



U.S. Department
of Transportation

**Federal Highway
Administration**

Notice

Subject:
**REVISED FEDERAL-AID HIGHWAY PROGRAM OBLIGATION
AUTHORITY – FISCAL YEAR (FY) 2008**

Classification Code	Date	Office of Primary Interest
N 4520.196	July 25, 2008	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 4520.194?** Yes, this Notice cancels FHWA Notice 4520.194, Federal-aid Highway Program Obligation Authority – Fiscal Year (FY) 2008, dated January 30, 2008. The revisions to the distribution are required pursuant to the provisions of the SAFETEA-LU Technical Corrections Act of 2008, Public Law (Pub. L. No.) 110-244. Title I, Section 102 of Pub. L. No. 110-244 provides funding for Deployment of Magnetic Levitation Transportation Projects under Section 1307 of SAFETEA-LU, Pub. L. No. 109-59. Title I, Section 111 of Pub. L. No. 110-244 provides funding for the Future Strategic Highway Research Program under Section 510 of Title 23, United State Code (U.S.C.) from a percentage takedown on certain apportioned program. Title I, Section 111 of Pub. L. No. 110-244 also increases the funding for University Transportation Research under Sections 5505 and 5506 of Title 49, U.S.C. The revised distribution of obligation authority reflects revisions to the FY 2008 apportionments made pursuant to the SAFETEA-LU Technical Corrections Act of 2008, Pub. L. No. 110-244. In addition, the revisions reflect the transfer of obligation authority to the Section 402 Safety Programs for Illinois and Massachusetts based on the National Highway Traffic Safety Administration (NHTSA) determination that Illinois and Massachusetts were in noncompliance with 23 U.S.C. 154 (Open Container Requirements) on October 1, 2007.
3. **What are the legislative provisions?**
 - a. Division K, Title I of the Consolidated Appropriations Act, 2008, Pub. L. No. 110-161 provides the limitation on obligations for FY 2008 of \$41,216,051,359. The FY 2008 obligation limitation includes \$1,000,000,000 in obligation authority for purposes under Section 144(e) of Title 23, U.S.C.
 - b. The limitation shall not apply to obligations for projects covered under:
 - (1) Section 125 of Title 23, 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 2008; and
- (11) under Section 1603 of the 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 2008.

- d. The additional obligation limitation made available for purposes of Section 144(e) of Title 23, U.S.C. remains available for 3 years. Obligation limitation 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.
- e. Obligations of funds authorized for the programs, projects, and activities funded by the set-aside authorized by Section 129 of Pub. L. No. 110-161 are subject to the limitation on obligations. 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.
- f. 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 2008. Each State receives a proportional amount of the obligation limitation available to be distributed to the States based on the ratio 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, 2008, the Secretary will revise the distribution of obligation authority made available if a State does not plan to obligate the amount distributed during FY 2008 and redistribute such amount to those States able to obligate amounts in addition to those previously distributed during FY 2008. 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 2008.


6. What are the special limitations?

- a. Division K, Title I, Section 120(a)(4)(A) of the Consolidated Appropriations Act, 2008, provides for an obligation limitation within the overall obligation ceiling for the funds authorized under the following:
 - (1) Section 1301 of the SAFETEA-LU, Projects of National and Regional Significance;
 - (2) Section 1302 of the SAFETEA-LU, National Corridor Infrastructure Improvement Program;
 - (3) Section 1934 of the 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 K, Title I, Section 120(a)(4)(B) of the Consolidated Appropriations Act, 2008, 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 K, Title I, Section 120(f) of the Consolidated Appropriations Act, 2008, provides that the special limitation associated with the provision specified in Division K, Title I, Section 120(a)(4) of the Consolidated Appropriations Act, 2008, shall,
 - (1) remain available until used for the obligation of funds for which distributed; and
 - (2) shall 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 K, Title I, Section 120(g) of the Consolidated Appropriations Act, 2008, 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 2009 obligation limitation is distributed.
 - e. The State-by-State distribution of the special limitation associated with Equity Bonus Program, the Appalachian Development Highway System Program, and for purposes under Section 144(e) of Title 23, U.S.C., for FY 2008 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 2008. The revised amounts of the transfers and associated obligation limitation are shown on Table 2.
8. **Are there any specific instructions regarding the use of the additional bridge limitation?** Yes, the additional \$1 billion of obligation authority for purposes under Section 144(e) of Title 23, U.S.C. will be transferred to the

Fiscal Management Information System (FMIS), but will not be available for immediate obligation as modifications to the FMIS are required to accommodate the obligation of the funds. In addition, further instruction on the availability and use of the funds is currently being prepared by the Office of Bridge Technology and will be issued at a later date.

9. **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

Attachments

U. S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

REVISED FY 2008 OBLIGATION LIMITATION DISTRIBUTION
PURSUANT TO DIVISION K, TITLE I, SECTION 120 OF THE
THE CONSOLIDATED APPROPRIATIONS ACT, 2008, PUBLIC LAW 110-161, AND
THE SAFETEA-LU TECHNICAL CORRECTIONS ACT OF 2008, PUBLIC LAW 110-244

STATE	Formula Obligation Limitation	Equity Bonus (Special)	Appalachia (Special)	Additional Limitation Bridge (Special)	Total
ALABAMA	556,337,390	52,197,042	26,984,153	15,555,494	651,074,079
ALASKA	236,905,139	41,552,529	0	3,039,702	281,497,370
ARIZONA	583,065,948	56,460,823	0	3,928,042	643,454,813
ARKANSAS	368,100,826	26,986,997	0	12,472,923	407,560,746
CALIFORNIA	2,780,338,834	138,955,961	0	100,000,000	3,019,294,795
COLORADO	410,396,037	19,898,273	0	7,465,758	437,760,068
CONNECTICUT	389,026,618	24,636,830	0	33,545,876	447,209,324
DELAWARE	120,135,347	4,829,291	0	3,028,428	127,993,066
DISTRICT OF COLUMBIA	123,791,297	0	0	7,058,550	130,849,847
FLORIDA	1,453,090,077	167,290,939	0	22,508,320	1,642,889,336
GEORGIA	1,039,682,819	116,497,726	16,538,616	13,900,183	1,186,619,344
HAWAII	128,665,058	3,701,398	0	5,398,718	137,765,174
IDAHO	215,285,396	20,299,199	0	4,125,863	239,710,458
ILLINOIS	995,718,832	68,260,640	0	28,349,052	1,092,328,524
INDIANA	741,901,125	80,604,945	0	12,756,193	835,262,263
IOWA	350,945,826	9,313,013	0	14,572,001	374,830,840
KANSAS	315,345,594	4,361,617	0	10,848,673	330,555,884
KENTUCKY	454,590,043	30,423,705	63,287,023	13,366,925	561,667,696
LOUISIANA	467,850,281	15,968,345	0	40,207,373	524,025,999
MAINE	137,840,365	0	0	7,512,716	145,353,081
MARYLAND	475,808,906	20,269,847	5,919,728	23,292,258	525,290,739
MASSACHUSETTS	503,353,056	8,290,588	0	42,442,187	554,085,831
MICHIGAN	869,962,866	53,484,314	0	23,539,287	946,986,467
MINNESOTA	474,792,985	32,982,165	0	6,849,173	514,624,323
MISSISSIPPI	350,925,971	16,345,086	4,893,811	13,486,737	385,651,605
MISSOURI	684,226,554	49,779,693	0	26,396,149	760,402,396
MONTANA	275,802,651	28,174,568	0	2,822,240	306,799,459
NEBRASKA	228,891,416	6,453,538	0	5,692,805	241,037,759
NEVADA	216,440,959	15,498,698	0	2,500,000	234,439,657
NEW HAMPSHIRE	136,708,043	6,004,315	0	5,569,814	148,282,172
NEW JERSEY	773,183,155	56,138,429	0	37,919,229	867,240,813
NEW MEXICO	279,486,902	19,106,159	0	2,978,426	301,571,487
NEW YORK	1,346,829,889	48,266,769	20,834,636	100,000,000	1,515,931,294
NORTH CAROLINA	797,487,675	65,965,332	35,292,179	25,321,589	924,066,775
NORTH DAKOTA	193,341,112	6,100,536	0	2,500,000	201,941,648
OHIO	1,029,925,257	81,550,714	18,942,357	32,918,739	1,163,337,067
OKLAHOMA	461,467,746	24,479,770	0	15,962,296	501,909,812
OREGON	347,274,025	10,919,063	0	18,096,746	376,289,834
PENNSYLVANIA	1,246,807,743	65,833,637	95,451,778	93,887,593	1,501,980,751
RHODE ISLAND	153,374,930	0	0	15,224,139	168,599,069
SOUTH CAROLINA	477,005,512	40,530,211	2,680,902	11,626,086	531,842,711
SOUTH DAKOTA	197,507,371	11,604,102	0	2,880,383	211,991,856
TENNESSEE	609,467,471	50,080,409	32,277,546	12,035,612	703,861,038
TEXAS	2,406,307,829	230,963,015	0	32,362,327	2,669,633,171
UTAH	220,009,089	10,778,736	0	2,568,480	233,356,305
VERMONT	128,762,837	53,965	0	7,013,688	135,830,490
VIRGINIA	741,103,034	62,119,888	30,860,289	20,440,584	854,523,795
WASHINGTON	526,398,317	9,718,417	0	34,839,647	570,956,381
WEST VIRGINIA	242,025,559	18,355,834	79,846,982	11,554,093	351,782,468
WISCONSIN	560,426,697	58,502,335	0	5,138,903	624,067,935
WYOMING	198,051,944	9,410,594	0	2,500,000	209,962,538
SUBTOTAL	29,022,170,353	2,000,000,000	433,810,000	1,000,000,000	32,455,980,353
Allocated Programs					4,220,845,303
High Priority Projects					2,737,987,200
Projects of National & Regional Significance					410,504,250
National Corridor Infrastructure Improvement Program					449,501,000
Transportation Projects					589,620,707
Bridge (Sec. 144(g))					92,300,000
Transfer to Sections 154 & 164					<u>259,312,546</u>
TOTAL					41,216,051,359

U. S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

REVISED FY 2008 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	12,386,610	11,376,924
ARIZONA	0	0
ARKANSAS	9,048,302	8,310,736
CALIFORNIA	57,572,719	52,879,718
COLORADO	0	0
CONNECTICUT	5,810,021	5,336,421
DELAWARE	2,960,846	2,719,495
DISTRICT OF COLUMBIA	0	0
FLORIDA	0	0
GEORGIA	0	0
HAWAII	0	0
IDAHO	0	0
ILLINOIS	23,362,918	21,458,506
INDIANA	0	0
IOWA	0	0
KANSAS	0	0
KENTUCKY	0	0
LOUISIANA	17,781,910	16,332,430
MAINE	0	0
MARYLAND	0	0
MASSACHUSETTS	8,287,539	7,611,986
MICHIGAN	0	0
MINNESOTA	12,503,107	11,483,925
MISSISSIPPI	8,555,819	7,858,397
MISSOURI	16,321,716	14,991,263
MONTANA	0	0
NEBRASKA	0	0
NEVADA	0	0
NEW HAMPSHIRE	0	0
NEW JERSEY	0	0
NEW MEXICO	7,899,766	7,255,822
NEW YORK	0	0
NORTH CAROLINA	0	0
NORTH DAKOTA	0	0
OHIO	23,829,559	21,887,109
OKLAHOMA	0	0
OREGON	7,807,039	7,170,654
PENNSYLVANIA	0	0
RHODE ISLAND	2,601,047	2,389,024
SOUTH CAROLINA	0	0
SOUTH DAKOTA	5,347,609	4,911,702
TENNESSEE	15,955,819	14,655,191
TEXAS	0	0
UTAH	0	0
VERMONT	2,604,535	2,392,228
VIRGINIA	18,096,996	16,621,832
WASHINGTON	0	0
WEST VIRGINIA	5,278,794	4,848,497
WISCONSIN	0	0
WYOMING	11,615,436	10,668,612
SUBTOTAL	275,628,107	253,160,472
Puerto Rico	6,665,302	6,152,074
TOTAL	282,293,409	259,312,546

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