



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

Notice

Subject:

**REVISED ADVANCE NOTIFICATION OF FEDERAL-AID HIGHWAY FUNDS
TO BE APPORTIONED ON OCTOBER 1, 2015**

Classification Code

Date

Office of Primary Interest

N4510.791

August 14, 2015

HCFB-10

1. **What is the purpose of this Notice?** This Notice is to notify States, as required by section 104(e) of title 23, United States Code (U.S.C.), of the anticipated amounts of funds to be apportioned under 23 U.S.C. 104, pursuant to the Highway and Transportation Funding Act of 2014 (Extension Act), Public Law 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 for the period beginning on October 1, 2015, and ending on October 29, 2015. The anticipated apportionment amounts are subject to change before issuing the certificate of apportionment, which is effective on October 1, 2015.
2. **Does this Notice cancel FHWA Notice 4510.787?** Yes, this Notice cancels FHWA Notice 4510.787, Advance Notification of Federal-aid Highway Funds to be Apportioned for Fiscal Year (FY) 2016, dated July 1, 2015. The revisions to this Notice reflect the extension of the Federal-aid highway program through October 29, 2015, and identify which States are anticipated to have apportioned funds transferred or withheld in FY 2016 due to penalties. In addition, the revisions describe the set-aside from the transportation alternatives funding for the recreational trails program and inform States of the procedures to opt out of the set-aside (see paragraph 3 of this Notice).
3. **What are the procedures for opting out of the recreational trails program set-aside?**
 - a. Section 213(f) of title 23, U.S.C., provides for a set-aside from each State's transportation alternatives funding for the recreational trails program. The full-year amount of the set-aside is equal to each State's FY 2009 apportionment for the recreational trails program. Each State subject to the set-aside must return 1 percent of the set-aside funds to the Secretary for administration, and these States must also comply with the provisions for the administration of the recreational trails program under section 206 of title 23, U.S.C.
 - b. Section 213(g) of title 23, U.S.C., allows a State to opt out of the recreational trails program set-aside. In order to opt out of the set-aside, a State must inform the Federal Highway Administration (FHWA) of its decision to opt out

no later than 30 days prior to apportionments being made for a fiscal year. Since apportionments for the period beginning on October 1, 2015, and ending on October 29, 2015, will be effective on October 1, 2015, a State must make notification of its decision to opt out by September 1, 2015. **Any State that desires to opt out of the recreational trails program set-aside for FY 2016 shall notify FHWA via e-mail, with a letter signed by the Governor or the Governor's designee accompanying the opt out notification, to the FHWA Office of Budget's official mailbox (BudDiv@dot.gov) no later than September 1, 2015.** Note that failure to affirmatively opt out by the deadline will result in the recreational trails set-aside being applied to a State's transportation alternatives funding.

4. **Are certain States subject to potential withholdings or transfers? Yes.** Currently, the States that are listed under the following requirements are subject to potential withholdings or transfers on October 1, 2015.
- a. **Use of Safety Belts and Motorcycle Helmets – 23 U.S.C. 153**
- Funds subject to 2 percent transfer to the State's Safety Program under 23 U.S.C. 402: National Highway Performance Program (NHPP), Surface Transportation Program (STP), and Highway Safety Improvement Program (HSIP).
- New Hampshire
- b. **Open Container Requirements – 23 U.S.C. 154**
- Funds subject to 2.5 percent transfer to the State's Safety Program under 23 U.S.C. 402 or use for HSIP under 23 U.S.C. 148: NHPP and STP.
- Alaska, Arkansas, Connecticut, Delaware, Hawaii, Louisiana, Maine, Mississippi, Missouri, Ohio, Puerto Rico*, Tennessee, Virginia, and Wyoming
- Note: To avoid a transfer on October 1, 2015, the National Highway Traffic Safety Administration (NHTSA) must receive from the State by September 30, 2015, a certificate and laws that conform to 23 U.S.C. 154 programs implementing regulations.
- c. **National Minimum Drinking Age – 23 U.S.C. 158**
- Funds subject to 8 percent withholding: NHPP and STP.
- Puerto Rico*
- d. **Repeat Offenders – 23 U.S.C. 164**
- Funds subject to 2.5 percent transfer to the State's Safety Program under 23 U.S.C. 402 or use for HSIP under 23 U.S.C. 148: NHPP and STP.

* Puerto Rico highway program funds are no longer apportioned. Section 165 of title 23, U.S.C., states that, for the purpose of imposing penalties, such funds will be treated as being apportioned under 23 U.S.C. 104(b) and 144 (as in effect for FY 1997) in the same proportions as Puerto Rico's FY 1997 apportionments. Funds treated as being apportioned for the national highway system, STP, and Interstate maintenance program shall be deemed to have been apportioned 50 percent for NHPP and 50 percent for STP.

Alabama, Alaska, California, Delaware, Hawaii, Indiana, Louisiana, Minnesota, Montana, New Mexico, North Dakota, Ohio, Oregon, Puerto Rico*, Rhode Island, South Dakota, Vermont, and Wyoming

Note: To avoid a transfer on October 1, 2015, NHTSA must receive from the State by September 30, 2015, a certificate and laws that conform to 23 U.S.C.164 programs implementing regulations.

5. **Are there obligation controls?** Yes. The obligation limitation associated with the funds transferred pursuant to 23 U.S.C. 153, 23 U.S.C. 154, and 23 U.S.C. 164 is subject to obligation controls in force at the time of the transfer.
6. **What are the anticipated FY 2016 apportionments for the period beginning on October 1, 2015, and ending on October 29, 2015?** The following table shows the FY 2016 anticipated apportionment amounts effective on October 1, 2015, for the period beginning on October 1, 2015, and ending on October 29, 2015. The table shows the anticipated apportionments of NHPP, STP, HSIP, Railway-Highway Crossings Program, Congestion Mitigation and Air Quality Improvement Program, and Metropolitan Planning Program.
7. **What action is required?**
 - a. Division Administrators must ensure that this Notice is provided to State departments of transportation.
 - b. A State shall notify FHWA **no later than September 1, 2015**, of any decision to opt out of the recreational trails set-aside for FY 2016.



Gregory G. Nadeau
Administrator

Attachment

UNITED STATES DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

N4510.791

**ADVANCE NOTICE OF ANTICIPATED FEDERAL-AID HIGHWAY PROGRAM APPORTIONMENTS FOR THE
PERIOD BEGINNING ON OCTOBER 1, 2015, AND ENDING ON OCTOBER 29, 2015, PURSUANT
TO THE HIGHWAY AND TRANSPORTATION FUNDING ACT OF 2014, AS AMENDED
(before post-apportionment set-asides; before penalties; before sequestration)**

State	National Highway Program	Surface Transportation Program	Highway Safety Improvement Program	Railway-Highway Crossings Program	CMAQ Program	Metropolitan Planning	Apportioned Total
Alabama	36,233,618	16,666,326	3,622,655	359,062	903,056	236,126	58,020,843
Alaska	22,927,930	10,546,128	2,432,394	87,158	2,178,423	174,131	38,346,164
Arizona	32,740,716	15,059,701	3,385,824	212,057	4,106,638	449,381	55,954,317
Arkansas	24,516,930	11,277,018	2,396,201	297,967	974,777	131,944	39,594,837
California	152,949,266	70,351,860	15,596,875	1,210,737	36,736,328	3,842,322	280,687,388
Colorado	23,658,088	10,881,978	2,348,656	251,134	3,348,184	406,159	40,894,199
Connecticut	22,011,033	10,124,384	2,315,337	103,458	3,502,161	354,421	38,410,794
Delaware	7,565,358	3,479,827	744,200	87,158	923,146	136,844	12,936,533
Dist. of Col.	7,176,720	3,301,066	701,492	87,158	799,660	136,304	12,202,400
Florida	90,600,312	41,673,299	9,285,448	670,630	1,076,385	1,590,048	144,896,122
Georgia	59,094,638	27,181,678	5,869,929	623,987	5,378,798	596,665	98,745,695
Hawaii	7,631,481	3,510,242	751,466	87,158	819,997	134,306	12,934,650
Idaho	13,208,213	6,075,363	1,310,676	140,776	1,014,342	124,339	21,873,709
Illinois	62,873,951	28,920,044	6,089,557	819,668	8,715,118	1,310,378	108,728,716
Indiana	43,786,306	20,140,326	4,227,547	584,135	3,729,673	401,955	72,869,942
Iowa	23,274,890	10,705,719	2,143,676	414,005	894,131	152,328	37,584,749
Kansas	17,834,133	8,203,141	1,493,350	466,445	753,310	149,585	28,899,964
Kentucky	31,553,032	14,513,404	3,177,932	289,434	1,084,445	194,544	50,812,791
Louisiana	33,403,350	15,364,492	3,352,072	318,626	906,098	330,165	53,674,803
Maine	8,383,146	3,855,984	824,112	97,113	815,120	141,469	14,116,944
Maryland	26,227,694	12,063,916	2,700,644	181,520	4,250,548	532,541	45,956,863
Massachusetts	25,948,957	11,935,706	2,659,398	192,136	5,020,368	690,323	46,446,888
Michigan	47,052,401	21,642,627	4,584,228	586,366	5,858,302	795,260	80,519,184
Minnesota	29,917,466	13,761,095	2,815,772	471,862	2,551,010	351,138	49,868,343
Mississippi	22,911,929	10,538,768	2,250,107	267,688	888,104	130,592	36,987,188
Missouri	44,675,024	20,549,108	4,472,874	436,469	1,865,911	399,172	72,398,558
Montana	19,148,918	8,807,901	1,958,194	146,082	1,178,480	138,065	31,377,640
Nebraska	13,480,849	6,200,767	1,199,061	282,351	814,398	127,282	22,104,708
Nevada	15,886,384	7,307,238	1,658,598	87,158	2,578,206	252,098	27,769,682
New Hampshire	7,449,678	3,426,618	731,488	87,158	819,243	121,403	12,635,588
New Jersey	42,781,747	19,678,261	4,413,788	287,503	8,240,031	956,040	76,357,370
New Mexico	17,235,271	7,927,684	1,766,070	127,916	903,462	123,609	28,084,012
New York	71,311,009	32,800,825	7,347,740	488,635	14,501,627	1,917,829	128,367,665
North Carolina	47,938,393	22,050,156	4,757,282	510,674	4,057,126	446,706	79,760,337
North Dakota	11,481,733	5,281,237	974,488	287,241	832,789	128,939	18,986,427
Ohio	59,903,249	27,553,614	5,902,233	680,542	7,580,121	889,617	102,509,376
Oklahoma	30,176,485	13,880,236	2,905,420	410,678	930,547	198,566	48,501,932
Oregon	23,193,852	10,668,444	2,319,886	228,889	1,535,751	277,990	38,224,812
Pennsylvania	74,024,708	34,049,042	7,613,195	521,388	8,272,312	996,117	125,476,762
Rhode Island	10,037,075	4,616,739	1,015,817	87,158	825,668	142,613	16,725,070
South Carolina	31,806,198	14,629,852	3,160,632	334,555	1,036,973	241,898	51,210,106
South Dakota	13,033,192	5,994,859	1,248,250	183,969	971,052	135,709	21,567,031
Tennessee	39,062,772	17,967,649	3,919,261	373,351	2,932,257	369,173	64,624,463
Texas	158,655,749	72,976,663	16,047,985	1,386,713	13,032,239	1,879,632	263,978,981
Utah	16,105,843	7,408,182	1,645,642	124,231	1,022,730	248,861	26,555,489
Vermont	9,187,049	4,225,754	922,407	87,158	937,729	160,990	15,521,087
Virginia	46,434,110	21,358,233	4,749,109	353,540	4,347,419	580,597	77,823,008
Washington	30,803,003	14,168,414	3,062,987	321,959	2,925,154	562,318	51,843,835
West Virginia	20,483,754	9,421,884	2,093,660	157,302	1,133,792	130,725	33,421,117
Wisconsin	35,049,438	16,121,641	3,407,110	444,476	2,168,795	351,108	57,542,568
Wyoming	11,877,221	5,463,149	1,218,031	87,158	824,876	121,412	19,591,847
Apportioned Total	1,774,704,262	816,308,242	177,590,756	17,431,692	183,496,810	25,391,735	2,994,923,497