



U.S. Department
of Transportation
Federal Highway
Administration

Memorandum

Subject: **INFORMATION:** Highway Infrastructure Program (HIP)
Sec. 122 of Divisions A of the Consolidated
Appropriations Act of 2010 -- Implementation Guidance

Date: March 17, 2010

Reply to Attn. of:
HIPA-10

Dwight A. Horne

From: Dwight A. Horne
Director, Office of Program Administration

To: Division Administrators

The attached implementing guidance provides information to Federal Highway Division Offices, State transportation agencies, local governments and grantees on the Consolidated Appropriations Act, 2010 (Public Law 111-117) Highway Infrastructure Program (HIP) as it relates to funding, Federal share requirements, eligibility, and transferability.

If you have any questions concerning the HIP, please contact David Bartz, of my staff at (512) 536-5906.

Attachment



Attachment

Highway Infrastructure Program (HIP)

Implementation Guidance (February 2010)

The Consolidated Appropriations Act, 2010 (Public Law 111-117), enacted on December 16, 2009, authorized the Highway Infrastructure Program (HIP) under division A, title I, section 122. The purpose of this guidance is to provide information on the HIP as it relates to funding, Federal share requirements, eligibility, and transferability.

I. General

- A. **Appropriation of Funds** –The appropriations act appropriates \$650,000,000 from the General Fund of the Treasury for fiscal year 2010. These funds are in addition to any other contract authority provided in FY 2010. The Fiscal Management Information System (FMIS) program code for these funds is LHIP.
- B. **Obligation Authority** – HIP funding is not subject to any obligation limitation that applies to Federal-aid contract authority. Specifically, the amounts made available shall not be subject to any limitations on obligations for Federal-aid highways or highway safety construction programs set forth in any Act.
- C. **Federal Share** - The Federal share payable on account of any project or activity carried out with these funds shall be 80% of the total project cost.
- D. **Period of Availability for Obligation and Expenditure** – Funds remain available for obligation through September 30, 2012. Once the period for obligation has expired, funds will not be permitted to be reobligated. Obligated balances are available for expenses incurred until September 30, 2017.
- E. **Applicability of Title 23** - The statutory provisions contained in Chapter 1 of Title 23 United States Code (U.S.C.) are applicable to projects and activities carried out with these funds.

II. Funding Distribution

- A. **Apportionment to States** – HIP funds are to be apportioned to the States in the same ratio as the obligation limitation for fiscal year 2010 is distributed among the States in section 120(a)(6) of the appropriations act (P.L. 111-117).
- B. **Transfers** – For those projects more suitably administered by another Federal agency (including flex funding transfers to the Federal Transit Administration), transfers can be made in accordance with the July 19, 2007, Information Memorandum "[INFORMATION: Fund Transfers to Other Agencies and Among Title 23 Programs](#)" located at:
<http://www.fhwa.dot.gov/legsregs/directives/policy/fundtrans20070719.htm>

III. Eligible Activities

Funds may be used for restoration, repair, construction and other activities eligible under the Surface Transportation Program (STP) as defined within 23 U.S.C. 133(b).

- A. 23 U.S.C. 133(b) - The STP provides flexible funding that may be used for projects on any Federal-aid highway (as defined in 23 U.S.C. 101(a)(5)). Eligible projects are listed in 23 U.S.C. 133(b). It should be noted that bridge projects on any public road are eligible for STP funding under the provisions of 23 U.S.C. 133(b)(1). In addition, carpool, pedestrian, bicycle, and safety projects, as listed in 23 U.S.C. 133(b)(3) & (4), may also be implemented with STP funding on roads of any functional classification, under the provisions of 23 U.S.C. 133(c).
- B. The special rule permitting obligation on minor collectors of up to 15 percent of a States Sub-allocated STP funds for areas of less than 5,000 population (Section 113(a) of the SAFETEA-LU Technical Corrections Act of 2008 (Public Law 110-224), amending Section 1108 (f) of TEA-21), is not applicable to HIP funds as these are not sub-allocated STP funds.

IV. **Specific Requirements**

- A. Section 1101(b) of Public Law 109-59 (SAFETEA-LU), Disadvantaged Business Enterprises, applies to funds apportioned for this program.
- B. Buy America requirements apply to these funds including requirements contained in the March 13, 2008 guidance located at the following website:
<http://www.fhwa.dot.gov/construction/contracts/080313.cfm>

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cc:

HIPA-1 (Horne) HIPA-10 (DeSimone; Bartz) HIF-1 (Gee)

HCC-30 () HCC-10 (FHWA Legislation) HPLS-1 ()

HPLS-10 (Edwards)