



U.S. Department
of Transportation

**Federal Highway
Administration**

Notice

Subject:

**APPORTIONMENT OF FEDERAL-AID HIGHWAY FUNDS FOR
FISCAL YEAR (FY) 2015 PURSUANT TO THE HIGHWAY AND
TRANSPORTATION FUNDING ACT OF 2014, AS AMENDED**

Classification Code	Date	Office of Primary Interest
N 4510.788	August 14, 2015	HCFB-10

1. **What is the purpose of this Notice?** This Notice transmits the certificate of apportionment for apportioned Federal-aid highway program funds authorized for FY 2015 pursuant to the Highway and Transportation Funding Act of 2014 (Extension Act), Public Law (Pub. L.) 113-159, as amended by the Highway and Transportation Funding Act of 2015, Pub. L. 114-21, and the Surface Transportation and Veterans Health Care Choice Improvement Act of 2015, Pub. L. 114-41. The apportionments made available by this Notice are for the following programs: National Highway Performance Program, Surface Transportation Program, Highway Safety Improvement Program, Railway-Highway Grade Crossings Program, Congestion Mitigation and Air Quality Improvement Program, and the Metropolitan Planning Program. The apportionments are effective immediately.

2. **Does this Notice cancel FHWA Notice 4510.784?** Yes, this Notice cancels FHWA Notice N4510.784, Apportionment of Funds for the Period Beginning on October 1, 2014, and Ending on July 31, 2015, Pursuant to the Highway and Transportation Funding Act of 2014, as Amended, dated June 3, 2015. The revision to the apportionment is required due to the full-year extension of the Federal-aid highway program under the Surface Transportation and Veterans Health Care Choice Improvement Act of 2015.

3. **What is the background information?**
 - a. The Extension Act extends the surface transportation programs, including the Federal-aid highway programs, under the Moving Ahead for Progress in the 21st Century Act (MAP-21), Pub. L. 112-141, through October 29, 2015.

 - b. Section 1001(a) of the Extension Act incorporates by reference and continues in effect the requirements, authorities, conditions, eligibilities, limitations, and other provisions authorized under divisions A and E of MAP-21; the SAFETEA-LU Technical Corrections Act of 2008; titles I, V, and VI of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU); titles I and V of the Transportation Equity Act for the 21st Century; the National Highway

System Designation Act of 1995; titles I and VI of the Intermodal Surface Transportation Act of 1991; and title 23, U.S.C. (excluding chapter 4 of that title), which would have otherwise expired or ceased to apply after September 30, 2014.

- c. Pursuant to section 1001(b)(1) of the Extension Act, except as provided in section 1002 for the administrative expenses of the Federal Highway Administration, there is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) for FY 2015, a sum equal to the total amount authorized to be appropriated out of the Highway Trust Fund for programs, projects, and activities for FY 2014 under divisions A and E of MAP-21 and title 23, U.S.C. (excluding chapter 4 of that title).
- d. Pursuant to section 1001(c)(1) of the Extension Act, except as otherwise expressly provided in the Act, the funds authorized to be appropriated for FY 2015, shall be distributed, administered, limited, and made available for obligation in the same manner and at the same levels as the amounts of funds authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) for FY 2014 to carry out programs, projects, activities, eligibilities, and requirements under MAP-21; the SAFETEA-LU Technical Corrections Act of 2008; SAFETEA-LU; titles I and V of the Transportation Equity Act for the 21st Century; the National Highway System Designation Act of 1995; titles I and VI of the Intermodal Surface Transportation Act of 1991; and title 23, U.S.C. (excluding chapter 4 of that title).

4. What is the availability of these funds?

- a. The funds shall be available for obligation and administered in the same manner as if the funds were apportioned under chapter 1 of title 23, U.S.C.
- b. The funds resulting from this apportionment are available for obligation until September 30, 2018. Any amounts not obligated by the State on or before September 30, 2018, shall lapse.
- c. The funds resulting from this apportionment are available for obligation immediately and shall be subject to obligation controls in force at the time of obligation.
- d. For FY 2015, an amount of National Highway Performance Program funds equal to \$639,000,000 prior to sequestration (\$592,353,000 after sequestration) that is exempt from obligation controls is provided. See FHWA Notice N4510.789 for additional information on sequestration.

- e. The Federal share payable shall be in accordance with section 120 of title 23, U.S.C., except as provided by another provision of law.
- f. Program codes to be used when obligating these funds were provided in a program code memorandum dated September 23, 2014.
- g. The Catalog of Federal Domestic Assistance (CFDA) number for these funds is 20.205, with the exception that the CFDA number for the Recreational Trails Program is 20.219.

5. **How were the State-by-State and program-by-program amounts determined?**

- a. The base amount of apportioned funds available for each program and each State for FY 2015 is equal to the amount for each such program and State in FY 2014.
- b. Table 1 shows the State-by-State, program-by-program apportionment amounts (before post-apportionment set-asides, before penalties, and before sequestration) available under the Extension Act for FY 2015.

6. **Are certain States subject to penalties?** Yes. Currently, the States that are listed under the following requirements are subject to penalties. The penalty funds for a State under sections 154 and 164 of title 23, U.S.C., are reserved and then, in the proportions elected by the State, released for use on eligible Highway Safety Improvement Program activities under section 148 of title 23, U.S.C., or transferred to the State's safety program under section 402 of title 23, U.S.C.

a. **Open Container Requirements – 23 U.S.C. 154 – 2.5 percent**

Funds subject to penalty: National Highway Performance Program and Surface Transportation Program.

Alaska, Arkansas, Connecticut, Delaware, Hawaii, Louisiana, Maine, Mississippi, Missouri, Tennessee, Virginia, West Virginia, and Wyoming

Table 2 shows the penalty amounts under section 154 of title 23, U.S.C., subject to section 154(c)(5), which allows a State to designate how the total penalty amount is to be derived from the National Highway Performance Program and the Surface Transportation Program.

b. **Minimum Penalties for Repeat Offenders for Driving While Intoxicated or Driving Under the Influence – 23 U.S.C. 164 – 2.5 percent**

Funds subject to penalty: National Highway Performance Program and Surface Transportation Program.

Alaska, California, Delaware, Hawaii, Indiana, Louisiana, Minnesota, Montana, New Mexico, North Dakota, Ohio, Oregon, Rhode Island, South Carolina, South Dakota, Utah, Vermont, and Wyoming

Table 3 shows the penalty amounts under section 164 of title 23, U.S.C., subject to section 164(c)(5), which allows a State to designate how the total penalty amount is to be derived from the National Highway Performance Program and the Surface Transportation Program.

7. **What other amounts are related to these apportionments?** Supplementary tables showing other amounts related to these apportionments will be issued at a later date via a separate notice. The amounts shown in the supplementary tables will include set-asides (State Planning & Research, Transportation Alternatives Program, etc.), suballocations for the Surface Transportation Program and the Transportation Alternatives Program, and various limiting amounts.
8. **What action is required?** Division Administrators should ensure that copies of this Notice are provided to the State departments of transportation.



Gregory G. Nadeau
Administrator

Attachments

**CERTIFICATE OF APPORTIONMENT FROM THE SUM OF \$37,798,000,000
AUTHORIZED TO BE APPROPRIATED FOR APPORTIONED FEDERAL-AID HIGHWAY
PROGRAMS FOR FY 2015**

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 Surface Transportation and Veterans Health Care Choice Improvement Act of 2015, and title 23 of the United States Code, 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 Federal-aid highway program under the Highway and Transportation Funding Act of 2014, Public Law 113-159, as amended by the Highway and Transportation Funding Act of 2015, Public Law 114-21, and the Surface Transportation and Veterans Health Care Choice Improvement Act of 2015, Public Law 114-41, is \$37,798,000,000, which is 100 percent of the amount authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) for FY 2015.

Second, that I have computed the apportionment to each State and the District of Columbia of the amounts authorized to be appropriated for the apportioned Federal-aid highway programs and further computed the distribution among the programs within each State and the District of Columbia in the manner provided by law.

Third, that in compliance with section 154 of title 23, United States Code, the Open Container Requirements, 2.5 percent of the National Highway Performance Program and Surface Transportation Program apportionments for the States of Alaska, Arkansas, Connecticut, Delaware, Hawaii, Louisiana, Maine, Mississippi, Missouri, Tennessee, Virginia, West Virginia, and Wyoming are reserved for release for use on eligible Highway Safety Improvement Program activities or transfer to the States' 402 Safety Programs.

Fourth, 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, 2.5 percent of the National Highway Performance Program and Surface Transportation Program apportionments for the States of Alaska, California, Delaware, Hawaii, Indiana, Louisiana, Minnesota, Montana, New Mexico, North Dakota, Ohio, Oregon, Rhode Island, South Carolina, South Dakota, Utah, Vermont, and Wyoming are reserved for release for use on eligible Highway Safety Improvement Program activities or transfer to the States' 402 Safety Programs.

Fifth, subject to the above-mentioned penalties, that 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

N4510.788 - TABLE 1

FY 2015 FEDERAL-AID HIGHWAY PROGRAM APPORTIONMENTS
PURSUANT TO THE HIGHWAY AND TRANSPORTATION FUNDING ACT OF 2014, AS AMENDED
(before post-apportionment setasides; before penalties; before sequestration)

State	National Highway Performance Program	Surface Transportation Program	Highway Safety Improvement Program	Railway-Highway Crossings Program	Congestion Mitigation & Air Quality Improvement	Metropolitan Planning	Apportioned Total
Alabama	457,293,242	210,340,534	45,720,399	4,531,606	11,397,192	2,980,070	732,263,043
Alaska	289,366,285	133,099,405	30,698,493	1,100,000	27,493,201	2,197,655	483,955,039
Arizona	413,210,414	190,063,817	42,731,428	2,676,310	51,828,599	5,671,495	706,182,063
Arkansas	309,420,570	142,323,747	30,241,707	3,760,553	12,302,362	1,665,227	499,714,166
California	1,930,325,220	887,888,994	196,843,319	15,280,331	463,637,790	48,492,758	3,542,468,412
Colorado	298,581,383	137,338,062	29,641,660	3,169,481	42,256,393	5,126,010	516,112,989
Connecticut	277,794,410	127,776,706	29,221,153	1,305,705	44,199,692	4,473,039	484,770,705
Delaware	95,480,033	43,917,817	9,392,311	1,100,000	11,650,737	1,727,063	163,267,961
Dist. of Col.	90,575,156	41,661,728	8,853,314	1,100,000	10,092,264	1,720,246	154,002,708
Florida	1,143,438,426	525,945,775	117,188,758	8,463,816	13,584,723	20,067,504	1,828,689,002
Georgia	745,815,085	343,051,523	74,082,553	7,875,149	67,884,140	7,530,322	1,246,238,772
Hawaii	96,314,552	44,301,670	9,484,017	1,100,000	10,348,924	1,695,029	163,244,192
Idaho	166,696,757	76,675,274	16,541,631	1,776,694	12,801,698	1,569,240	276,061,294
Illinois	793,512,627	364,990,894	76,854,409	10,344,781	109,990,798	16,537,875	1,372,231,384
Indiana	552,613,379	254,184,804	53,354,561	7,372,184	47,071,049	5,072,949	919,668,926
Iowa	293,745,166	135,113,554	27,054,665	5,225,024	11,284,553	1,922,488	474,345,450
Kansas	225,079,062	103,529,302	18,847,102	5,886,861	9,507,296	1,887,866	364,737,489
Kentucky	398,221,019	183,169,166	40,107,694	3,652,857	13,686,440	2,455,282	641,292,458
Louisiana	421,573,308	193,910,485	42,305,455	4,021,282	11,435,577	4,166,907	677,413,014
Maine	105,801,083	48,665,176	10,400,865	1,225,628	10,287,373	1,785,435	178,165,560
Maryland	331,011,585	152,254,936	34,083,995	2,290,904	53,644,841	6,721,039	580,007,300
Massachusetts	327,493,739	150,636,838	33,563,437	2,424,886	63,360,507	8,712,358	586,191,765
Michigan	593,833,751	273,144,880	57,856,114	7,400,342	73,935,815	10,036,726	1,016,207,628
Minnesota	377,579,058	173,674,512	35,536,982	5,955,222	32,195,500	4,431,598	629,372,872
Mississippi	289,164,349	133,006,522	28,397,899	3,378,403	11,208,483	1,648,156	466,803,812
Missouri	563,829,611	259,343,919	56,450,758	5,508,540	23,549,081	5,037,832	913,719,741
Montana	241,672,550	111,161,785	24,713,762	1,843,661	14,873,228	1,742,478	396,007,464
Nebraska	170,137,608	78,257,958	15,132,980	3,563,460	10,278,266	1,606,390	278,976,662
Nevada	200,497,123	92,222,381	20,932,651	1,100,000	32,538,736	3,181,655	350,472,546
New Hampshire	94,020,076	43,246,283	9,231,877	1,100,000	10,339,416	1,532,191	159,469,843
New Jersey	539,935,156	248,353,219	55,705,052	3,628,482	103,994,877	12,065,878	963,682,664
New Mexico	217,521,011	100,052,835	22,289,018	1,614,390	11,402,307	1,560,029	354,439,590
New York	899,994,113	413,969,035	92,733,546	6,166,906	183,020,533	24,204,327	1,620,088,460
North Carolina	605,015,579	278,288,170	60,040,175	6,445,053	51,203,732	5,637,741	1,006,630,450
North Dakota	144,907,391	66,652,850	12,298,708	3,625,181	10,510,377	1,627,295	239,621,802
Ohio	756,020,312	347,745,606	74,490,252	8,588,903	95,666,359	11,227,576	1,293,739,008
Oklahoma	380,848,052	175,178,146	36,668,399	5,183,035	11,744,140	2,506,038	612,127,810
Oregon	292,722,412	134,643,119	29,278,564	2,888,734	19,382,241	3,508,427	482,423,497
Pennsylvania	934,242,866	429,722,386	96,083,774	6,580,277	104,402,288	12,571,684	1,583,603,275
Rhode Island	126,674,807	58,266,434	12,820,308	1,100,000	10,420,505	1,799,873	211,081,927
South Carolina	401,416,151	184,638,826	39,889,354	4,222,311	13,087,312	3,052,896	646,306,850
South Dakota	164,487,876	75,659,258	15,753,771	2,321,820	12,255,342	1,712,735	272,190,802
Tennessee	492,999,125	226,764,119	49,463,775	4,711,953	37,007,106	4,659,219	815,605,297
Texas	2,002,344,975	921,015,821	202,536,637	17,501,272	164,475,841	23,722,254	3,331,596,800
Utah	203,266,852	93,496,370	20,769,136	1,567,881	12,907,564	3,140,797	335,148,600
Vermont	115,946,898	53,331,932	11,641,417	1,100,000	11,834,783	2,031,802	195,886,832
Virginia	586,030,497	269,555,629	59,937,031	4,461,924	54,867,429	7,327,530	982,180,040
Washington	388,755,146	178,815,162	38,657,003	4,063,343	36,917,466	7,096,843	654,304,963
West Virginia	258,519,106	118,910,672	26,423,436	1,985,257	14,309,236	1,649,835	421,797,542
Wisconsin	442,348,084	203,466,230	43,000,082	5,609,598	27,371,694	4,431,220	726,226,908
Wyoming	149,898,722	68,948,706	15,372,387	1,100,000	10,410,501	1,532,307	247,262,623
Apportioned Total	22,397,991,758	10,302,372,972	2,241,317,774	220,000,000	2,315,856,307	320,461,189	37,798,000,000

APPROVED EFFECTIVE: August 14, 2015


FEDERAL HIGHWAY ADMINISTRATOR

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

N4510.788 - TABLE 2

FY 2015 PENALTIES ASSESSED PURSUANT TO 23 U.S.C. 154
(before election of penalty shifts by States)

<u>State</u>	23 U.S.C. 154 Penalty Amounts (Open Container Requirements)		
	<u>National Highway Performance Program</u>	<u>Surface Transportation Program</u>	<u>Total</u>
ALABAMA	\$0	\$0	\$0
ALASKA	7,234,157	3,327,485	10,561,642
ARIZONA	0	0	0
ARKANSAS	7,735,514	3,558,094	11,293,608
CALIFORNIA	0	0	0
COLORADO	0	0	0
CONNECTICUT	6,944,860	3,194,418	10,139,278
DELAWARE	2,387,001	1,097,945	3,484,946
DIST. OF COL.	0	0	0
FLORIDA	0	0	0
GEORGIA	0	0	0
HAWAII	2,407,864	1,107,542	3,515,406
IDAHO	0	0	0
ILLINOIS	0	0	0
INDIANA	0	0	0
IOWA	0	0	0
KANSAS	0	0	0
KENTUCKY	0	0	0
LOUISIANA	10,539,333	4,847,762	15,387,095
MAINE	2,645,027	1,216,629	3,861,656
MARYLAND	0	0	0
MASSACHUSETTS	0	0	0
MICHIGAN	0	0	0
MINNESOTA	0	0	0
MISSISSIPPI	7,229,109	3,325,163	10,554,272
MISSOURI	14,095,740	6,483,598	20,579,338
MONTANA	0	0	0
NEBRASKA	0	0	0
NEVADA	0	0	0
NEW HAMPSHIRE	0	0	0
NEW JERSEY	0	0	0
NEW MEXICO	0	0	0
NEW YORK	0	0	0
NORTH CAROLINA	0	0	0
NORTH DAKOTA	0	0	0
OHIO	0	0	0
OKLAHOMA	0	0	0
OREGON	0	0	0
PENNSYLVANIA	0	0	0
RHODE ISLAND	0	0	0
SOUTH CAROLINA	0	0	0
SOUTH DAKOTA	0	0	0
TENNESSEE	12,324,978	5,669,103	17,994,081
TEXAS	0	0	0
UTAH	0	0	0
VERMONT	0	0	0
VIRGINIA	14,650,762	6,738,891	21,389,653
WASHINGTON	0	0	0
WEST VIRGINIA	6,462,978	2,972,767	9,435,745
WISCONSIN	0	0	0
WYOMING	3,747,468	1,723,718	5,471,186
Total	\$98,404,791	\$45,263,115	\$143,667,906

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

N4510.788 - TABLE 3

FY 2015 PENALTIES ASSESSED PURSUANT TO 23 U.S.C. 164
(before election of penalty shifts by States)

23 U.S.C. 164 Penalty Amounts (Minimum Penalties for DWI or DUI Repeat Offenders)			
<u>State</u>	<u>National Highway Performance Program</u>	<u>Surface Transportation Program</u>	<u>Total</u>
ALABAMA	\$0	\$0	\$0
ALASKA	7,234,157	3,327,485	10,561,642
ARIZONA	0	0	0
ARKANSAS	0	0	0
CALIFORNIA	48,258,131	22,197,225	70,455,356
COLORADO	0	0	0
CONNECTICUT	0	0	0
DELAWARE	2,387,001	1,097,945	3,484,946
DIST. OF COL.	0	0	0
FLORIDA	0	0	0
GEORGIA	0	0	0
HAWAII	2,407,864	1,107,542	3,515,406
IDAHO	0	0	0
ILLINOIS	0	0	0
INDIANA	13,815,334	6,354,620	20,169,954
IOWA	0	0	0
KANSAS	0	0	0
KENTUCKY	0	0	0
LOUISIANA	10,539,333	4,847,762	15,387,095
MAINE	0	0	0
MARYLAND	0	0	0
MASSACHUSETTS	0	0	0
MICHIGAN	0	0	0
MINNESOTA	9,439,476	4,341,863	13,781,339
MISSISSIPPI	0	0	0
MISSOURI	0	0	0
MONTANA	6,041,814	2,779,045	8,820,859
NEBRASKA	0	0	0
NEVADA	0	0	0
NEW HAMPSHIRE	0	0	0
NEW JERSEY	0	0	0
NEW MEXICO	5,438,025	2,501,321	7,939,346
NEW YORK	0	0	0
NORTH CAROLINA	0	0	0
NORTH DAKOTA	3,622,685	1,666,321	5,289,006
OHIO	18,900,508	8,693,640	27,594,148
OKLAHOMA	0	0	0
OREGON	7,318,060	3,366,078	10,684,138
PENNSYLVANIA	0	0	0
RHODE ISLAND	3,166,870	1,456,661	4,623,531
SOUTH CAROLINA	10,035,404	4,615,971	14,651,375
SOUTH DAKOTA	4,112,197	1,891,481	6,003,678
TENNESSEE	0	0	0
TEXAS	0	0	0
UTAH	5,081,671	2,337,409	7,419,080
VERMONT	2,898,672	1,333,298	4,231,970
VIRGINIA	0	0	0
WASHINGTON	0	0	0
WEST VIRGINIA	0	0	0
WISCONSIN	0	0	0
WYOMING	3,747,468	1,723,718	5,471,186
Total	\$164,444,670	\$75,639,385	\$240,084,055