



U.S. Department
of Transportation

**Federal Highway
Administration**

Notice

Subject:

**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**

Classification Code

Date

Office of Primary Interest

N 4510.784

June 3, 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 the period beginning on October 1, 2014, and ending on July 31, 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. 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 4510.778?** Yes, this Notice cancels FHWA Notice N4510.778, Apportionment of Funds for the Period Beginning on October 1, 2014, and Ending on May 31, 2015, Pursuant to the Highway and Transportation Funding Act of 2014, dated October 1, 2014. The revision to the apportionment is required due to the further extension of the Federal-aid highway program under the Highway and Transportation Funding Act of 2015 and the final outcome of the administrative review process for States newly subject to penalties under section 164 of title 23, United States Code (U.S.C.). The National Highway Traffic Safety Administration has determined that Alabama was in compliance with section 164 and Delaware and South Carolina were in non-compliance with section 164 on October 1, 2014.

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 July 31, 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 the period beginning on October 1, 2014, and ending on July 31, 2015, a sum equal to 304/365 of the total amount authorized to be appropriated out of the Highway Trust Fund for programs, projects, and activities for Fiscal Year (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 the period beginning on October 1, 2014, and ending on July 31, 2015, shall be distributed, administered, limited, and made available for obligation in the same manner and at the same levels as 304/365 of 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 the period beginning on October 1, 2014, and ending on July 31, 2015, an amount of National Highway Performance Program funds equal to \$532,208,219 prior to sequestration (\$493,357,019 after sequestration) that is exempt from obligation controls is provided. See FHWA Notice N4510.785 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 the period beginning on October 1, 2014, and ending on July 31, 2015, is equal to 304/365 of 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 and before penalties) available under the Extension Act for the period beginning on October 1, 2014, and ending on July 31, 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.

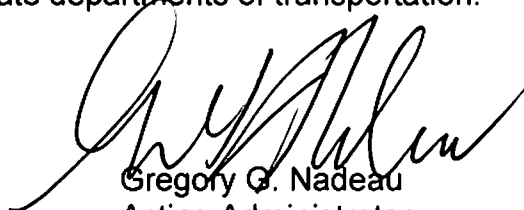
b. **Minimum Penalties for Repeat Offenders for Driving While Intoxicated or Driving Under the Influence – 23 U.S.C. 164 – 2.5 percent**

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
Acting Administrator

Attachments

**CERTIFICATE OF APPORTIONMENT FROM THE SUM OF \$31,481,073,973
AUTHORIZED TO BE APPROPRIATED FOR APPORTIONED FEDERAL-AID HIGHWAY
PROGRAMS FOR THE PERIOD BEGINNING OCTOBER 1, 2014, AND
ENDING ON JULY 31, 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 Highway and Transportation Funding Act of 2015, 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, is \$31,481,073,973, which is 100 percent of the amount authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) for the period beginning on October 1, 2014, and ending on July 31, 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

N4510.784 - TABLE 1

FEDERAL-AID HIGHWAY PROGRAM APPORTIONMENTS 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
(before post-apportionment set-asides; before penalties)

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	380,868,892	175,187,732	38,079,456	3,774,269	9,492,456	2,482,031	609,884,836
Alaska	241,006,440	110,855,395	25,568,060	916,164	22,898,447	1,830,376	403,074,882
Arizona	344,153,331	158,299,727	35,590,011	2,229,036	43,166,833	4,723,656	588,162,594
Arkansas	257,709,187	118,538,135	25,187,614	3,132,077	10,246,351	1,386,929	416,200,293
California	1,607,722,923	739,502,066	163,946,216	12,726,632	386,153,118	40,388,489	2,950,439,444
Colorado	248,681,481	114,385,674	24,687,848	2,639,787	35,194,366	4,269,334	429,858,490
Connecticut	231,368,495	106,422,243	24,337,618	1,087,491	36,812,894	3,725,490	403,754,231
Delaware	79,523,096	36,578,127	7,822,637	916,164	9,703,628	1,438,431	135,982,083
Dist. of Col.	75,437,938	34,699,083	7,373,719	916,164	8,405,612	1,432,753	128,265,269
Florida	952,343,237	438,047,988	97,603,787	7,049,315	11,314,399	16,713,757	1,523,072,483
Georgia	621,172,016	285,719,625	61,701,633	6,559,028	56,539,119	6,271,830	1,037,963,251
Hawaii	80,218,147	36,897,829	7,899,017	916,164	8,619,378	1,411,750	135,962,285
Idaho	138,837,847	63,861,050	13,777,139	1,479,767	10,662,236	1,306,983	229,925,022
Illinois	660,898,188	303,992,416	64,010,248	8,615,927	91,608,774	13,774,011	1,142,899,564
Indiana	460,258,814	211,704,604	44,437,771	6,140,120	39,204,381	4,225,141	765,970,831
Iowa	244,653,508	112,532,933	22,533,200	4,351,801	9,398,641	1,601,195	395,071,278
Kansas	187,463,109	86,227,145	15,697,312	4,903,029	7,918,405	1,572,360	303,781,360
Kentucky	331,669,013	152,557,333	33,404,764	3,042,380	11,399,117	2,044,947	534,117,554
Louisiana	351,118,591	161,503,527	35,235,228	3,349,232	9,524,426	3,470,520	564,201,524
Maine	88,119,258	40,532,092	8,662,638	1,020,797	8,568,113	1,487,047	148,389,945
Maryland	275,691,841	126,809,591	28,387,766	1,908,041	44,679,539	5,597,797	483,074,575
Massachusetts	272,761,909	125,461,914	27,954,205	2,019,631	52,771,491	7,256,320	488,225,470
Michigan	494,590,302	227,496,010	48,187,010	6,163,573	61,579,419	8,359,355	846,375,669
Minnesota	314,476,804	144,649,457	29,597,925	4,959,966	26,814,882	3,690,975	524,190,009
Mississippi	240,838,252	110,778,035	23,651,949	2,813,793	9,335,284	1,372,711	388,790,024
Missouri	469,600,553	216,001,511	47,016,522	4,587,935	19,613,481	4,195,893	761,015,895
Montana	201,283,439	92,584,062	20,583,517	1,535,542	12,387,565	1,451,269	329,825,394
Nebraska	141,703,652	65,179,231	12,603,907	2,967,923	8,560,528	1,337,925	232,353,166
Nevada	166,989,385	76,809,874	17,434,318	916,164	27,100,755	2,649,926	291,900,422
New Hampshire	78,307,132	36,018,822	7,689,015	916,164	8,611,459	1,276,126	132,818,718
New Jersey	449,699,418	206,847,613	46,395,441	3,022,078	86,614,911	10,049,389	802,628,850
New Mexico	181,168,185	83,331,676	18,564,004	1,344,588	9,496,716	1,299,312	295,204,481
New York	749,584,138	344,785,169	77,235,611	5,136,272	152,433,540	20,159,220	1,349,333,950
North Carolina	503,903,386	231,779,736	50,006,064	5,367,935	42,646,396	4,695,543	838,399,060
North Dakota	120,689,991	55,513,607	10,243,307	3,019,329	8,753,848	1,355,336	199,575,418
Ohio	629,671,712	289,629,217	62,041,196	7,153,497	79,678,283	9,351,187	1,077,525,092
Oklahoma	317,199,473	145,901,798	30,540,256	4,316,829	9,781,421	2,087,221	509,826,998
Oregon	243,801,680	112,141,118	24,385,434	2,405,959	16,143,017	2,922,087	401,799,295
Pennsylvania	778,109,127	357,905,768	80,025,938	5,480,559	86,954,234	10,470,663	1,318,946,289
Rhode Island	105,504,497	48,528,756	10,677,736	916,164	8,678,996	1,499,072	175,805,221
South Carolina	334,330,164	153,781,378	33,222,914	3,516,665	10,900,117	2,542,686	538,293,924
South Dakota	136,998,121	63,014,834	13,120,949	1,933,790	10,207,189	1,426,497	226,701,380
Tennessee	410,607,490	188,866,554	41,197,226	3,924,476	30,822,357	3,880,555	679,298,658
Texas	1,667,706,500	767,092,629	168,688,048	14,576,402	136,988,098	19,757,713	2,774,809,390
Utah	169,296,227	77,870,949	17,298,130	1,305,852	10,750,409	2,615,897	279,137,464
Vermont	96,569,471	44,418,924	9,695,865	916,164	9,856,915	1,692,241	163,149,580
Virginia	488,091,154	224,506,606	49,920,157	3,716,233	45,697,804	6,102,929	818,034,883
Washington	323,785,108	148,930,984	32,196,518	3,384,264	30,747,698	5,910,795	544,955,367
West Virginia	215,314,543	99,037,930	22,007,465	1,653,474	11,917,829	1,374,109	351,305,350
Wisconsin	368,421,418	169,462,285	35,813,767	4,672,104	22,797,247	3,690,660	604,857,481
Wyoming	124,847,155	57,425,772	12,803,303	916,164	8,670,664	1,276,223	205,939,281
Apportioned Total	18,654,765,738	8,580,606,534	1,866,741,379	183,232,874	1,928,822,786	266,904,662	31,481,073,973

APPROVED EFFECTIVE June 3, 2015


FEDERAL HIGHWAY ACTING ADMINISTRATOR

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

N4510.784 - TABLE 2

PENALTIES ASSESSED PURSUANT TO 23 U.S.C. 154 FOR THE PERIOD
BEGINNING ON OCTOBER 1, 2014, AND ENDING ON JULY 31, 2015
(before election of penalty shifts by States)

23 U.S.C. 154 Penalty Amounts (Open Container Requirements)			
<u>State</u>	<u>National Highway Performance Program</u>	<u>Surface Transportation Program</u>	<u>Total</u>
ALABAMA	\$0	\$0	\$0
ALASKA	6,025,161	2,771,385	8,796,546
ARIZONA	0	0	0
ARKANSAS	6,442,730	2,963,453	9,406,183
CALIFORNIA	0	0	0
COLORADO	0	0	0
CONNECTICUT	5,784,212	2,660,556	8,444,768
DELAWARE	1,988,077	914,453	2,902,530
DIST. OF COL.	0	0	0
FLORIDA	0	0	0
GEORGIA	0	0	0
HAWAII	2,005,454	922,446	2,927,900
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	8,777,965	4,037,588	12,815,553
MAINE	2,202,981	1,013,302	3,216,283
MARYLAND	0	0	0
MASSACHUSETTS	0	0	0
MICHIGAN	0	0	0
MINNESOTA	0	0	0
MISSISSIPPI	6,020,956	2,769,451	8,790,407
MISSOURI	11,740,014	5,400,038	17,140,052
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	10,265,187	4,721,664	14,986,851
TEXAS	0	0	0
UTAH	0	0	0
VERMONT	0	0	0
VIRGINIA	12,202,279	5,612,665	17,814,944
WASHINGTON	0	0	0
WEST VIRGINIA	5,382,864	2,475,948	7,858,812
WISCONSIN	0	0	0
WYOMING	3,121,179	1,435,644	4,556,823
Total	\$81,959,059	\$37,698,593	\$119,657,652

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

N4510.784 - TABLE 3

PENALTIES ASSESSED PURSUANT TO 23 U.S.C. 164 FOR THE PERIOD
BEGINNING ON OCTOBER 1, 2014, AND ENDING ON JULY 31, 2015
(before election of penalty shifts by States)

<u>State</u>	23 U.S.C. 164 Penalty Amounts (Minimum Penalties for DWI or DUI Repeat Offenders)		
	<u>National Highway Performance Program</u>	<u>Surface Transportation Program</u>	<u>Total</u>
ALABAMA	\$0	\$0	\$0
ALASKA	6,025,161	2,771,385	8,796,546
ARIZONA	0	0	0
ARKANSAS	0	0	0
CALIFORNIA	40,193,073	18,487,552	58,680,625
COLORADO	0	0	0
CONNECTICUT	0	0	0
DELAWARE	1,988,077	914,453	2,902,530
DIST. OF COL.	0	0	0
FLORIDA	0	0	0
GEORGIA	0	0	0
HAWAII	2,005,454	922,446	2,927,900
IDAHO	0	0	0
ILLINOIS	0	0	0
INDIANA	11,506,470	5,292,615	16,799,085
IOWA	0	0	0
KANSAS	0	0	0
KENTUCKY	0	0	0
LOUISIANA	8,777,965	4,037,588	12,815,553
MAINE	0	0	0
MARYLAND	0	0	0
MASSACHUSETTS	0	0	0
MICHIGAN	0	0	0
MINNESOTA	7,861,920	3,616,236	11,478,156
MISSISSIPPI	0	0	0
MISSOURI	0	0	0
MONTANA	5,032,086	2,314,602	7,346,688
NEBRASKA	0	0	0
NEVADA	0	0	0
NEW HAMPSHIRE	0	0	0
NEW JERSEY	0	0	0
NEW MEXICO	4,529,205	2,083,292	6,612,497
NEW YORK	0	0	0
NORTH CAROLINA	0	0	0
NORTH DAKOTA	3,017,250	1,387,840	4,405,090
OHIO	15,741,793	7,240,730	22,982,523
OKLAHOMA	0	0	0
OREGON	6,095,042	2,803,528	8,898,570
PENNSYLVANIA	0	0	0
RHODE ISLAND	2,637,612	1,213,219	3,850,831
SOUTH CAROLINA	8,358,254	3,844,534	12,202,788
SOUTH DAKOTA	3,424,953	1,575,371	5,000,324
TENNESSEE	0	0	0
TEXAS	0	0	0
UTAH	4,232,406	1,946,774	6,179,180
VERMONT	2,414,237	1,110,473	3,524,710
VIRGINIA	0	0	0
WASHINGTON	0	0	0
WEST VIRGINIA	0	0	0
WISCONSIN	0	0	0
WYOMING	3,121,179	1,435,644	4,556,823
Total	\$136,962,137	\$62,998,282	\$199,960,419