



U.S. Department
of Transportation

**Federal Highway
Administration**

Notice

Subject:

**APPORTIONMENT OF FISCAL YEAR (FY) 2008
SURFACE TRANSPORTATION PROGRAM FUNDS**

Classification Code	Date	Office of Primary Interest
N4510.651	October 1, 2007	HCFB-1

1. **What is the purpose of this Notice?** This Notice transmits the certificate of apportionment of Surface Transportation 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 Surface Transportation 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. Supplementary tables providing the sub-allocations of these funds will be issued in a separate Notice.
3. **What is the background information?**
 - a. Section 1101(a)(4) of the SAFETEA-LU authorizes a total of \$6,472,726,628 in contract authority for the Surface Transportation 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 Surface Transportation Program. The percentage takedown reduces the amount authorized for the Surface Transportation Program by \$22,685,059.

- 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 Surface Transportation Program. This provision reduces the amount apportioned by \$80,909,083.
 - d. As required by Section 140(b) of Title 23, U.S.C., \$10,000,000 has been set-aside for the On-the-Job Training/Supportive Services.
 - e. As required by Section 140(c) of Title 23, U.S.C., \$10,000,000 has been set aside for the Disadvantaged Business Enterprises Training.
 - f. The total contract authority available for distribution in FY 2007 for the Surface Transportation Program net of these reductions is \$6,349,132,486.
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: Surface Transportation Program, National Highway System, and Interstate Maintenance.

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: Surface Transportation Program, National Highway System, and Interstate Maintenance.

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 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 States under Section 154(c)(5) and 164(b)(5), which allows 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 \$6,472,726,628 AUTHORIZED TO BE APPROPRIATED
FOR THE SURFACE TRANSPORTATION 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 Surface Transportation Program for the fiscal year ending September 30, 2008, pursuant to Section 1101(a)(4) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users is \$6,472,726,628, 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 \$6,472,726,628 authorized to be appropriated for the fiscal year ending September 30, 2008, by Section 1101(a)(4) 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 \$22,685,059.

Third, pursuant to Section 104(f) of Title 23, United States Code, I have deducted 1.25 percent from the sum of \$6,472,726,628 authorized to be appropriated for the fiscal year ending September 30, 2008, by Section 1101(a)(4) 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 \$80,909,083.

Fourth, pursuant to Sections 140(b) and 140(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 \$10,000,000 to carry out Section 140(b) of Title 23, United States Code and \$10,000,000 to carry out Section 140(c) of Title 23, United States Code, from the amount authorized to be appropriated for the fiscal year ending September 30, 2008, by Section 1101(a)(4) of the Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users, for the purposes of carrying out Sections 140(b) and 140(c) of Title 23, United States Code, for On-the-Job Training and Supportive Services and Training for Disadvantaged Business Enterprises. The resulting amount is \$6,349,132,486.

Fifth, that in compliance with Section 154 of Title 23, United States Code, the Open Container Law 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 asides, 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 Surface Transportation System Program in the manner provided by law in accordance with the formula set forth.

Eighth, that subject to the foregoing deduction, set asides, 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

N4510.651 - TABLE 1

APPORTIONMENT OF FUNDS FOR THE
SURFACE TRANSPORTATION PROGRAM
AUTHORIZED FOR FISCAL YEAR 2008

<u>STATE</u>	<u>AMOUNT</u>
ALABAMA	\$122,864,537
ALASKA	31,745,663
ARIZONA	119,584,808
ARKANSAS	86,164,320
CALIFORNIA	617,880,404
COLORADO	102,173,333
CONNECTICUT	59,685,771
DELAWARE	31,745,663
DIST. OF COL.	31,745,663
FLORIDA	321,212,518
GEORGIA	222,073,417
HAWAII	31,745,663
IDAHO	38,896,530
ILLINOIS	230,102,246
INDIANA	152,563,826
IOWA	93,119,012
KANSAS	97,013,622
KENTUCKY	101,268,916
LOUISIANA	97,940,761
MAINE	32,100,107
MARYLAND	101,892,398
MASSACHUSETTS	100,301,286
MICHIGAN	216,030,457
MINNESOTA	135,004,966
MISSISSIPPI	90,208,856
MISSOURI	155,529,651
MONTANA	40,520,296
NEBRASKA	62,585,328
NEVADA	46,280,801
NEW HAMPSHIRE	31,745,663
NEW JERSEY	141,372,538
NEW MEXICO	58,678,356
NEW YORK	240,274,603
NORTH CAROLINA	175,972,919
NORTH DAKOTA	38,940,604
OHIO	222,179,829
OKLAHOMA	120,702,663
OREGON	83,272,374
PENNSYLVANIA	218,319,948
RHODE ISLAND	31,745,663
SOUTH CAROLINA	115,436,897
SOUTH DAKOTA	43,383,752
TENNESSEE	140,946,481
TEXAS	535,069,941
UTAH	52,442,077
VERMONT	31,745,663
VIRGINIA	169,142,883
WASHINGTON	118,410,804
WEST VIRGINIA	47,857,237
WISCONSIN	129,765,109
WYOMING	31,745,663
TOTAL	\$6,349,132,486

APPROVED EFFECTIVE October 1, 2007


FEDERAL HIGHWAY ADMINISTRATOR

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

N4510.651 - TABLE 2

TRANSFERS ASSESSED PURSUANT TO TITLE 23 U.S.C. 154 (Open Container Requirements) FOR THE
INTERSTATE MAINTENANCE, NATIONAL HIGHWAY SYSTEM, AND SURFACE TRANSPORTATION PROGRAMS
AUTHORIZED FOR FISCAL YEAR 2008

State	TRANSFERS ASSESSED ON 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. 154			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	1,987,324	2,487,108	2,584,930	551,125	689,725	716,853	2,538,449	3,176,833	3,301,783	9,017,065
CALIFORNIA	0	0	0	0	0	0	0	0	0	0
COLORADO	0	0	0	0	0	0	0	0	0	0
CONNECTICUT	1,514,694	1,398,994	1,790,573	352,680	325,741	416,915	1,867,374	1,724,735	2,207,488	5,799,597
DELAWARE	247,726	1,397,073	952,370	34,103	192,327	131,107	281,829	1,589,400	1,083,477	2,954,706
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	0	0	0	0	0	0	0	0	0	0
MISSISSIPPI	1,891,430	2,759,103	2,706,266	307,428	448,457	439,869	2,198,858	3,207,560	3,146,135	8,552,553
MISSOURI	3,827,851	4,265,037	4,665,890	1,049,268	1,169,107	1,278,987	4,877,119	5,434,144	5,944,877	16,256,140
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	0	0	0	0	0	0	0	0	0	0
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	0	0	0	0	0	0	0	0	0	0
OKLAHOMA	0	0	0	0	0	0	0	0	0	0
OREGON	0	0	0	0	0	0	0	0	0	0
PENNSYLVANIA	0	0	0	0	0	0	0	0	0	0
RHODE ISLAND	0	0	0	0	0	0	0	0	0	0
SOUTH CAROLINA	0	0	0	0	0	0	0	0	0	0
SOUTH DAKOTA	0	0	0	0	0	0	0	0	0	0
TENNESSEE	3,873,955	3,923,265	4,228,394	1,264,762	1,280,861	1,380,479	5,138,717	5,204,126	5,608,873	15,951,716
TEXAS	0	0	0	0	0	0	0	0	0	0
UTAH	0	0	0	0	0	0	0	0	0	0
VERMONT	0	0	0	0	0	0	0	0	0	0
VIRGINIA	4,272,695	4,199,290	5,074,286	1,421,306	1,396,888	1,687,954	5,694,001	5,596,178	6,762,240	18,052,419
WASHINGTON	0	0	0	0	0	0	0	0	0	0
WEST VIRGINIA	1,310,948	1,328,792	1,435,717	380,335	385,512	416,533	1,691,283	1,714,304	1,852,250	5,257,837
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	\$23,972,371	\$27,880,042	\$28,281,389	\$6,869,822	\$7,730,352	\$7,940,709	\$30,842,193	\$35,610,394	\$36,222,098	\$102,674,685

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

N4510.651 - 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