



U.S. Department  
of Transportation

**Federal Highway  
Administration**

# Notice

Subject:

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

Classification Code	Date	Office of Primary Interest
<b>N 4520.209</b>	June 30, 2011	<b>HCFB-1</b>

1. **What is the purpose of this Notice?** This Notice is to advise the States of the revised 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. **Does this Notice cancel FHWA Notice 4520.208?** Yes, this Notice cancels FHWA Notice 4520.208, Federal-aid Highway Program Obligation Authority – Fiscal Year (FY) 2011, dated May 9, 2011. The revision to the distribution is required due to changes to the Federal-aid highway program contract authority resulting from the final determinations made by the Secretary of Transportation pursuant to section 411(d)(4) of the Surface Transportation Extension Act of 2010, title IV of Pub. L. 111-147, as amended by the Surface Transportation Extension Act of 2010, Part II, title II of Pub. L. 111-322, and the Surface Transportation Extension Act of 2011, Pub. L. 112-5.
3. **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.

**4. 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.

**5. 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.

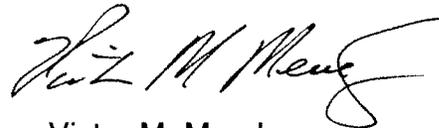
**6. What are the special limitations?**

- 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.

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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.

7. **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 the National Highway Traffic Safety Administration and the Federal Highway Administration.
  
8. **What action is required?** Division Administrators should ensure that copies of this Notice are provided to the State departments of transportation.



Victor M. Mendez  
Administrator

Attachments

U. S. DEPARTMENT OF TRANSPORTATION  
FEDERAL HIGHWAY ADMINISTRATION

REVISED 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	566,710,207	33,835,050	118,954,637	719,499,894
ALASKA	391,019,457	57,776,040	0	448,795,497
ARIZONA	637,252,753	51,992,997	0	689,245,750
ARKANSAS	452,316,615	27,309,684	0	479,626,299
CALIFORNIA	3,281,767,019	139,706,236	0	3,421,473,255
COLORADO	487,617,045	20,024,675	0	507,641,720
CONNECTICUT	441,444,958	27,209,929	0	468,654,887
DELAWARE	151,191,418	5,980,173	0	157,171,591
DISTRICT OF COLUMBIA	151,872,450	740,094	0	152,612,544
FLORIDA	1,620,454,938	159,065,896	0	1,779,520,834
GEORGIA	1,103,520,388	99,453,769	11,744,457	1,214,718,614
HAWAII	158,945,711	2,453,613	0	161,399,324
IDAHO	249,832,383	19,736,111	0	269,568,494
ILLINOIS	1,268,689,828	76,054,197	0	1,344,744,025
INDIANA	820,369,569	75,540,643	0	895,910,212
IOWA	443,950,029	13,777,737	0	457,727,766
KANSAS	356,279,239	4,540,874	0	360,820,113
KENTUCKY	551,849,758	36,213,258	40,387,894	628,450,910
LOUISIANA	615,835,373	28,177,739	0	644,013,112
MAINE	177,079,140	0	0	177,079,140
MARYLAND	538,095,687	17,788,322	14,078,071	569,962,080
MASSACHUSETTS	570,794,891	8,779,032	0	579,573,923
MICHIGAN	951,361,309	46,560,353	0	997,921,662
MINNESOTA	571,506,771	32,127,144	0	603,633,915
MISSISSIPPI	426,147,114	17,881,259	5,419,071	449,447,444
MISSOURI	805,596,062	53,062,475	0	858,658,537
MONTANA	346,901,991	30,623,672	0	377,525,663
NEBRASKA	267,878,020	7,288,533	0	275,166,553
NEVADA	322,377,347	20,779,253	0	343,156,600
NEW HAMPSHIRE	150,994,413	5,909,573	0	156,903,986
NEW JERSEY	890,886,197	53,480,939	0	944,367,136
NEW MEXICO	320,594,326	18,608,883	0	339,203,209
NEW YORK	1,537,711,022	49,056,784	9,675,878	1,596,443,684
NORTH CAROLINA	887,791,676	62,913,479	32,485,239	983,190,394
NORTH DAKOTA	229,939,724	6,382,630	0	236,322,354
OHIO	1,147,654,411	72,945,518	22,991,642	1,243,591,571
OKLAHOMA	575,417,932	26,140,483	0	601,558,415
OREGON	453,152,455	13,208,584	0	466,361,039
PENNSYLVANIA	1,391,328,839	55,128,142	112,851,497	1,559,308,478
RHODE ISLAND	206,290,321	0	0	206,290,321
SOUTH CAROLINA	543,856,786	41,127,142	7,226,960	592,210,888
SOUTH DAKOTA	247,768,429	13,172,680	0	260,941,109
TENNESSEE	705,254,999	50,447,072	25,555,353	781,257,424
TEXAS	2,735,984,486	234,559,063	0	2,970,543,549
UTAH	290,060,307	15,124,991	0	305,185,298
VERMONT	190,184,591	490,251	0	190,674,842
VIRGINIA	846,209,187	57,975,292	39,051,889	943,236,368
WASHINGTON	624,562,885	10,872,743	0	635,435,628
WEST VIRGINIA	335,329,124	30,795,307	39,057,384	405,181,815
WISCONSIN	633,728,506	57,881,212	0	691,609,718
WYOMING	222,017,260	9,300,474	0	231,317,734
<b>SUBTOTAL</b>	<b>33,895,375,346</b>	<b>2,000,000,000</b>	<b>479,479,972</b>	<b>36,374,855,318</b>
Allocated Programs				4,396,226,930
Undesignated High Priority Projects				1,516,850
Transfer to Sections 154 & 164				<u>334,400,902</u>
<b>TOTAL</b>				<b>41,107,000,000</b>

U. S. DEPARTMENT OF TRANSPORTATION  
FEDERAL HIGHWAY ADMINISTRATION

REVISED 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	20,306,614	18,735,261
ARIZONA	0	0
ARKANSAS	11,015,452	10,163,062
CALIFORNIA	67,580,742	62,351,255
COLORADO	0	0
CONNECTICUT	6,834,868	6,305,977
DELAWARE	3,786,552	3,493,544
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	23,701,926	21,867,840
MAINE	0	0
MARYLAND	0	0
MASSACHUSETTS	0	0
MICHIGAN	0	0
MINNESOTA	14,884,293	13,732,527
MISSISSIPPI	10,582,994	9,764,068
MISSOURI	39,272,486	36,233,529
MONTANA	9,389,456	8,662,887
NEBRASKA	0	0
NEVADA	0	0
NEW HAMPSHIRE	0	0
NEW JERSEY	0	0
NEW MEXICO	9,064,704	8,363,265
NEW YORK	0	0
NORTH CAROLINA	0	0
NORTH DAKOTA	0	0
OHIO	26,069,044	24,051,787
OKLAHOMA	0	0
OREGON	10,123,562	9,340,187
PENNSYLVANIA	0	0
RHODE ISLAND	3,365,134	3,104,735
SOUTH CAROLINA	0	0
SOUTH DAKOTA	6,735,121	6,213,948
TENNESSEE	18,389,825	16,966,796
TEXAS	0	0
UTAH	0	0
VERMONT	3,837,871	3,540,891
VIRGINIA	20,209,153	18,645,342
WASHINGTON	12,230,037	11,283,661
WEST VIRGINIA	7,259,416	6,697,673
WISCONSIN	17,601,811	16,239,760
WYOMING	12,952,902	11,950,589
SUBTOTAL	355,193,963	327,708,584
Puerto Rico	7,227,126	6,692,318
TOTAL	362,421,089	334,400,902

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