



U.S. Department
of Transportation

**Federal Highway
Administration**

Notice

Subject:

**REVISED APPORTIONMENT OF FISCAL YEAR (FY) 2008
INTERSTATE MAINTENANCE PROGRAM FUNDS**

Classification Code	Date	Office of Primary Interest
N 4510.677	July 25, 2008	HCFB-1

1. **What is the purpose of this Notice?** This Notice transmits the revised certificate of apportionment of Interstate Maintenance 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 4510.663?** Yes. This Notice cancels FHWA Notice 4510.663, Revised Apportionment of Fiscal Year (FY) 2008 Interstate Maintenance Program Funds, dated January 30, 2008. The revisions to the apportionment are required pursuant to the terms of Title I, Section 111 of the SAFETEA-LU Technical Corrections Act of 2008, Pub. L. No. 110-244, which requires a percentage takedown from the amount apportioned for the Interstate Maintenance Program. The takedown is being used to fund the Future Strategic Highway Research Program under Section 510 of Title 23, United States Code (U.S.C.). The revisions also include a correction to the penalty transfers due to the National Highway Traffic Safety Administration (NHTSA) determining that Illinois and Massachusetts were in noncompliance with 23 U.S.C. 154 (Open Container Requirements) on October 1, 2007. United States Comptroller General Decision B-275490 (December 5, 1996) requires that incorrect apportionments be appropriately adjusted to ensure compliance with the statutory formula for apportioning Federal highway funds enacted by Congress. See also 41 Comp. Gen. 16 (1961).
3. **What is the availability of these funds?**
 - a. The Interstate Maintenance 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, U.S.C.

- d. The program code to be used when obligating these funds is L010.

4. **What is the background information?**

- a. Section 1101(a)(1) of the SAFETEA-LU authorizes a total of \$5,118,588,513 in contract authority for the Interstate Maintenance 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 Interstate Maintenance Program. This provision reduces the amount apportioned by \$63,982,356.
- c. Section 111 of the SAFETEA-LU Technical Corrections Act of 2008, Pub. L. No. 110-244, requires a 0.205 percent takedown for the Future Strategic Highway Research Program from the amount apportioned for the Interstate Maintenance Program. This provision reduces the amount apportioned by \$10,493,106.
- d. As required by Section 118(c) of Title 23, U.S.C., \$100,000,000 has been set aside for the Interstate Maintenance Discretionary Program.
- e. The total contract authority available for distribution in FY 2008 net of these reductions is \$4,944,113,051.

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: Interstate Maintenance, National Highway System, and Surface Transportation Program.

Alaska, Arkansas, Connecticut, Delaware, Illinois, Louisiana, Massachusetts, 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**

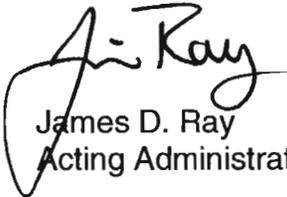
Funds subject to be transferred: Interstate Maintenance, National Highway System, and Surface Transportation Program.

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 State under

Sections 154(c)(5) and 164(b)(5), which allow the States to designate the funds to be transferred. Table 4 illustrates the total amount to be transferred based on the States' designation (with the exception of Illinois and Massachusetts).

7. **What action is required?** Division Administrators should ensure that copies of this Notice are provided to the State departments of transportation.



James D. Ray
Acting Administrator

Attachments

**CERTIFICATE OF APPORTIONMENT FROM
THE SUM OF \$5,118,588,513 AUTHORIZED TO BE APPROPRIATED
FOR THE INTERSTATE MAINTENANCE 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 Interstate Maintenance Program for the fiscal year ending September 30, 2008, pursuant to Section 1101(a)(1) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, is \$5,118,588,513, 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 \$5,118,588,513 authorized to be appropriated for the fiscal year ending September 30, 2008, by Section 1101(a)(1) 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 \$63,982,356.

Third, pursuant to Section 111 of the SAFETEA-LU Technical Corrections Act of 2008, Pub. L. No. 110-244, I have deducted 0.205% from the sum of \$5,118,588,513 that can be apportioned for the fiscal year ending September 30, 2008 pursuant to Section 1101(a)(1) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, for the purpose of carrying out Section 510 of Title 23, United States Code. The amount deducted is \$10,493,106.

Fourth, pursuant to Section 118(c) of Title 23, United States Code, after making the deduction authorized by Section 104(f) of Title 23, United States Code, I have set aside \$100,000,000 from the sum of \$5,118,588,513 authorized to be appropriated for fiscal year ending September 30, 2008, by Section 1101(a)(1) of the Safe, Accountable, Flexible Efficient Transportation Equity Act: A Legacy for Users, for the purpose for carrying out the Interstate Maintenance Discretionary Program under Section 118(c) of Title 23, United States Code. The resulting amount is \$4,944,113,051.

Fifth, 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, Illinois, Louisiana, Massachusetts, Mississippi, Missouri, Tennessee, Virginia, West Virginia, and Wyoming will be transferred to the State's 402 Safety Program.

Sixth, 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.

Seventh, that after making the deductions, set aside, 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 Interstate Maintenance Program in the manner provided by law in accordance with the formula set forth.

Eighth, that subject to the foregoing deductions, set aside, 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

N4510.677 - TABLE 1

REVISED APPORTIONMENT OF FUNDS FOR THE
INTERSTATE MAINTENANCE PROGRAM
AUTHORIZED FOR FISCAL YEAR 2008

<u>STATE</u>	<u>AMOUNT</u>
ALABAMA	\$94,989,996
ALASKA	31,426,187
ARIZONA	105,300,369
ARKANSAS	66,344,040
CALIFORNIA	445,544,928
COLORADO	81,430,766
CONNECTICUT	50,566,027
DELAWARE	8,270,037
DIST. OF COL.	2,747,601
FLORIDA	208,926,926
GEORGIA	191,578,682
HAWAII	8,991,729
IDAHO	37,565,146
ILLINOIS	209,315,162
INDIANA	131,850,447
IOWA	66,036,045
KANSAS	62,124,483
KENTUCKY	93,160,441
LOUISIANA	87,389,074
MAINE	26,482,790
MARYLAND	83,437,065
MASSACHUSETTS	80,378,969
MICHIGAN	137,359,809
MINNESOTA	87,626,876
MISSISSIPPI	63,142,833
MISSOURI	127,787,522
MONTANA	53,868,007
NEBRASKA	41,967,305
NEVADA	44,617,323
NEW HAMPSHIRE	18,973,548
NEW JERSEY	95,538,403
NEW MEXICO	68,414,398
NEW YORK	181,004,853
NORTH CAROLINA	131,099,573
NORTH DAKOTA	28,818,833
OHIO	203,098,665
OKLAHOMA	83,944,369
OREGON	66,994,414
PENNSYLVANIA	182,226,762
RHODE ISLAND	10,907,829
SOUTH CAROLINA	88,609,067
SOUTH DAKOTA	34,974,009
TENNESSEE	129,326,587
TEXAS	396,158,400
UTAH	69,703,881
VERMONT	16,395,355
VIRGINIA	142,637,970
WASHINGTON	93,522,833
WEST VIRGINIA	43,764,270
WISCONSIN	78,142,536
WYOMING	49,629,911
TOTAL	\$4,944,113,051

APPROVED EFFECTIVE


ACTING FEDERAL HIGHWAY ADMINISTRATOR

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

N4510.677 - 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(d)			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	942,786	1,118,184	953,782	994,010	1,178,938	1,005,605	1,936,796	2,297,122	1,959,387	6,193,305
ARIZONA	0	0	0	0	0	0	0	0	0	0
ARKANSAS	0	0	0	0	0	0	0	0	0	0
CALIFORNIA	13,366,348	16,915,662	18,565,124	2,387,637	3,021,652	3,316,296	15,753,985	19,937,314	21,881,420	57,572,719
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	2,621,672	2,446,390	2,942,542	288,117	268,854	323,380	2,909,789	2,715,244	3,265,922	8,890,955
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	2,628,806	3,188,791	4,056,224	700,021	849,139	1,080,126	3,328,827	4,037,930	5,136,350	12,503,107
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	2,052,432	2,469,557	1,762,776	527,415	634,604	452,982	2,579,847	3,104,161	2,215,758	7,899,766
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	6,092,960	5,405,391	6,675,152	1,896,284	1,682,295	2,077,477	7,989,244	7,087,686	8,752,629	23,829,559
OKLAHOMA	0	0	0	0	0	0	0	0	0	0
OREGON	2,009,832	2,561,551	2,501,787	208,528	265,771	259,570	2,218,360	2,827,322	2,761,357	7,807,039
PENNSYLVANIA	0	0	0	0	0	0	0	0	0	0
RHODE ISLAND	327,235	1,320,030	953,782	0	0	0	327,235	1,320,030	953,782	2,601,047
SOUTH CAROLINA	0	0	0	0	0	0	0	0	0	0
SOUTH DAKOTA	1,049,220	2,051,694	1,303,379	224,723	439,434	279,159	1,273,943	2,491,128	1,582,538	5,347,609
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	491,861	1,155,402	953,782	660	1,550	1,280	492,521	1,156,952	955,062	2,604,535
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	1,488,897	2,565,977	953,782	237,533	409,366	152,163	1,726,430	2,975,343	1,105,945	5,807,718
Total	\$33,072,049	\$41,198,629	\$41,622,112	\$7,464,928	\$8,751,603	\$8,948,038	\$40,536,977	\$49,950,232	\$50,570,150	\$141,057,359

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

N4510.677 - Table 4

AMOUNTS RESERVED FOR TRANSFER TO THE 402 SAFETY PROGRAM FOR
INTERSTATE MAINTENANCE, NATIONAL HIGHWAY SYSTEM, AND SURFACE TRANSPORTATION PROGRAMS AUTHORIZED FOR FISCAL YEAR 2008

STATE	RESERVED FOR TRANSFER SECTIONS 154 AND 164 AS DESIGNATED			TOTAL TRANSFERS
	INTERSTATE MAINTENANCE	NATIONAL HIGHWAY SYSTEM	SURFACE TRANSPORTATION PROGRAM	
ALABAMA	\$0	\$0	\$0	\$0
ALASKA	3,873,592	4,594,244	3,918,774	12,386,610
ARIZONA	0	0	0	0
ARKANSAS	0	9,048,302	0	9,048,302
CALIFORNIA	57,572,719	0	0	57,572,719
COLORADO	0	0	0	0
CONNECTICUT	1,870,707	1,727,793	2,211,521	5,810,021
DELAWARE	2,960,846	0	0	2,960,846
DIST. OF COL.	0	0	0	0
FLORIDA	0	0	0	0
GEORGIA	0	0	0	0
HAWAII	0	0	0	0
IDAHO	0	0	0	0
ILLINOIS *	7,915,975	6,731,980	8,714,963	23,362,918
INDIANA	0	0	0	0
IOWA	0	0	0	0
KANSAS	0	0	0	0
KENTUCKY	0	0	0	0
LOUISIANA	17,781,910	0	0	17,781,910
MAINE	0	0	0	0
MARYLAND	0	0	0	0
MASSACHUSETTS *	2,536,672	2,580,435	3,170,432	8,287,539
MICHIGAN	0	0	0	0
MINNESOTA	3,328,827	4,037,930	5,136,350	12,503,107
MISSISSIPPI	8,555,819	0	0	8,555,819
MISSOURI	4,896,908	5,456,135	5,968,673	16,321,716
MONTANA	0	0	0	0
NEBRASKA	0	0	0	0
NEVADA	0	0	0	0
NEW HAMPSHIRE	0	0	0	0
NEW JERSEY	0	0	0	0
NEW MEXICO	2,579,847	3,104,161	2,215,758	7,899,766
NEW YORK	0	0	0	0
NORTH CAROLINA	0	0	0	0
NORTH DAKOTA	0	0	0	0
OHIO	23,829,559	0	0	23,829,559
OKLAHOMA	0	0	0	0
OREGON	7,807,039	0	0	7,807,039
PENNSYLVANIA	0	0	0	0
RHODE ISLAND	327,235	1,320,030	953,782	2,601,047
SOUTH CAROLINA	0	0	0	0
SOUTH DAKOTA	1,273,943	2,491,128	1,582,538	5,347,609
TENNESSEE	2,552,931	6,541,886	6,861,002	15,955,819
TEXAS	0	0	0	0
UTAH	0	0	0	0
VERMONT	0	2,604,535	0	2,604,535
VIRGINIA	5,708,131	5,610,008	6,778,857	18,096,996
WASHINGTON	0	0	0	0
WEST VIRGINIA	1,698,068	1,721,159	1,859,567	5,278,794
WISCONSIN	0	0	0	0
WYOMING	0	11,615,436	0	11,615,436
Total	\$157,070,728	\$69,185,162	\$49,372,217	\$275,628,107

* Illinois and Massachusetts have not yet designated which funds to transfer, and therefore, such a designation is not reflected in this table.