



U.S. Department
of Transportation

**Federal Highway
Administration**

Notice

Subject:

**REVISED ADVANCE NOTIFICATION OF FEDERAL-AID HIGHWAY FUNDS
TO BE APPORTIONED ON OCTOBER 1, 2014**

Classification Code

Date

Office of Primary Interest

N4510.777

August 22, 2014

HCFB-10

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, pursuant to the Highway and Transportation Funding Act of 2014, Public Law 113-159, for the period beginning on October 1, 2014, and ending on May 31, 2015. 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, 2014.
2. **Does this Notice cancel FHWA Notice 4510.775?** Yes, this Notice cancels FHWA Notice 4510.775, Advance Notification of Federal-aid Highway Funds to be Apportioned for Fiscal Year (FY) 2015, dated July 1, 2014. The revisions to this Notice reflect the extension of the Federal-aid highway program through May 31, 2015, and identify which States are anticipated to have apportioned funds transferred or withheld in FY 2015 due to penalties. In addition, the revisions describe the set-aside from the transportation alternatives funding for the recreational trails program and inform States of the procedures to opt out of the set-aside (see paragraph 3 of this Notice).
3. **What are the procedures for opting out of the recreational trails program set-aside?**
 - a. Section 213(f) of title 23, U.S.C., provides for a set-aside from each State's transportation alternatives funding for the recreational trails program. The full-year 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., 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 the period beginning on October 1, 2014, and

ending on May 31, 2015, will be effective on October 1, 2014, a State must make notification of its decision to opt out by September 1, 2014. **Any State that desires to opt out of the recreational trails program set-aside for FY 2015 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, 2014.** 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.

4. **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, 2014.

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, Hawaii, Louisiana, Maine, Mississippi, Missouri, Puerto Rico*, Tennessee, Virginia, West Virginia, and Wyoming

Note: To avoid a transfer on October 1, 2014, the National Highway Traffic Safety Administration (NHTSA) must receive from the State by September 30, 2014, 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.

* 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.

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

Note: To avoid a transfer on October 1, 2014, NHTSA must receive from the State by September 30, 2014, a certificate and laws that conform to 23 U.S.C.164 programs implementing regulations.

e. **Commercial Driver's License – 49 U.S.C. 31314**

Funds subject to up to 4 percent withholding: NHPP and STP.

New Jersey

5. **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.
6. **What are the anticipated FY 2015 apportionments for the period beginning on October 1, 2014, and ending on May 31, 2015?** The following table shows the FY 2015 anticipated apportionment amounts effective on October 1, 2014, for the period beginning on October 1, 2014, and ending on May 31, 2015. 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.
7. **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, 2014**, of any decision to opt out of the recreational trails set-aside for FY 2015.

Gregory G. Nadeau
Acting Administrator

Attachment

UNITED STATES DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

N4510.777

ADVANCE NOTICE OF ANTICIPATED FEDERAL-AID HIGHWAY PROGRAM APPORTIONMENTS FOR FY 2015
(FOR THE PERIOD BEGINNING ON OCTOBER 1, 2014, AND ENDING ON MAY 31, 2015)
(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	304,444,542	140,034,931	30,438,512	3,016,932	7,587,720	1,983,992	487,506,629
ALASKA	192,646,595	88,611,385	20,437,627	732,329	18,303,693	1,463,096	322,194,725
ARIZONA	275,096,248	126,535,637	28,448,595	1,781,763	34,505,067	3,775,817	470,143,127
ARKANSAS	205,997,804	94,752,522	20,133,520	2,503,601	8,190,340	1,108,631	332,686,418
CALIFORNIA	1,285,120,626	591,115,138	131,049,114	10,172,933	308,668,446	32,284,220	2,358,410,477
COLORADO	198,781,578	91,433,285	19,734,037	2,110,093	28,132,338	3,412,659	343,603,990
CONNECTICUT	184,942,580	85,067,780	19,454,083	869,278	29,426,096	2,977,941	322,737,758
DELAWARE	63,566,159	29,238,437	6,252,963	732,329	7,756,518	1,149,798	108,696,204
DIST. OF COL.	60,300,720	27,736,438	5,894,124	732,329	6,718,959	1,145,260	102,527,830
FLORIDA	761,248,048	350,150,201	78,018,817	5,634,814	9,044,076	13,360,009	1,217,455,965
GEORGIA	496,528,947	228,387,726	49,320,713	5,242,907	45,194,099	5,013,338	829,687,730
HAWAII	64,121,743	29,493,988	6,314,017	732,329	6,889,832	1,128,471	108,680,380
IDAHO	110,978,937	51,046,826	11,012,647	1,182,840	8,522,774	1,044,727	183,788,751
ILLINOIS	528,283,749	242,993,938	51,166,086	6,887,073	73,226,750	11,010,147	913,567,743
INDIANA	367,904,250	169,224,404	35,520,982	4,908,057	31,337,712	3,377,333	612,272,738
IOWA	195,561,850	89,952,311	18,011,736	3,478,578	7,512,730	1,279,903	315,797,108
KANSAS	149,847,156	68,924,987	12,547,523	3,919,198	6,329,515	1,256,853	242,825,232
KENTUCKY	265,117,007	121,945,500	26,701,835	2,631,902	9,111,794	1,634,612	426,942,650
LOUISIANA	280,663,874	129,096,569	28,165,002	2,677,182	7,613,275	2,774,133	450,990,035
MAINE	70,437,433	32,399,008	6,924,411	815,966	6,848,854	1,188,659	118,614,331
MARYLAND	220,372,096	101,364,245	22,691,536	1,525,177	35,714,237	4,474,555	386,141,846
MASSACHUSETTS	218,030,078	100,286,991	22,344,973	1,614,376	42,182,475	5,800,282	390,259,175
MICHIGAN	395,346,853	181,847,139	38,517,906	4,926,803	49,223,022	6,681,985	676,543,708
MINNESOTA	251,374,551	115,624,401	23,658,867	3,964,709	21,434,264	2,950,352	419,007,144
MISSISSIPPI	192,512,156	88,549,548	18,905,998	2,249,183	7,462,086	1,097,265	310,776,236
MISSOURI	375,371,494	172,659,102	37,582,285	3,667,329	15,677,881	3,353,954	608,312,045
MONTANA	160,894,328	74,006,339	16,453,272	1,227,424	9,901,902	1,160,061	263,643,326
NEBRASKA	113,269,695	52,100,504	10,074,833	2,372,386	6,842,791	1,069,460	185,729,669
NEVADA	133,481,646	61,397,366	13,935,984	732,329	21,662,775	2,118,198	233,328,298
NEW HAMPSHIRE	62,594,188	28,791,361	6,146,154	732,329	6,883,502	1,020,061	106,167,595
NEW JERSEY	359,463,679	165,342,006	37,085,829	2,415,674	69,234,945	8,032,900	641,575,033
NEW MEXICO	144,815,358	66,610,518	14,838,990	1,074,786	7,591,125	1,038,595	235,969,372
NEW YORK	599,174,163	275,601,303	61,737,676	4,105,639	121,846,547	16,114,114	1,078,579,442
NORTH CAROLINA	402,791,194	185,271,302	39,971,952	4,290,816	34,089,060	3,753,345	670,167,669
NORTH DAKOTA	96,472,592	44,374,363	8,187,907	2,413,477	6,997,319	1,083,377	159,529,035
OHIO	503,323,112	231,512,828	49,592,140	5,718,092	63,690,206	7,474,797	861,311,175
OKLAHOMA	253,550,895	116,625,451	24,412,112	3,450,623	7,818,701	1,668,403	407,526,185
OREGON	194,880,948	89,639,118	19,492,304	1,923,185	12,903,793	2,335,747	321,175,095
PENNSYLVANIA	621,975,387	286,089,150	63,968,102	4,380,842	69,506,181	8,369,642	1,054,289,304
RHODE ISLAND	84,334,187	38,791,078	8,535,164	732,329	6,937,487	1,198,272	140,528,517
SOUTH CAROLINA	267,244,177	122,923,931	26,556,474	2,811,018	8,712,923	2,032,476	430,280,999
SOUTH DAKOTA	109,508,367	50,370,410	10,488,127	1,545,760	8,159,036	1,140,259	181,211,959
TENNESSEE	328,215,856	150,968,989	32,930,678	3,136,999	24,637,808	3,101,891	542,992,021
TEXAS	1,333,068,024	613,169,437	134,839,460	11,651,532	109,500,354	15,793,172	2,218,021,979
UTAH	135,325,603	62,245,528	13,827,123	1,043,822	8,593,255	2,090,996	223,126,327
VERMONT	77,192,044	35,505,916	7,750,313	732,329	7,879,047	1,352,679	130,412,328
VIRGINIA	390,151,810	179,457,583	39,903,284	2,970,541	36,528,179	4,878,328	653,889,725
WASHINGTON	258,815,070	119,046,806	25,736,032	2,705,184	24,577,929	4,724,748	435,605,769
WEST VIRGINIA	172,109,980	79,165,187	17,591,493	1,321,692	9,526,423	1,098,383	280,813,158
WISCONSIN	294,494,752	135,458,339	28,627,452	3,734,609	18,222,799	2,950,100	483,488,051
WYOMING	99,795,588	45,902,837	10,234,219	732,329	6,930,827	1,020,139	164,615,939
TOTAL	14,911,539,717	6,858,840,087	1,492,164,983	146,465,756	1,541,789,267	213,348,135	25,164,147,945