



U.S. Department  
of Transportation  
**Federal Highway  
Administration**

# Notice

Subject:

**APPORTIONMENT OF FISCAL YEAR (FY) 2023 HIGHWAY  
INFRASTRUCTURE PROGRAM FUNDS FOR THE APPALACHIAN  
DEVELOPMENT HIGHWAY SYSTEM PURSUANT TO THE  
INFRASTRUCTURE INVESTMENT AND JOBS ACT**

Classification Code

Date

Office of Primary Interest

**N4510.874**

October 6, 2022

**HCFB-10**

1. **What is the purpose of this Notice?** Title VIII of division J of the Infrastructure Investment and Jobs Act (Bipartisan Infrastructure Law), Public Law (Pub. L.) 117-58, appropriated \$9,454,400,000 from the General Fund for Highway Infrastructure Programs (HIP) for Fiscal Year (FY) 2023. Of such amount, \$250,000,000 shall be set aside for construction of the Appalachian Development Highway System (ADHS) as authorized under section 1069(y) of Pub. L. 102-240. This Notice transmits the certificate of apportionment for HIP funds for construction of the ADHS as authorized under section 1069(y) of Pub. L. 102-240. The apportionment is effective immediately.

The remainder of the funding shall be set aside for other activities that are not the subject of this Notice. This includes \$5,500,000,000 set aside for a bridge replacement, rehabilitation, preservation, protection, and construction program; \$1,000,000,000 set aside for the National Electric Vehicle Infrastructure Formula Program; \$640,000,000 set aside for the Nationally Significant Freight and Highway Projects Program under section 117 of Title 23, United States Code (U.S.C.); \$1,847,000,000 set aside for the Bridge Investment Program under section 124 of Title 23, U.S.C.; \$30,000,000 set aside for the Reduction of Truck Emissions at Port Facilities Program under section 11402 of division A of the Bipartisan Infrastructure Law; \$19,000,000 set aside for the University Transportation Centers Program under section 5505 of Title 49, U.S.C.; \$100,000,000 set aside for the Reconnecting Communities Pilot Program under section 11509 of division A of the Bipartisan Infrastructure Law; and \$68,400,000 set aside for the Construction of Ferry Boats and Ferry Terminal Facilities Program under section 147 of Title 23, U.S.C.

2. **What amount is available for distribution under this Notice?**
  - a. Of the FY 2023 funding appropriated for HIP under the Bipartisan Infrastructure Law, the Federal Highway Administration (FHWA) may retain, for operations and administration of FHWA, up to 1.5% of the amounts appropriated for construction of the ADHS as authorized under section 1069(y) of Pub. L. 102-240.
  - b. The applied administrative takedown from such funds appropriated for

construction of the ADHS as authorized under section 1069(y) of Pub. L. 102-240 is \$3,750,000.

- c. Therefore, the amount of funds available for distribution to the Appalachian States under this Notice is \$246,250,000 after the application of an administrative takedown of \$3,750,000.

**3. What is the availability of these funds?**

- a. The funds resulting from this apportionment for the construction of the ADHS as authorized under section 1069(y) of Pub. L. 102-240 are available for obligation until expended.
- b. The funds resulting from this apportionment are available for obligation immediately and are not subject to any limitation on obligations.
- c. The program code to be used when obligating these funds is as follows:

Program Code	Program Description	CFDA Number
Y143	Appalachian Development Highway System	20.205

**4. What is the background information for the Appalachian Development Highway System Program?**

- a. The funds resulting from this apportionment are available to States that contain one or more counties (including any political subdivision located within the area) in the Appalachian region, as defined in section 14102(a) of Title 40, U.S.C.
- b. After reserving the applicable administrative takedown described in paragraph (2), and in consultation with the Appalachian Regional Commission, the funds are apportioned to Appalachian States according to the percentages derived from the 2021 Appalachian Development Highway System Cost-to-Complete Estimate, dated March 2021, and confirmed as each Appalachian State's relative share of the estimated remaining need to complete the ADHS, adjusted to exclude those corridors that such States have no current plans to complete, as reported in the 2013 Appalachian Development Highway System Completion Report, unless those States have modified and assigned a higher priority for completion of an ADHS corridor, as reported in the 2020 Appalachian Development Highway System Future Outlook.

- c. The apportionments shall be adjusted so that (1) no Appalachian State is apportioned an amount in excess of 30 percent of the amount made available; (2) each Appalachian State receives at least \$10,000,000; and (3) notwithstanding item (2), an Appalachian State does not receive an apportionment that exceeds the remaining funds needed to complete the ADHS corridor(s) in the State, as identified in the latest available cost to complete estimate for the ADHS prepared by the Appalachian Regional Commission.
  - d. For a project carried out with funds made available for construction of the ADHS, such funds shall be made available for obligation in the same manner as if apportioned under chapter 1 of Title 23, U.S.C., except that: (1) the Federal share of the cost of any project carried out with those amounts shall be determined in accordance with section 14501 of Title 40, U.S.C.; and (2) the amounts shall be available to construct highways and access roads under section 14501 of Title 40, U.S.C. The Federal share of the cost of a project carried out with funds made available for construction of the ADHS under the Bipartisan Infrastructure Law shall be up to 100 percent, as determined by the State.
  - e. The funds are not transferable under section 126 of Title 23, U.S.C.
5. **What is the distribution of funds for the Appalachian Development Highway System Program?**
- a. The Bipartisan Infrastructure Law appropriates a total of \$250,000,000 in HIP funds for the ADHS.
  - b. The amount of funds available for distribution to the Appalachian States is \$246,250,000 after the application of an administrative takedown of \$3,750,000. The attached Table 1 shows the State-by-State distribution of funds.
6. **What action is required?** Division Administrators should ensure that copies of this Notice are provided to the State departments of transportation.

*Stephanie Pollack*

Stephanie Pollack  
Acting Administrator

Attachments

**CERTIFICATE OF APPORTIONMENT FROM  
THE SUM OF \$246,250,000 APPROPRIATED  
FOR THE HIGHWAY INFRASTRUCTURE PROGRAMS FOR CONSTRUCTION OF  
THE APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM AS AUTHORIZED  
UNDER SECTION 1069(Y) OF PUBLIC LAW 102-240**

TO—

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

Pursuant to the Infrastructure Investment and Jobs Act, Title VIII of division J, Public Law 117-58, and the delegation of authority from the Secretary of Transportation to the Federal Highway Administration (FHWA) Acting Administrator, section 1.85 of Title 49, Code of Federal Regulations, I certify—

First, that pursuant to the Infrastructure Investment and Jobs Act, Title VIII of division J, Public Law 117-58, the amount appropriated for the Highway Infrastructure Program (HIP) for construction of the Appalachian Development Highway System (ADHS) as authorized under section 1069(y) of Public Law 102-240, for the fiscal year ending September 30, 2023, is \$250,000,000.

Second, that pursuant to the Infrastructure Investment and Jobs Act, Title VIII of division J, Public Law 117-58, of the amount appropriated for the HIP for construction of the ADHS as authorized under section 1069(y) of Public Law 102-240, the FHWA will retain \$3,750,000 for operations and administration of FHWA.

Third, that after the application of the administrative takedown, the amount of funds available for distribution to the Appalachian States for the HIP for construction of the ADHS as authorized under section 1069(y) of Public Law 102-240 is \$246,250,000.

Fourth, that I have computed the apportionment to each Appalachian State of the amounts appropriated for the HIP for construction of the ADHS as authorized under section 1069(y) of Public Law 102-240 in the manner provided by law.

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

U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL HIGHWAY ADMINISTRATION

N4510.874 - TABLE 1

**FY 2023 APPORTIONMENT OF HIGHWAY INFRASTRUCTURE PROGRAM  
FUNDS FOR THE APPALACHIAN DEVELOPMENT HIGHWAY  
SYSTEM PURSUANT TO THE BIPARTISAN INFRASTRUCTURE  
LAW, TITLE VIII OF DIVISION J, PUBLIC LAW 117-58**

State	Appalachian Development Highway System
Alabama	73,875,000
Alaska	-
Arizona	-
Arkansas	-
California	-
Colorado	-
Connecticut	-
Delaware	-
Dist. of Col.	-
Florida	-
Georgia	13,988,598
Hawaii	-
Idaho	-
Illinois	-
Indiana	-
Iowa	-
Kansas	-
Kentucky	13,946,455
Louisiana	-
Maine	-
Maryland	11,178,494
Massachusetts	-
Michigan	-
Minnesota	-
Mississippi	3,194,556
Missouri	-
Montana	-
Nebraska	-
Nevada	-
New Hampshire	-
New Jersey	-
New Mexico	-
New York	-
North Carolina	16,754,187
North Dakota	-
Ohio	19,369,573
Oklahoma	-
Oregon	-
Pennsylvania	17,781,270
Puerto Rico	-
Rhode Island	-
South Carolina	-
South Dakota	-
Tennessee	15,195,886
Texas	-
Utah	-
Vermont	-
Virginia	20,942,062
Washington	-
West Virginia	40,023,919
Wisconsin	-
Wyoming	-
Total	246,250,000
Program Code	Y143

APPROVED EFFECTIVE: October 6, 2022



FEDERAL HIGHWAY ACTING ADMINISTRATOR