



U.S. Department  
of Transportation

**Federal Highway  
Administration**

# Notice

Subject:

**APPORTIONMENT OF FISCAL YEAR (FY) 2009  
SURFACE TRANSPORTATION PROGRAM FUNDS**

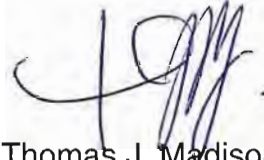
Classification Code	Date	Office of Primary Interest
<b>N 4510.686</b>	October 1, 2008	<b>HCFB-1</b>

1. **What is the purpose of this Notice?** This Notice transmits the certificate of apportionment of Surface Transportation Program funds authorized for FY 2009 pursuant to the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Public Law Number (Pub. L. No.) 109-59. The apportionment is effective immediately.
2. **What is the availability of these funds?**
  - a. The Surface Transportation Program funds resulting from this apportionment are available for obligation until September 30, 2012. Any amounts not obligated by the State on or before September 30, 2012, shall lapse.
  - b. The funds resulting from this apportionment are available for obligation immediately and will be subject to obligation controls in force at the time of obligation.
  - c. The Federal share will be in accordance with Section 120 of Title 23, United States Code (U.S.C.).
  - d. Supplementary tables providing the sub-allocations of these funds will be issued in a separate Notice.
3. **What is the background information?**
  - a. Section 1101(a)(4) of the SAFETEA-LU authorizes a total of \$6,576,630,046 in contract authority for the Surface Transportation Program for FY 2009.
  - b. Section 104(f) of Title 23, U.S.C. applies a 1.25 percent takedown for Metropolitan Planning from the amount authorized for the Surface Transportation Program. This provision reduces the amount apportioned by \$82,207,876.
  - c. Section 111 of the SAFETEA-LU Technical Corrections Act of 2008, Pub. L. No. 110-244, requires a 0.205 percent takedown for the Future Strategic Highway Research Program from the amount apportioned for the

Surface Transportation Program. This provision reduces the amount apportioned by \$13,482,092.

- d. As required by Section 140(b) of Title 23, U.S.C., \$10,000,000 has been set-aside for the On-the-Job Training/Supportive Services.
  - e. As required by Section 140(c) of Title 23, U.S.C., \$10,000,000 has been set aside for the Disadvantaged Business Enterprises Training.
  - f. The total contract authority available for distribution in FY 2009 for the Surface Transportation Program net of these reductions is \$6,460,940,078.
4. **Are certain States subject to penalty transfer?** Yes. Currently, the States that are listed under the following two requirements are subject to transfer of funds. The funds to be transferred will be transferred to the State's 402 Safety Program.
- a. **Open Container Requirements – 23 U.S.C. 154 – 3 percent**  
 Funds subject to be transferred: Surface Transportation Program, National Highway System, and Interstate Maintenance.  
  
**Alaska, Arkansas, Connecticut, Delaware, Louisiana, Mississippi, Missouri, Tennessee, Virginia, West Virginia, and Wyoming**
  - b. **Minimum Penalties for Repeat Offenders for Driving While Intoxicated or Driving Under the Influence – 23 U.S.C. 164 – 3 percent**  
 Funds subject to be transferred: Surface Transportation Program, National Highway System, and Interstate Maintenance.  
  
**Alaska, California, Louisiana, Minnesota, New Mexico, Ohio, Oregon, Rhode Island, South Dakota, Vermont, and Wyoming**
5. **How will the funds be transferred?** Funds will be transferred from the apportionment (Table 1) 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 (3 percent), and Section 164 of Title 23 U.S.C., the Minimum Penalties for Repeat Offenders (3 percent). Tables 2 and 3 illustrate the amounts to be transferred subject to a determination by the States under Sections 154(c)(5) and 164(b)(5), which allow the States to designate the funds to be transferred.

6. **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 blue ink, appearing to read 'TJM', is positioned above the printed name.

Thomas J. Madison, Jr.  
Administrator

Attachments

**CERTIFICATE OF APPORTIONMENT FROM  
THE SUM OF \$6,576,630,046 AUTHORIZED TO BE APPROPRIATED  
FOR THE SURFACE TRANSPORTATION PROGRAM  
FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2009**

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 Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, Title 23, United States Code, and the delegation of authority from the Secretary of Transportation to the Federal Highway Administrator, Section 1.48 of Title 49, 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 Surface Transportation Program for the fiscal year ending September 30, 2009, pursuant to Section 1101(a)(4) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users is \$6,576,630,046, which is 100 percent of the amount authorized to be appropriated for the fiscal year.

Second, pursuant to Section 104(f) of Title 23, United States Code, I have deducted 1.25 percent from the sum of \$6,576,630,046 authorized to be appropriated for the fiscal year ending September 30, 2009, by Section 1101(a)(4) of the Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users, for the purpose of carrying out Section 134 of Title 23, United States Code. The amount deducted is \$82,207,876.

Third, pursuant to Section 111 of the SAFETEA-LU Technical Corrections Act of 2008, Pub. L. No. 110-244, I have deducted 0.205% from the sum of \$6,576,630,046 that can be apportioned for the fiscal year ending September 30, 2009 pursuant to Section 1101(a)(4) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, for the purpose of carrying out Section 510 of Title 23, United States Code. The amount deducted is \$13,482,092.

Fourth, pursuant to Sections 140(b) and 140(c) of Title 23, United States Code, after making the deduction authorized by Section 104(f) of Title 23, United States Code, I have set aside \$10,000,000 to carry out Section 140(b) of Title 23, United States Code and \$10,000,000 to carry out Section 140(c) of Title 23, United States Code, from the amount authorized to be appropriated for the fiscal year ending September 30, 2009, by Section 1101(a)(4) of the Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users, for the purposes of carrying out Sections 140(b) and 140(c) of

Title 23, United States Code, for On-the-Job Training and Supportive Services and Training for Disadvantaged Business Enterprises. The resulting amount is \$6,460,940,078.

Fifth, that in compliance with Section 154 of Title 23, United States Code, the Open Container Law Requirements, 3 percent of the amount required to be apportioned to the States of Alaska, Arkansas, Connecticut, Delaware, Louisiana, Mississippi, Missouri, Tennessee, Virginia, West Virginia, and Wyoming will be transferred to the State's 402 Safety Program.

Sixth, 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, 3 percent of the amount required to be apportioned to the States of Alaska, California, Louisiana, Minnesota, New Mexico, Ohio, Oregon, Rhode Island, South Dakota, Vermont, and Wyoming will be transferred to the State's 402 Safety Program.

Seventh, that after making the deductions, set asides, and transfers, I have computed the apportionment to each State and the District of Columbia of the remainder of the amounts authorized to be appropriated for the Surface Transportation System Program in the manner provided by law in accordance with the formula set forth.

Eighth, that subject to the foregoing deductions, set asides, and transfers, 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

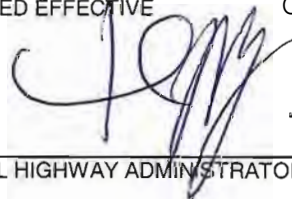
TABLE 1

APPORTIONMENT OF FUNDS FOR THE  
SURFACE TRANSPORTATION PROGRAM  
AUTHORIZED FOR FISCAL YEAR 2009

<u>STATE</u>	<u>AMOUNT</u>
ALABAMA	\$125,129,978
ALASKA	32,304,701
ARIZONA	123,186,259
ARKANSAS	88,443,762
CALIFORNIA	626,487,003
COLORADO	104,415,952
CONNECTICUT	59,797,605
DELAWARE	32,304,701
DIST. OF COL.	32,304,701
FLORIDA	329,263,109
GEORGIA	220,076,760
HAWAII	32,304,701
IDAHO	40,255,185
ILLINOIS	231,806,231
INDIANA	153,748,817
IOWA	95,470,494
KANSAS	98,381,584
KENTUCKY	102,900,018
LOUISIANA	104,196,062
MAINE	32,688,283
MARYLAND	102,993,989
MASSACHUSETTS	100,172,763
MICHIGAN	216,961,265
MINNESOTA	137,754,146
MISSISSIPPI	93,730,950
MISSOURI	156,484,630
MONTANA	41,255,075
NEBRASKA	63,232,162
NEVADA	49,409,593
NEW HAMPSHIRE	32,304,701
NEW JERSEY	143,782,980
NEW MEXICO	60,235,017
NEW YORK	243,354,152
NORTH CAROLINA	178,966,283
NORTH DAKOTA	39,417,136
OHIO	224,232,040
OKLAHOMA	122,482,181
OREGON	84,529,272
PENNSYLVANIA	219,936,208
RHODE ISLAND	32,304,701
SOUTH CAROLINA	118,260,372
SOUTH DAKOTA	44,742,580
TENNESSEE	141,903,267
TEXAS	554,869,337
UTAH	54,525,192
VERMONT	32,304,701
VIRGINIA	171,614,399
WASHINGTON	121,398,527
WEST VIRGINIA	48,318,374
WISCONSIN	131,693,478
WYOMING	32,304,701
TOTAL	\$6,460,940,078

APPROVED EFFECTIVE

October 1, 2008



FEDERAL HIGHWAY ADMINISTRATOR

U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL HIGHWAY ADMINISTRATION

TABLE 2

TRANSFERS ASSESSED PURSUANT TO TITLE 23 U.S.C. 154 (Open Container Requirements) FOR THE  
INTERSTATE MAINTENANCE, NATIONAL HIGHWAY SYSTEM, AND SURFACE TRANSPORTATION PROGRAMS  
AUTHORIZED FOR FISCAL YEAR 2009

State	TRANSFERS ASSESSED ON APPORTIONMENTS						TOTAL TRANSFERS ASSESSED			
	PURSUANT TO TITLE 23 U.S.C. 104(b)			PURSUANT TO TITLE 23 U.S.C. 105(d)			PURSUANT TO TITLE 23 U.S.C. 154			Total
	Interstate Maintenance	National Highway System	Surface Transportation Program	Interstate Maintenance	National Highway System	Surface Transportation Program	Interstate Maintenance	National Highway System	Surface Transportation Program	
ALABAMA	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
ALASKA	953,209	1,124,006	969,141	1,047,549	1,235,250	1,065,058	2,000,758	2,359,256	2,034,199	6,394,213
ARIZONA	0	0	0	0	0	0	0	0	0	0
ARKANSAS	2,055,880	2,566,501	2,653,313	563,370	703,295	727,084	2,619,250	3,269,796	3,380,397	9,269,443
CALIFORNIA	0	0	0	0	0	0	0	0	0	0
COLORADO	0	0	0	0	0	0	0	0	0	0
CONNECTICUT	1,524,434	1,405,638	1,793,928	430,232	396,705	506,290	1,954,666	1,802,343	2,300,218	6,057,227
DELAWARE	238,653	1,435,144	969,141	39,590	238,075	160,770	278,243	1,673,219	1,129,911	3,081,373
DIST. OF COL.	0	0	0	0	0	0	0	0	0	0
FLORIDA	0	0	0	0	0	0	0	0	0	0
GEORGIA	0	0	0	0	0	0	0	0	0	0
HAWAII	0	0	0	0	0	0	0	0	0	0
IDAHO	0	0	0	0	0	0	0	0	0	0
ILLINOIS	0	0	0	0	0	0	0	0	0	0
INDIANA	0	0	0	0	0	0	0	0	0	0
IOWA	0	0	0	0	0	0	0	0	0	0
KANSAS	0	0	0	0	0	0	0	0	0	0
KENTUCKY	0	0	0	0	0	0	0	0	0	0
LOUISIANA	2,763,864	2,580,149	3,125,882	519,259	484,744	587,273	3,283,123	3,064,893	3,713,155	10,061,171
MAINE	0	0	0	0	0	0	0	0	0	0
MARYLAND	0	0	0	0	0	0	0	0	0	0
MASSACHUSETTS	0	0	0	0	0	0	0	0	0	0
MICHIGAN	0	0	0	0	0	0	0	0	0	0
MINNESOTA	0	0	0	0	0	0	0	0	0	0
MISSISSIPPI	1,976,221	2,889,684	2,811,929	345,960	505,873	492,261	2,322,181	3,395,557	3,304,190	9,021,928
MISSOURI	3,885,971	4,354,795	4,694,539	1,158,702	1,298,494	1,399,797	5,044,673	5,653,289	6,094,336	16,792,298
MONTANA	0	0	0	0	0	0	0	0	0	0
NEBRASKA	0	0	0	0	0	0	0	0	0	0
NEVADA	0	0	0	0	0	0	0	0	0	0
NEW HAMPSHIRE	0	0	0	0	0	0	0	0	0	0
NEW JERSEY	0	0	0	0	0	0	0	0	0	0
NEW MEXICO	0	0	0	0	0	0	0	0	0	0
NEW YORK	0	0	0	0	0	0	0	0	0	0
NORTH CAROLINA	0	0	0	0	0	0	0	0	0	0
NORTH DAKOTA	0	0	0	0	0	0	0	0	0	0
OHIO	0	0	0	0	0	0	0	0	0	0
OKLAHOMA	0	0	0	0	0	0	0	0	0	0
OREGON	0	0	0	0	0	0	0	0	0	0
PENNSYLVANIA	0	0	0	0	0	0	0	0	0	0
RHODE ISLAND	0	0	0	0	0	0	0	0	0	0
SOUTH CAROLINA	0	0	0	0	0	0	0	0	0	0
SOUTH DAKOTA	0	0	0	0	0	0	0	0	0	0
TENNESSEE	3,888,307	3,962,735	4,257,098	1,333,786	1,359,316	1,460,290	5,222,093	5,322,051	5,717,388	16,261,532
TEXAS	0	0	0	0	0	0	0	0	0	0
UTAH	0	0	0	0	0	0	0	0	0	0
VERMONT	0	0	0	0	0	0	0	0	0	0
VIRGINIA	4,298,210	4,203,211	5,148,432	1,392,626	1,361,846	1,668,099	5,690,836	5,565,057	6,816,531	18,072,424
WASHINGTON	0	0	0	0	0	0	0	0	0	0
WEST VIRGINIA	1,328,981	1,339,568	1,449,551	651,669	656,860	710,791	1,980,650	1,996,428	2,160,342	6,137,420
WISCONSIN	0	0	0	0	0	0	0	0	0	0
WYOMING	1,520,826	2,591,760	969,141	256,745	437,539	163,610	1,777,571	3,029,299	1,132,751	5,939,621
<b>Total</b>	<b>\$24,434,556</b>	<b>\$28,453,191</b>	<b>\$28,842,095</b>	<b>\$7,739,488</b>	<b>\$8,677,997</b>	<b>\$8,941,323</b>	<b>\$32,174,044</b>	<b>\$37,131,188</b>	<b>\$37,783,418</b>	<b>\$107,088,650</b>

U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL HIGHWAY ADMINISTRATION

TABLE 3

TRANSFERS ASSESSED PURSUANT TO TITLE 23 U.S.C. 164 (Minimum Penalties for Repeat Offenders for Driving While Intoxicated or Driving Under the Influence) FOR THE  
INTERSTATE MAINTENANCE, NATIONAL HIGHWAY SYSTEM, AND SURFACE TRANSPORTATION PROGRAMS AUTHORIZED FOR FISCAL YEAR 2009

State	AMOUNT WITHHELD FROM APPORTIONMENTS						TOTAL TRANSFERS ASSESSED			
	PURSUANT TO TITLE 23 U.S.C. 104(b)			PURSUANT TO TITLE 23 U.S.C. 105(d)			PURSUANT TO TITLE 23 U.S.C. 164			Total
	Interstate Maintenance	National Highway System	Surface Transportation Program	Interstate Maintenance	National Highway System	Surface Transportation Program	Interstate Maintenance	National Highway System	Surface Transportation Program	
ALABAMA	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
ALASKA	953,209	1,124,006	969,141	1,047,549	1,235,250	1,065,058	2,000,758	2,359,256	2,034,199	6,394,213
ARIZONA	0	0	0	0	0	0	0	0	0	0
ARKANSAS	0	0	0	0	0	0	0	0	0	0
CALIFORNIA	13,505,368	17,093,988	18,794,610	2,456,527	3,109,271	3,418,602	15,961,895	20,203,259	22,213,212	58,378,366
COLORADO	0	0	0	0	0	0	0	0	0	0
CONNECTICUT	0	0	0	0	0	0	0	0	0	0
DELAWARE	0	0	0	0	0	0	0	0	0	0
DIST. OF COL.	0	0	0	0	0	0	0	0	0	0
FLORIDA	0	0	0	0	0	0	0	0	0	0
GEORGIA	0	0	0	0	0	0	0	0	0	0
HAWAII	0	0	0	0	0	0	0	0	0	0
IDAHO	0	0	0	0	0	0	0	0	0	0
ILLINOIS	0	0	0	0	0	0	0	0	0	0
INDIANA	0	0	0	0	0	0	0	0	0	0
IOWA	0	0	0	0	0	0	0	0	0	0
KANSAS	0	0	0	0	0	0	0	0	0	0
KENTUCKY	0	0	0	0	0	0	0	0	0	0
LOUISIANA	2,763,864	2,580,149	3,125,882	519,259	484,744	587,273	3,283,123	3,064,893	3,713,155	10,061,171
MAINE	0	0	0	0	0	0	0	0	0	0
MARYLAND	0	0	0	0	0	0	0	0	0	0
MASSACHUSETTS	0	0	0	0	0	0	0	0	0	0
MICHIGAN	0	0	0	0	0	0	0	0	0	0
MINNESOTA	2,667,134	3,298,432	4,132,624	682,827	844,449	1,058,015	3,349,961	4,142,881	5,190,639	12,683,481
MISSISSIPPI	0	0	0	0	0	0	0	0	0	0
MISSOURI	0	0	0	0	0	0	0	0	0	0
MONTANA	0	0	0	0	0	0	0	0	0	0
NEBRASKA	0	0	0	0	0	0	0	0	0	0
NEVADA	0	0	0	0	0	0	0	0	0	0
NEW HAMPSHIRE	0	0	0	0	0	0	0	0	0	0
NEW JERSEY	0	0	0	0	0	0	0	0	0	0
NEW MEXICO	2,111,163	2,539,207	1,807,050	551,682	663,537	472,213	2,662,845	3,202,744	2,279,263	8,144,852
NEW YORK	0	0	0	0	0	0	0	0	0	0
NORTH CAROLINA	0	0	0	0	0	0	0	0	0	0
NORTH DAKOTA	0	0	0	0	0	0	0	0	0	0
OHIO	6,134,790	5,376,871	6,726,961	1,809,216	1,585,697	1,983,853	7,944,006	6,962,568	8,710,814	23,617,388
OKLAHOMA	0	0	0	0	0	0	0	0	0	0
OREGON	2,029,217	2,581,076	2,535,878	234,796	298,650	293,421	2,264,013	2,879,726	2,829,299	7,973,038
PENNSYLVANIA	0	0	0	0	0	0	0	0	0	0
RHODE ISLAND	314,178	1,359,618	969,141	0	0	0	314,178	1,359,618	969,141	2,642,937
SOUTH CAROLINA	0	0	0	0	0	0	0	0	0	0
SOUTH DAKOTA	1,065,351	2,058,618	1,342,277	250,380	483,819	315,464	1,315,731	2,542,437	1,657,741	5,515,909
TENNESSEE	0	0	0	0	0	0	0	0	0	0
TEXAS	0	0	0	0	0	0	0	0	0	0
UTAH	0	0	0	0	0	0	0	0	0	0
VERMONT	498,852	1,174,941	969,141	4,939	11,633	9,595	503,791	1,186,574	978,736	2,669,101
VIRGINIA	0	0	0	0	0	0	0	0	0	0
WASHINGTON	0	0	0	0	0	0	0	0	0	0
WEST VIRGINIA	0	0	0	0	0	0	0	0	0	0
WISCONSIN	0	0	0	0	0	0	0	0	0	0
WYOMING	1,520,826	2,591,760	969,141	256,745	437,539	163,610	1,777,571	3,029,299	1,132,751	5,939,621
<b>Total</b>	<b>\$33,563,952</b>	<b>\$41,778,666</b>	<b>\$42,341,846</b>	<b>\$7,813,920</b>	<b>\$9,154,589</b>	<b>\$9,367,104</b>	<b>\$41,377,872</b>	<b>\$50,933,255</b>	<b>\$51,708,950</b>	<b>\$144,020,077</b>