



U.S. Department
of Transportation

**Federal Highway
Administration**

Notice

Subject:

**REVISED FEDERAL-AID HIGHWAY PROGRAM OBLIGATION
AUTHORITY – FISCAL YEAR (FY) 2009**

Classification Code

Date

Office of Primary Interest

N 4520.212

December 23, 2011

HCFB-1

1. **What is the purpose of this Notice?** This Notice is to advise of the revised distribution among the States of the limitation on Federal-aid highway program obligations.
2. **Does this Notice cancel FHWA Notice 4520.201?** Yes. This Notice cancels FHWA Notice 4520.201, Federal-Aid Highway Program Obligation Authority – Fiscal Year (FY) 2009, dated March 25, 2009. The revision to the obligation limitation distribution is required based on the revised FY 2009 Equity Bonus apportionment. The distribution of the \$2,000,000,000 in special limitation for the Equity Bonus program has been revised to match the revised Equity Bonus contract authority with which the special limitation is associated. None of the other obligation limitation amounts have been revised. All adjustments made based on the revised distribution will be entered into the Fiscal Management Information System as adjustments to the FY 2012 Equity Bonus special limitation distribution to the extent possible.
3. **What are the legislative provisions?**
 - a. Division I, title I of the Omnibus Appropriations Act, 2009, Public Law (Pub. L.) 111-8 provides the limitation on obligations for FY 2009 of \$40,700,000,000.
 - 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 21st 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 21st 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 2009; and
- (11) under section 1603 of 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 years. Obligation limitation made available for Transportation Research in prior years is in addition to amounts made available for FY 2009.
- 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 authority/limitation distributed to each State for FY 2009. 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, 2009, the Secretary will revise the distribution of obligation authority made available if a State does not plan to obligate the amount distributed during FY 2009 and redistribute such amount to those States able to obligate amounts in addition to those previously distributed during FY 2009. 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 2009.

6. What are the special limitations?

- a. Division I, title I, section 120(a)(4)(A) of the Omnibus Appropriations Act, 2009, provides for an obligation limitation within the overall obligation ceiling for the funds authorized under the following:
 - (1) section 1301 of SAFETEA-LU, Projects of National and Regional Significance;
 - (2) section 1302 of SAFETEA-LU, National Corridor Infrastructure Improvement Program;
 - (3) section 1934 of SAFETEA-LU, Transportation Improvements;
 - (4) section 117 of title 23 U.S.C., but individually for High Priority Projects numbered 1 through 3676 contained in section 1702 of SAFETEA-LU, and in aggregate to each State for projects numbered 3677-5173;
 - (5) section 144(g) of title 23, U.S.C., the Bridge Set-Aside for designated projects; and
 - (6) section 14501 of title 40, U.S.C., Appalachian Development Highway System Program.
- b. Division I, title I, section 120(a)(4)(B) of the Omnibus Appropriations Act, 2009, 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. Division I, title I, section 120(f) of the Omnibus Appropriations Act, 2009, provides that the special limitation associated with the provision specified in division I, title I, section 120(a)(4) of the Omnibus Appropriations Act, 2009, 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. Division I, title I, section 120(g) of the Omnibus Appropriations Act, 2009, provides flexibility by permitting obligation limitation assigned individually to High Priority Projects numbered 1-3676 in the table in section 1702, to

be used for any other project in that section in the same State. Limitation so used must be restored to its original purpose when the FY 2010 obligation limitation is distributed.

- e. The State-by-State distribution of the special limitation associated with the Equity Bonus Program and the Appalachian Development Highway System Program for FY 2009 is also shown on the attached Table 1.
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 2009. The amounts of the transfers and associated obligation limitation are shown on Table 2.
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 2009 OBLIGATION LIMITATION DISTRIBUTION
PURSUANT TO DIVISION I, TITLE I, SECTION 120 OF THE
OMNIBUS APPROPRIATIONS ACT, 2009, PUBLIC LAW 111-8

STATE	Formula Obligation Limitation	Revised Equity Bonus (Special)	Appalachia (Special)	Total
ALABAMA	519,633,325	34,512,953	109,980,000	664,126,278
ALASKA	249,205,700	41,599,623	0	290,805,323
ARIZONA	616,181,121	56,130,656	0	672,311,777
ARKANSAS	384,952,131	25,875,012	0	410,827,143
CALIFORNIA	2,867,129,863	135,412,697	0	3,002,542,560
COLORADO	431,379,169	19,709,046	0	451,088,215
CONNECTICUT	395,651,496	27,199,027	0	422,850,523
DELAWARE	124,430,694	5,462,254	0	129,892,948
DISTRICT OF COLUMBIA	126,092,709	677,671	0	126,770,380
FLORIDA	1,522,644,852	167,362,202	0	1,690,007,054
GEORGIA	1,028,970,116	103,781,466	11,090,559	1,143,842,141
HAWAII	133,725,461	2,263,729	0	135,989,190
IDAHO	224,981,408	19,858,686	0	244,840,094
ILLINOIS	1,051,476,807	70,287,054	0	1,121,763,861
INDIANA	772,835,952	79,713,573	0	852,549,525
IOWA	371,634,372	12,781,772	0	384,416,144
KANSAS	323,022,927	4,508,306	0	327,531,233
KENTUCKY	495,271,826	36,250,042	36,579,656	568,101,524
LOUISIANA	528,682,423	26,876,786	0	555,559,209
MAINE	141,822,084	0	0	141,822,084
MARYLAND	487,823,954	17,904,230	12,819,885	518,548,069
MASSACHUSETTS	522,988,852	8,918,660	0	531,907,512
MICHIGAN	879,112,314	48,096,159	0	927,208,473
MINNESOTA	492,614,496	30,986,716	0	523,601,212
MISSISSIPPI	367,384,564	17,118,181	4,698,038	389,200,783
MISSOURI	710,966,282	51,033,873	0	762,000,155
MONTANA	288,067,985	27,733,958	0	315,801,943
NEBRASKA	237,411,387	7,127,408	0	244,538,795
NEVADA	238,926,657	17,160,981	0	256,087,638
NEW HAMPSHIRE	140,061,492	6,131,404	0	146,192,896
NEW JERSEY	805,838,039	53,915,647	0	859,753,686
NEW MEXICO	291,349,823	18,779,655	0	310,129,478
NEW YORK	1,392,071,954	49,440,909	8,797,168	1,450,310,031
NORTH CAROLINA	833,860,228	65,972,164	30,814,944	930,647,336
NORTH DAKOTA	201,154,361	6,189,004	0	207,343,365
OHIO	1,051,607,647	74,547,488	21,250,292	1,147,405,427
OKLAHOMA	480,513,973	24,183,009	0	504,696,982
OREGON	360,894,201	11,653,032	0	372,547,233
PENNSYLVANIA	1,282,834,257	56,531,849	104,614,911	1,443,981,017
RHODE ISLAND	163,809,919	0	0	163,809,919
SOUTH CAROLINA	500,025,288	42,233,040	6,715,115	548,973,443
SOUTH DAKOTA	205,230,908	12,126,452	0	217,357,360
TENNESSEE	630,781,123	50,322,655	23,080,227	704,184,005
TEXAS	2,617,622,355	250,796,761	0	2,868,419,116
UTAH	245,196,497	14,236,278	0	259,432,775
VERMONT	133,734,900	407,865	0	134,142,765
VIRGINIA	765,388,545	58,467,576	35,653,052	859,509,173
WASHINGTON	546,111,240	10,323,310	0	556,434,550
WEST VIRGINIA	286,768,840	29,467,532	33,826,153	350,062,525
WISCONSIN	584,419,417	58,369,274	0	642,788,691
WYOMING	205,911,443	9,562,375	0	215,473,818
SUBTOTAL	30,260,207,377	2,000,000,000	439,920,000	32,700,127,377
Allocated Programs				3,712,993,860
High Priority Projects				2,776,550,400
Projects of National & Regional Significance				333,028,800
National Corridor Infrastructure Improvement Program				364,665,600
Transportation Projects				478,340,179
Bridge (Sec. 144(g))				93,600,000
Transfer to Sections 154 & 164				240,693,784
TOTAL				40,700,000,000

U. S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

FY 2009 OBLIGATION LIMITATION 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	12,800,506	11,929,335
ARIZONA	0	0
ARKANSAS	9,267,273	8,646,747
CALIFORNIA	58,359,908	54,456,668
COLORADO	0	0
CONNECTICUT	6,057,867	5,650,319
DELAWARE	3,080,824	2,874,375
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	20,119,364	18,770,579
MAINE	0	0
MARYLAND	0	0
MASSACHUSETTS	0	0
MICHIGAN	0	0
MINNESOTA	12,695,449	11,831,440
MISSISSIPPI	9,020,528	8,415,860
MISSOURI	16,789,257	15,664,238
MONTANA	0	0
NEBRASKA	0	0
NEVADA	0	0
NEW HAMPSHIRE	0	0
NEW JERSEY	0	0
NEW MEXICO	8,139,388	7,597,703
NEW YORK	0	0
NORTH CAROLINA	0	0
NORTH DAKOTA	0	0
OHIO	23,618,867	22,030,837
OKLAHOMA	0	0
OREGON	7,971,650	7,437,431
PENNSYLVANIA	0	0
RHODE ISLAND	2,642,937	2,465,392
SOUTH CAROLINA	0	0
SOUTH DAKOTA	5,514,071	5,145,365
TENNESSEE	16,258,180	15,169,127
TEXAS	0	0
UTAH	0	0
VERMONT	2,670,939	2,489,798
VIRGINIA	18,069,345	16,858,368
WASHINGTON	0	0
WEST VIRGINIA	6,136,443	5,725,125
WISCONSIN	0	0
WYOMING	11,874,892	11,081,227
SUBTOTAL	251,087,688	234,239,934
Puerto Rico	6,895,138	6,453,850
TOTAL	257,982,826	240,693,784

NOTE:

(1) Puerto Rico Highway Program is an allocated program and is not treated as an apportionment to the States.

(2) The Total Funds Sections 154 & 164 column reflects revised contract authority levels found in FHWA Notice 4510.741. The amount of obligation limitation transferred has not been revised.