



U.S. Department  
of Transportation

**Federal Highway  
Administration**

# Notice

Subject:

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

Classification Code	Date	Office of Primary Interest
<b>N 4510.663</b>	January 30, 2008	<b>HCFB-1</b>

1. **What is the purpose of this Notice?** This Notice transmits the revised 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. **Does this Notice cancel FHWA Notice 4510.649?** Yes, this Notice cancels FHWA Notice 4510.649, Apportionment of Fiscal Year (FY) 2008 Interstate Maintenance Program Funds, dated October 1, 2007. The revisions to the apportionment are required pursuant to the terms of Division K, Title I of the Consolidated Appropriations Act, 2008, Pub. L. No. 110-161, which eliminate the percentage takedown from the amount authorized for the Interstate Maintenance Program to fund a portion of the contract authority for the National Highway Traffic Safety Administration Operations and Research Program. In addition, the revisions to the apportionment are required to reflect the correction of an error in the estimates of FY 2006 Highway Trust Fund contributions (the most current data upon which FY 2008 apportionments are based). United States Comptroller General Decision B-275490 (December 5, 1996) requires that incorrect apportionments be appropriately adjusted to ensure compliance with the statutory formula for apportioning Federal highway funds enacted by Congress. See also 41 Comp. Gen. 16 (1961).
3. **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.

4. **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. 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.
  - c. 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.
  - d. The total contract authority available for distribution in FY 2008 net of these reductions is \$4,954,606,157.
5. **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**
6. **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.

7. **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 black ink, appearing to read "J. Richard Capka", with a long horizontal flourish extending to the right.

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 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.

Third, 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 \$4,954,606,157.

Fourth, 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.

Fifth, 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.

Sixth, 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.

Seventh, 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**

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

<u>STATE</u>	<u>AMOUNT</u>
ALABAMA	\$95,191,598
ALASKA	31,492,884
ARIZONA	105,523,852
ARKANSAS	66,484,845
CALIFORNIA	446,490,527
COLORADO	81,603,590
CONNECTICUT	50,673,346
DELAWARE	8,287,589
DIST. OF COL.	2,753,433
FLORIDA	209,370,341
GEORGIA	191,985,278
HAWAII	9,010,812
IDAHO	37,644,872
ILLINOIS	209,759,401
INDIANA	132,130,279
IOWA	66,176,196
KANSAS	62,256,332
KENTUCKY	93,358,160
LOUISIANA	87,574,544
MAINE	26,538,995
MARYLAND	83,614,147
MASSACHUSETTS	80,549,561
MICHIGAN	137,651,333
MINNESOTA	87,812,850
MISSISSIPPI	63,276,844
MISSOURI	128,058,731
MONTANA	53,982,333
NEBRASKA	42,056,374
NEVADA	44,712,016
NEW HAMPSHIRE	19,013,816
NEW JERSEY	95,741,168
NEW MEXICO	68,559,597
NEW YORK	181,389,008
NORTH CAROLINA	131,377,811
NORTH DAKOTA	28,879,996
OHIO	203,529,711
OKLAHOMA	84,122,528
OREGON	67,136,599
PENNSYLVANIA	182,613,510
RHODE ISLAND	10,930,980
SOUTH CAROLINA	88,797,126
SOUTH DAKOTA	35,048,236
TENNESSEE	129,601,062
TEXAS	396,999,184
UTAH	69,851,817
VERMONT	16,430,151
VIRGINIA	142,940,697
WASHINGTON	93,721,321
WEST VIRGINIA	43,857,153
WISCONSIN	78,308,381
WYOMING	49,735,242
<b>TOTAL</b>	<b>\$4,954,606,157</b>

APPROVED EFFECTIVE



FEDERAL HIGHWAY ADMINISTRATOR

U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL HIGHWAY ADMINISTRATION

N4510.663 - TABLE 2

REVISED 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			
	Interstate Maintenance	National Highway System	Surface Transportation Program	Interstate Maintenance	National Highway System	Surface Transportation Program	Interstate Maintenance	National Highway System	Surface Transportation Program	Total
ALABAMA	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
ALASKA	944,787	1,120,541	955,773	994,010	1,178,921	1,005,568	1,938,797	2,299,462	1,961,341	6,199,600
ARIZONA	0	0	0	0	0	0	0	0	0	0
ARKANSAS	1,994,545	2,496,084	2,593,962	554,431	693,845	721,053	2,548,976	3,189,929	3,315,015	9,053,920
CALIFORNIA	0	0	0	0	0	0	0	0	0	0
COLORADO	0	0	0	0	0	0	0	0	0	0
CONNECTICUT	1,520,200	1,404,043	1,797,094	354,530	327,441	419,105	1,874,730	1,731,484	2,216,199	5,822,413
DELAWARE	248,628	1,402,114	955,773	34,319	193,541	131,931	282,947	1,595,655	1,087,704	2,966,306
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	2,627,236	2,451,547	2,948,682	289,656	270,286	325,096	2,916,892	2,721,833	3,273,778	8,912,503
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	1,898,305	2,769,061	2,715,804	309,354	451,255	442,576	2,207,659	3,220,316	3,158,380	8,586,355
MISSOURI	3,841,762	4,280,430	4,682,426	1,055,491	1,176,012	1,286,457	4,897,253	5,456,442	5,968,883	16,322,578
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	3,888,032	3,937,424	4,243,353	1,271,778	1,287,934	1,388,003	5,159,810	5,225,358	5,631,356	16,016,524
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	4,288,221	4,214,445	5,092,421	1,429,593	1,404,998	1,697,695	5,717,814	5,619,443	6,790,116	18,127,373
WASHINGTON	0	0	0	0	0	0	0	0	0	0
WEST VIRGINIA	1,315,715	1,333,587	1,440,797	382,637	387,835	419,013	1,698,352	1,721,422	1,859,810	5,279,584
WISCONSIN	0	0	0	0	0	0	0	0	0	0
WYOMING	1,492,057	2,571,385	955,773	234,016	403,300	149,905	1,726,073	2,974,685	1,105,678	5,806,436
<b>Total</b>	<b>\$24,059,488</b>	<b>\$27,980,661</b>	<b>\$28,381,858</b>	<b>\$6,909,815</b>	<b>\$7,775,368</b>	<b>\$7,986,402</b>	<b>\$30,969,303</b>	<b>\$35,756,029</b>	<b>\$36,368,260</b>	<b>\$103,093,592</b>



U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL HIGHWAY ADMINISTRATION

N4510.663 - TABLE 3

REVISED 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	944,787	1,120,541	955,773	994,010	1,178,921	1,005,568	1,938,797	2,299,462	1,961,341	6,199,600
ARIZONA	0	0	0	0	0	0	0	0	0	0
ARKANSAS	0	0	0	0	0	0	0	0	0	0
CALIFORNIA	13,394,716	16,951,317	18,603,866	2,411,796	3,052,183	3,349,734	15,806,512	20,003,500	21,953,600	57,763,612
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	2,627,236	2,451,547	2,948,682	289,656	270,286	325,096	2,916,892	2,721,833	3,273,778	8,912,503
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	2,634,386	3,195,512	4,064,688	702,787	852,481	1,084,355	3,337,173	4,047,993	5,149,043	12,534,209
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	2,056,788	2,474,762	1,766,454	521,054	626,941	447,503	2,577,842	3,101,703	2,213,957	7,893,502
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	6,105,891	5,416,784	6,689,082	1,918,024	1,701,557	2,101,220	8,023,915	7,118,341	8,790,302	23,932,558
OKLAHOMA	0	0	0	0	0	0	0	0	0	0
OREGON	2,014,098	2,566,951	2,507,008	208,853	266,181	259,966	2,222,951	2,833,132	2,766,974	7,823,057
PENNSYLVANIA	0	0	0	0	0	0	0	0	0	0
RHODE ISLAND	327,929	1,322,812	955,773	0	0	0	327,929	1,322,812	955,773	2,606,514
SOUTH CAROLINA	0	0	0	0	0	0	0	0	0	0
SOUTH DAKOTA	1,051,447	2,056,019	1,306,099	222,895	435,852	276,878	1,274,342	2,491,871	1,582,977	5,349,190
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	492,905	1,157,837	955,773	660	1,550	1,280	493,565	1,159,387	957,053	2,610,005
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	1,492,057	2,571,385	955,773	234,016	403,300	149,905	1,726,073	2,974,685	1,105,678	5,806,436
<b>Total</b>	<b>\$33,142,240</b>	<b>\$41,285,467</b>	<b>\$41,708,971</b>	<b>\$7,503,751</b>	<b>\$8,789,252</b>	<b>\$9,001,505</b>	<b>\$40,645,991</b>	<b>\$50,074,719</b>	<b>\$50,710,476</b>	<b>\$141,431,186</b>