



U.S. Department
of Transportation

**Federal Highway
Administration**

Notice

Subject:

**APPORTIONMENT OF FISCAL YEAR (FY) 2009
NATIONAL HIGHWAY SYSTEM PROGRAM FUNDS**

Classification Code	Date	Office of Primary Interest
N 4510.685	October 1, 2008	HCFB-1

1. **What is the purpose of this Notice?** This Notice transmits the certificate of apportionment of National Highway System 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 National Highway System 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 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 L050.
3. **What is the background information?**
 - a. Section 1101(a)(2) of the SAFETEA-LU authorizes a total of \$6,306,611,031 in contract authority for the National Highway System Program for FY 2009.
 - 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 National Highway System Program. This provision reduces the amount apportioned by \$78,832,638.
 - c. 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

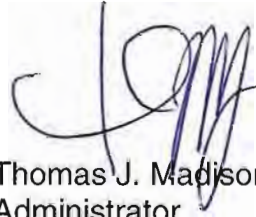
National Highway System Program. This provision reduces the amount apportioned by \$12,928,553.

- d. As required by Section 104(b)(1)(A) of Title 23, U.S.C., \$30,000,000 has been set aside for the Alaska Highway.
 - e. As required by Section 104(b)(1)(A) of Title 23, U.S.C., \$50,000,000 has been set aside for the Territorial Highway Program, which includes the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.
 - f. The total contract authority available for distribution in FY 2009 net of these reductions is \$6,134,849,840.
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: National Highway System, Surface Transportation Program, 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: National Highway System, Surface Transportation Program, 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 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 States 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.

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

Thomas J. Madison, Jr.
Administrator

Attachments

**CERTIFICATE OF APPORTIONMENT FROM
THE SUM OF \$6,306,611,031 AUTHORIZED TO BE APPROPRIATED
FOR THE NATIONAL HIGHWAY SYSTEM 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 National Highway System Program for the fiscal year ending September 30, 2009, pursuant to Section 1101(a)(2) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users is \$6,306,611,031, 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 \$6,306,611,031 authorized to be appropriated for the fiscal year ending September 30, 2009, by Section 1101(a)(2) 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 \$78,832,638.

Third, pursuant to Section 111 of the SAFETEA-LU Technical Corrections Act of 2008, Pub. L. No. 110-244, I have deducted 0.205% from the sum of \$6,306,611,031 that can be apportioned for the fiscal year ending September 30, 2009 pursuant to Section 1101(a)(2) 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 \$12,928,553.

Fourth, pursuant to Section 104(b)(1)(A) of Title 23, United States Code, and after making the deduction authorized by Section 104(f) of Title 23, United States Code, I have set aside \$30,000,000 from the sum of \$6,306,611,031 authorized to be appropriated for fiscal year ending September 30, 2009, by Section 1101(a)(2) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, for the purpose of carrying out Section 104(b)(1)(A) of Title 23, United States Code, for the Alaska Highway.

Fifth, pursuant to Section 104(b)(1)(A) of Title 23, United States Code, and after making the deduction authorized by Section 104(f) of Title 23, United States Code, I have set aside \$50,000,000 from the sum of \$6,306,611,031 authorized to be appropriated for fiscal year ending September 30, 2009, by Section 1101(a)(2) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, for the purpose of carrying out Section 104(b)(1)(A) of Title 23, United States Code, for the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of Northern Mariana Islands. The resulting amount is \$6,134,849,840.

Sixth, that in compliance with the provisions of 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 Section 402 Safety Program.

Seventh, that in compliance with the provisions of 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 Section 402 Safety Program.

Eighth, that after making the deductions, 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 National Highway System Program in the manner provided by law in accordance with the formula set forth.

Ninth, that subject to the foregoing deductions, 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

TABLE 1

APPORTIONMENT OF FUNDS FOR THE
NATIONAL HIGHWAY SYSTEM
AUTHORIZED FOR FISCAL YEAR 2009

<u>STATE</u>	<u>AMOUNT</u>
ALABAMA	\$108,098,006
ALASKA	37,466,873
ARIZONA	129,565,925
ARKANSAS	85,550,030
CALIFORNIA	569,799,598
COLORADO	111,091,855
CONNECTICUT	46,854,587
DELAWARE	47,838,126
DIST. OF COL.	53,344,637
FLORIDA	308,172,733
GEORGIA	172,012,797
HAWAII	46,383,256
IDAHO	51,335,144
ILLINOIS	179,030,543
INDIANA	135,588,676
IOWA	99,528,468
KANSAS	87,737,467
KENTUCKY	109,143,329
LOUISIANA	86,004,976
MAINE	30,334,599
MARYLAND	94,401,203
MASSACHUSETTS	80,212,193
MICHIGAN	170,871,847
MINNESOTA	109,947,725
MISSISSIPPI	96,322,809
MISSOURI	145,159,835
MONTANA	73,128,450
NEBRASKA	73,763,903
NEVADA	53,297,500
NEW HAMPSHIRE	37,134,438
NEW JERSEY	142,315,686
NEW MEXICO	84,640,233
NEW YORK	204,731,122
NORTH CAROLINA	156,717,134
NORTH DAKOTA	80,930,510
OHIO	179,229,046
OKLAHOMA	110,805,575
OREGON	86,035,883
PENNSYLVANIA	194,509,377
RHODE ISLAND	45,320,605
SOUTH CAROLINA	90,389,153
SOUTH DAKOTA	68,620,602
TENNESSEE	132,091,154
TEXAS	522,679,400
UTAH	50,552,690
VERMONT	39,164,693
VIRGINIA	140,107,020
WASHINGTON	108,241,628
WEST VIRGINIA	44,652,257
WISCONSIN	137,602,552
WYOMING	86,391,992
TOTAL	\$6,134,849,840

APPROVED EFFECTIVE  October 1, 2008

FEDERAL HIGHWAY ADMINISTRATOR

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

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(d)			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	953,209	1,124,006	969,141	1,047,549	1,235,250	1,065,058	2,000,758	2,359,256	2,034,199	6,394,213
ARIZONA	0	0	0	0	0	0	0	0	0	0
ARKANSAS	2,055,880	2,566,501	2,653,313	563,370	703,295	727,084	2,619,250	3,269,796	3,380,397	9,269,443
CALIFORNIA	0	0	0	0	0	0	0	0	0	0
COLORADO	0	0	0	0	0	0	0	0	0	0
CONNECTICUT	1,524,434	1,405,638	1,793,928	430,232	396,705	506,290	1,954,666	1,802,343	2,300,218	6,057,227
DELAWARE	238,653	1,435,144	969,141	39,590	238,075	160,770	278,243	1,673,219	1,129,911	3,081,373
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	2,763,864	2,580,149	3,125,882	519,259	484,744	587,273	3,283,123	3,064,893	3,713,155	10,061,171
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	1,976,221	2,889,684	2,811,929	345,960	505,873	492,261	2,322,181	3,395,557	3,304,190	9,021,928
MISSOURI	3,885,971	4,354,795	4,694,539	1,158,702	1,298,494	1,399,797	5,044,673	5,653,289	6,094,336	16,792,298
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	3,888,307	3,962,735	4,257,098	1,333,786	1,359,316	1,460,290	5,222,093	5,322,051	5,717,388	16,261,532
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	4,298,210	4,203,211	5,148,432	1,392,626	1,361,846	1,668,099	5,690,836	5,565,057	6,816,531	18,072,424
WASHINGTON	0	0	0	0	0	0	0	0	0	0
WEST VIRGINIA	1,328,981	1,339,568	1,449,551	651,669	656,860	710,791	1,980,650	1,996,428	2,160,342	6,137,420
WISCONSIN	0	0	0	0	0	0	0	0	0	0
WYOMING	\$1,520,826	\$2,591,760	\$969,141	\$256,745	\$437,539	\$163,610	1,777,571	3,029,299	1,132,751	5,939,621
Total	\$24,434,556	\$28,453,191	\$28,842,095	\$7,739,488	\$8,677,997	\$8,941,323	\$32,174,044	\$37,131,188	\$37,783,418	\$107,088,650

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

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 FY 2009

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(d)			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	953,209	1,124,006	969,141	1,047,549	1,235,250	1,065,058	2,000,758	2,359,256	2,034,199	6,394,213
ARIZONA	0	0	0	0	0	0	0	0	0	0
ARKANSAS	0	0	0	0	0	0	0	0	0	0
CALIFORNIA	13,505,368	17,093,988	18,794,610	2,456,527	3,109,271	3,418,602	15,961,895	20,203,259	22,213,212	58,378,366
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	2,763,864	2,580,149	3,125,882	519,259	484,744	587,273	3,283,123	3,064,893	3,713,155	10,061,171
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	2,667,134	3,298,432	4,132,624	682,827	844,449	1,058,015	3,349,961	4,142,881	5,190,639	12,683,481
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	2,111,163	2,539,207	1,807,050	551,682	663,537	472,213	2,662,845	3,202,744	2,279,263	8,144,852
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	6,134,790	5,376,871	6,726,961	1,809,216	1,585,697	1,983,853	7,944,006	6,962,568	8,710,814	23,617,388
OKLAHOMA	0	0	0	0	0	0	0	0	0	0
OREGON	2,029,217	2,581,076	2,535,878	234,796	298,650	293,421	2,264,013	2,879,726	2,829,299	7,973,038
PENNSYLVANIA	0	0	0	0	0	0	0	0	0	0
RHODE ISLAND	314,178	1,359,618	969,141	0	0	0	314,178	1,359,618	969,141	2,642,937
SOUTH CAROLINA	0	0	0	0	0	0	0	0	0	0
SOUTH DAKOTA	1,065,351	2,058,618	1,342,277	250,380	483,819	315,464	1,315,731	2,542,437	1,657,741	5,515,909
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	498,852	1,174,941	969,141	4,939	11,633	9,595	503,791	1,186,574	978,736	2,669,101
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	1,520,826	2,591,760	969,141	256,745	437,539	163,610	1,777,571	3,029,299	1,132,751	5,939,621
Total	\$33,563,952	\$41,778,666	\$42,341,846	\$7,813,920	\$9,154,589	\$9,367,104	\$41,377,872	\$50,933,255	\$51,708,950	\$144,020,077