



U.S. Department  
of Transportation

**Federal Highway  
Administration**

# Notice

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Subject:

**REVISED FEDERAL-AID HIGHWAY PROGRAM OBLIGATION  
AUTHORITY – FISCAL YEAR (FY) 2012**

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Classification Code

Date

Office of Primary Interest

**N 4520.219**

August 24, 2012

**HCFB-1**

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1. **What is the purpose of this Notice?** This Notice is to advise the States of the revised distribution of the limitation on Federal-aid highway program obligations pursuant to the Department of Transportation Appropriations Act, 2012, division C, title I of Public Law (Pub. L.) 112-55.
  
2. **Does this Notice cancel FHWA Notice 4520.217?** Yes, this Notice cancels FHWA Notice 4520.217, Federal-aid Highway Program Obligation Authority – Fiscal Year (FY) 2012, dated July 23, 2012. The revision to the distribution of obligation limitation is required to reflect the determination with regard to section 1960 of Pub. L. 109-59 made by the Secretary of Transportation pursuant to section 111(d)(3) of the Surface Transportation Extension Act of 2011, Part II, title I of Pub. L. 112-30, as amended by the Surface Transportation Extension Act of 2012, Pub. L. 112-102, and the Surface Transportation Extension Act of 2012, Part II, division G of Pub. L. 112-141.
  
3. **What are the legislative provisions?**
  - a. The Department of Transportation Appropriations Act, 2012, provides the limitation on obligations for FY 2012 of \$39,143,582,670.
  - b. The limitation shall not apply to obligations for projects covered under:
    - (1) section 125 of title 23, United States Code (U.S.C.);
    - (2) section 147 of the Surface Transportation Assistance Act of 1978;
    - (3) section 9 of the Federal-Aid Highway Act of 1981;
    - (4) sections 131(b) and 131(j) of the Surface Transportation Assistance Act of 1982;
    - (5) sections 149(b) and 149(c) of the Surface Transportation and Uniform Relocation Assistance Act of 1987;
    - (6) sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991;
    - (7) section 157 of title 23, U.S.C., as in effect on the day before the date of enactment of the Transportation Equity Act for the 21<sup>st</sup> Century;

- (8) section 105 of title 23, U.S.C, as in effect for fiscal years 1998 through 2004, but only in an amount equal to \$639,000,000 for each of those fiscal years;
- (9) the Federal-aid highway programs for which obligation authority was made available under the Transportation Equity Act for the 21<sup>st</sup> Century or subsequent public laws for multiple years or to remain available until used, but only to the extent that the obligation authority has not lapsed or been used;
- (10) section 105 of title 23, U.S.C., but only in an amount equal to \$639,000,000 for each fiscal year 2005 through 2012; and
- (11) section 1603 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), to the extent that funds obligated in accordance with that section were not subject to a limitation on obligations at the time at which the funds were initially made available for obligation.

**4. What are the allocated accounts?**

- a. Amounts authorized for administrative expenses and programs funded from the administrative takedown, the highway use tax evasion program, and the Bureau of Transportation Statistics are subject to the limitation on obligations.
- b. Unobligated balances of funds from the previous fiscal year that are allocated by the Secretary are subject to the limitation on obligations but are excluded from the State-by-State distribution.
- c. Obligations of funds authorized for Transportation Research are subject to the limitation on obligations. Obligation limitation made available for Transportation Research remains available for 3 fiscal years. Obligation limitation made available for Transportation Research in prior fiscal years is in addition to amounts made available for FY 2012.
- d. Amounts that are allocated will be covered by an equal amount of obligation limitation, which will be distributed with the allocation of the funds.

**5. What is the distribution of obligation limitation to the States?**

- a. The attached Table 1 shows the amount of formula obligation limitation distributed to each State for FY 2012. Each State receives a proportional amount of the obligation limitation available to be distributed to the States based on the ratio of that State's total apportionments subject to the limitation on obligations bears to the total of such apportionments for all States.

- b. After August 1, 2012, the Secretary will revise the distribution of obligation authority made available if a State does not plan to obligate the amount distributed during FY 2012 and redistribute such amount to those States able to obligate amounts in addition to those previously distributed during FY 2012. The revised distribution of obligation authority shall not include such obligation authority that is available indefinitely (until used) or that is available to be used after FY 2012.

**6. What are the special limitations?**

- a. Section 120(a)(4)(A) of the Department of Transportation Appropriations Act, 2012, provides for an obligation limitation within the overall obligation ceiling for the funds authorized under the following:
  - (1) section 117 of title 23, U.S.C., undesignated funds for the High Priority Projects Program; and
  - (2) section 14501 of title 40, U.S.C., Appalachian Development Highway System Program.
- b. Section 120(a)(4)(B) of the Department of Transportation Appropriations Act, 2012, provides that \$2,000,000,000 of the obligation limitation shall be distributed for the Equity Bonus Program (section 105 of title 23, U.S.C.).
- c. Section 120(f) of the Department of Transportation Appropriations Act, 2012, provides that the special limitation associated with the provision specified in section 120(a)(4) of the Department of Transportation Appropriations Act, 2012, shall:
  - (1) remain available until used for the obligation of funds for which distributed; and
  - (2) be in addition to any amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.
- d. The State-by-State distribution of the special limitation associated with the Equity Bonus Program and the Appalachian Development Highway System Program for FY 2012 is also shown on the attached Table 1.

- 7. Are there any transfer provisions?** Yes, limitation will be transferred to the State's 402 Safety Program for those States that failed to meet the provisions of section 154 of title 23, U.S.C., the Open Container Requirements; and section 164 of title 23, U.S.C., the Minimum Penalties for Repeat Offenders for Driving While Intoxicated or Driving Under the Influence for FY 2012. The

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\* References to sections 1301, 1302, and 1934 of the SAFETEA-LU, and section 144(f)(1) of title 23, U.S.C. have not been included because the Surface Transportation Extension Act of 2011, Part II, as amended, does not continue the projects under these sections.

amounts of the transfers and associated obligation limitation for FY 2012 are shown on Table 2.

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

A handwritten signature in black ink, appearing to read "Victor M. Mendez". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Victor M. Mendez  
Administrator

Attachments

U. S. DEPARTMENT OF TRANSPORTATION  
FEDERAL HIGHWAY ADMINISTRATION

REVISED FY 2012 OBLIGATION LIMITATION DISTRIBUTION PURSUANT TO THE DEPARTMENT OF  
TRANSPORTATION APPROPRIATIONS ACT, 2012, DIVISION C, TITLE I OF PUBLIC LAW 112-55

| STATE                               | Formula<br>Obligation<br>Limitation | Equity<br>Bonus<br>(Special) | Appalachia<br>(Special) | Total                 |
|-------------------------------------|-------------------------------------|------------------------------|-------------------------|-----------------------|
| ALABAMA                             | 547,745,605                         | 34,512,954                   | 103,990,072             | 686,248,631           |
| ALASKA                              | 388,193,606                         | 41,599,623                   | 0                       | 429,793,229           |
| ARIZONA                             | 599,699,579                         | 56,130,656                   | 0                       | 655,830,235           |
| ARKANSAS                            | 431,887,946                         | 25,875,012                   | 0                       | 457,762,958           |
| CALIFORNIA                          | 3,130,742,107                       | 135,412,697                  | 0                       | 3,266,154,804         |
| COLORADO                            | 464,860,869                         | 19,709,046                   | 0                       | 484,569,915           |
| CONNECTICUT                         | 419,788,766                         | 27,199,027                   | 0                       | 446,987,793           |
| DELAWARE                            | 144,653,721                         | 5,462,254                    | 0                       | 150,115,975           |
| DISTRICT OF COLUMBIA                | 145,196,173                         | 677,671                      | 0                       | 145,873,844           |
| FLORIDA                             | 1,525,510,510                       | 167,362,202                  | 0                       | 1,692,872,712         |
| GEORGIA                             | 1,041,982,647                       | 103,781,466                  | 10,486,526              | 1,156,250,639         |
| HAWAII                              | 151,982,666                         | 2,263,729                    | 0                       | 154,246,395           |
| IDAHO                               | 237,032,982                         | 19,858,686                   | 0                       | 256,891,668           |
| ILLINOIS                            | 1,213,667,335                       | 70,287,054                   | 0                       | 1,283,954,389         |
| INDIANA                             | 772,750,429                         | 79,713,573                   | 0                       | 852,464,002           |
| IOWA                                | 424,485,061                         | 12,781,772                   | 0                       | 437,266,833           |
| KANSAS                              | 340,260,885                         | 4,508,306                    | 0                       | 344,769,191           |
| KENTUCKY                            | 528,478,788                         | 36,250,042                   | 34,587,389              | 599,316,219           |
| LOUISIANA                           | 587,927,779                         | 26,876,786                   | 0                       | 614,804,565           |
| MAINE                               | 168,954,638                         | 0                            | 0                       | 168,954,638           |
| MARYLAND                            | 504,641,135                         | 17,904,230                   | 12,121,666              | 534,667,031           |
| MASSACHUSETTS                       | 544,768,218                         | 8,918,660                    | 0                       | 553,686,878           |
| MICHIGAN                            | 903,713,231                         | 48,096,159                   | 0                       | 951,809,390           |
| MINNESOTA                           | 545,019,298                         | 30,986,716                   | 0                       | 576,006,014           |
| MISSISSIPPI                         | 407,537,363                         | 17,118,182                   | 4,442,165               | 429,097,710           |
| MISSOURI                            | 768,190,733                         | 51,033,872                   | 0                       | 819,224,605           |
| MONTANA                             | 332,579,273                         | 27,733,958                   | 0                       | 360,313,231           |
| NEBRASKA                            | 255,668,744                         | 7,127,408                    | 0                       | 262,796,152           |
| NEVADA                              | 310,960,296                         | 17,160,981                   | 0                       | 328,121,277           |
| NEW HAMPSHIRE                       | 143,581,910                         | 6,131,404                    | 0                       | 149,713,314           |
| NEW JERSEY                          | 846,649,026                         | 53,915,647                   | 0                       | 900,564,673           |
| NEW MEXICO                          | 304,744,025                         | 18,779,655                   | 0                       | 323,523,680           |
| NEW YORK                            | 1,466,408,133                       | 49,440,909                   | 8,318,041               | 1,524,167,083         |
| NORTH CAROLINA                      | 841,539,424                         | 65,972,164                   | 29,136,645              | 936,648,233           |
| NORTH DAKOTA                        | 219,518,314                         | 6,189,004                    | 0                       | 225,707,318           |
| OHIO                                | 1,090,979,262                       | 74,547,488                   | 20,092,921              | 1,185,619,671         |
| OKLAHOMA                            | 550,334,503                         | 24,183,009                   | 0                       | 574,517,512           |
| OREGON                              | 433,961,849                         | 11,653,032                   | 0                       | 445,614,881           |
| PENNSYLVANIA                        | 1,332,679,003                       | 56,531,849                   | 98,917,188              | 1,488,128,040         |
| RHODE ISLAND                        | 197,184,726                         | 0                            | 0                       | 197,184,726           |
| SOUTH CAROLINA                      | 515,655,874                         | 42,233,040                   | 6,349,385               | 564,238,299           |
| SOUTH DAKOTA                        | 237,029,049                         | 12,126,452                   | 0                       | 249,155,501           |
| TENNESSEE                           | 672,737,671                         | 50,322,655                   | 21,823,190              | 744,883,516           |
| TEXAS                               | 2,575,717,740                       | 250,796,761                  | 0                       | 2,826,514,501         |
| UTAH                                | 277,131,209                         | 14,236,278                   | 0                       | 291,367,487           |
| VERMONT                             | 181,759,678                         | 407,864                      | 0                       | 182,167,542           |
| VIRGINIA                            | 807,098,538                         | 58,467,576                   | 33,711,253              | 899,277,367           |
| WASHINGTON                          | 596,743,340                         | 10,323,310                   | 0                       | 607,066,650           |
| WEST VIRGINIA                       | 324,869,459                         | 29,467,532                   | 31,983,852              | 386,320,843           |
| WISCONSIN                           | 600,478,452                         | 58,369,274                   | 0                       | 658,847,726           |
| WYOMING                             | 211,176,649                         | 9,562,375                    | 0                       | 220,739,024           |
| <b>SUBTOTAL</b>                     | <b>32,266,858,217</b>               | <b>2,000,000,000</b>         | <b>415,960,293</b>      | <b>34,682,818,510</b> |
| Allocated Programs                  |                                     |                              |                         | 4,128,573,647         |
| Undesignated High Priority Projects |                                     |                              |                         | 1,449,725             |
| Transfer to Sections 154 & 164      |                                     |                              |                         | <u>330,740,788</u>    |
| <b>TOTAL</b>                        |                                     |                              |                         | <b>39,143,582,670</b> |

U. S. DEPARTMENT OF TRANSPORTATION  
FEDERAL HIGHWAY ADMINISTRATION

REVISED FY 2012 FUNDS TRANSFERRED TO THE SECTION 402 HIGHWAY  
SAFETY PROGRAM PURSUANT TO SECTIONS 154 AND 164

| STATE                | TOTAL FUNDS<br>SECTIONS 154 & 164 | OBLIGATION<br>LIMITATION<br>TRANSFER |
|----------------------|-----------------------------------|--------------------------------------|
| ALABAMA              | 0                                 | 0                                    |
| ALASKA               | 19,986,372                        | 18,882,522                           |
| ARIZONA              | 0                                 | 0                                    |
| ARKANSAS             | 10,304,370                        | 9,735,258                            |
| CALIFORNIA           | 63,271,194                        | 59,776,717                           |
| COLORADO             | 0                                 | 0                                    |
| CONNECTICUT          | 6,364,497                         | 6,012,985                            |
| DELAWARE             | 3,560,791                         | 3,364,128                            |
| DISTRICT OF COLUMBIA | 0                                 | 0                                    |
| FLORIDA              | 0                                 | 0                                    |
| GEORGIA              | 0                                 | 0                                    |
| HAWAII               | 0                                 | 0                                    |
| IDAHO                | 0                                 | 0                                    |
| ILLINOIS             | 0                                 | 0                                    |
| INDIANA              | 0                                 | 0                                    |
| IOWA                 | 0                                 | 0                                    |
| KANSAS               | 0                                 | 0                                    |
| KENTUCKY             | 0                                 | 0                                    |
| LOUISIANA            | 22,183,862                        | 20,958,644                           |
| MAINE                | 0                                 | 0                                    |
| MARYLAND             | 10,000,825                        | 9,448,478                            |
| MASSACHUSETTS        | 0                                 | 0                                    |
| MICHIGAN             | 0                                 | 0                                    |
| MINNESOTA            | 13,957,957                        | 13,187,057                           |
| MISSISSIPPI          | 9,913,898                         | 9,366,352                            |
| MISSOURI             | 36,697,694                        | 34,670,875                           |
| MONTANA              | 8,871,282                         | 8,381,320                            |
| NEBRASKA             | 0                                 | 0                                    |
| NEVADA               | 0                                 | 0                                    |
| NEW HAMPSHIRE        | 0                                 | 0                                    |
| NEW JERSEY           | 0                                 | 0                                    |
| NEW MEXICO           | 8,425,698                         | 7,960,345                            |
| NEW YORK             | 0                                 | 0                                    |
| NORTH CAROLINA       | 0                                 | 0                                    |
| NORTH DAKOTA         | 0                                 | 0                                    |
| OHIO                 | 24,257,793                        | 22,918,032                           |
| OKLAHOMA             | 0                                 | 0                                    |
| OREGON               | 9,519,830                         | 8,994,048                            |
| PENNSYLVANIA         | 0                                 | 0                                    |
| RHODE ISLAND         | 3,159,020                         | 2,984,547                            |
| SOUTH CAROLINA       | 0                                 | 0                                    |
| SOUTH DAKOTA         | 6,321,887                         | 5,972,728                            |
| TENNESSEE            | 17,167,851                        | 16,219,668                           |
| TEXAS                | 0                                 | 0                                    |
| UTAH                 | 0                                 | 0                                    |
| VERMONT              | 3,695,728                         | 3,491,612                            |
| VIRGINIA             | 18,862,418                        | 17,820,644                           |
| WASHINGTON           | 11,500,837                        | 10,865,644                           |
| WEST VIRGINIA        | 6,892,590                         | 6,511,911                            |
| WISCONSIN            | 16,341,510                        | 15,438,966                           |
| WYOMING              | 12,047,528                        | 11,382,141                           |
| SUBTOTAL             | 343,305,432                       | 324,344,622                          |
| Puerto Rico          | 6,747,010                         | 6,396,166                            |
| TOTAL                | 350,052,442                       | 330,740,788                          |

NOTE: Puerto Rico Highway Program is an allocated program and is not treated as an apportionment to the States.