



U.S. Department
of Transportation

**Federal Highway
Administration**

Notice

Subject:

**REVISED APPORTIONMENT OF FISCAL YEAR (FY) 2008
HIGHWAY SAFETY IMPROVEMENT PROGRAM FUNDS**

Classification Code	Date	Office of Primary Interest
N4510.679	July 25, 2008	HCFB-1

1. **What is the purpose of this Notice?** This Notice transmits the revised certificate of apportionment of Highway Safety Improvement Program funds authorized 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. The apportionment is effective immediately.
2. **Does this Notice cancel FHWA Notice 4510.654?** Yes. This Notice cancels FHWA Notice 4510.654, Apportionment of Fiscal Year (FY) 2008 Highway Safety Improvement Program Funds, dated October 1, 2007. The revisions to the apportionment are required pursuant to the terms of the SAFETEA-LU Technical Corrections Act of 2008, Pub. L. No. 110-244. Pursuant to Title I, Section 101(i) of the SAFETEA-LU Technical Corrections Act of 2008, Pub. L. No. 110-244, the number of fatalities on Federal-aid highways replaces the number of fatalities on the Federal-aid system as one of the factors in the formula that determines the apportionment of Highway Safety Improvement Program funds. In addition, Title I, Section 111 of the SAFETEA-LU Technical Corrections Act of 2008, Pub. L. No. 110-244, requires a percentage takedown from the amount apportioned for the Highway Safety Improvement Program. The takedown is being used to fund the Future Strategic Highway Research Program under Section 510 of Title 23, United States Code (U.S.C).
3. **What is the availability of these funds?**
 - a. The Highway Safety Improvement Program funds resulting from this apportionment are available for obligation until September 30, 2011. Any amounts not obligated by the State on or before September 30, 2011, shall lapse.
 - b. The funds resulting from this apportionment are available for obligation immediately and will be subject to obligation controls in force at the time of obligation.
 - c. The Federal share is 90 percent for highway safety improvement projects carried out with funds apportioned under Section 104(b)(5) of Title 23 U.S.C., except as provided for in Sections 120 and 130 of Title 23, U.S.C.

- d. The program codes to be used when obligating these funds are LS10, LS20, and LS30.

4. What is the background information?

- a. Section 1101(a)(6) of the SAFETEA-LU authorizes a total of \$1,275,929,067 in contract authority for the Highway Safety Improvement Program set forth in Section 148 of Title 23, U.S.C. for FY 2008.
- b. Section 111 of the SAFETEA-LU Technical Corrections Act of 2008, Pub. L. No. 110-244, requires a 0.205 percent takedown for the Future Strategic Highway Research Program from the amount apportioned for the Highway Safety Improvement Program. This provision reduces the amount apportioned by \$2,615,655.
- c. As required by Section 130(e) of Title 23, U.S.C., (which was amended by Section 1401(d)(1) of the SAFETEA-LU), before any apportionment under Section 104(b)(5), of the amounts authorized for the Highway Safety Improvement Program under Section 148 of Title 23, U.S.C., the amount of \$220,000,000 has been set aside for the elimination of hazards and the installation of protective devices at railway-highway crossings.
- d. The total contract authority available for distribution in FY 2008 net of the reduction is \$1,053,313,412.

5. What are the requirements for the Highway Safety Improvement Program?

- a. Pursuant to Section 148(b) of Title 23, U.S.C., the purpose of the program is to achieve a significant reduction in traffic fatalities and serious injuries on public roads. Section 148(c) requires each State to have in effect a Highway Safety Improvement Program as set forth therein, including the development of a State strategic highway safety plan (SHSP). In accordance with the transition provision in Section 1401(e) of SAFETEA-LU, during an interim period, before fiscal year 2007 (October 1, 2006) and until the State develops a SHSP, the Secretary of Transportation shall apportion Highway Safety Improvement Program funds to the States for obligation for the Highway Safety Improvement Program under Section 148 for projects that were eligible for funding under Sections 130 and 152 of Title 23, U.S.C., as in effect on August 9, 2005. The Secretary of Transportation shall approve obligations of funds apportioned under Section 104(b)(5) to carry out projects under Section 148, only if a State has developed and implemented a SHSP as required by Section 148(c). If a State has not developed a SHSP by October 1, 2007, the State shall receive for the Highway Safety Improvement Program for each subsequent fiscal year until the date of development of such plan an amount that equals the amount apportioned to the State for

that program for fiscal year 2007. **As of September 28, 2007, all States had developed and implemented a SHSP.**

- b. Section 148(f) of Title 23, U.S.C., as amended by Section 1401 of the SAFETEA-LU, requires that after making an apportionment to the States, the Secretary shall ensure, from amounts made available to carry out Section 148(f) for such fiscal year, that a total of \$90,000,000 of such apportionment is **set aside by the States**, proportionally according to the share of each State of the total amount so apportioned, for use only for construction and operational improvements on high risk rural roads.
6. **What action is required?** Division Administrators should ensure that copies of this Notice are provided to the State departments of transportation.



James D. Fay
Acting Administrator

Attachment

**CERTIFICATE OF APPORTIONMENT FROM
THE SUM OF \$1,275,929,067 AUTHORIZED TO BE APPROPRIATED
FOR THE HIGHWAY SAFETY IMPROVEMENT PROGRAM
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, Section 1.48 of 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 for the Highway Safety Improvement Program for the fiscal year ending September 30, 2008, pursuant to Section 1101(a)(6) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), is \$1,275,929,067, which is 100 percent of the amount authorized to be appropriated for the fiscal year.

Second, pursuant to Section 111 of the SAFETEA-LU Technical Corrections Act of 2008, Pub. L. No. 110-244, I have deducted 0.205% from the sum of \$1,275,929,067 that can be apportioned for the fiscal year ending September 30, 2008 pursuant to Section 1101(a)(6) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, for the purpose of carrying out Section 510 of Title 23, United States Code. The amount deducted is \$2,615,655.

Third, pursuant to Section 130(e) of Title 23, United States Code, before making the apportionment, \$220,000,000 has been set aside from the amount authorized for the Highway Safety Improvement Program for the elimination of hazards and the installation of protective devices at railway-highway crossings. The resulting amount is \$1,053,313,412.

Fourth, that after making the deduction and set aside, I have computed the apportionment to each State and the District of Columbia of the remainder of the amounts authorized for the Highway Safety Improvement Program in the manner provided by law in accordance with the formula set forth in Section 104(b)(5) of Title 23, United States Code.

Fifth, that subject to the foregoing deduction and set aside, the sums that are hereby apportioned to each State and the District of Columbia, effective immediately, are respectively as follows:

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

N4510.679 - Attachment

REVISED APPORTIONMENT OF FUNDS FOR THE
HIGHWAY SAFETY IMPROVEMENT PROGRAM
AUTHORIZED FOR FISCAL YEAR 2008

<u>STATE</u>	<u>AMOUNT</u>
ALABAMA	\$23,601,810
ALASKA	5,266,567
ARIZONA	22,601,556
ARKANSAS	16,077,410
CALIFORNIA	103,375,709
COLORADO	17,158,955
CONNECTICUT	8,347,266
DELAWARE	5,266,567
DIST. OF COL.	5,266,567
FLORIDA	55,598,985
GEORGIA	37,181,310
HAWAII	5,266,567
IDAHO	7,595,220
ILLINOIS	36,413,551
INDIANA	20,724,638
IOWA	15,892,223
KANSAS	18,145,293
KENTUCKY	17,165,382
LOUISIANA	17,323,571
MAINE	5,266,567
MARYLAND	15,409,987
MASSACHUSETTS	14,162,976
MICHIGAN	34,284,172
MINNESOTA	21,613,862
MISSISSIPPI	17,796,899
MISSOURI	28,230,150
MONTANA	8,132,046
NEBRASKA	10,913,197
NEVADA	8,162,825
NEW HAMPSHIRE	5,266,567
NEW JERSEY	19,049,953
NEW MEXICO	11,517,414
NEW YORK	36,082,412
NORTH CAROLINA	27,412,014
NORTH DAKOTA	7,419,805
OHIO	32,838,003
OKLAHOMA	21,919,974
OREGON	14,343,061
PENNSYLVANIA	34,781,168
RHODE ISLAND	5,266,567
SOUTH CAROLINA	24,092,473
SOUTH DAKOTA	8,723,764
TENNESSEE	24,208,976
TEXAS	84,010,619
UTAH	7,846,421
VERMONT	5,266,567
VIRGINIA	25,791,779
WASHINGTON	18,421,439
WEST VIRGINIA	9,157,841
WISCONSIN	22,388,200
WYOMING	5,266,567
TOTAL	\$1,053,313,412

APPROVED EFFECTIVE



ACTING FEDERAL HIGHWAY ADMINISTRATOR