



U.S. Department  
of Transportation

**Federal Highway  
Administration**

# Notice

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Subject:

**APPORTIONMENT OF FEDERAL-AID HIGHWAY PROGRAM  
FUNDS FOR FISCAL YEAR (FY) 2013**

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Classification Code	Date	Office of Primary Interest
<b>N 4510.759</b>	October 1, 2012	<b>HCFB-1</b>

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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 2013 pursuant to the Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21), Public Law (Pub. L.) 112-141. 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. **What is the availability of these funds?**
  - a. The funds resulting from this apportionment are available for obligation until September 30, 2016. Any amounts not obligated by the State on or before September 30, 2016, shall lapse.
  - b. 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.
  - c. The Federal share payable shall be in accordance with section 120 of title 23, United States Code (U.S.C.), except as provided by another provision of law.
  - d. The program codes to be used when obligating these funds will be provided in a separate memorandum.
3. **How were the State-by-State and program-by-program amounts determined?**
  - a. Section 1101(a)(1) of MAP-21 authorizes a total of \$37,476,819,674 for the Federal-aid highway apportioned programs.
  - b. Pursuant to section 104(c) of title 23, U.S.C., the combined FY 2013 apportionment for the National Highway Performance Program, Surface

Transportation Program, Highway Safety Improvement Program, Congestion Mitigation and Air Quality Improvement Program, and the Metropolitan Planning Program for each State is equal to that State's combined amount of apportionments received for FY 2012.\*

- c. Pursuant to section 104(b)(4) of title 23, U.S.C., of the total amount apportioned to a State under section 104(c) of title 23, U.S.C., the amount distributed to the Congestion Mitigation and Air Quality Improvement Program is calculated by multiplying the total amount apportioned to the State by the ratio of the State's FY 2009 apportionment for the Congestion Mitigation and Air Quality Improvement Program to the State's total FY 2009 apportionments.
- d. Pursuant to section 104(b)(5) of title 23, U.S.C., of the total amount apportioned to a State under section 104(c) of title 23, U.S.C., the amount distributed to the Metropolitan Planning Program is calculated by multiplying the total amount apportioned to the State by the ratio of the State's FY 2009 apportionment for the Metropolitan Planning Program to the State's total FY 2009 apportionments.
- e. After distributing the amounts to the Congestion Mitigation and Air Quality Improvement Program and the Metropolitan Planning Program, pursuant to paragraphs (1) through (3) of section 104(b) of title 23, U.S.C., the remainder of the total amount apportioned to a State under section 104(c) of title 23, U.S.C., is distributed in the following proportions: 63.7 percent for the National Highway Performance Program, 29.3 percent for the Surface Transportation Program, and 7 percent for the Highway Safety Improvement Program.
- f. Section 130(e) of title 23, U.S.C., instructs that a total of \$220 million shall be set aside from the Highway Safety Improvement Program prior to the apportionment of that program for the Railway-Highway Grade Crossings Program. The Railway-Highway Grade Crossings Program amount for each State is determined by distributing the \$220 million total amount according to the formula in section 130(f) of title 23, U.S.C. The resulting Railway-Highway Grade Crossings Program amount for each State is then set aside from that State's Highway Safety Improvement Program amount. A State's official Highway Safety Improvement Program apportionment is the initial Highway Safety Improvement Program amount net of the Railway-Highway Grade Crossings Program set-aside amount.

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\* The sum of the States' combined FY 2012 apportionments exceeds the total amount of \$37,476,819,674 authorized by MAP-21 for the Federal-aid highway apportioned programs for FY 2013. Therefore, it is necessary to proportionally reduce the FY 2013 apportionments for the States in order to not exceed the MAP-21 authorization.

- g. Table 1 shows the State-by-State, program-by-program apportionment amounts (before post-apportionment set-asides and before penalties) available under MAP-21 for FY 2013.

4. **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 will be 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, District of Columbia, Hawaii, Indiana, Louisiana, Maine, Maryland, Mississippi, Missouri, Nevada, New Mexico, North Carolina, South Dakota, Tennessee, Virginia, West Virginia, and Wyoming**

The penalties under section 154 of title 23, U.S.C., for the District of Columbia, Hawaii, Indiana, Maine, Maryland, Nevada, New Mexico, North Carolina, and South Dakota are subject to an administrative review by the National Highway Traffic Safety Administration and the Federal Highway Administration; the penalty amount for each of the preceding States will be reserved pending the completion of the administrative review and then either administered under the provisions of section 154 or restored to the State's apportionments depending on the outcome of that process.

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, Arizona, California, Hawaii, Idaho, Indiana, Iowa, Louisiana, Maryland, Minnesota, Montana, Nebraska, New Mexico, North Carolina, Ohio, Oklahoma, Oregon, Rhode Island, South Dakota, Utah, Vermont, Washington, and Wyoming**

The penalties under section 164 of title 23, U.S.C., for Arizona, Hawaii, Idaho, Indiana, Iowa, Nebraska, North Carolina, Oklahoma, and Utah are subject to an administrative review by the National Highway Traffic Safety Administration and the Federal Highway Administration; the penalty amount for each of the preceding States will be reserved pending the completion of the administrative review and then either administered under the provisions of section 164 or restored to the State's apportionments depending on the outcome of that process.

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.

5. **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.
6. **What action is required?** Division Administrators should ensure that copies of this Notice are provided to the State departments of transportation.



Victor M. Mendez  
Administrator

Attachments

**CERTIFICATE OF APPORTIONMENT FROM THE SUM OF \$37,476,819,674  
AUTHORIZED TO BE APPROPRIATED FOR APPORTIONED FEDERAL-AID HIGHWAY  
PROGRAMS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2013**

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 Moving Ahead for Progress in the 21<sup>st</sup> Century Act, title 23 of the United States Code, and the delegation of authority from the Secretary of Transportation to the Federal Highway Administrator under section 1.85 of title 49 of the Code of Federal Regulations, 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 Moving Ahead for Progress in the 21<sup>st</sup> Century Act, Public Law 112-141, is \$37,476,819,674, which is 100 percent of the amount authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) for Fiscal Year 2013.

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, District of Columbia, Hawaii, Indiana, Louisiana, Maine, Maryland, Mississippi, Missouri, Nevada, New Mexico, North Carolina, South Dakota, Tennessee, Virginia, West Virginia, and Wyoming will be reserved for release for use on eligible Highway Safety Improvement Program activities or transfer to the States' 402 Safety Programs (except that the penalty amounts for the District of Columbia, Hawaii, Indiana, Maine, Maryland, Nevada, New Mexico, North Carolina, and South Dakota will be reserved pending the outcome of the administrative review by the National Highway Traffic Safety Administration and the Federal Highway Administration).

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, Arizona, California,

Hawaii, Idaho, Indiana, Iowa, Louisiana, Maryland, Minnesota, Montana, Nebraska, New Mexico, North Carolina, Ohio, Oklahoma, Oregon, Rhode Island, South Dakota, Utah, Vermont, Washington, and Wyoming will be reserved for release for use on eligible Highway Safety Improvement Program activities or transfer to the States' 402 Safety Programs (except that the penalty amounts for Arizona, Hawaii, Idaho, Indiana, Iowa, Nebraska, North Carolina, Oklahoma, and Utah will be reserved pending the outcome of the administrative review by the National Highway Traffic Safety Administration and the Federal Highway Administration).

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

N4510.759 - TABLE 1

FY 2013 FEDERAL-AID HIGHWAY PROGRAM APPORTIONMENTS UNDER  
THE MOVING AHEAD FOR PROGRESS IN THE 21ST CENTURY ACT (MAP-21)  
(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	457,812,698	210,579,467	45,801,796	4,507,292	11,410,139	2,983,455	733,094,847
Alaska	289,694,986	133,250,598	30,734,614	1,100,000	27,524,432	2,200,151	484,504,781
Arizona	413,679,795	190,279,717	42,790,619	2,668,699	51,887,473	5,677,938	706,984,241
Arkansas	309,772,052	142,485,418	30,276,382	3,764,503	12,316,337	1,667,118	500,281,810
California	1,932,517,946	888,897,579	197,030,896	15,333,713	464,164,453	48,556,843	3,546,492,430
Colorado	298,920,553	137,494,069	29,681,157	3,167,255	42,304,394	5,131,832	516,699,260
Connecticut	278,109,967	127,921,853	29,253,674	1,307,861	44,249,899	4,478,120	485,321,374
Delaware	95,588,492	43,967,705	9,404,230	1,100,000	11,663,972	1,729,024	163,453,423
Dist. of Col.	90,678,044	41,709,053	8,864,620	1,100,000	10,103,729	1,722,200	154,177,646
Florida	1,144,737,300	526,543,216	117,269,826	8,525,482	13,600,154	20,090,299	1,830,766,277
Georgia	746,662,284	343,441,208	74,135,515	7,915,285	67,961,252	7,538,876	1,247,654,420
Hawaii	96,423,960	44,351,994	9,496,039	1,100,000	10,360,680	1,696,954	163,429,627
Idaho	166,886,114	76,762,372	16,571,939	1,767,194	12,816,240	1,571,023	276,374,882
Illinois	794,414,007	365,405,501	76,933,066	10,365,176	110,115,741	16,556,661	1,373,790,152
Indiana	553,241,113	254,473,541	53,478,929	7,316,798	47,124,519	5,078,712	920,713,612
Iowa	287,931,279	132,439,348	26,427,220	5,213,580	11,061,206	1,884,438	464,957,071
Kansas	225,334,738	103,646,904	18,853,428	5,908,631	9,518,096	1,890,011	365,151,808
Kentucky	398,673,373	183,377,234	40,109,711	3,700,550	13,701,987	2,458,071	642,020,926
Louisiana	422,052,189	194,130,756	42,235,529	4,143,832	11,448,566	4,171,641	678,182,513
Maine	105,921,266	48,720,457	10,412,850	1,226,850	10,299,058	1,787,463	178,367,944
Maryland	330,464,636	152,003,357	34,020,101	2,294,694	53,556,201	6,709,933	579,048,922
Massachusetts	327,865,751	150,807,951	33,614,750	2,414,453	63,432,481	8,722,255	586,857,641
Michigan	594,508,308	273,455,156	57,916,501	7,414,082	74,019,801	10,048,127	1,017,361,975
Minnesota	378,007,963	173,871,795	35,582,075	5,957,262	32,232,072	4,436,632	630,087,799
Mississippi	289,492,821	133,157,609	28,413,231	3,399,167	11,221,215	1,650,028	467,334,071
Missouri	564,470,085	259,638,517	56,507,487	5,522,193	23,575,831	5,043,555	914,757,668
Montana	241,947,074	111,288,058	24,767,191	1,820,400	14,890,123	1,744,457	396,457,303
Nebraska	170,330,873	78,346,854	15,161,543	3,556,135	10,289,942	1,608,215	279,293,562
Nevada	200,724,875	92,327,140	20,957,679	1,100,000	32,575,698	3,185,269	350,870,661
New Hampshire	94,126,877	43,295,408	9,243,613	1,100,000	10,351,161	1,533,931	159,650,990
New Jersey	540,548,488	248,635,333	55,741,630	3,659,303	104,113,008	12,079,584	964,777,346
New Mexico	217,768,101	100,166,489	22,347,902	1,582,659	11,415,259	1,561,801	354,842,211
New York	901,016,449	414,439,277	92,759,345	6,253,452	183,228,433	24,231,822	1,621,928,778
North Carolina	604,579,910	278,087,777	60,008,768	6,428,585	51,166,861	5,633,681	1,005,905,582
North Dakota	145,071,997	66,728,564	12,369,259	3,572,718	10,522,316	1,629,143	239,893,997
Ohio	756,879,102	348,140,623	74,602,634	8,570,894	95,775,030	11,240,330	1,295,208,613
Oklahoma	381,280,671	175,377,137	36,723,343	5,175,632	11,757,481	2,508,884	612,823,148
Oregon	293,054,926	134,796,065	29,311,129	2,892,709	19,404,257	3,512,413	482,971,499
Pennsylvania	935,304,107	430,210,523	96,222,603	6,558,068	104,520,882	12,585,965	1,585,402,148
Rhode Island	126,818,701	58,332,621	12,836,121	1,100,000	10,432,342	1,801,917	211,321,702
South Carolina	376,784,332	173,308,963	37,185,863	4,219,008	12,284,245	2,865,563	606,647,974
South Dakota	164,674,724	75,745,203	15,784,757	2,311,366	12,269,263	1,714,681	272,499,994
Tennessee	493,559,141	227,021,708	49,556,264	4,681,004	37,049,144	4,664,512	816,531,773
Texas	1,832,675,287	842,973,091	184,174,335	17,218,554	150,538,900	21,712,137	3,049,292,304
Utah	188,807,369	86,845,462	19,229,282	1,518,780	11,989,378	2,917,375	311,307,646
Vermont	116,078,606	53,392,514	11,655,891	1,100,000	11,848,226	2,034,110	196,109,347
Virginia	586,696,191	269,861,827	59,943,634	4,528,475	54,929,755	7,335,853	983,295,735
Washington	389,196,747	179,018,284	38,712,610	4,056,263	36,959,402	7,104,905	655,048,211
West Virginia	258,812,767	119,045,747	26,456,338	1,984,625	14,325,491	1,651,709	422,276,677
Wisconsin	442,850,564	203,697,355	42,988,079	5,676,818	27,402,786	4,436,253	727,051,855
Wyoming	150,068,998	69,027,027	15,391,099	1,100,000	10,422,327	1,534,047	247,543,498
<b>Apportioned Total</b>	<b>22,203,518,597</b>	<b>10,212,921,425</b>	<b>2,219,947,097</b>	<b>220,000,000</b>	<b>2,302,131,638</b>	<b>318,300,917</b>	<b>37,476,819,674</b>

APPROVED EFFECTIVE

  
FEDERAL HIGHWAY ADMINISTRATOR

10/1/2012

U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL HIGHWAY ADMINISTRATION

N4510.759 - TABLE 2

FY 2013 PENALTIES ASSESSED PURSUANT TO 23 U.S.C. 154  
(before designation of any 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	7,242,375	3,331,265	10,573,640
ARIZONA	0	0	0
ARKANSAS	7,744,301	3,562,135	11,306,436
CALIFORNIA	0	0	0
COLORADO	0	0	0
CONNECTICUT	6,952,749	3,198,046	10,150,795
DELAWARE	2,389,712	1,099,193	3,488,905
DIST. OF COL.	2,266,951	1,042,726	3,309,677
FLORIDA	0	0	0
GEORGIA	0	0	0
HAWAII	2,410,599	1,108,800	3,519,399
IDAHO	0	0	0
ILLINOIS	0	0	0
INDIANA	13,831,028	6,361,839	20,192,867
IOWA	0	0	0
KANSAS	0	0	0
KENTUCKY	0	0	0
LOUISIANA	10,551,305	4,853,269	15,404,574
MAINE	2,648,032	1,218,011	3,866,043
MARYLAND	8,261,616	3,800,084	12,061,700
MASSACHUSETTS	0	0	0
MICHIGAN	0	0	0
MINNESOTA	0	0	0
MISSISSIPPI	7,237,321	3,328,940	10,566,261
MISSOURI	14,111,752	6,490,963	20,602,715
MONTANA	0	0	0
NEBRASKA	0	0	0
NEVADA	5,018,122	2,308,179	7,326,301
NEW HAMPSHIRE	0	0	0
NEW JERSEY	0	0	0
NEW MEXICO	5,444,203	2,504,162	7,948,365
NEW YORK	0	0	0
NORTH CAROLINA	15,114,498	6,952,194	22,066,692
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	4,116,868	1,893,630	6,010,498
TENNESSEE	12,338,979	5,675,543	18,014,522
TEXAS	0	0	0
UTAH	0	0	0
VERMONT	0	0	0
VIRGINIA	14,667,405	6,746,546	21,413,951
WASHINGTON	0	0	0
WEST VIRGINIA	6,470,319	2,976,144	9,446,463
WISCONSIN	0	0	0
WYOMING	3,751,725	1,725,676	5,477,401
<b>Total</b>	<b>\$152,569,860</b>	<b>\$70,177,345</b>	<b>\$222,747,205</b>



U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL HIGHWAY ADMINISTRATION

N4510.759 - TABLE 3

FY 2013 PENALTIES ASSESSED PURSUANT TO 23 U.S.C. 164  
(before designation of any penalty shifts by States)

State	23 U.S.C. 164 Penalty Amounts (Minimum Penalties for DWI or DUI Repeat Offenders)		Total
	National Highway Performance Program	Surface Transportation Program	
ALABAMA	\$0	\$0	\$0
ALASKA	7,242,375	3,331,265	10,573,640
ARIZONA	10,341,995	4,756,993	15,098,988
ARKANSAS	0	0	0
CALIFORNIA	48,312,949	22,222,439	70,535,388
COLORADO	0	0	0
CONNECTICUT	0	0	0
DELAWARE	0	0	0
DIST. OF COL.	0	0	0
FLORIDA	0	0	0
GEORGIA	0	0	0
HAWAII	2,410,599	1,108,800	3,519,399
IDAHO	4,172,153	1,919,059	6,091,212
ILLINOIS	0	0	0
INDIANA	13,831,028	6,361,839	20,192,867
IOWA	7,198,282	3,310,984	10,509,266
KANSAS	0	0	0
KENTUCKY	0	0	0
LOUISIANA	10,551,305	4,853,269	15,404,574
MAINE	0	0	0
MARYLAND	8,261,616	3,800,084	12,061,700
MASSACHUSETTS	0	0	0
MICHIGAN	0	0	0
MINNESOTA	9,450,199	4,346,795	13,796,994
MISSISSIPPI	0	0	0
MISSOURI	0	0	0
MONTANA	6,048,677	2,782,201	8,830,878
NEBRASKA	4,258,272	1,958,671	6,216,943
NEVADA	0	0	0
NEW HAMPSHIRE	0	0	0
NEW JERSEY	0	0	0
NEW MEXICO	5,444,203	2,504,162	7,948,365
NEW YORK	0	0	0
NORTH CAROLINA	15,114,498	6,952,194	22,066,692
NORTH DAKOTA	0	0	0
OHIO	18,921,978	8,703,516	27,625,494
OKLAHOMA	9,532,017	4,384,428	13,916,445
OREGON	7,326,373	3,369,902	10,696,275
PENNSYLVANIA	0	0	0
RHODE ISLAND	3,170,468	1,458,316	4,628,784
SOUTH CAROLINA	0	0	0
SOUTH DAKOTA	4,116,868	1,893,630	6,010,498
TENNESSEE	0	0	0
TEXAS	0	0	0
UTAH	4,720,184	2,171,137	6,891,321
VERMONT	2,901,965	1,334,813	4,236,778
VIRGINIA	0	0	0
WASHINGTON	9,729,919	4,475,457	14,205,376
WEST VIRGINIA	0	0	0
WISCONSIN	0	0	0
WYOMING	3,751,725	1,725,676	5,477,401
<b>Total</b>	<b>\$216,809,648</b>	<b>\$99,725,630</b>	<b>\$316,535,278</b>