



U.S. Department  
of Transportation

**Federal Highway  
Administration**

# Notice

Subject:

**REDISTRIBUTION OF HIGHWAY INFRASTRUCTURE INVESTMENT FUNDS PURSUANT TO THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009, PUBLIC LAW NUMBER 111-5, AFTER 120 DAYS**

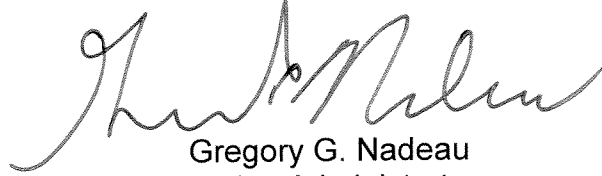
Classification Code	Date	Office of Primary Interest
<b>N 4510.708</b>	July 9, 2009	<b>HCFB-1</b>

1. **What is the purpose of this Notice?** This Notice is to advise States of the redistribution of Highway Infrastructure Investment funds 120 days after the initial date of apportionment pursuant to Division A, Title XII of the American Recovery and Reinvestment Act of 2009, Public Law Number (Pub. L. No.) 111-5.
2. **What is the background information?**
  - a. Pursuant to Division A, Title XII of the American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5, on June 30, 2009, 120 days following the apportionment of the Highway Infrastructure Investment funds, an amount equal to 50 percent of the funds awarded to a State (excluding funds sub-allocated within the State) less the amount of funding obligated (excluding funds sub-allocated within the State) were to be withdrawn from each State and redistributed in the manner described in Section 120(c) of Division K, Title I of the Consolidated Appropriations Act, 2008, Pub. L. No. 110-161, to other States that had no funds withdrawn.
  - b. Funds sub-allocated within a State to urbanized areas and other areas are not subject to the 120-day redistribution.
3. **How much contract authority is available for withdrawal and redistribution?**
  - a. As of June 22, 2009, all States and the District of Columbia had obligated at least 50 percent of the Highway Infrastructure Investment funds apportioned to them on March 2, 2009. Therefore, no funds will be withdrawn from any of the States or the District of Columbia.
  - b. Table 1 shows the amount of Highway Infrastructure Investment funds apportioned to each State and the District of Columbia on March 2, 2009 and what percentage of those funds were obligated by June 29, 2009.



4. **What is the availability of the remaining Highway Infrastructure Investment funds?**
- a. Highway Infrastructure Investment funds shall continue to be administered as if apportioned under Chapter 1 of Title 23, United States Code (U.S.C.) and remain eligible to be obligated for restoration, repair, construction and other activities eligible under Section 133(b) of Title 23, U.S.C., and for passenger and freight rail transportation and port infrastructure projects eligible for assistance under Section 601(a)(8) of Title 23, U.S.C.
  - b. The funds are not eligible to be obligated for purposes authorized under Section 115(b) of Title 23, U.S.C. (Advance Construction).
  - c. The Disadvantaged Business Enterprises provisions in Section 1101(b) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) of 2005, Pub. L. No. 109-59, shall continue to apply to the Highway Infrastructure Investment funds.
  - d. The funds remain free from any limitation on obligations and available for immediate obligation until September 30, 2010. Any amounts not obligated by the State on or before September 30, 2010, shall lapse.
  - e. The Federal share continues to be, at the option of the State, up to 100 percent.
  - f. States should continue to use the following program codes when obligating these funds: C220, C230, C200, C250, and C240.
5. **What other redistribution provisions apply to these funds?**
- a. One (1) year following the initial date of apportionment (March 2, 2010) 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. No. 110-161, to States that have had no funds withdrawn (excluding funds sub-allocated within the State).
  - b. At the request of a State, the Secretary of Transportation may provide an extension of such 1-year period only to the extent that the Secretary feels satisfied that the State has encountered extreme conditions that create an unworkable bidding environment or other extenuating circumstances.
  - c. Further information on the redistribution at 1 year will be provided in a future Notice.

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 black ink, appearing to read "Gregory G. Nadeau". The signature is fluid and cursive, with a large initial "G" and "N".

Gregory G. Nadeau  
Acting Administrator

Attachment

UNITED STATES DEPARTMENT OF TRANSPORTATION  
FEDERAL HIGHWAY ADMINISTRATION

N4510.708 - ATTACHMENT

HIGHWAY INFRASTRUCTURE INVESTMENT FUNDS SUBJECT TO REDISTRIBUTION 120 DAYS AFTER THE INITIAL DATE OF APPORTIONMENT  
PURSUANT TO THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009

STATE	FUNDS DISTRIBUTED TO STATES (EXCLUDING SUB-ALLOCATED FUNDS)				TOTAL OBLIGATIONS as of 06-29-09	PERCENT OBLIGATED AS OF 06-29-09
	TRANSPORTATION ENHANCEMENTS	AVAILABLE FOR USE ANY AREA	TOTAL FUNDS	TOTAL FUNDS NET OF TRANSFERS		
ALABAMA	15,410,762	344,173,696	359,584,458	359,584,458	205,178,421	57.1%
ALASKA	5,263,845	117,559,196	122,823,041	122,823,041	72,800,219	59.3%
ARIZONA	15,658,752	349,712,129	365,370,881	365,370,881	262,087,951	71.7%
ARKANSAS	10,546,334	235,534,794	246,081,128	246,081,128	133,878,871	54.4%
CALIFORNIA	77,087,050	1,721,610,774	1,798,697,824	1,798,697,824	1,187,749,838	66.0%
COLORADO	12,117,724	270,629,167	282,746,891	282,746,891	210,616,018	74.5%
CONNECTICUT	9,061,619	202,376,150	211,437,769	211,437,769	175,151,318	82.8%
DELAWARE	3,654,860	81,625,195	85,280,055	85,280,055	44,038,351	51.6%
DIST. OF COL.	3,705,235	82,750,254	86,455,489	86,455,489	82,565,030	95.5%
FLORIDA	40,402,050	902,312,452	942,714,502	942,714,502	884,635,271	93.8%
GEORGIA	27,947,570	624,162,406	652,109,976	652,109,976	382,544,223	58.7%
HAWAII	3,772,391	84,250,075	88,022,466	88,022,466	46,222,409	52.5%
IDAHO	5,458,039	121,896,203	127,354,242	124,298,242	89,289,181	71.8%
ILLINOIS	28,067,781	626,847,112	654,914,893	654,914,893	602,078,562	91.9%
INDIANA	19,739,031	440,838,364	460,577,395	460,577,395	282,946,090	61.4%
IOWA	10,744,873	239,968,829	250,713,702	250,713,702	223,358,829	89.1%
KANSAS	10,434,515	233,037,502	243,472,017	243,472,017	209,905,330	86.2%
KENTUCKY	12,632,850	282,133,644	294,766,494	294,766,494	165,284,312	56.1%
LOUISIANA	12,895,783	288,005,816	300,901,599	300,901,599	198,588,288	66.0%
MAINE	3,922,561	87,603,861	91,526,422	91,526,422	91,526,422	100.0%
MARYLAND	12,931,043	288,793,301	301,724,344	301,724,344	203,502,364	67.4%
MASSACHUSETTS	13,135,958	293,369,720	306,505,678	293,705,678	173,530,958	59.1%
MICHIGAN	25,416,145	567,627,239	593,043,384	593,043,384	370,252,021	62.4%
MINNESOTA	15,068,525	336,530,399	351,598,924	351,598,924	199,805,375	56.8%
MISSISSIPPI	10,636,930	237,558,110	248,195,040	248,195,040	215,625,311	86.9%
MISSOURI	19,113,660	426,871,729	445,985,389	445,985,389	321,383,442	72.1%
MONTANA	6,353,802	141,901,572	148,255,374	148,255,374	89,884,896	60.6%
NEBRASKA	7,067,678	157,844,817	164,912,495	164,912,495	109,207,334	66.2%
NEVADA	6,040,574	134,906,148	140,946,722	140,946,722	71,288,539	50.6%
NEW HAMPSHIRE	3,883,217	86,725,172	90,608,389	90,608,389	88,485,151	97.7%
NEW JERSEY	19,553,234	436,688,902	456,242,136	456,242,136	429,605,208	94.2%
NEW MEXICO	7,579,331	169,271,733	176,851,064	176,851,064	143,393,729	81.1%
NEW YORK	33,620,542	750,858,764	784,479,306	784,013,306	537,827,059	68.6%
NORTH CAROLINA	22,065,801	492,802,878	514,868,679	514,868,679	314,285,061	61.0%
NORTH DAKOTA	5,103,795	113,984,753	119,088,548	119,088,548	74,971,253	63.0%
OHIO	28,070,311	626,903,610	654,973,921	654,973,921	338,895,928	51.7%
OKLAHOMA	13,939,657	311,319,000	325,258,657	325,258,657	309,372,832	95.1%
OREGON	10,017,072	223,714,600	233,731,672	224,276,355	156,639,891	69.8%
PENNSYLVANIA	30,792,870	687,707,438	718,500,308	718,500,308	476,244,553	66.3%
RHODE ISLAND	4,112,872	91,854,135	95,967,007	95,967,007	91,142,181	95.0%
SOUTH CAROLINA	13,892,444	310,264,594	324,157,038	324,157,038	178,229,440	55.0%
SOUTH DAKOTA	5,490,821	122,628,330	128,119,151	128,119,151	77,283,524	60.3%
TENNESSEE	17,181,031	383,709,699	400,890,730	400,890,730	364,562,113	90.9%
TEXAS	67,500,454	1,507,510,148	1,575,010,602	1,575,010,602	973,102,422	61.8%
UTAH	6,406,370	143,075,587	149,481,957	149,481,957	145,234,740	97.2%
VERMONT	3,773,739	84,280,165	88,053,904	88,053,904	53,069,059	60.3%
VIRGINIA	20,833,825	465,288,751	486,122,576	486,122,576	285,186,164	58.7%
WASHINGTON	14,767,270	329,802,366	344,569,636	344,569,636	250,723,648	72.8%
WEST VIRGINIA	6,325,566	141,270,977	147,596,543	147,596,543	114,160,214	77.3%
WISCONSIN	15,873,357	354,504,983	370,378,340	370,378,340	271,439,997	73.3%
WYOMING	4,728,482	105,602,759	110,331,241	110,331,241	98,814,501	89.6%
<b>TOTAL</b>	<b>799,800,001</b>	<b>17,862,199,998</b>	<b>18,661,999,999</b>	<b>18,636,222,682</b>	<b>13,077,593,843</b>	