N4510.661 - TABLE 1

**APPORTIONMENT OF FUNDS FOR THE
EQUITY BONUS
AUTHORIZED FOR FISCAL YEAR 2008**

<u>STATE</u>	<u>EQUITY BONUS FORMULA LIMITATION</u>	<u>SUBJECT TO SPECIAL LIMITATION</u>	<u>EXEMPT FROM LIMITATION</u>	<u>TOTAL</u>
ALABAMA	\$170,973,436	\$52,132,635	\$16,656,377	\$239,762,448
ALASKA	136,306,146	41,562,004	13,279,060	191,147,210
ARIZONA	185,697,726	56,622,315	18,090,830	260,410,871
ARKANSAS	88,209,060	26,896,405	8,593,401	123,698,866
CALIFORNIA	458,858,358	139,913,521	44,702,370	643,474,249
COLORADO	64,382,845	19,631,397	6,272,231	90,286,473
CONNECTICUT	80,981,059	24,692,467	7,889,243	113,562,769
DELAWARE	15,831,440	4,827,268	1,542,312	22,201,020
DIST. OF COL.	0	0	0	0
FLORIDA	547,643,816	166,985,679	53,351,925	767,981,420
GEORGIA	383,306,648	116,876,552	37,342,058	537,525,258
HAWAII	12,145,402	3,703,335	1,183,215	17,031,952
IDAHO	66,346,944	20,230,283	6,463,576	93,040,803
ILLINOIS	223,722,672	68,216,752	21,795,252	313,734,676
INDIANA	266,171,745	81,160,178	25,930,677	373,262,600
IOWA	30,081,903	9,172,471	2,930,604	42,184,978
KANSAS	14,291,759	4,357,794	1,392,315	20,041,868
KENTUCKY	100,171,583	30,543,977	9,758,801	140,474,361
LOUISIANA	52,581,745	16,033,046	5,122,558	73,737,349
MAINE	0	0	0	0
MARYLAND	66,695,118	20,336,447	6,497,495	93,529,060
MASSACHUSETTS	26,813,208	8,175,792	2,612,166	37,601,166
MICHIGAN	175,633,176	53,553,467	17,110,333	246,296,976
MINNESOTA	108,450,015	33,068,207	10,565,292	152,083,514
MISSISSIPPI	54,137,421	16,507,397	5,274,114	75,918,932
MISSOURI	162,403,299	49,519,458	15,821,467	227,744,224
MONTANA	92,017,876	28,057,776	8,964,460	129,040,112
NEBRASKA	20,839,316	6,354,253	2,030,184	29,223,753
NEVADA	50,887,730	15,516,513	4,957,526	71,361,769
NEW HAMPSHIRE	19,701,968	6,007,457	1,919,382	27,628,807
NEW JERSEY	182,952,096	55,785,127	17,823,348	256,560,571
NEW MEXICO	62,102,931	18,936,213	6,050,120	87,089,264
NEW YORK	159,706,810	48,697,255	15,558,773	223,962,838
NORTH CAROLINA	215,329,998	65,657,686	20,977,631	301,965,315
NORTH DAKOTA	19,802,522	6,038,117	1,929,178	27,769,817
OHIO	269,618,283	82,211,084	26,266,441	378,095,808
OKLAHOMA	80,575,847	24,568,912	7,849,767	112,994,526
OREGON	35,833,443	10,926,211	3,490,924	50,250,578
PENNSYLVANIA	217,463,172	66,308,127	21,185,446	304,956,745
RHODE ISLAND	0	0	0	0
SOUTH CAROLINA	134,120,389	40,895,530	13,066,122	188,082,041
SOUTH DAKOTA	37,813,716	11,530,029	3,683,844	53,027,589
TENNESSEE	165,312,356	50,406,478	16,104,870	231,823,704
TEXAS	749,136,911	228,424,265	72,981,553	1,050,542,729
UTAH	34,883,611	10,636,591	3,398,391	48,918,593
VERMONT	161,658	49,292	15,749	226,699
VIRGINIA	203,799,306	62,141,787	19,854,301	285,795,394
WASHINGTON	32,064,477	9,776,990	3,123,748	44,965,215
WEST VIRGINIA	59,916,956	18,269,674	5,837,161	84,023,791
WISCONSIN	192,807,838	58,790,307	18,783,503	270,381,648
WYOMING	30,485,319	9,295,479	2,969,906	42,750,704
TOTAL	\$6,559,171,053	\$2,000,000,000	\$639,000,000	\$9,198,171,053

APPROVED EFFECTIVE October 1, 2007


 FEDERAL HIGHWAY ADMINISTRATOR

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

N4510.661 - 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

N4510.661 - 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