



U.S. Department  
of Transportation

**Federal Highway  
Administration**

# Notice

Subject:

**ADVANCE NOTIFICATION OF FEDERAL-AID HIGHWAY FUNDS  
TO BE APPORTIONED FOR FISCAL YEAR (FY) 2014**

Classification Code	Date	Office of Primary Interest
<b>N4510.767</b>	July 2, 2013	<b>HCFB-1</b>

1. **What is the purpose of this Notice?** This Notice is to notify States, as required by section 104(e) of title 23, United States Code (U.S.C.), of the anticipated amounts of funds to be apportioned under 23 U.S.C. 104, as amended by the Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21), Public Law 112-141, for FY 2014. It should be noted that the anticipated apportionment amounts are subject to change before issuing the certificate of apportionment, which is effective on October 1, 2013.
2. **What are the procedures for opting out of the recreational trails program set-aside?**
  - a. Section 213(f) of title 23, U.S.C., as amended by MAP-21, provides for a set-aside from each State's transportation alternatives funding for the recreational trails program. The amount of the set-aside is equal to each State's FY 2009 apportionment for the recreational trails program. Each State subject to the set-aside must return 1 percent of the set-aside funds to the Secretary for administration, and these States must also comply with the provisions for the administration of the recreational trails program under section 206 of title 23, U.S.C.
  - b. Section 213(g) of title 23, U.S.C., as amended by MAP-21, allows a State to opt out of the recreational trails program set-aside. In order to opt out of the set-aside a State must inform the Federal Highway Administration (FHWA) of its decision to opt out no later than 30 days prior to apportionments being made for a fiscal year. Since apportionments for FY 2014 will be effective on October 1, 2013, a State must make notification of its decision to opt out by September 1, 2013. **Any State that desires to opt out of the recreational trails program set-aside shall notify FHWA via e-mail, with a letter signed by the Governor or the Governor's designee accompanying the opt-out notification, to the FHWA Office of Budget's official mailbox (BudDiv@dot.gov) no later than September 1, 2013.** Note that failure to affirmatively opt out by the deadline will result in the recreational trails set-aside being applied to a State's transportation alternatives funding.

3. **Are certain States subject to potential withholdings or transfers?** Yes. Currently, the States that are listed under the following requirements are subject to potential withholdings or transfers on October 1, 2013.

a. **Use of Safety Belts and Motorcycle Helmets – 23 U.S.C. 153**

Funds subject to 2 percent transfer to the State's Safety Program under 23 U.S.C. 402: National Highway Performance Program (NHPP), Surface Transportation Program (STP), and Highway Safety Improvement Program (HSIP).

New Hampshire

b. **Open Container Requirements – 23 U.S.C. 154**

Funds subject to 2.5 percent transfer to the State's Safety Program under 23 U.S.C. 402 or use for HSIP under 23 U.S.C. 148: NHPP and STP.

Alaska, Arkansas, Connecticut, Delaware, District of Columbia, Hawaii, Louisiana, Maine, Mississippi, Missouri, Puerto Rico\*, North Carolina, South Dakota, Tennessee, Virginia, West Virginia, and Wyoming

Note: To avoid a transfer on October 1, 2013, the National Highway Traffic Safety Administration (NHTSA) must receive from the State by September 30, 2013, a certificate and laws that conform to 23 U.S.C. 154 programs implementing regulations.

c. **National Minimum Drinking Age – 23 U.S.C. 158**

Funds subject to 8 percent withholding: NHPP and STP

Puerto Rico\*

d. **Repeat Offenders – 23 U.S.C. 164**

Funds subject to 2.5 percent transfer to the State's Safety Program under 23 U.S.C. 402 or use for HSIP under 23 U.S.C. 148: NHPP and STP.

Alaska, California, Hawaii, Idaho, Indiana, Iowa, Louisiana, Maryland, Minnesota, Montana, New Mexico, North Carolina, Ohio, Oklahoma, Oregon, Puerto Rico\*, Rhode Island, South Dakota, Utah, Vermont, Washington, and Wyoming

Note: To avoid a transfer on October 1, 2013, the National Highway Traffic Safety Administration (NHTSA) must receive from the State by September 30, 2013, a certificate and laws that conform to 23 U.S.C. 164 programs implementing regulations.

\* Puerto Rico highway program funds are no longer apportioned. Section 165 of title 23, U.S.C., states that, for the purpose of imposing penalties, such funds will be treated as being apportioned under 23 U.S.C. 104(b) and 144 (as in effect for FY 1997) in the same proportions as Puerto Rico's FY 1997 apportionments. Funds treated as being apportioned for the national highway system, STP, and Interstate maintenance program shall be deemed to have been apportioned 50 percent for NHPP and 50 percent for STP.

4. **Are there obligation controls?** Yes. The obligation limitation associated with the funds transferred pursuant to 23 U.S.C. 153, 23 U.S.C. 154, and 23 U.S.C. 164 is subject to obligation controls in force at the time of the transfer.
5. **What are the anticipated FY 2014 apportionments?** The following table shows the FY 2014 anticipated apportionment amounts effective on October 1, 2013. The table shows the anticipated apportionments of NHPP, STP, HSIP, Railway-Highway Crossings Program, Congestion Mitigation and Air Quality Improvement Program, and Metropolitan Planning Program.
6. **What action is required?**
  - a. Division Administrators must ensure that this Notice is provided to State departments of transportation.
  - b. A State shall notify FHWA **no later than September 1, 2013**, of any decision to opt out of the recreational trails set-aside.



Victor M. Mendez  
Administrator

Attachment

**UNITED STATES DEPARTMENT OF TRANSPORTATION  
FEDERAL HIGHWAY ADMINISTRATION**

**N4510.767**

**ADVANCE NOTICE OF ANTICIPATED FEDERAL-AID HIGHWAY PROGRAM APPORTIONMENTS FOR FY 2014  
(before post-apportionment set-asides; before penalties)**

STATE	NATIONAL HIGHWAY PERFORMANCE PROGRAM	SURFACE TRANSPORTATION PROGRAM	HIGHWAY SAFETY IMPROVEMENT PROGRAM	RAILWAY HIGHWAY CROSSINGS PROGRAM	CONGESTION MITIGATION & AIR QUALITY IMPROVEMENT	METROPOLITAN PLANNING	TOTAL
ALABAMA	461,736,202	212,384,155	46,232,950	4,507,292	11,507,925	3,009,024	739,377,548
ALASKA	292,177,703	134,392,570	31,007,440	1,100,000	27,760,319	2,219,006	488,657,038
ARIZONA	417,225,075	191,910,435	43,180,210	2,668,699	52,332,154	5,726,598	713,043,171
ARKANSAS	312,426,831	143,706,533	30,568,116	3,764,503	12,421,889	1,681,406	504,569,278
CALIFORNIA	1,949,079,830	896,515,526	198,850,884	15,333,713	468,142,391	48,963,903	3,576,886,247
COLORADO	301,482,333	138,672,408	29,962,672	3,167,255	42,666,947	5,175,813	521,127,428
CONNECTICUT	280,493,398	129,018,157	29,515,589	1,307,861	44,629,126	4,516,498	489,480,629
DELAWARE	96,407,695	44,344,513	9,494,252	1,100,000	11,763,933	1,743,843	164,854,236
DIST. OF COL.	91,455,165	42,066,504	8,950,018	1,100,000	10,190,319	1,736,959	155,498,965
FLORIDA	1,154,547,820	531,055,747	118,347,905	8,525,482	13,716,709	20,262,475	1,846,456,138
GEORGIA	753,061,259	346,384,535	74,838,700	7,915,285	68,543,687	7,603,485	1,258,346,951
HAWAII	97,250,323	44,732,095	9,586,849	1,100,000	10,449,472	1,711,497	164,830,236
IDAHO	168,316,345	77,420,234	16,729,108	1,767,194	12,926,077	1,584,486	278,743,444
ILLINOIS	801,222,219	368,537,065	77,681,222	10,365,176	111,059,444	16,698,553	1,385,563,679
INDIANA	557,982,447	256,654,407	53,999,955	7,316,798	47,528,381	5,122,237	928,604,225
IOWA	290,398,881	133,574,368	26,698,385	5,213,580	11,156,002	1,900,587	468,941,803
KANSAS	227,265,880	104,535,169	19,065,642	5,908,631	9,599,667	1,906,208	368,281,197
KENTUCKY	402,090,046	184,948,796	40,485,169	3,700,550	13,819,415	2,479,137	647,523,113
LOUISIANA	425,669,221	195,794,477	42,633,005	4,143,832	11,546,682	4,207,392	683,994,609
MAINE	106,829,023	49,137,997	10,512,603	1,226,850	10,387,323	1,802,781	179,896,577
MARYLAND	333,296,753	153,306,042	34,331,323	2,294,694	54,015,183	6,767,438	584,011,433
MASSACHUSETTS	330,675,595	152,100,392	33,923,525	2,414,453	63,976,104	8,797,005	591,887,074
MICHIGAN	599,603,307	275,798,695	58,476,391	7,414,082	74,654,159	10,134,241	1,026,080,875
MINNESOTA	381,247,533	175,361,895	35,938,071	5,957,262	32,508,304	4,474,654	635,487,719
MISSISSIPPI	291,973,806	134,298,783	28,685,867	3,399,167	11,317,382	1,664,169	471,339,174
MISSOURI	569,307,655	261,863,646	57,039,088	5,522,193	23,777,878	5,086,779	922,597,239
MONTANA	244,020,587	112,241,808	24,995,049	1,820,400	15,017,733	1,759,408	399,854,985
NEBRASKA	171,790,627	79,018,295	15,321,956	3,556,135	10,378,128	1,621,997	281,687,138
NEVADA	202,445,109	93,118,394	21,146,715	1,100,000	32,854,875	3,212,567	353,877,660
NEW HAMPSHIRE	94,933,554	43,666,454	9,332,259	1,100,000	10,439,872	1,547,077	161,019,216
NEW JERSEY	545,181,047	250,766,164	56,250,702	3,659,303	105,005,268	12,183,107	973,045,591
NEW MEXICO	219,634,396	101,024,927	22,552,989	1,582,659	11,513,089	1,575,186	357,883,246
NEW YORK	908,738,256	417,991,066	93,607,895	6,253,452	184,798,720	24,439,491	1,635,828,880
NORTH CAROLINA	609,761,224	280,471,019	60,578,143	6,428,585	51,605,366	5,681,962	1,014,526,299
NORTH DAKOTA	146,315,279	67,300,435	12,505,884	3,572,718	10,612,493	1,643,105	241,949,914
OHIO	763,365,636	351,124,225	75,315,440	8,570,894	96,595,832	11,336,661	1,306,308,688
OKLAHOMA	384,548,286	176,880,138	37,082,422	5,175,632	11,858,244	2,530,385	618,075,107
OREGON	295,566,438	135,951,282	29,587,119	2,892,709	19,570,554	3,542,514	487,110,616
PENNSYLVANIA	943,319,762	433,897,473	97,103,444	6,558,068	105,416,637	12,693,828	1,598,989,212
RHODE ISLAND	127,905,551	58,832,537	12,955,555	1,100,000	10,521,749	1,817,360	213,132,752
SOUTH CAROLINA	380,013,414	174,794,239	37,540,708	4,219,008	12,389,522	2,890,121	611,847,012
SOUTH DAKOTA	166,086,004	76,394,347	15,939,843	2,311,366	12,374,412	1,729,376	274,835,348
TENNESSEE	497,788,995	228,967,309	50,021,083	4,681,004	37,366,659	4,704,487	823,529,537
TEXAS	1,848,381,509	850,197,460	185,900,293	17,218,554	151,829,034	21,898,213	3,075,425,063
UTAH	190,425,468	87,589,736	19,407,096	1,518,780	12,092,129	2,942,377	313,975,586
VERMONT	117,073,412	53,850,094	11,765,210	1,100,000	11,949,766	2,051,543	197,790,025
VIRGINIA	591,724,239	272,174,571	60,496,167	4,528,475	55,400,509	7,398,722	991,722,683
WASHINGTON	392,532,205	180,552,490	39,079,144	4,056,263	37,276,148	7,165,794	660,662,044
WEST VIRGINIA	261,030,820	120,065,981	26,700,080	1,984,625	14,448,262	1,665,865	425,895,633
WISCONSIN	446,645,840	205,443,063	43,405,143	5,676,818	27,637,631	4,474,272	733,282,767
WYOMING	151,355,105	69,618,596	15,532,429	1,100,000	10,511,647	1,547,195	249,664,972
<b>TOTAL</b>	<b>22,393,805,108</b>	<b>10,300,447,247</b>	<b>2,240,857,707</b>	<b>220,000,000</b>	<b>2,321,861,151</b>	<b>321,028,787</b>	<b>37,798,000,000</b>