



U.S. DEPARTMENT OF
TRANSPORTATION

**Federal Highway
Administration**

Notice

Subject:

Rescission of Federal-aid Apportionments

Classification Code:
N 4510.606

Date:
July 5, 2005

OPI:
HCF-10

1. **What is the purpose of this Notice?** This Notice is to notify the States that \$702,362,500 of unobligated Federal-aid highway funds apportioned to States are hereby rescinded as required by Chapter 9 of the Emergency Supplemental Appropriations Act, 2006, Public Law (Pub. L. No.) 109-234.
2. **What apportioned funds are being rescinded?** In accordance with Chapter 9 of the Emergency Supplemental Appropriations Act, 2006, Pub. L. No. 109-234, under the heading, "Department of Transportation, Federal Highway Administration, Federal-aid Highways (Highway Trust Fund), (Rescission)," an amount of \$702,362,500 is rescinded from the unobligated balances of funds apportioned under chapter 1 of title 23, United States Code (U.S.C.). The rescission shall not apply to funds distributed in accordance with title 23, U.S.C., section 130(f), title 23, U.S.C., section 133(d)(1) as in effect prior to the date of enactment of Pub. L. No. 109-59, the first sentence of title 23, U.S.C., section 133(d)(3)(A), title 23, U.S.C., section 104(b)(5) or title 23, U.S.C., section 163 as in effect prior to the enactment of Pub. L. No. 109-59.
3. **How are the apportioned funds being rescinded?**
 - a. The rescission is being applied proportionately to States based upon the fiscal year (FY) 2006 apportionments to the States for the core apportioned programs excluding the Highway Safety Improvement Program. Table 1 shows each State's share of the total rescinded amount based upon FY 2006 apportionments for the Interstate Maintenance (IM), National Highway System (NHS), Bridge, Surface Transportation Program (STP) and Congestion Mitigation and Air Quality Improvement (CMAQ) programs, inclusive of funds programmatically distributed from Equity Bonus, but excluding funds set aside for State Planning and Research and after application of penalties 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 core programs by operation of law.

- b. The rescissions may be taken from any unobligated funds apportioned under chapter 1 of title 23, including apportionment categories authorized prior to the Transportation Equity Act for the 21st Century, Pub. L. No., 105-178 as amended by the Surface Transportation Extension Act, 2004, Part V, Pub. L. No. 108-310. These categories include IM, NHS, STP, CMAQ, Bridge, Recreational Trails (with consent from the State Agency), Minimum Guarantee, Minimum Allocation, Interstate Construction, Interstate Substitution, Consolidated Primary, Rural Secondary, and Urban System.
 - c. States are encouraged to review projects funded from the older apportionment categories to determine if any of the funds can be deobligated and applied to the rescission. The States should ensure that a sufficient amount of unobligated funds is available within each program and category selected to bear the rescission. For guidance, refer to FMIS reports M28 and W10 to assist in determining the program code(s), prior fiscal years and amount to be deobligated and applied to the rescission. **Once the program code(s), fiscal year(s) and amount(s) have been determined and submitted to the Budget Division, no obligations should be incurred by the State on the amounts identified to be rescinded.**
 - d. Not later than **14 days** after the date of this Notice, the States must identify the amounts to be rescinded from funds apportioned under chapter 1 of title 23, U.S.C., excluding title 23, U.S.C., section 130(f), Railway-Highway Crossing; title 23 U.S.C., section 133(d)(1), STP Safety Set-aside, as in effect prior to the date of enactment of Pub. L. No., 109-59; the first sentence of title 23, U.S.C., 133(d)(3)(A), STP Suballocation to areas; title 23, U.S.C., 104(b)(5), Highway Safety Improvement Program; or title 23, U.S.C., section 163, Safety Incentives to Prevent Operation of Motor Vehicles by Intoxicated Persons, as in effect prior to the enactment of Pub. L. No. 109-59, based on the amounts shown on Table 1. The information should be submitted on the attached Table 2 to the Budget Division's official electronic mailbox, "FHWA, Budget Division."
4. **What action is required?** Division Administrators should ensure that this Notice is provided to State departments of transportation.

J. Richard Capka
Administrator

Attachments

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

Table 1

Rescission of Unobligated Balances Pursuant to the
Emergency Supplemental Appropriations Act, 2006, Pub. L. No. 109-234

STATE	<u>TOTAL AMOUNT TO BE RESCINDED</u>
ALABAMA	\$13,428,941
ALASKA	5,306,496
ARIZONA	12,722,108
ARKANSAS	8,822,025
CALIFORNIA	65,858,337
COLORADO	9,347,019
CONNECTICUT	10,041,988
DELAWARE	2,934,838
DIST. OF COL.	3,296,017
FLORIDA	32,138,978
GEORGIA	23,730,389
HAWAII	3,336,138
IDAHO	5,094,920
ILLINOIS	24,594,405
INDIANA	17,285,587
IOWA	8,436,752
KANSAS	8,316,584
KENTUCKY	11,066,985
LOUISIANA	11,440,279
MAINE	3,526,895
MARYLAND	11,573,513
MASSACHUSETTS	13,212,522
MICHIGAN	21,997,662
MINNESOTA	11,431,158
MISSISSIPPI	8,549,007
MISSOURI	16,985,561
MONTANA	6,507,124
NEBRASKA	5,669,758
NEVADA	4,744,725
NEW HAMPSHIRE	3,555,647
NEW JERSEY	19,195,745
NEW MEXICO	6,813,654
NEW YORK	35,239,205
NORTH CAROLINA	19,111,322
NORTH DAKOTA	4,559,996
OHIO	25,367,376
OKLAHOMA	11,590,702
OREGON	8,673,981
PENNSYLVANIA	33,103,668
RHODE ISLAND	3,967,833
SOUTH CAROLINA	11,172,781
SOUTH DAKOTA	4,766,109
TENNESSEE	14,538,140
TEXAS	55,716,165
UTAH	5,302,132
VERMONT	3,230,265
VIRGINIA	17,852,222
WASHINGTON	13,034,746
WEST VIRGINIA	5,823,397
WISCONSIN	13,410,704
WYOMING	<u>4,939,999</u>
TOTAL	\$702,362,500

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

Table 2

Rescission of Unobligated Balances
Pursuant to the Emergency Supplemental Appropriations Act, 2006, Pub. L. No. 109-234

State: _____

<u>Program Title</u>	<u>Program Codes</u>	<u>Fiscal Year</u>	<u>Unobligated Balance to be Rescinded</u>
Total			<hr/> \$X,XXX,XXX,XXX*

*Amount should equal State total from Table 1

Note: Please refer to paragraph 3.d. in this Notice that identifies the funds that are excluded from the rescission.