



U.S. Department
of Transportation

**Federal Highway
Administration**

Notice

Subject:

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

Classification Code

Date

Office of Primary Interest

N 4510.664

January 30, 2008

HCFB-1

1. **What is the purpose of this Notice?** This Notice transmits the revised 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. **Does this Notice cancel FHWA Notice 4510.650?** Yes, this Notice cancels FHWA Notice 4510.650, Apportionment of Fiscal Year (FY) 2008 National Highway System Program Funds, dated October 1, 2007. The revisions to the apportionment are required pursuant to the terms of Division K, Title I of the Consolidated Appropriations Act, 2008, Pub. L. No. 110-161, which eliminate the percentage takedown from the amount authorized for the National Highway System Program to fund a portion of the contract authority for the National Highway Traffic Safety Administration Operations and Research Program.
3. **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.
4. **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. 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.
 - c. 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.
 - d. 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.
 - e. The total contract authority available for distribution in FY 2008 net of these reductions is \$6,050,338,232.
5. **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
6. **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 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 States under Sections 154(c)(5) and 164(b)(5), which allow the States to designate the funds to be transferred.

7. **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 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.

Third, 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.

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 \$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 \$6,050,338,232.

Fifth, 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.

Sixth, 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.

Seventh, 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.

Eighth, 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**

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

<u>STATE</u>	<u>AMOUNT</u>
ALABAMA	\$106,690,874
ALASKA	37,351,350
ARIZONA	126,311,060
ARKANSAS	83,202,815
CALIFORNIA	565,043,911
COLORADO	109,242,388
CONNECTICUT	46,801,439
DELAWARE	46,737,133
DIST. OF COL.	52,271,290
FLORIDA	301,384,266
GEORGIA	175,752,469
HAWAII	46,013,910
IDAHO	50,643,636
ILLINOIS	178,383,037
INDIANA	135,164,660
IOWA	96,931,904
KANSAS	86,770,813
KENTUCKY	107,726,133
LOUISIANA	81,718,222
MAINE	29,461,395
MARYLAND	94,245,769
MASSACHUSETTS	81,938,064
MICHIGAN	173,149,172
MINNESOTA	106,517,077
MISSISSIPPI	92,302,030
MISSOURI	142,680,988
MONTANA	72,202,440
NEBRASKA	72,537,097
NEVADA	50,018,671
NEW HAMPSHIRE	36,010,906
NEW JERSEY	141,324,725
NEW MEXICO	82,492,071
NEW YORK	207,687,816
NORTH CAROLINA	154,997,623
NORTH DAKOTA	80,101,012
OHIO	180,559,476
OKLAHOMA	108,701,988
OREGON	85,565,026
PENNSYLVANIA	193,919,632
RHODE ISLAND	44,093,742
SOUTH CAROLINA	89,732,654
SOUTH DAKOTA	68,533,951
TENNESSEE	131,247,458
TEXAS	499,112,946
UTAH	47,592,074
VERMONT	38,594,571
VIRGINIA	140,481,499
WASHINGTON	106,157,158
WEST VIRGINIA	44,452,909
WISCONSIN	134,072,142
WYOMING	85,712,840
TOTAL	\$6,050,338,232

APPROVED EFFECTIVE

FEDERAL HIGHWAY ADMINISTRATOR

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

N4510.664 - TABLE 2

REVISED 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	944,787	1,120,541	955,773	994,010	1,178,921	1,005,568	1,938,797	2,299,462	1,961,341	6,199,600
ARIZONA	0	0	0	0	0	0	0	0	0	0
ARKANSAS	1,994,545	2,496,084	2,593,962	554,431	693,845	721,053	2,548,976	3,189,929	3,315,015	9,053,920
CALIFORNIA	0	0	0	0	0	0	0	0	0	0
COLORADO	0	0	0	0	0	0	0	0	0	0
CONNECTICUT	1,520,200	1,404,043	1,797,094	354,530	327,441	419,105	1,874,730	1,731,484	2,216,199	5,822,413
DELAWARE	248,628	1,402,114	955,773	34,319	193,541	131,931	282,947	1,595,655	1,087,704	2,966,306
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	2,627,236	2,451,547	2,948,682	289,656	270,286	325,096	2,916,892	2,721,833	3,273,778	8,912,503
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	1,898,305	2,769,061	2,715,804	309,354	451,255	442,576	2,207,659	3,220,316	3,158,380	8,586,355
MISSOURI	3,841,762	4,280,430	4,682,426	1,055,491	1,176,012	1,286,457	4,897,253	5,456,442	5,968,883	16,322,578
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	3,888,032	3,937,424	4,243,353	1,271,778	1,287,934	1,388,003	5,159,810	5,225,358	5,631,356	16,016,524
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	4,288,221	4,214,445	5,092,421	1,429,593	1,404,998	1,697,695	5,717,814	5,619,443	6,790,116	18,127,373
WASHINGTON	0	0	0	0	0	0	0	0	0	0
WEST VIRGINIA	1,315,715	1,333,587	1,440,797	382,637	387,835	419,013	1,698,352	1,721,422	1,859,810	5,279,584
WISCONSIN	0	0	0	0	0	0	0	0	0	0
WYOMING	1,492,057	2,571,385	955,773	234,016	403,300	149,905	1,726,073	2,974,685	1,105,678	5,806,436
Total	\$24,059,488	\$27,980,661	\$28,381,858	\$6,909,815	\$7,775,368	\$7,986,402	\$30,969,303	\$35,756,029	\$36,368,260	\$103,093,592

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

N4510.664 - TABLE 3

REVISED 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
AUTHORIZED FOR FISCAL YEAR 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	944,787	1,120,541	955,773	994,010	1,178,921	1,005,568	1,938,797	2,299,462	1,961,341	6,199,600
ARIZONA	0	0	0	0	0	0	0	0	0	0
ARKANSAS	0	0	0	0	0	0	0	0	0	0
CALIFORNIA	13,394,716	16,951,317	18,603,866	2,411,796	3,052,183	3,349,734	15,806,512	20,003,500	21,953,600	57,763,612
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	2,627,236	2,451,547	2,948,682	289,656	270,286	325,096	2,916,892	2,721,833	3,273,778	8,912,503
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	2,634,386	3,195,512	4,064,688	702,787	852,481	1,084,355	3,337,173	4,047,993	5,149,043	12,534,209
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	2,056,788	2,474,762	1,766,454	521,054	626,941	447,503	2,577,842	3,101,703	2,213,957	7,893,502
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	6,105,891	5,416,784	6,689,082	1,918,024	1,701,557	2,101,220	8,023,915	7,118,341	8,790,302	23,932,558
OKLAHOMA	0	0	0	0	0	0	0	0	0	0
OREGON	2,014,098	2,566,951	2,507,008	208,853	266,181	259,966	2,222,951	2,833,132	2,766,974	7,823,057
PENNSYLVANIA	0	0	0	0	0	0	0	0	0	0
RHODE ISLAND	327,929	1,322,812	955,773	0	0	0	327,929	1,322,812	955,773	2,606,514
SOUTH CAROLINA	0	0	0	0	0	0	0	0	0	0
SOUTH DAKOTA	1,051,447	2,056,019	1,306,099	222,895	435,852	276,878	1,274,342	2,491,871	1,582,977	5,349,190
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	492,905	1,157,837	955,773	660	1,550	1,280	493,565	1,159,387	957,053	2,610,005
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	1,492,057	2,571,385	955,773	234,016	403,300	149,905	1,726,073	2,974,685	1,105,678	5,806,436
Total	\$33,142,240	\$41,285,467	\$41,708,971	\$7,503,751	\$8,789,252	\$9,001,505	\$40,645,991	\$50,074,719	\$50,710,476	\$141,431,186