



U.S. Department  
of Transportation

**Federal Highway  
Administration**

# Notice

Subject:

**APPORTIONMENT OF FISCAL YEAR (FY) 2009  
HIGHWAY SAFETY IMPROVEMENT PROGRAM FUNDS**

Classification Code	Date	Office of Primary Interest
<b>N4510.689</b>	October 1, 2008	<b>HCFB-1</b>

1. **What is the purpose of this Notice?** This Notice transmits the certificate of apportionment of Highway Safety Improvement Program funds authorized for FY 2009 pursuant to the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) Public Law Number (Pub. L. No.) 109-59. The apportionment is effective immediately.
2. **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, 2012. Any amounts not obligated by the State on or before September 30, 2012, 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, United States Code (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.
3. **What is the background information?**
  - a. Section 1101(a)(6) of the SAFETEA-LU authorizes a total of \$1,296,474,396 in contract authority for the Highway Safety Improvement Program set forth in Section 148 of Title 23, U.S.C. for FY 2009.

- 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 \$2,657,773.
- 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 2009 net of these reductions is \$1,073,816,623.

4. **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.

5. **What action is required?** Division Administrators should ensure that copies of this Notice are provided to the State departments of transportation.

A handwritten signature in blue ink, appearing to read 'TJM', is written over a light gray rectangular background.

Thomas J. Madison, Jr.  
Administrator

Attachments

**CERTIFICATE OF APPORTIONMENT FROM  
THE SUM OF \$1,296,474,396 AUTHORIZED TO BE APPROPRIATED  
FOR THE HIGHWAY SAFETY IMPROVEMENT PROGRAM  
FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2009**

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, 2009, pursuant to Section 1101(a)(6) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), is \$1,296,474,396, 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, Public Law Number 110-244, I have deducted 0.205% from the sum of \$1,296,474,396 that can be apportioned for the fiscal year ending September 30, 2009 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 \$2,657,773.

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 \$1,073,816,623.

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:

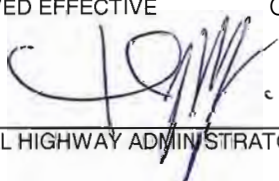
U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL HIGHWAY ADMINISTRATION

APPORTIONMENT OF FUNDS FOR THE  
HIGHWAY SAFETY IMPROVEMENT PROGRAM  
AUTHORIZED FOR FISCAL YEAR 2009

<u>STATE</u>	<u>AMOUNT</u>
ALABAMA	\$24,608,164
ALASKA	5,369,083
ARIZONA	24,421,663
ARKANSAS	16,397,508
CALIFORNIA	104,775,441
COLORADO	16,859,426
CONNECTICUT	8,965,711
DELAWARE	5,369,083
DIST. OF COL.	5,369,083
FLORIDA	56,345,564
GEORGIA	37,580,311
HAWAII	5,369,083
IDAHO	7,724,308
ILLINOIS	36,083,494
INDIANA	20,959,046
IOWA	15,938,963
KANSAS	18,792,442
KENTUCKY	17,180,984
LOUISIANA	18,405,062
MAINE	5,369,083
MARYLAND	15,890,029
MASSACHUSETTS	13,563,949
MICHIGAN	34,911,043
MINNESOTA	21,596,304
MISSISSIPPI	19,562,248
MISSOURI	27,782,835
MONTANA	8,290,817
NEBRASKA	11,197,054
NEVADA	8,875,779
NEW HAMPSHIRE	5,369,083
NEW JERSEY	19,884,762
NEW MEXICO	11,259,704
NEW YORK	36,935,546
NORTH CAROLINA	28,199,486
NORTH DAKOTA	7,502,797
OHIO	32,903,545
OKLAHOMA	22,662,410
OREGON	14,556,891
PENNSYLVANIA	34,403,265
RHODE ISLAND	5,369,083
SOUTH CAROLINA	23,967,218
SOUTH DAKOTA	9,050,481
TENNESSEE	25,273,585
TEXAS	86,932,328
UTAH	7,942,175
VERMONT	5,369,083
VIRGINIA	26,605,437
WASHINGTON	18,759,407
WEST VIRGINIA	9,612,543
WISCONSIN	22,288,511
WYOMING	5,415,723
TOTAL	\$1,073,816,623

APPROVED EFFECTIVE

October 1, 2008

  
FEDERAL HIGHWAY ADMINISTRATOR