



U.S. Department
of Transportation

**Federal Highway
Administration**

Notice

Subject:

**APPORTIONMENT OF FISCAL YEAR (FY) 2008
INTERSTATE MAINTENANCE PROGRAM FUNDS**

Classification Code	Date	Office of Primary Interest
N4510.649	October 1, 2007	HCFB-1

1. **What is the purpose of this Notice?** This Notice transmits the certificate of apportionment of Interstate Maintenance 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. **What is the availability of these funds?**
 - a. The Interstate Maintenance 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 will be in accordance with Section 120 of Title 23, United States Code (U.S.C.).
 - d. The program code to be used when obligating these funds is L010.
3. **What is the background information?**
 - a. Section 1101(a)(1) of the SAFETEA-LU authorizes a total of \$5,118,588,513 in contract authority for the Interstate Maintenance Program for FY 2008.
 - b. The terms of the continuing resolution, House Joint Resolution (H.J. Res.) 52, provides that a portion of the contract authority for the National Highway Traffic Safety Administration Operations and Research Program be funded from a percentage takedown (0.35%) to the amount authorized for the Interstate Maintenance Program. The percentage takedown reduces the amount authorized for the Interstate Maintenance Program by \$17,939,192.

- c. Section 104(f) of Title 23, U.S.C., applies a 1.25 percent takedown for Metropolitan Planning from the amount authorized for the Interstate Maintenance Program. This provision reduces the amount apportioned by \$63,982,356.
 - d. As required by Section 118(c) of Title 23, U.S.C., \$100,000,000 has been set aside for the Interstate Maintenance Discretionary Program.
 - e. The total contract authority available for distribution in FY 2008 net of these reductions is \$4,936,666,965.
4. **Are certain States subject to penalty transfer?** Yes. Currently, the States that are listed under the following two requirements are subject to transfer of funds. The funds to be transferred will be transferred to the State's 402 Safety Program.
- a. **Open Container Requirements – 23 U.S.C. 154 – 3 percent**
 Funds subject to be transferred: Interstate Maintenance, National Highway System, and Surface Transportation Program.

Alaska, Arkansas, Connecticut, Delaware, Louisiana, Mississippi, Missouri, Tennessee, Virginia, West Virginia, and Wyoming
 - b. **Minimum Penalties for Repeat Offenders for Driving While Intoxicated or Driving Under the Influence – 23 U.S.C. 164 – 3 percent**
 Funds subject to be transferred: Interstate Maintenance, National Highway System, and Surface Transportation Program.

Alaska, California, Louisiana, Minnesota, New Mexico, Ohio, Oregon, Rhode Island, South Dakota, Vermont, and Wyoming
5. **How will the funds be transferred?** Funds will be transferred from the apportionment (Table 1) 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 (3 percent), and Section 164 of Title 23, U.S.C., the Minimum Penalties for Repeat Offenders (3 percent). Tables 2 and 3 illustrate the amounts to be transferred subject to a determination by the State under Sections 154(c)(5) and 164(b)(5), which allow the States to designate the funds to be transferred.

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


J. Richard Capka
Administrator

Attachments

**CERTIFICATE OF APPORTIONMENT FROM
THE SUM OF \$5,118,588,513 AUTHORIZED TO BE APPROPRIATED
FOR THE INTERSTATE MAINTENANCE 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 Interstate Maintenance Program for the fiscal year ending September 30, 2008, pursuant to Section 1101(a)(1) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users is \$5,118,588,513, which is 100 percent of the amount authorized to be appropriated for the fiscal year.

Second, pursuant to the continuing resolution, House Joint Resolution 52, I have deducted 0.35% from the sum of \$5,118,588,513 authorized to be appropriated for the fiscal year ending September 30, 2008, by Section 1101(a)(1) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, for the purpose of providing contract authority for the National Highway Traffic Safety Administration

Operations and Research Programs. The amount deducted is \$17,939,192.

Third, pursuant to Section 104(f) of Title 23, United States Code, I have deducted 1.25 percent from the sum of \$5,118,588,513 authorized to be appropriated for the fiscal year ending September 30, 2008, by Section 1101(a)(1) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, for the purpose of carrying out Section 134 of Title 23, United States Code. The amount deducted is \$63,982,356.

Fourth, pursuant to Section 118(c) of Title 23, United States Code, after making the deduction authorized by Section 104(f) of Title 23, United States Code, I have set aside \$100,000,000 from the sum of \$5,118,588,513 authorized to be appropriated for fiscal year ending September 30, 2008, by Section 1101(a)(1) of the Safe, Accountable, Flexible Efficient Transportation Equity Act: A Legacy for Users, for the purpose for carrying out the Interstate Maintenance Discretionary Program under Section 118(c) of Title 23, United States Code. The resulting amount is \$4,936,666,965.

Fifth, that in compliance with Section 154 of Title 23, United States Code, the Open Container Requirements, 3 percent of the amount required to be apportioned to the States of Alaska, Arkansas, Connecticut, Delaware, Louisiana, Mississippi, Missouri, Tennessee, Virginia, West Virginia, and Wyoming will be transferred to the State's 402 Safety Program.

Sixth, that in compliance with Section 164 of Title 23, United States Code, the Minimum Penalties for Repeat Offenders for Driving While Intoxicated or Driving Under the Influence, 3 percent of the amount required to be apportioned to the States of Alaska, California, Louisiana, Minnesota, New Mexico, Ohio, Oregon, Rhode Island,

South Dakota, Vermont, and Wyoming will be transferred to the State's 402 Safety Program.

Seventh, that after making the deduction, set aside and transfers, I have computed the apportionment to each State and the District of Columbia of the remainder of the amounts authorized to be appropriated for the Interstate Maintenance Program in the manner provided by law in accordance with the formula set forth.

Eighth, that subject to the foregoing deduction, set aside and transfers, 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

N4510.649 - TABLE 1

APPORTIONMENT OF FUNDS FOR THE
INTERSTATE MAINTENANCE PROGRAM
AUTHORIZED FOR FISCAL YEAR 2008

<u>STATE</u>	<u>AMOUNT</u>
ALABAMA	\$94,846,947
ALASKA	31,378,948
ARIZONA	105,141,818
ARKANSAS	66,244,150
CALIFORNIA	444,873,895
COLORADO	81,308,053
CONNECTICUT	50,489,814
DELAWARE	8,257,537
DIST. OF COL.	2,743,454
FLORIDA	208,612,295
GEORGIA	191,290,216
HAWAII	8,978,249
IDAHO	37,508,627
ILLINOIS	208,999,915
INDIANA	131,651,803
IOWA	65,936,575
KANSAS	62,030,924
KENTUCKY	93,020,180
LOUISIANA	87,257,435
MAINE	26,442,851
MARYLAND	83,311,374
MASSACHUSETTS	80,257,947
MICHIGAN	137,152,948
MINNESOTA	87,494,907
MISSISSIPPI	63,047,664
MISSOURI	127,595,018
MONTANA	53,786,908
NEBRASKA	41,904,176
NEVADA	44,550,106
NEW HAMPSHIRE	18,944,957
NEW JERSEY	95,394,546
NEW MEXICO	68,311,444
NEW YORK	180,732,309
NORTH CAROLINA	130,902,076
NORTH DAKOTA	28,775,410
OHIO	202,792,868
OKLAHOMA	83,818,007
OREGON	66,893,512
PENNSYLVANIA	181,952,342
RHODE ISLAND	10,891,410
SOUTH CAROLINA	88,475,574
SOUTH DAKOTA	34,921,354
TENNESSEE	129,131,818
TEXAS	395,561,791
UTAH	69,598,850
VERMONT	16,370,612
VIRGINIA	142,423,157
WASHINGTON	93,381,935
WEST VIRGINIA	43,698,263
WISCONSIN	78,024,767
WYOMING	49,555,229
TOTAL	\$4,936,666,965

APPROVED EFFECTIVE October 1, 2007


FEDERAL HIGHWAY ADMINISTRATOR

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

N4510.649 - TABLE 3

TRANSFERS ASSESSED PURSUANT TO TITLE 23 U.S.C. 164 (Minimum Penalties for Repeat Offenders for Driving While Intoxicated or Driving Under the Influence) FOR THE INTERSTATE MAINTENANCE, NATIONAL HIGHWAY SYSTEM, AND SURFACE TRANSPORTATION PROGRAMS AUTHORIZED FOR FISCAL YEAR 2008

State	AMOUNT WITHHELD FROM APPORTIONMENTS						TOTAL TRANSFERS ASSESSED			
	PURSUANT TO TITLE 23 U.S.C. 104(b)			PURSUANT TO TITLE 23 U.S.C. 105(c)			PURSUANT TO TITLE 23 U.S.C. 164			Total
	Interstate Maintenance	National Highway System	Surface Transportation Program	Interstate Maintenance	National Highway System	Surface Transportation Program	Interstate Maintenance	National Highway System	Surface Transportation Program	
ALABAMA	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
ALASKA	941,368	1,116,511	952,370	988,407	1,172,301	999,958	1,929,775	2,288,812	1,952,328	6,170,915
ARIZONA	0	0	0	0	0	0	0	0	0	0
ARKANSAS	0	0	0	0	0	0	0	0	0	0
CALIFORNIA	13,346,217	16,890,360	18,536,412	2,395,035	3,031,047	3,326,438	15,741,252	19,921,407	21,862,850	57,525,509
COLORADO	0	0	0	0	0	0	0	0	0	0
CONNECTICUT	0	0	0	0	0	0	0	0	0	0
DELAWARE	0	0	0	0	0	0	0	0	0	0
DIST. OF COL.	0	0	0	0	0	0	0	0	0	0
FLORIDA	0	0	0	0	0	0	0	0	0	0
GEORGIA	0	0	0	0	0	0	0	0	0	0
HAWAII	0	0	0	0	0	0	0	0	0	0
IDAHO	0	0	0	0	0	0	0	0	0	0
ILLINOIS	0	0	0	0	0	0	0	0	0	0
INDIANA	0	0	0	0	0	0	0	0	0	0
IOWA	0	0	0	0	0	0	0	0	0	0
KANSAS	0	0	0	0	0	0	0	0	0	0
KENTUCKY	0	0	0	0	0	0	0	0	0	0
LOUISIANA	2,617,723	2,442,731	2,938,223	287,812	268,572	323,050	2,905,535	2,711,303	3,261,273	8,878,111
MAINE	0	0	0	0	0	0	0	0	0	0
MARYLAND	0	0	0	0	0	0	0	0	0	0
MASSACHUSETTS	0	0	0	0	0	0	0	0	0	0
MICHIGAN	0	0	0	0	0	0	0	0	0	0
MINNESOTA	2,624,847	3,184,021	4,050,149	698,472	847,269	1,077,745	3,323,319	4,031,290	5,127,894	12,482,503
MISSISSIPPI	0	0	0	0	0	0	0	0	0	0
MISSOURI	0	0	0	0	0	0	0	0	0	0
MONTANA	0	0	0	0	0	0	0	0	0	0
NEBRASKA	0	0	0	0	0	0	0	0	0	0
NEVADA	0	0	0	0	0	0	0	0	0	0
NEW HAMPSHIRE	0	0	0	0	0	0	0	0	0	0
NEW JERSEY	0	0	0	0	0	0	0	0	0	0
NEW MEXICO	2,049,343	2,465,863	1,760,351	517,925	623,191	444,889	2,567,268	3,089,054	2,205,240	7,861,562
NEW YORK	0	0	0	0	0	0	0	0	0	0
NORTH CAROLINA	0	0	0	0	0	0	0	0	0	0
NORTH DAKOTA	0	0	0	0	0	0	0	0	0	0
OHIO	6,083,786	5,397,305	6,665,395	1,907,252	1,692,042	2,089,585	7,991,038	7,089,347	8,754,980	23,835,365
OKLAHOMA	0	0	0	0	0	0	0	0	0	0
OREGON	2,006,805	2,557,720	2,498,171	207,482	264,441	258,284	2,214,287	2,822,161	2,756,455	7,792,903
PENNSYLVANIA	0	0	0	0	0	0	0	0	0	0
RHODE ISLAND	326,742	1,318,055	952,370	0	0	0	326,742	1,318,055	952,370	2,597,167
SOUTH CAROLINA	0	0	0	0	0	0	0	0	0	0
SOUTH DAKOTA	1,047,641	2,048,625	1,301,513	221,540	433,213	275,225	1,269,181	2,481,838	1,576,738	5,327,757
TENNESSEE	0	0	0	0	0	0	0	0	0	0
TEXAS	0	0	0	0	0	0	0	0	0	0
UTAH	0	0	0	0	0	0	0	0	0	0
VERMONT	491,118	1,153,675	952,370	599	1,408	1,162	491,717	1,155,083	953,532	2,600,332
VIRGINIA	0	0	0	0	0	0	0	0	0	0
WASHINGTON	0	0	0	0	0	0	0	0	0	0
WEST VIRGINIA	0	0	0	0	0	0	0	0	0	0
WISCONSIN	0	0	0	0	0	0	0	0	0	0
WYOMING	1,486,657	2,562,138	952,370	232,596	400,861	149,004	1,719,253	2,962,999	1,101,374	5,783,626
Total	\$33,022,247	\$41,137,004	\$41,559,694	\$7,457,120	\$8,734,345	\$8,945,340	\$40,479,367	\$49,871,349	\$50,505,034	\$140,855,750