



U.S. Department  
of Transportation

**Federal Highway  
Administration**

# Notice

Subject:

**RESCISSION OF FEDERAL-AID APPORTIONMENTS**

Classification Code	Date	Office of Primary Interest
<b>N4510.673</b>	March 4, 2008	<b>HCFB-1</b>

1. **What is the purpose of this Notice?** This Notice is to notify the States that \$3,150,000,000 of unobligated Federal-aid highway funds apportioned to the States are hereby rescinded as required by Division K, Title I of the Consolidated Appropriations Act, 2008, Public Law (Pub. L. No.) 110-161.
2. **What apportioned funds are being rescinded?**
  - a. Pursuant to Division K, Title I of the Consolidated Appropriations Act, 2008, Pub. L. No. 110-161, an amount of \$3,150,000,000 is rescinded from the unobligated balances of funds apportioned under Chapter 1 of Title 23, United States Code (U.S.C.).
  - b. Pursuant to Division K, Title I of the Consolidated Appropriations Act, 2008, Pub. L. No. 110-161, the rescission shall not apply to funds distributed in accordance with:
    - (1) Section 130(f) of Title 23, U.S.C., for the Railway-Highways Crossings Program;
    - (2) Section 104(b)(5) of Title 23, U.S.C., for the Highway Safety Improvement Program;
    - (3) the first sentence of Section 133(d)(3)(A) of Title 23, U.S.C., for the division of Surface Transportation Program funds between urbanized areas of over 200,000 population and other areas;
    - (4) Section 133(d)(1) of Title 23, U.S.C., for the safety set-asides under the Surface Transportation Program, as in effect on the day before the date of enactment of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Pub. L. No. 109-59; or
    - (5) Section 163 of Title 23, U.S.C., for Safety Incentives to Prevent Operation of Motor Vehicles by Intoxicated Persons, as in effect on the day before the date of enactment of SAFETEA-LU.

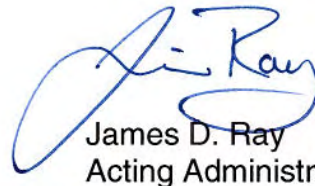
3. **How are the apportioned funds being rescinded?**

- a. Pursuant to Title XI, Subtitle D, Section 1132(a) of the Energy Independence and Security Act of 2007, Pub. L. No. 110-140, the rescission shall be distributed within each State among programs which are apportioned under Chapter 1 of Title 23, U.S.C., and for which funds were apportioned in fiscal year (FY) 2008. The affected programs under Chapter 1 of Title 23, U.S.C., among which the rescission shall be distributed, are as follows: Interstate Maintenance, National Highway System, Bridge, Surface Transportation Program, Congestion Mitigation and Air Quality Improvement, Recreational Trails, Metropolitan Planning, Equity Bonus, and Transportation Enhancements.
- b. Pursuant to Title XI, Subtitle D, Section 1132(a) of the Energy Independence and Security Act of 2007, within each State, the rescission is being distributed among the affected programs – to the extent sufficient funds remain available for obligation – in the ratio that the amount of funds apportioned for each affected program under Chapter 1 of Title 23, U.S.C., for FY 2008 bears to the amount of funds apportioned for all affected programs under Chapter 1 of Title 23, U.S.C. for FY 2008.
- c. The distribution of the rescission has been calculated using FY 2008 apportionments, inclusive of funds programmatically distributed from the Equity Bonus Program, but exclusive of funds set aside for State Planning and Research and those funds withheld pursuant to Section 154 of Title 23, U.S.C. (Open Container Requirements), and Section 164 of Title 23, U.S.C. (Minimum Penalties for Repeat Offenders for Driving While Intoxicated or Driving Under the Influence), which are separate from, but impact the programs by operation of law. The apportionments used to calculate the distribution of the rescission are also exclusive of funds from Sections 130(f) and 104(b)(5) of Title 23, U.S.C.; Sections 133(d)(1) and 163 of Title 23, U.S.C., as in effect on the day before the date of enactment of SAFETEA-LU; and the first sentence of Section 133(d)(3)(A) of Title 23, U.S.C. Each State's share of the total amount to be rescinded, as well as the distribution of the rescission among the affected programs within each State, is reflected in Table 1.
- d. Pursuant to Title XI, Subtitle D, Section 1132(b) of the Energy Independence and Security Act of 2007, a State may make adjustments to the distribution of the rescission within the State for a fiscal year by transferring the amounts to be rescinded among the affected programs, except that in making such adjustments the State may not rescind from any such affected program more than 110 percent of the funds to be rescinded from the program as determined by the distribution. The maximum allowable adjustment for each affected program is reflected in Table 2.

- e. Pursuant to Title XI, Subtitle D, Section 1132(c) of the Energy Independence and Security Act of 2007, funds set aside for the Transportation Enhancements Program under Section 133(d)(2) of Title 23, U.S.C., shall be treated as being apportioned under Chapter 1 of Title 23 U.S.C., for purposes of distribution of the rescission.

4. **What actions are required?**

- a. Division Administrators should ensure that this Notice is provided to State departments of transportation. **In addition, Division Administrators should ensure that State departments of transportation officials are encouraged to reach out to stakeholders in considering how to implement the rescission.**
- b. Not later than 30 days after the date of this Notice, the States must identify the program codes from which amounts are to be rescinded, based on the distribution of the rescission in Table 1 and the maximum allowable adjustments to this distribution in Table 2. The program codes eligible for rescission exclude those for Sections 130(f) and 104(b)(5) of Title 23, U.S.C.; Sections 133(d)(1) and 163 of Title 23, U.S.C., as in effect prior to the date of enactment of SAFETEA-LU; and the first sentence of Section 133(d)(3)(A) of Title 23, U.S.C.
- c. The States should ensure that a sufficient amount of unobligated funds are available within each program code and fiscal year selected to bear the rescission. For guidance, refer to the Fiscal Management Information System (FMIS) report W10 to assist in determining the program codes, fiscal years, and amounts to be applied to the rescission. **Once the program codes, fiscal years, and amounts have been determined and submitted to the Federal Highway Administration's (FHWA) Office of Budget (HCFB), no obligations should be incurred by the State against the amounts identified to be rescinded.**
- d. When identifying the program codes and amounts to be rescinded, States must provide the following: program code, program title, fiscal year from which the funds are to be rescinded, total unobligated balance, and the amount to be rescinded from the total unobligated balance. The information should be submitted on the attached Table 3 to the HCFB official electronic mailbox, "FHWA, Budget Division."



James D. Ray  
Acting Administrator

Attachments

U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL HIGHWAY ADMINISTRATION

N4510.673 - Table 1

**RESCISSION OF UNOBLIGATED BALANCES OF CONTRACT AUTHORITY  
Pursuant to Division K, Title I of the Consolidated Appropriations Act, 2008 and Title XI, Subtitle D, Section 1132 of the Energy Independence and Security Act of 2007**

State	Interstate Maintenance	National Highway System	STP State Flex	Highway Bridge	CMAQ	Metro Planning	Recreational Trails	Transportation Enhancements	Equity Bonus	Total
Alabama	15,079,501	16,901,125	6,576,489	10,432,136	1,368,075	332,489	188,353	1,995,091	7,927,425	60,800,684
Alaska	6,861,618	8,138,050	6,202,958	3,080,371	2,067,248	172,427	136,327	738,447	6,319,293	33,716,739
Arizona	17,091,613	20,458,501	6,560,306	2,693,455	5,867,609	669,387	199,422	1,943,794	8,608,744	64,092,831
Arkansas	9,596,928	10,987,483	4,197,798	7,673,450	1,254,943	174,427	144,780	1,286,943	4,090,567	39,405,374
California	52,987,299	75,313,435	27,775,026	56,693,853	48,730,633	5,141,743	695,847	8,588,850	21,301,777	297,228,463
Colorado	10,810,259	14,471,649	4,584,514	4,186,989	3,753,667	550,316	163,736	1,358,374	2,986,898	42,866,402
Connecticut	6,846,633	6,323,488	2,496,693	19,897,506	4,613,820	487,888	112,271	1,018,648	3,753,118	45,550,065
Delaware	730,254	6,007,663	1,382,135	1,114,272	1,114,272	172,427	98,436	409,522	734,437	12,303,346
Dist. of Col.	311,001	5,904,062	1,212,471	3,375,237	975,459	172,427	89,447	365,240	0	12,405,344
Florida	36,645,661	52,750,669	19,043,582	16,678,291	1,511,572	2,307,149	378,977	5,642,543	25,399,429	160,357,873
Georgia	33,106,042	30,306,847	12,958,843	10,147,544	6,970,989	858,129	231,481	3,873,036	17,767,270	116,220,181
Hawaii	1,117,434	5,706,202	3,524,332	2,834,326	1,070,976	172,427	102,186	426,525	562,907	15,517,315
Idaho	5,995,617	8,065,902	2,094,083	2,781,916	1,375,465	172,427	148,597	632,496	3,076,297	24,342,800
Illinois	29,900,018	25,427,495	11,109,409	17,107,622	10,812,847	1,667,827	242,204	3,291,677	10,373,843	109,932,942
Indiana	22,478,946	22,995,176	8,790,512	9,187,466	5,319,541	584,222	149,983	2,604,596	12,334,588	84,445,030
Iowa	8,127,158	11,904,294	3,873,278	7,576,300	1,060,617	190,940	154,957	1,147,638	1,394,067	35,429,249
Kansas	7,345,813	10,238,351	3,849,161	5,419,186	1,019,009	206,877	144,287	1,223,210	662,439	30,108,333
Kentucky	13,276,561	15,319,845	4,867,172	8,047,591	1,395,075	268,354	151,531	1,472,865	4,645,696	49,444,690
Louisiana	8,968,796	10,247,735	4,122,262	21,481,264	1,089,870	434,298	188,402	1,333,118	2,439,602	50,305,347
Maine	2,997,590	3,327,676	1,216,154	3,592,409	975,459	172,427	132,070	395,654	0	12,809,439
Maryland	10,876,098	12,259,005	4,456,346	12,826,437	5,924,911	736,519	139,071	1,418,116	3,096,408	51,732,911
Massachusetts	9,569,481	9,734,438	3,969,864	21,346,370	6,913,484	965,181	152,524	1,373,584	1,242,361	55,267,287
Michigan	19,330,891	24,315,891	10,258,736	13,994,718	8,347,182	1,126,774	262,909	3,091,361	8,150,842	88,879,229
Minnesota	12,187,561	14,783,524	5,961,260	4,175,858	3,350,321	464,467	197,672	1,938,621	5,030,198	48,089,482
Mississippi	7,342,034	12,124,532	3,999,372	7,532,511	1,139,340	172,427	166,174	1,226,352	2,511,233	36,213,975
Missouri	17,885,075	19,927,264	6,910,422	16,197,083	2,413,770	529,363	176,607	2,247,292	7,530,880	73,817,756
Montana	8,950,202	11,971,072	2,275,315	1,980,962	1,431,867	172,427	153,043	674,167	4,266,448	31,875,503
Nebraska	5,196,465	8,962,648	2,618,998	2,977,855	1,067,082	172,427	128,358	775,999	967,240	22,867,072
Nevada	6,481,986	7,251,302	2,272,458	1,534,352	2,771,744	287,117	127,489	673,321	2,359,163	23,758,932
New Hampshire	4,486,762	4,709,763	1,394,655	3,083,946	1,129,501	172,427	118,095	447,680	913,134	14,455,963
New Jersey	13,903,491	20,523,115	6,954,037	23,312,332	11,460,619	1,328,064	149,428	2,060,455	8,487,378	88,178,919
New Mexico	9,414,441	11,327,615	2,563,190	1,796,177	1,230,219	172,427	154,022	833,558	2,880,061	30,371,710
New York	23,111,413	26,462,238	10,271,502	53,940,706	19,814,735	2,655,620	222,634	3,333,540	7,401,832	147,214,220
North Carolina	19,852,210	23,421,347	8,986,293	16,198,651	5,559,351	644,159	205,231	2,722,963	9,986,150	87,576,355
North Dakota	3,630,461	10,069,379	1,653,491	1,330,472	1,085,641	172,427	109,926	503,091	918,886	19,473,774
Ohio	27,506,953	26,800,646	11,169,764	20,838,582	10,779,368	1,252,273	121,519	3,309,560	12,499,777	114,369,442
Oklahoma	11,356,878	14,675,204	5,504,717	9,123,114	1,165,918	254,116	172,669	1,673,415	3,737,123	47,663,154
Oregon	7,485,822	10,666,779	3,515,971	9,578,527	1,809,834	338,469	148,837	1,041,769	1,662,820	36,248,828
Pennsylvania	24,640,714	26,166,290	9,876,293	53,632,701	11,871,310	1,406,371	220,515	3,226,739	10,078,954	141,119,887
Rhode Island	1,197,619	4,830,993	1,102,006	7,279,835	1,002,610	172,427	98,062	371,934	0	16,055,486
South Carolina	4,653,975	9,100,467	1,829,949	1,678,342	1,188,641	172,427	113,663	603,270	6,218,651	50,682,531
South Dakota	19,137,297	18,931,818	6,371,180	7,695,891	3,741,001	507,795	163,841	2,137,912	1,753,777	21,094,511
Tennessee	63,774,824	80,178,604	29,059,775	22,009,009	16,509,555	2,534,224	428,232	8,767,293	34,727,657	257,989,173
Texas	9,274,445	6,318,949	2,354,123	11,443,735	1,146,652	299,410	162,045	709,725	1,616,566	23,325,650
Utah	1,858,277	4,070,308	1,214,278	3,358,415	976,806	172,427	106,851	365,240	8,207	12,130,809
Vermont	20,881,815	20,522,557	7,861,199	13,133,497	6,001,887	807,291	164,880	2,556,488	9,449,851	81,379,465
Virginia	11,244,171	12,736,155	4,810,301	17,695,542	3,739,005	737,152	206,279	1,429,922	1,490,270	54,088,797
Washington	6,202,486	6,286,740	2,153,180	7,181,352	1,267,917	172,427	129,632	700,221	2,778,810	26,872,765
West Virginia	13,065,134	22,368,877	7,333,095	3,629,754	2,915,705	486,860	195,960	2,172,769	8,939,231	61,107,385
Wisconsin	6,498,689	9,888,048	1,404,975	1,394,906	1,138,217	172,427	139,351	416,289	1,414,007	22,466,909
Wyoming										
Apportioned	702,882,280	865,934,548	312,536,644	583,986,576	242,565,062	34,485,477	9,123,629	94,326,534	304,159,250	3,150,000,000

U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL HIGHWAY ADMINISTRATION

MAXIMUM AMOUNT OF CONTRACT AUTHORITY ELIGIBLE FOR RESCISSION  
Pursuant to Title XI, Subtitle D, Section 1132(b) of the Energy Independence and Security Act of 2007, Pub. L. No. 110-140

State	Interstate Maintenance	National Highway System	STP State Flex	Highway Bridge	CMAQ	Metro Planning	Recreational Trails	Transportation Enhancements	Equity Bonus
Alabama	16,587,451	18,591,238	7,234,138	11,475,350	1,504,883	365,738	207,188	2,194,600	8,720,168
Alaska	7,547,780	8,951,855	6,823,254	3,388,408	2,273,973	189,670	149,960	812,292	6,951,222
Arizona	18,800,774	22,504,351	7,216,337	2,962,801	6,454,370	736,326	219,364	2,138,173	9,469,618
Arkansas	10,556,621	12,086,231	4,617,578	8,440,795	1,380,498	189,670	159,258	1,415,637	4,499,624
California	58,286,029	82,844,779	30,552,529	62,363,238	53,603,696	5,665,917	765,432	9,447,735	23,431,955
Colorado	11,891,285	15,918,814	5,042,965	4,605,688	4,129,034	605,348	180,110	1,494,211	3,285,588
Connecticut	7,531,296	6,955,837	2,746,362	21,887,257	5,075,202	536,677	123,498	1,120,513	4,128,430
Delaware	803,279	6,608,429	1,520,349	1,819,620	1,225,699	189,670	108,280	450,474	807,881
Dist. of Col.	342,101	6,494,468	1,333,718	3,712,761	1,073,005	189,670	98,392	401,764	0
Florida	40,310,227	58,025,736	20,947,940	18,346,120	1,662,729	2,537,864	416,875	6,206,797	27,939,372
Georgia	36,416,646	33,337,532	14,254,727	11,162,298	7,668,088	943,942	254,629	4,260,340	19,543,997
Hawaii	1,229,177	6,276,822	3,876,765	3,117,759	1,178,070	189,670	112,405	469,178	619,198
Idaho	6,595,179	8,872,492	2,303,491	3,060,108	1,513,012	189,670	163,457	695,746	3,383,927
Illinois	32,890,020	27,970,245	12,220,350	18,818,384	11,894,132	1,834,610	266,424	3,620,845	11,411,227
Indiana	24,726,841	25,294,694	9,669,563	10,106,213	5,851,495	642,644	164,981	2,865,056	13,568,047
Iowa	8,939,874	13,094,723	4,260,606	8,333,930	1,166,679	210,034	170,453	1,262,402	1,533,474
Kansas	8,080,394	11,262,186	4,234,077	5,961,105	1,120,910	227,565	158,716	1,345,531	728,683
Kentucky	14,604,217	16,851,830	5,353,889	8,852,350	1,534,583	295,189	166,684	1,620,152	5,110,266
Louisiana	9,865,676	11,272,509	4,534,488	23,629,390	1,198,857	477,728	207,242	1,466,430	2,683,562
Maine	3,297,349	3,660,444	1,337,769	3,951,650	1,073,005	189,670	145,277	435,219	0
Maryland	11,963,708	13,484,906	4,901,981	14,109,081	6,517,402	810,171	152,978	1,559,928	3,406,049
Massachusetts	10,526,429	10,707,882	4,366,850	23,481,007	7,604,832	1,061,699	167,776	1,510,942	1,366,597
Michigan	21,263,898	26,747,480	11,284,610	15,394,190	9,181,900	1,239,451	289,200	3,400,497	8,965,926
Minnesota	13,406,317	16,261,876	6,557,386	4,593,444	3,685,353	510,914	217,439	2,132,483	5,533,218
Mississippi	8,076,237	13,336,985	4,399,309	8,285,762	1,253,274	189,670	182,791	2,762,356	2,762,356
Missouri	19,673,583	21,919,990	7,601,464	17,816,791	2,655,147	582,299	194,268	3,478,021	8,283,968
Montana	9,845,222	13,168,179	2,502,847	2,179,058	1,575,054	189,670	168,347	741,584	4,693,093
Nebraska	5,716,112	9,858,913	2,880,898	3,275,641	1,173,790	189,670	141,194	853,599	1,063,964
Nevada	7,130,185	7,976,432	2,499,704	1,687,787	3,048,918	315,829	140,238	2,595,079	2,595,079
New Hampshire	2,735,438	5,180,739	1,534,121	3,392,341	2,424,451	189,670	129,905	492,448	1,004,447
New Jersey	15,293,840	22,575,427	7,649,441	25,643,565	12,606,681	1,460,870	164,371	2,266,501	9,336,116
New Mexico	10,355,885	12,460,377	2,819,509	1,975,795	1,353,241	189,670	169,424	916,914	3,168,067
New York	25,422,554	29,108,462	11,298,652	59,334,777	21,796,209	2,921,182	244,897	3,666,894	8,142,015
North Carolina	21,837,431	25,763,431	9,894,922	17,818,516	6,115,286	708,575	225,754	2,995,259	10,984,765
North Dakota	3,993,507	11,076,317	1,818,840	1,463,519	1,194,205	189,670	120,919	553,400	1,010,775
Ohio	30,257,648	29,480,711	12,286,740	22,922,440	11,857,305	1,377,500	233,771	3,640,516	13,749,755
Oklahoma	12,492,566	16,142,724	6,055,189	10,035,425	1,282,510	279,528	189,936	1,840,757	4,110,835
Oregon	8,234,404	11,733,457	3,867,568	10,536,390	1,990,817	372,316	163,721	1,145,946	1,829,102
Pennsylvania	27,104,785	28,782,919	10,863,922	58,995,971	13,058,441	1,547,008	242,567	3,549,413	11,086,849
Rhode Island	1,317,381	5,314,092	1,212,207	8,007,819	1,102,871	189,670	107,868	409,127	0
South Carolina	14,970,937	15,128,665	6,591,993	8,298,215	1,456,035	353,042	158,198	1,953,183	6,840,516
South Dakota	5,119,373	10,010,514	2,012,944	1,846,176	1,307,505	189,670	125,029	663,597	1,929,155
Tennessee	21,051,027	20,825,000	7,008,298	8,465,480	4,115,101	558,575	180,225	2,351,703	8,429,232
Texas	70,152,306	88,196,464	31,965,753	24,209,910	18,160,511	2,787,646	471,055	9,644,022	38,200,423
Utah	10,201,890	6,950,844	2,589,535	1,588,109	1,261,317	329,351	178,250	780,698	1,778,223
Vermont	2,044,105	4,477,339	1,335,706	3,694,257	1,074,487	189,670	117,536	401,764	9,028
Virginia	22,969,997	22,574,813	8,647,319	14,446,847	6,602,076	888,020	181,368	2,812,137	10,394,836
Washington	12,368,588	14,009,771	5,291,331	19,465,096	4,112,906	810,867	226,907	1,572,914	1,639,297
West Virginia	6,822,735	6,915,414	2,368,498	7,899,487	1,394,709	189,670	142,595	770,243	3,056,691
Wisconsin	14,371,647	24,605,765	8,066,405	3,992,729	3,207,276	535,546	215,556	2,390,046	9,833,154
Wyoming	7,148,558	10,876,863	1,545,473	1,534,397	1,522,039	189,670	153,286	457,918	1,555,408

U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL HIGHWAY ADMINISTRATION

N4510.673 - Table 3

Rescission of Unobligated Balances  
*Pursuant to Division K, Title I of the Consolidated Appropriations Act, 2008 and  
Title XI, Subtitle D, Section 1132 of the Energy Independence and Security Act of 2007*

State: \_\_\_\_\_ Total Amount to be Rescinded: \_\_\_\_\_

<u>Program Code</u>	<u>Program Title</u>	<u>Fiscal Year</u>	<u>Total Unobligated Balance</u>	<u>Unobligated Balance to be Rescinded</u>
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\_\_\_\_\_  
\$XXX,XXX,XXX.XX\*

\*Amount should equal State total from Table 1