



U.S. Department  
of Transportation  
**Federal Highway  
Administration**

# Notice

Subject:

**ONE-YEAR REDISTRIBUTION OF HIGHWAY INFRASTRUCTURE  
INVESTMENT FUNDS PURSUANT TO THE AMERICAN RECOVERY  
AND REINVESTMENT ACT OF 2009, PUBLIC LAW 111-5**

Classification Code	Date	Office of Primary Interest
<b>N 4510.720</b>	February 5, 2010	<b>HCFB-1</b>

- 1. What is the purpose of this Notice?** This Notice is to advise States of the redistribution of Highway Infrastructure Investment funds 1 year after the initial date of apportionment pursuant to division A, title XII of the American Recovery and Reinvestment Act of 2009, Public Law (Pub. L.) 111-5.
- 2. What is the background information?** Pursuant to division A, title XII of the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5, 1 year following the initial date of apportionment of the Highway Infrastructure Investment funds, any unobligated balances of such funds will be withdrawn from each State and redistributed in the manner described in section 120(c) of division K, title I of the Consolidated Appropriations Act, 2008, Pub. L. 110-161, to States that have had no funds withdrawn (excluding funds sub-allocated within the State).
- 3. When will the funds be withdrawn and redistributed?** The unobligated balances will be withdrawn and the redistribution process will begin on March 2, 2010 (1 year from the initial apportionment date of March 2, 2009). The target to complete the redistribution of funds will be March 16, 2010.
- 4. What funds will be withdrawn and redistributed?**
  - a. All apportioned Highway Infrastructure Investment funds, including those funds set aside for transportation enhancement activities and those funds sub-allocated within each State, are subject to the 1-year redistribution.
  - b. The funds subject to redistribution include funds under the following program codes: program code C240 (funds available for use in any area), program code C220 (funds for transportation enhancement activities), program code C230 (funds for urbanized areas with populations over 200,000), program code C200 (funds for areas with populations equal to or less than 200,000), and program code C250 (funds for rural areas with populations under 5,000).



- c. Any funds subject to the 1-year redistribution that are unobligated as of 11:59 PM Eastern Standard Time (EST) on March 1, 2010 will be withdrawn from a State and redistributed.
5. **What States are eligible to receive funds in the redistribution?** States that have no funds withdrawn and States that have ONLY sub-allocated funds (program codes C230, C200, and C250) withdrawn will be eligible to receive funds in the redistribution. States that have funds available for use in any area (program code C240) or funds for transportation enhancement activities (program code C220) withdrawn will NOT be eligible to receive funds in the redistribution.
6. **How will the withdrawn funds be redistributed?** Consistent with section 120(c) of division K, title I of the Consolidated Appropriations Act, 2008, Pub. L. 110-161, priority in the redistribution will be provided to those States having large unobligated balances of funds apportioned under sections 104 and 144 of title 23, United States Code.
7. **What is the availability of the redistributed Highway Infrastructure Investment funds?**
  - a. Funds redistributed to a State will be available for use in any area of the State (program code C240). Redistributed funds will not be subject to any set-asides or sub-allocations.
  - b. The funds remain free from any limitation on obligations and are available for immediate obligation. Any amounts not obligated by the State on or before September 30, 2010, shall lapse (in effect, the deadline is the last day in Fiscal Year (FY) 2010 to obligate funding through the Fiscal Management Information System (FMIS), which is **estimated** to be September 24, 2010).
8. **What action is required?**
  - a. Division Administrators should ensure that copies of this Notice are provided to the State departments of transportation.
  - b. Each State, in consultation with the Division Office, must determine the amount of additional Highway Infrastructure Investment funds the State could obligate on or before September 24, 2010, if additional funds were provided in the redistribution.
  - c. **No later than February 16, 2010**, the Division Administrator must submit **via e-mail to the HCFB-1 official mailbox ("FHWA, BudgetDivision")** the amount of additional Highway Infrastructure Investment funds that the State could obligate on or before September 24, 2010. See the

Attachment for the required response template. The Division Administrator should also copy the response to Steven.Frankel@dot.gov. When submitting the response, please include in the e-mail subject line the following: "Response to N4510.720\_[insert the name of your State]."

- d. Division Administrators should ensure that the redistributed funds are obligated prior to lapsing at the end of FY 2010.

A handwritten signature in blue ink, appearing to read "Victor M. Mendez".

Victor M. Mendez  
Administrator

Attachment

ONE-YEAR REDISTRIBUTION OF HIGHWAY INFRASTRUCTURE INVESTMENT FUNDS PURSUANT TO  
THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009, PUBLIC LAW 111-5  
Report to HCFB-1 on Request for Additional Highway Infrastructure Investment Funds

State: \_\_\_\_\_

<p>Additional Highway Infrastructure Investment funds that the State could obligate on or before September 24, 2010, if provided to the State in the redistribution</p>	<p>\$ _____</p>
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