



U.S. Department  
of Transportation

**Federal Highway  
Administration**

# Notice

Subject:

**APPORTIONMENT OF FISCAL YEAR (FY) 2009 ELIMINATION OF  
HAZARDS RELATING TO RAILWAY-HIGHWAY CROSSINGS  
PROGRAM FUNDS**

Classification Code

Date

Office of Primary Interest

**N 4510.692**

October 1, 2008

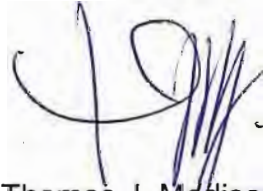
**HCFB-1**

1. **What is the purpose of this Notice?** This Notice transmits the certificate of apportionment of Elimination of Hazards Relating to Railway-Highway Crossings 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 Elimination of Hazards Relating to Railway-Highway Crossings 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 is 90 percent.
  - d. The program codes to be used when obligating these funds are LS40 and LS50.
3. **What is the background information?**
  - a. Section 1401(d) of the SAFETEA-LU, amends Section 130(e) of Title 23, United States Code (U.S.C.), to authorize the Secretary to set aside, before an apportionment of Highway Safety Improvement Program funds under Section 104(b) of Title 23, U.S.C., at least \$220,000,000 for the elimination of hazards and the installation of protective devices at railway-highway crossings.
  - b. According to a Special Rule pursuant to Section 130(e) of Title 23, U.S.C., States that demonstrate to the satisfaction of the Secretary of Transportation that they have met all of their needs for installation of



protective devices at railway-highway crossings may use funds made available by this section for other purposes under Section 130(e).

- c. As required by Section 130(f) of Title 23, U.S.C., 50 percent of the set aside funds are apportioned to the States in accordance with the formula set forth in Section 104(b)(3)(A), and 50 percent of such funds are apportioned to the States in the ratio that total public railway-highway crossings in each State bears to the total of such crossings in all States. Notwithstanding this requirement, each State shall receive a minimum of  $\frac{1}{2}$  of 1 percent of these funds.
  - d. As required by Section 130(k) of Title 23, U.S.C., not more than 2 percent of these Section funds may be used by the State for compilation and analysis of data in support of the report activities of Section 130(g).
4. **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 'T. Madison, Jr.', with a stylized flourish at the end.

Thomas J. Madison, Jr.  
Administrator

Attachments

**CERTIFICATE OF APPORTIONMENT FROM THE SUM OF  
\$220,000,000 SET ASIDE FOR ELIMINATION OF HAZARDS RELATING TO  
RAILWAY-HIGHWAY CROSSINGS FROM THE AUTHORIZATION FOR THE  
HIGHWAY SAFETY IMPROVEMENT 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 Elimination of Hazards Relating to Railway-Highway Crossings for the fiscal year ending September 30, 2009, pursuant to Section 1401(d) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, which amended Section 130(e) of Title 23, United States Code, is \$220,000,000, which is 100 percent of the amount authorized to be appropriated for the fiscal year.

Second, that I have computed the apportionment for Elimination of Hazards Relating to Railway-Highway Crossings for the purpose of carrying out Section 130 of Title 23, United States Code, among the States and the District of Columbia in the manner provided by law in accordance with the formula in Section 130(f) of Title 23, United States Code.

Third, the sums that are hereby apportioned to the several States, effective immediately, are respectively as follows:

U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL HIGHWAY ADMINISTRATION

APPORTIONMENT OF FUNDS FOR THE  
ELIMINATION OF HAZARDS RELATING TO  
RAILWAY-HIGHWAY CROSSINGS PROGRAM  
AUTHORIZED FOR FISCAL YEAR 2009

<u>STATE</u>	<u>AMOUNT</u>
ALABAMA	\$4,368,664
ALASKA	1,100,000
ARIZONA	2,671,424
ARKANSAS	3,787,769
CALIFORNIA	15,617,674
COLORADO	3,126,071
CONNECTICUT	1,301,016
DELAWARE	1,100,000
DIST. OF COL.	1,100,000
FLORIDA	8,632,355
GEORGIA	8,024,372
HAWAII	1,100,000
IDAHO	1,689,626
ILLINOIS	10,156,832
INDIANA	7,263,830
IOWA	5,045,409
KANSAS	6,158,571
KENTUCKY	3,600,390
LOUISIANA	4,251,621
MAINE	1,205,541
MARYLAND	2,262,428
MASSACHUSETTS	2,347,040
MICHIGAN	7,522,228
MINNESOTA	5,999,928
MISSISSIPPI	3,409,259
MISSOURI	5,807,066
MONTANA	1,786,779
NEBRASKA	3,451,854
NEVADA	1,100,000
NEW HAMPSHIRE	1,100,000
NEW JERSEY	3,644,120
NEW MEXICO	1,588,797
NEW YORK	6,341,559
NORTH CAROLINA	6,199,544
NORTH DAKOTA	3,479,155
OHIO	8,565,935
OKLAHOMA	5,121,318
OREGON	3,091,407
PENNSYLVANIA	7,067,949
RHODE ISLAND	1,100,000
SOUTH CAROLINA	4,160,407
SOUTH DAKOTA	2,306,128
TENNESSEE	4,615,389
TEXAS	16,975,461
UTAH	1,533,360
VERMONT	1,100,000
VIRGINIA	4,487,023
WASHINGTON	4,022,753
WEST VIRGINIA	1,974,953
WISCONSIN	5,436,995
WYOMING	1,100,000
TOTAL	\$220,000,000

APPROVED EFFECTIVE October 1, 2008

  
FEDERAL HIGHWAY ADMINISTRATOR