



U.S. Department
of Transportation

**Federal Highway
Administration**

Notice

Subject:

**FEDERAL-AID HIGHWAY PROGRAM OBLIGATION AUTHORITY –
FISCAL YEAR (FY) 2012 (OCTOBER 1, 2011, TO JUNE 30, 2012)**

Classification Code

Date

Office of Primary Interest

N 4520.216

April 11, 2012

HCFB-1

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 Department of Transportation Appropriations Act, 2012, division C, title I of Public Law (Pub. L.) 112-55, and the Surface Transportation Extension Act of 2011, Part II, Pub. L. 112-30, as amended by the Surface Transportation Extension Act of 2012, Pub. L. 112-102.
2. **Does this Notice cancel FHWA Notice 4520.215?** Yes, this Notice cancels FHWA Notice 4520.215, Federal-aid Highway Program Obligation Authority – Fiscal Year (FY) 2012 (October 1, 2011, to March 31, 2012), dated December 23, 2011. The revision to the distribution of obligation limitation is based on the extension of contract authority through June 30, 2012 (see paragraph 3b below).
3. **What are the legislative provisions?**
 - a. The Department of Transportation Appropriations Act, 2012, provides the limitation on obligations for FY 2012 of \$39,143,582,670.
 - b. Section 111(c)(4) of the Surface Transportation Extension Act of 2011, Part II, requires that the contract authority for Federal-aid highways and highway safety construction programs provided under that Act for the period beginning on October 1, 2011, and ending on June 30, 2012, be annualized as necessary for purposes of calculating the distribution of obligation limitation under the Department of Transportation Appropriations Act, 2012. In addition, section 111(c)(4) of the Surface Transportation Extension Act of 2011, Part II, requires that the resulting distribution of obligation limitation be multiplied by $\frac{3}{4}$. Therefore, this Notice provides \$29,357,687,003 ($\frac{3}{4}$ of \$39,143,582,670) in obligation limitation for the period beginning on October 1, 2011, and ending on June 30, 2012.
 - c. 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 2012;¹ 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 2012.

¹ \$479,250,000 for the period beginning on October, 1, 2011, and ending on June 30, 2012, pursuant to section 111(c)(3)(B) of the Surface Transportation Extension Act of 2011, Part II.

- 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 the period beginning on October 1, 2011, and ending on June 30, 2012. 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, 2012, the Secretary will revise the distribution of obligation authority made available if a State does not plan to obligate the amount distributed during FY 2012 and redistribute such amount to those States able to obligate amounts in addition to those previously distributed during FY 2012. 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 2012.

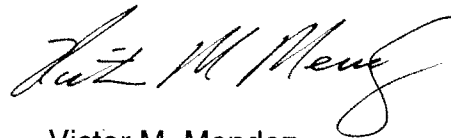
6. What are the special limitations?

- a. Section 120(a)(4)(A) of the Department of Transportation Appropriations Act, 2012, provides for an obligation limitation within the overall obligation ceiling for the funds authorized under the following:²
 - (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. Section 120(a)(4)(B) of the Department of Transportation Appropriations Act, 2012, 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.).³
- c. Section 120(f) of the Department of Transportation Appropriations Act, 2012, provides that the special limitation associated with the provision specified in section 120(a)(4) of the Department of Transportation Appropriations Act, 2012, shall:

² References to sections 1301, 1302, 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.

³ \$1,500,000,000 for the period beginning on October 1, 2011, and ending on June 30, 2012, pursuant to section 111(c)(4) of the Surface Transportation Extension Act of 2011, Part II.

- (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 the period beginning on October 1, 2011, and ending on June 30, 2012, 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 2012. The amounts of the transfers and associated obligation limitation for the period beginning on October 1, 2011, and ending on June 30, 2012, 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

FY 2012 OBLIGATION LIMITATION DISTRIBUTION FOR THE PERIOD BEGINNING ON
OCTOBER 1, 2011, AND ENDING ON JUNE 30, 2012, PURSUANT TO THE DEPARTMENT OF
TRANSPORTATION APPROPRIATIONS ACT, 2012, DIVISION C, TITLE I OF PUBLIC LAW 112-55
AND THE SURFACE TRANSPORTATION EXTENSION ACT OF 2011, PART II, PUBLIC LAW 112-30,
AS AMENDED BY THE SURFACE TRANSPORTATION EXTENSION ACT OF 2012, PUBLIC LAW 112-102

STATE	Formula Obligation Limitation	Equity Bonus (Special)	Appalachia (Special)	Total
ALABAMA	411,191,822	25,884,715	78,073,643	515,150,180
ALASKA	274,717,834	31,199,717	0	305,917,551
ARIZONA	450,198,862	42,097,992	0	492,296,854
ARKANSAS	324,230,218	19,406,259	0	343,636,477
CALIFORNIA	2,342,378,801	101,559,523	0	2,443,938,324
COLORADO	348,983,134	14,781,785	0	363,764,919
CONNECTICUT	315,144,326	20,399,270	0	335,543,596
DELAWARE	108,596,515	4,096,690	0	112,693,205
DISTRICT OF COLUMBIA	109,004,314	508,253	0	109,512,567
FLORIDA	1,145,213,165	125,521,652	0	1,270,734,817
GEORGIA	781,564,207	77,836,099	7,873,070	867,273,376
HAWAII	114,098,764	1,697,797	0	115,796,561
IDAHO	177,944,792	14,894,015	0	192,838,807
ILLINOIS	910,474,783	52,715,291	0	963,190,074
INDIANA	580,110,645	59,785,180	0	639,895,825
IOWA	316,357,355	9,586,329	0	325,943,684
KANSAS	255,443,363	3,381,230	0	258,824,593
KENTUCKY	396,736,127	27,187,532	25,967,512	449,891,171
LOUISIANA	441,374,421	20,157,590	0	461,532,011
MAINE	126,841,397	0	0	126,841,397
MARYLAND	378,845,260	13,428,172	9,100,701	401,374,133
MASSACHUSETTS	408,971,851	6,688,995	0	415,660,846
MICHIGAN	678,435,092	36,072,119	0	714,507,211
MINNESOTA	404,476,688	23,240,037	0	427,716,725
MISSISSIPPI	305,949,674	12,838,636	3,335,087	322,123,397
MISSOURI	572,744,024	38,275,404	0	611,019,428
MONTANA	238,921,882	20,800,469	0	259,722,351
NEBRASKA	191,937,700	5,345,556	0	197,283,256
NEVADA	233,450,848	12,870,736	0	246,321,584
NEW HAMPSHIRE	107,789,916	4,598,553	0	112,388,469
NEW JERSEY	632,285,287	40,436,735	0	672,722,022
NEW MEXICO	228,777,522	14,084,742	0	242,862,264
NEW YORK	1,100,868,182	37,080,681	6,245,017	1,144,193,880
NORTH CAROLINA	630,427,265	49,479,123	21,875,204	701,781,592
NORTH DAKOTA	164,798,848	4,641,753	0	169,440,601
OHIO	819,015,938	55,910,616	15,085,358	890,011,912
OKLAHOMA	413,153,595	18,137,257	0	431,290,852
OREGON	325,143,599	8,739,774	0	333,883,373
PENNSYLVANIA	1,000,460,157	42,398,886	74,265,023	1,117,124,066
RHODE ISLAND	148,035,070	0	0	148,035,070
SOUTH CAROLINA	387,110,096	31,674,780	4,766,988	423,551,864
SOUTH DAKOTA	177,945,236	9,094,839	0	187,040,075
TENNESSEE	504,712,250	37,741,991	16,384,409	558,838,650
TEXAS	1,933,611,891	188,097,571	0	2,121,709,462
UTAH	208,050,546	10,677,208	0	218,727,754
VERMONT	136,456,690	305,898	0	136,762,588
VIRGINIA	605,900,800	43,850,682	25,309,727	675,061,209
WASHINGTON	444,745,631	7,742,482	0	452,488,113
WEST VIRGINIA	243,883,672	22,100,649	24,012,830	289,997,151
WISCONSIN	444,175,301	43,776,956	0	487,952,257
WYOMING	158,534,709	7,171,781	0	165,706,490
SUBTOTAL	24,160,220,065	1,500,000,000	312,294,569	25,972,514,634
Allocated Programs				3,137,617,934
Undesignated High Priority Projects				1,088,424
Transfer to Sections 154 & 164				246,466,011
TOTAL				29,357,687,003

U. S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

FY 2012 FUNDS TRANSFERRED TO THE SECTION 402 HIGHWAY
SAFETY PROGRAM PURSUANT TO SECTIONS 154 AND 164 FOR THE
PERIOD BEGINNING ON OCTOBER 1, 2011, AND ENDING ON JUNE 30, 2012

STATE	TOTAL FUNDS SECTIONS 154 & 164	OBLIGATION LIMITATION TRANSFER
ALABAMA	0	0
ALASKA	14,108,824	13,344,627
ARIZONA	0	0
ARKANSAS	7,727,037	7,308,506
CALIFORNIA	47,279,219	44,718,368
COLORADO	0	0
CONNECTICUT	4,772,563	4,514,059
DELAWARE	2,670,186	2,525,556
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	16,635,250	15,734,210
MAINE	0	0
MARYLAND	7,499,352	7,093,156
MASSACHUSETTS	0	0
MICHIGAN	0	0
MINNESOTA	10,342,699	9,782,494
MISSISSIPPI	7,434,232	7,031,562
MISSOURI	27,325,586	25,845,514
MONTANA	6,354,039	6,009,876
NEBRASKA	0	0
NEVADA	0	0
NEW HAMPSHIRE	0	0
NEW JERSEY	0	0
NEW MEXICO	6,318,190	5,975,969
NEW YORK	0	0
NORTH CAROLINA	0	0
NORTH DAKOTA	0	0
OHIO	18,190,125	17,204,867
OKLAHOMA	0	0
OREGON	7,124,320	6,738,434
PENNSYLVANIA	0	0
RHODE ISLAND	2,368,934	2,240,621
SOUTH CAROLINA	0	0
SOUTH DAKOTA	4,740,677	4,483,902
TENNESSEE	12,865,203	12,168,368
TEXAS	0	0
UTAH	0	0
VERMONT	2,771,434	2,621,320
VIRGINIA	14,144,289	13,378,171
WASHINGTON	8,558,866	8,095,281
WEST VIRGINIA	5,168,508	4,888,558
WISCONSIN	12,069,434	11,415,700
WYOMING	9,034,110	8,544,780
SUBTOTAL	255,503,077	241,663,899
Puerto Rico	5,060,181	4,802,112
TOTAL	260,563,258	246,466,011

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