



U.S. Department  
of Transportation

**Federal Highway  
Administration**

# Notice

Subject:

**FEDERAL-AID HIGHWAY PROGRAM OBLIGATION AUTHORITY –  
FISCAL YEAR (FY) 2011**

Classification Code	Date	Office of Primary Interest
<b>N 4520.208</b>	May 9, 2011	<b>HCFB-1</b>

1. **What is the purpose of this Notice?** This Notice is to advise the States of the distribution of the limitation on Federal-aid highway program obligations pursuant to the Full-Year Continuing Appropriations Act, 2011, division B of Public Law (Pub. L.) 112-10.
2. **What are the legislative provisions?**
  - a. The Full-Year Continuing Appropriations Act, 2011, provides the limitation on obligations for FY 2011 of \$41,107,000,000.
  - b. The limitation shall not apply to obligations for projects covered under:
    - (1) section 125 of title 23, United States Code (U.S.C.);
    - (2) section 147 of the Surface Transportation Assistance Act of 1978;
    - (3) section 9 of the Federal-Aid Highway Act of 1981;
    - (4) sections 131(b) and 131(j) of the Surface Transportation Assistance Act of 1982;
    - (5) sections 149(b) and 149(c) of the Surface Transportation and Uniform Relocation Assistance Act of 1987;
    - (6) sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991;
    - (7) section 157 of title 23, U.S.C., as in effect on the day before the date of enactment of the Transportation Equity Act for the 21<sup>st</sup> Century;
    - (8) section 105 of title 23, U.S.C, as in effect for fiscal years 1998 through 2004, but only in an amount equal to \$639,000,000 for each of those fiscal years;
    - (9) the Federal-aid highway programs for which obligation authority was made available under the Transportation Equity Act for the



21<sup>st</sup> Century or subsequent public laws for multiple years or to remain available until used, but only to the extent that the obligation authority has not lapsed or been used;

- (10) section 105 of title 23, U.S.C., but only in an amount equal to \$639,000,000 for each fiscal year 2005 through 2011; and
- (11) section 1603 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), to the extent that funds obligated in accordance with that section were not subject to a limitation on obligations at the time at which the funds were initially made available for obligation.

**3. What are the allocated accounts?**

- a. Amounts authorized for administrative expenses and programs funded from the administrative takedown, the highway use tax evasion program, and the Bureau of Transportation Statistics are subject to the limitation on obligations.
- b. Unobligated balances of funds from the previous fiscal year that are allocated by the Secretary are subject to the limitation on obligations but are excluded from the State-by-State distribution.
- c. Obligations of funds authorized for Transportation Research are subject to the limitation on obligations. Obligation limitation made available for Transportation Research remains available for 3 fiscal years. Obligation limitation made available for Transportation Research in prior fiscal years is in addition to amounts made available for FY 2011.
- d. Amounts that are allocated will be covered by an equal amount of obligation limitation, which will be distributed with the allocation of the funds.

**4. What is the distribution of obligation limitation to the States?**

- a. The attached Table 1 shows the amount of formula obligation limitation distributed to each State for FY 2011. Each State receives a proportional amount of the obligation limitation available to be distributed to the States based on the ratio of that State's total apportionments subject to the limitation on obligations bears to the total of such apportionments for all States.
- b. After August 1, 2011, the Secretary will revise the distribution of obligation authority made available if a State does not plan to obligate the amount distributed during FY 2011 and redistribute such amount to those States able to obligate amounts in addition to those previously distributed during FY 2011. The revised distribution of obligation authority shall not include such obligation authority that is available indefinitely (until used) or that is available to be used after FY 2011.

5. **What are the special limitations?**

- a. The Full-Year Continuing Appropriations Act, 2011, continues section 120(a)(4)(A) of the Department of Transportation Appropriations Act, 2010, division A, title I of Pub. L. 111-117, which provides for an obligation limitation within the overall obligation ceiling for the funds authorized under the following:
  - (1) section 117 of title 23, U.S.C., undesignated funds for the High Priority Projects Program; and
  - (2) section 14501 of title 40, U.S.C., Appalachian Development Highway System Program.
- b. The Full-Year Continuing Appropriations Act, 2011, continues section 120(a)(4)(B) of the Department of Transportation Appropriations Act, 2010, which provides that \$2,000,000,000 of the obligation limitation shall be distributed for the Equity Bonus Program (section 105 of title 23, U.S.C.).
- c. The Full-Year Continuing Appropriations Act, 2011, continues section 120(f) of the Department of Transportation Appropriations Act, 2010, which provides that the special limitation associated with the provision specified in section 120(a)(4) of the Department of Transportation Appropriations Act, 2010, shall:
  - (1) remain available until used for the obligation of funds for which distributed; and
  - (2) be in addition to any amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.
- d. The State-by-State distribution of the special limitation associated with the Equity Bonus Program and the Appalachian Development Highway System Program for FY 2011 is also shown on the attached Table 1.

6. **Are there any transfer provisions?** Yes, limitation will be transferred 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; and section 164 of title 23, U.S.C., the Minimum Penalties for Repeat Offenders for Driving While Intoxicated or Driving Under the Influence for FY 2011. The amounts of the transfers and associated obligation limitation are shown on Table 2. The penalty transfer amounts under section 164 of title 23, U.S.C., and associated obligation limitation for Wisconsin will be withheld and reserved from transfer pending the outcome of the administrative review by

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\* References to sections 1301, 1302, 1702, and 1934 of the SAFETEA-LU, and section 144(f)(1) of title 23, U.S.C. have not been included because the Surface Transportation Extension Act of 2010, as amended, does not continue the projects under these sections.

the National Highway Traffic Safety Administration and the Federal Highway Administration.

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 blue ink, appearing to read "Victor M. Mendez".

Victor M. Mendez  
Administrator

Attachments

U. S. DEPARTMENT OF TRANSPORTATION  
FEDERAL HIGHWAY ADMINISTRATION

FY 2011 OBLIGATION LIMITATION DISTRIBUTION  
PURSUANT TO THE FULL-YEAR CONTINUING APPROPRIATIONS ACT, 2011,  
DIVISION B OF PUBLIC LAW 112-10

STATE	Formula Obligation Limitation	Equity Bonus (Special)	Appalachia (Special)	Total
ALABAMA	566,478,442	33,949,718	118,937,740	719,365,900
ALASKA	370,838,821	55,021,562	0	425,860,383
ARIZONA	636,926,951	52,168,774	0	689,095,725
ARKANSAS	452,137,617	27,402,518	0	479,540,135
CALIFORNIA	3,270,148,942	139,729,796	0	3,409,878,738
COLORADO	487,459,308	20,092,647	0	507,551,955
CONNECTICUT	441,263,851	27,302,232	0	468,566,083
DELAWARE	151,145,549	6,000,530	0	157,146,079
DISTRICT OF COLUMBIA	151,848,327	742,613	0	152,590,940
FLORIDA	1,619,517,330	159,604,286	0	1,779,121,616
GEORGIA	1,102,098,228	99,716,036	11,733,989	1,213,548,253
HAWAII	158,912,945	2,461,959	0	161,374,904
IDAHO	249,710,026	19,803,040	0	269,513,066
ILLINOIS	1,267,327,328	76,261,261	0	1,343,588,589
INDIANA	819,916,135	75,796,306	0	895,712,441
IOWA	440,717,750	13,727,700	0	454,445,450
KANSAS	356,206,354	4,556,275	0	360,762,629
KENTUCKY	551,611,630	36,336,091	40,382,274	628,329,995
LOUISIANA	615,630,440	28,273,499	0	643,903,939
MAINE	177,055,538	0	0	177,055,538
MARYLAND	537,938,411	17,848,646	14,076,100	569,863,157
MASSACHUSETTS	570,670,782	8,808,794	0	579,479,576
MICHIGAN	951,015,412	46,718,106	0	997,733,518
MINNESOTA	565,168,624	31,890,892	0	597,059,516
MISSISSIPPI	426,010,892	17,942,018	5,418,348	449,371,258
MISSOURI	800,138,545	52,903,989	0	853,042,534
MONTANA	333,153,041	29,525,030	0	362,678,071
NEBRASKA	267,807,330	7,313,273	0	275,120,603
NEVADA	322,247,672	20,850,241	0	343,097,913
NEW HAMPSHIRE	150,945,825	5,929,594	0	156,875,419
NEW JERSEY	886,224,537	53,403,310	0	939,627,847
NEW MEXICO	320,468,043	18,671,974	0	339,140,017
NEW YORK	1,537,269,553	49,223,156	9,674,526	1,596,167,235
NORTH CAROLINA	885,739,716	63,009,582	32,420,366	981,169,664
NORTH DAKOTA	229,878,907	6,404,306	0	236,283,213
OHIO	1,147,172,779	73,192,737	22,988,377	1,243,353,893
OKLAHOMA	575,225,364	26,229,413	0	601,454,777
OREGON	452,163,056	13,228,049	0	465,391,105
PENNSYLVANIA	1,390,879,411	55,314,952	112,835,422	1,559,029,785
RHODE ISLAND	206,263,041	0	0	206,263,041
SOUTH CAROLINA	543,596,768	41,266,494	7,225,928	592,089,190
SOUTH DAKOTA	247,678,946	13,217,506	0	260,896,452
TENNESSEE	704,536,350	50,589,341	25,537,237	780,662,928
TEXAS	2,734,541,061	235,352,410	0	2,969,893,471
UTAH	289,954,365	15,176,421	0	305,130,786
VERMONT	190,160,021	491,930	0	190,651,951
VIRGINIA	845,838,154	58,171,876	39,046,411	943,056,441
WASHINGTON	619,989,564	10,832,152	0	630,821,716
WEST VIRGINIA	335,151,362	30,899,951	39,052,188	405,103,501
WISCONSIN	625,075,591	57,315,031	0	682,390,622
WYOMING	221,945,310	9,331,983	0	231,277,293
<b>SUBTOTAL</b>	<b>33,801,799,945</b>	<b>2,000,000,000</b>	<b>479,328,906</b>	<b>36,281,128,851</b>
Allocated Programs				4,492,277,823
Undesignated High Priority Projects				1,516,850
Transfer to Sections 154 & 164				332,076,476
<b>TOTAL</b>				<b>41,107,000,000</b>

U. S. DEPARTMENT OF TRANSPORTATION  
FEDERAL HIGHWAY ADMINISTRATION

FY 2011 FUNDS TRANSFERRED TO THE SECTION 402 HIGHWAY  
SAFETY PROGRAM PURSUANT TO SECTIONS 154 AND 164

STATE	TOTAL FUNDS SECTIONS 154 & 164	OBLIGATION LIMITATION TRANSFER
ALABAMA	0	0
ALASKA	19,258,252	17,767,841
ARIZONA	0	0
ARKANSAS	11,011,102	10,158,944
CALIFORNIA	67,341,563	62,129,946
COLORADO	0	0
CONNECTICUT	6,832,080	6,303,340
DELAWARE	3,785,409	3,492,453
DISTRICT OF COLUMBIA	0	0
FLORIDA	0	0
GEORGIA	0	0
HAWAII	0	0
IDAHO	0	0
ILLINOIS	0	0
INDIANA	0	0
IOWA	0	0
KANSAS	0	0
KENTUCKY	0	0
LOUISIANA	23,694,188	21,860,476
MAINE	0	0
MARYLAND	0	0
MASSACHUSETTS	0	0
MICHIGAN	0	0
MINNESOTA	14,719,173	13,580,045
MISSISSIPPI	10,579,651	9,760,883
MISSOURI	39,006,514	35,987,769
MONTANA	9,017,186	8,319,339
NEBRASKA	0	0
NEVADA	0	0
NEW HAMPSHIRE	0	0
NEW JERSEY	0	0
NEW MEXICO	9,061,132	8,359,884
NEW YORK	0	0
NORTH CAROLINA	0	0
NORTH DAKOTA	0	0
OHIO	26,058,086	24,041,430
OKLAHOMA	0	0
OREGON	10,101,514	9,319,750
PENNSYLVANIA	0	0
RHODE ISLAND	3,364,724	3,104,325
SOUTH CAROLINA	0	0
SOUTH DAKOTA	6,732,690	6,211,642
TENNESSEE	18,371,057	16,949,306
TEXAS	0	0
UTAH	0	0
VERMONT	3,837,411	3,540,431
VIRGINIA	20,200,280	18,636,964
WASHINGTON	12,140,551	11,200,984
WEST VIRGINIA	7,255,544	6,694,032
WISCONSIN	17,361,346	16,017,738
WYOMING	12,948,750	11,946,636
SUBTOTAL	352,678,203	325,384,158
Puerto Rico	7,227,126	6,692,318
TOTAL	359,905,329	332,076,476

NOTE: Puerto Rico Highway Program is an allocated program and is not treated as an apportionment to the States.