



U.S. Department
of Transportation

**Federal Highway
Administration**

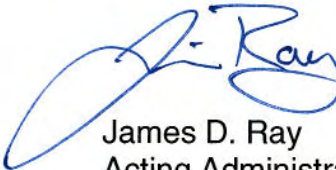
Notice

Subject:
**DISTRIBUTION OF REVENUE ALIGNED BUDGET AUTHORITY
FUNDS FOR FISCAL YEAR (FY) 2008**

Classification Code	Date	Office of Primary Interest
N4510.662	March 4, 2008	HCFB-1

1. **What is the purpose of this Notice?** This Notice transmits a distribution of the Revenue Aligned Budget Authority (RABA) funds for FY 2008 pursuant to the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Public Law (Pub. L. No.) 109-59, and Division K, Title I, Section 129 of the Consolidated Appropriations Act, 2008, Pub. L. No. 110-161.
2. **What is the background information?**
 - a. Section 110 of Title 23, United States Code (U.S.C.), provides for adjustments in funding for Federal-aid Highway and Highway Safety Construction apportionments and allocated programs funded from the Highway Account of the Highway Trust Fund and the Federal Motor Carrier Safety Administration (FMCSA) to reflect changed estimates of Highway Account revenue.
 - b. Pursuant to Division K, Title I, Section 129 of the Consolidated Appropriations Act, 2008, Pub. L. No. 110-161, notwithstanding any other provision of law, the Secretary of Transportation shall set aside from RABA authorized for FY 2008 under Section 110 of Title 23, U.S.C., such sums as may be necessary for the programs, projects, and activities at the level of 98 percent of the corresponding amounts identified under Section 129 of the explanatory statement accompanying the Consolidated Appropriations Act, 2008, Pub. L. No. 110-161.
 - c. Pursuant to Division K, Title I, Section 129 of the Consolidated Appropriations Act, 2008, Pub. L. No. 110-161, amounts authorized for FY 2008 for RABA under Section 110 of Title 23, U.S.C., in excess of the amount set aside by the first clause of Division K, Title I, Section 129 of the Consolidated Appropriations Act, 2008, Pub. L. No. 110-161, are rescinded.

3. **What is the availability of the funds set aside for the programs, projects, and activities authorized in Division K, Title I, Section 129 of the Consolidated Appropriations Act, 2008, Pub. L. No. 110-161?**
- a. Funds set aside, at the request of a State, shall be transferred by the Secretary to another Federal agency.
 - b. The Federal share payable on account of any program, project, or activity carried out with the funds set aside shall be 100 percent.
 - c. The sums set aside shall remain available until expended and shall be subject to any limitation on obligations for Federal-aid highways and highway safety construction programs set forth in Division K, Title I, Section 120 of the Consolidated Appropriations Act, 2008, Pub. L. No. 110-161, or any other Act.
 - d. The obligation limitation made available for the programs, projects, and activities for which funds are set aside shall remain available until used and shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.
4. **How are the funds set aside for the programs, projects, and activities identified in Division K, Title I, Section 129 of the explanatory statement accompanying the Consolidated Appropriations Act, 2008, Pub. L. No. 110-161, to be distributed?** States will receive notification that the funds have been made available on a project-by-project basis via letters of allocation from the Office of Program Administration (HIPA). At such time, HIPA will inform the Fiscal Management Information System (FMIS) Team that the funds should be made available to the State, through the FMIS, for obligation.
5. **What action is required?** Division Administrators should ensure that copies of this Notice are provided to the State departments of transportation.



James D. Ray
Acting Administrator

**CERTIFICATE OF APPORTIONMENT FROM
THE SUM OF \$703,466,918 AUTHORIZED TO BE APPROPRIATED
FOR THE REVENUE ALIGNED BUDGET AUTHORITY
FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2008**

TO--

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

Pursuant to Section 9503 of the Internal Revenue Code of 1986, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, Title 23, United States Code, and the delegation of authority from the Secretary of Transportation to the Federal Highway Administrator in Section 1.48, Title 49, Code of Federal Regulations, I certify--

First, that the Secretary of the Treasury has made the estimate required by Section 9503(d) of the Internal Revenue Code of 1986, and based on that estimate, I have determined that the amount that can be apportioned and allocated for the Revenue Aligned Budget Authority for the fiscal year ending September 30, 2008, pursuant to Section 110 of Title 23, United State Code, and Section 1105 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, is \$703,466,918, which is 100 percent of the amount authorized to be appropriated for the fiscal year.

Second, pursuant to Division K, Title I, Section 129 of the Consolidated Appropriations Act, 2008, Pub. L. No. 110-161, I have set aside \$332,979,206 from the sum of \$703,466,918 authorized to be appropriated for the fiscal year ending

September 30, 2008, for the sums necessary for the programs, projects, and activities at the level of 98 percent of the corresponding amounts identified under Section 129 of the explanatory statement accompanying the Consolidated Appropriations Act, 2008.

Third, pursuant to Division K, Title I, Section 129 of the Consolidated Appropriations Act, 2008, Pub. L. No. 110-161, having set aside the \$332,979,206 for the programs, projects, and activities identified in the explanatory statement, I have rescinded the remainder of the \$703,466,918 authorized to be appropriated for the fiscal year ending September 30, 2008. The amount rescinded is \$370,487,712.

Fourth, that subject to the foregoing set aside and rescission, I have determined that the amount that can be apportioned for each State and the District of Columbia for the Revenue Aligned Budget Authority for the fiscal year ending September 30, 2008, pursuant to Section 110 of Title 23, United State Code, and Section 1105 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, is \$0.