



U.S. Department  
of Transportation

**Federal Highway  
Administration**

# Notice

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Subject:

**REVISED APPORTIONMENT OF FEDERAL-AID HIGHWAY  
PROGRAM FUNDS FOR FISCAL YEAR (FY) 2014**

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Classification Code	Date	Office of Primary Interest
<b>N 4510.770</b>	October 25, 2013	<b>HCFB-1</b>

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1. **What is the purpose of this Notice?** This Notice transmits the revised certificate of apportionment for apportioned Federal-aid highway program funds authorized for FY 2014 pursuant to the Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21), Public Law (Pub. L.) 112-141. The apportionments made available by this Notice are for the following programs: National Highway Performance Program, Surface Transportation Program, Highway Safety Improvement Program, Railway-Highway Grade Crossings Program, Congestion Mitigation and Air Quality Improvement Program, and the Metropolitan Planning Program. The apportionments are effective immediately.
2. **Does this Notice cancel FHWA Notice 4510.768?** Yes, this Notice cancels FHWA Notice N4510.768, Apportionment of Federal-aid Highway Program Funds for Fiscal Year (FY) 2014, dated October 1, 2013. The revision to the apportionment is required to restore funds to Alabama's apportionment that were previously reserved under section 164 of title 23, United States Code (U.S.C.), pending the completion of an administrative review. The National Highway Traffic Safety Administration has determined that Alabama was in compliance with section 164 on October 1, 2013, based on Alabama's enacted law and additional information provided by the State.
3. **What is the availability of these funds?**
  - a. The funds resulting from this apportionment are available for obligation until September 30, 2017. Any amounts not obligated by the State on or before September 30, 2017, shall lapse.
  - b. The funds resulting from this apportionment are available for obligation immediately and shall be subject to obligation controls in force at the time of obligation.
  - c. The Federal share payable shall be in accordance with section 120 of title 23, U.S.C., except as provided by another provision of law.
  - d. Program codes to be used when obligating these funds were provided in a program code memorandum on September 27, 2012. In addition, the

program code to be used when obligating the High Risk Rural Road Special Rule set-aside is MS60.

**4. How were the State-by-State and program-by-program amounts determined?**

- a. Section 1101(a)(1)(B) of MAP-21 authorizes a total of \$37,798,000,000 for the Federal-aid highway apportioned programs.
- b. Pursuant to section 104(c)(2) of title 23, U.S.C., the combined FY 2014 apportionment for the National Highway Performance Program, Surface Transportation Program, Highway Safety Improvement Program, Congestion Mitigation and Air Quality Improvement Program, and the Metropolitan Planning Program for each State is determined as follows:
  - (1) The initial amount for a State is calculated by multiplying the total amount available for apportionment in FY 2014 by the ratio of that State's FY 2012 combined amount of apportionments to the total FY 2012 combined amount of apportionments.
  - (2) The initial amounts are then adjusted to ensure that each State's combined amount of apportionments is not less than 95 percent of the estimated tax payments attributable to highway users in that State paid into the Highway Trust Fund (other than the Mass Transit Account) in the most recent fiscal year for which data is available.
- c. Pursuant to section 104(b)(4) of title 23, U.S.C., of the total amount apportioned to a State under section 104(c)(2) of title 23, U.S.C., the amount distributed to the Congestion Mitigation and Air Quality Improvement Program is calculated by multiplying the total amount apportioned to the State by the ratio of the State's FY 2009 apportionment for the Congestion Mitigation and Air Quality Improvement Program to the State's total FY 2009 apportionments.
- d. Pursuant to section 104(b)(5) of title 23, U.S.C., of the total amount apportioned to a State under section 104(c)(2) of title 23, U.S.C., the amount distributed to the Metropolitan Planning Program is calculated by multiplying the total amount apportioned to the State by the ratio of the State's FY 2009 apportionment for the Metropolitan Planning Program to the State's total FY 2009 apportionments.
- e. After distributing the amounts to the Congestion Mitigation and Air Quality Improvement Program and the Metropolitan Planning Program, pursuant to paragraphs (1) through (3) of section 104(b) of title 23, U.S.C., the remainder of the total amount apportioned to a State under section 104(c)(2) of title 23, U.S.C., is distributed in the following

proportions: 63.7 percent for the National Highway Performance Program, 29.3 percent for the Surface Transportation Program, and 7 percent for the Highway Safety Improvement Program.

- f. Section 130(e) of title 23, U.S.C., instructs that a total of \$220 million shall be set aside from the Highway Safety Improvement Program prior to the apportionment of that program for the Railway-Highway Grade Crossings Program. The Railway-Highway Grade Crossings Program amount for each State is determined by distributing the \$220 million total amount according to the formula in section 130(f) of title 23, U.S.C. The resulting Railway-Highway Grade Crossings Program amount for each State is then set aside from that State's Highway Safety Improvement Program amount. A State's official Highway Safety Improvement Program apportionment is the initial Highway Safety Improvement Program amount net of the Railway-Highway Grade Crossings Program set-aside amount.
  - g. Table 1 shows the State-by-State, program-by-program apportionment amounts (before post-apportionment set-asides and before penalties) available under MAP-21 for FY 2014.
5. **Are certain States subject to penalties?** Yes. Currently, the States that are listed under the following requirements are subject to penalties. The penalty funds for a State will be reserved and then, in the proportions elected by the State, released for use on eligible Highway Safety Improvement Program activities under section 148 of title 23, U.S.C., or transferred to the State's safety program under section 402 of title 23, U.S.C.
- a. **Open Container Requirements – 23 U.S.C. 154 – 2.5 percent**

Funds subject to penalty: National Highway Performance Program and Surface Transportation Program.

**Alabama, Alaska, Arkansas, Connecticut, Delaware, Hawaii, Louisiana, Maine, Mississippi, Missouri, South Dakota, Tennessee, Virginia, West Virginia, and Wyoming**

The penalty under section 154 of title 23, U.S.C., for Alabama is subject to an administrative review by the National Highway Traffic Safety Administration and the Federal Highway Administration; the penalty amount for Alabama will be reserved pending the completion of the administrative review and then either administered under the provisions of section 154 or restored to the State's apportionments depending on the outcome of that process.

Table 2 shows the penalty amounts under section 154 of title 23, U.S.C., subject to section 154(c)(5), which allows a State to designate how the total penalty amount is to be derived from the National Highway Performance Program and the Surface Transportation Program.

b. **Minimum Penalties for Repeat Offenders for Driving While Intoxicated or Driving Under the Influence – 23 U.S.C. 164 – 2.5 percent**

Funds subject to penalty: National Highway Performance Program and Surface Transportation Program.

**Alaska, Arkansas, California, Hawaii, Idaho, Indiana, Louisiana, Maryland, Minnesota, Montana, New Mexico, North Dakota, Ohio, Oregon, Rhode Island, South Dakota, Tennessee, Utah, Vermont, Washington, and Wyoming**

The penalties under section 164 of title 23, U.S.C., for Arkansas, North Dakota, Tennessee, and Washington are subject to an administrative review by the National Highway Traffic Safety Administration and the Federal Highway Administration; the penalty amount for each of the preceding States will be reserved pending the completion of the administrative review and then either administered under the provisions of section 164 or restored to the State's apportionments depending on the outcome of that process.

Table 3 shows the penalty amounts under section 164 of title 23, U.S.C., subject to section 164(c)(5), which allows a State to designate how the total penalty amount is to be derived from the National Highway Performance Program and the Surface Transportation Program.

6. **What other amounts are related to these apportionments?** Supplementary tables showing other amounts related to these apportionments will be issued at a later date via a separate notice. The amounts shown in the supplementary tables will include set-asides (State Planning & Research, Transportation Alternatives Program, etc.), suballocations for the Surface Transportation Program and the Transportation Alternatives Program, and various limiting amounts.
7. **What action is required?** Division Administrators should ensure that copies of this Notice are provided to the State departments of transportation.



Victor M. Mendez  
Administrator

Attachments

**CERTIFICATE OF APPORTIONMENT FROM THE SUM OF \$37,798,000,000  
AUTHORIZED TO BE APPROPRIATED FOR APPORTIONED FEDERAL-AID HIGHWAY  
PROGRAMS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2014**

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 Moving Ahead for Progress in the 21<sup>st</sup> Century Act, title 23 of the United States Code, and the delegation of authority from the Secretary of Transportation to the Federal Highway Administrator under section 1.85 of title 49 of the 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 Federal-aid highway program under the Moving Ahead for Progress in the 21<sup>st</sup> Century Act, Public Law 112-141, is \$37,798,000,000, which is 100 percent of the amount authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) for Fiscal Year 2014.

Second, that I have computed the apportionment to each State and the District of Columbia of the amounts authorized to be appropriated for the apportioned Federal-aid highway programs and further computed the distribution among the programs within each State and the District of Columbia in the manner provided by law.

Third, that in compliance with section 154 of title 23, United States Code, the Open Container Requirements, 2.5 percent of the National Highway Performance Program and Surface Transportation Program apportionments for the States of Alabama, Alaska, Arkansas, Connecticut, Delaware, Hawaii, Louisiana, Maine, Mississippi, Missouri, South Dakota, Tennessee, Virginia, West Virginia, and Wyoming will be reserved for release for use on eligible Highway Safety Improvement Program activities or transfer to the States' 402 Safety Programs (except that the penalty amount for Alabama will be reserved pending the outcome of the administrative review by the National Highway Traffic Safety Administration and the Federal Highway Administration).

Fourth, that in compliance with section 164 of title 23, United States Code, the Minimum Penalties for Repeat Offenders for Driving While Intoxicated or Driving Under the Influence, 2.5 percent of the National Highway Performance Program and Surface Transportation Program apportionments for the States of Alaska, Arkansas, California, Hawaii, Idaho, Indiana, Louisiana, Maryland, Minnesota, Montana, New Mexico, North Dakota, Ohio, Oregon, Rhode Island, South Dakota, Tennessee, Utah, Vermont, Washington, and Wyoming will be reserved for release for use on eligible Highway

Safety Improvement Program activities or transfer to the States' 402 Safety Programs (except that the penalty amounts for Arkansas, North Dakota, Tennessee, and Washington will be reserved pending the outcome of the administrative review by the National Highway Traffic Safety Administration and the Federal Highway Administration).

Fifth, subject to the above-mentioned penalties, that the sums that are hereby apportioned to each State and the District of Columbia, effective immediately, are respectively as follows:



U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL HIGHWAY ADMINISTRATION

N4510.770 - TABLE 1

FY 2014 FEDERAL-AID HIGHWAY PROGRAM APPORTIONMENTS UNDER  
THE MOVING AHEAD FOR PROGRESS IN THE 21ST CENTURY ACT (MAP-21)  
(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	Apportioned Total
Alabama	457,293,242	210,340,534	45,720,399	4,531,606	11,397,192	2,980,070	732,263,043
Alaska	289,366,285	133,099,405	30,698,493	1,100,000	27,493,201	2,197,655	483,955,039
Arizona	413,210,414	190,063,817	42,731,428	2,676,310	51,828,599	5,671,495	706,182,063
Arkansas	309,420,570	142,323,747	30,241,707	3,760,553	12,302,362	1,665,227	499,714,166
California	1,930,325,220	887,888,994	196,843,319	15,280,331	463,637,790	48,492,758	3,542,468,412
Colorado	298,581,383	137,338,062	29,641,660	3,169,481	42,256,393	5,126,010	516,112,989
Connecticut	277,794,410	127,776,706	29,221,153	1,305,705	44,199,692	4,473,039	484,770,705
Delaware	95,480,033	43,917,817	9,392,311	1,100,000	11,650,737	1,727,063	163,267,961
Dist. of Col.	90,575,156	41,661,728	8,853,314	1,100,000	10,092,264	1,720,246	154,002,708
Florida	1,143,438,426	525,945,775	117,188,758	8,463,816	13,584,723	20,067,504	1,828,689,002
Georgia	745,815,085	343,051,523	74,082,553	7,875,149	67,884,140	7,530,322	1,246,238,772
Hawaii	96,314,552	44,301,670	9,484,017	1,100,000	10,348,924	1,695,029	163,244,192
Idaho	166,696,757	76,675,274	16,541,631	1,776,694	12,801,698	1,569,240	276,061,294
Illinois	793,512,627	364,990,894	76,854,409	10,344,781	109,990,798	16,537,875	1,372,231,384
Indiana	552,613,379	254,184,804	53,354,561	7,372,184	47,071,049	5,072,949	919,668,926
Iowa	293,745,166	135,113,554	27,054,665	5,225,024	11,284,553	1,922,488	474,345,450
Kansas	225,079,062	103,529,302	18,847,102	5,886,861	9,507,296	1,887,866	364,737,489
Kentucky	398,221,019	183,169,166	40,107,694	3,652,857	13,686,440	2,455,282	641,292,458
Louisiana	421,573,308	193,910,485	42,305,455	4,021,282	11,435,577	4,166,907	677,413,014
Maine	105,801,083	48,665,176	10,400,865	1,225,628	10,287,373	1,785,435	178,165,560
Maryland	331,011,585	152,254,936	34,083,995	2,290,904	53,644,841	6,721,039	580,007,300
Massachusetts	327,493,739	150,636,838	33,563,437	2,424,886	63,360,507	8,712,358	586,191,765
Michigan	593,833,751	273,144,880	57,856,114	7,400,342	73,935,815	10,036,726	1,016,207,628
Minnesota	377,579,058	173,674,512	35,536,982	5,955,222	32,195,500	4,431,598	629,372,872
Mississippi	289,164,349	133,006,522	28,397,899	3,378,403	11,208,483	1,648,156	466,803,812
Missouri	563,829,611	259,343,919	56,450,758	5,508,540	23,549,081	5,037,832	913,719,741
Montana	241,672,550	111,161,785	24,713,762	1,843,661	14,873,228	1,742,478	396,007,464
Nebraska	170,137,608	78,257,958	15,132,980	3,563,460	10,278,266	1,606,390	278,976,662
Nevada	200,497,123	92,222,381	20,932,651	1,100,000	32,538,736	3,181,655	350,472,546
New Hampshire	94,020,076	43,246,283	9,231,877	1,100,000	10,339,416	1,532,191	159,469,843
New Jersey	539,935,156	248,353,219	55,705,052	3,628,482	103,994,877	12,065,878	963,682,664
New Mexico	217,521,011	100,052,835	22,289,018	1,614,390	11,402,307	1,560,029	354,439,590
New York	899,994,113	413,969,035	92,733,546	6,166,906	183,020,533	24,204,327	1,620,088,460
North Carolina	605,015,579	278,288,170	60,040,175	6,445,053	51,203,732	5,637,741	1,006,630,450
North Dakota	144,907,391	66,652,850	12,298,708	3,625,181	10,510,377	1,627,295	239,621,802
Ohio	756,020,312	347,745,606	74,490,252	8,588,903	95,666,359	11,227,576	1,293,739,008
Oklahoma	380,848,052	175,178,146	36,668,399	5,183,035	11,744,140	2,506,038	612,127,810
Oregon	292,722,412	134,643,119	29,278,564	2,888,734	19,382,241	3,508,427	482,423,497
Pennsylvania	934,242,866	429,722,386	96,083,774	6,580,277	104,402,288	12,571,684	1,583,603,275
Rhode Island	126,674,807	58,266,434	12,820,308	1,100,000	10,420,505	1,799,873	211,081,927
South Carolina	401,416,151	184,638,826	39,889,354	4,222,311	13,087,312	3,052,896	646,306,850
South Dakota	164,487,876	75,659,258	15,753,771	2,321,820	12,255,342	1,712,735	272,190,802
Tennessee	492,999,125	226,764,119	49,463,775	4,711,953	37,007,106	4,659,219	815,605,297
Texas	2,002,344,975	921,015,821	202,536,637	17,501,272	164,475,841	23,722,254	3,331,596,800
Utah	203,266,852	93,496,370	20,769,136	1,567,881	12,907,564	3,140,797	335,148,600
Vermont	115,946,898	53,331,932	11,641,417	1,100,000	11,834,783	2,031,802	195,886,832
Virginia	586,030,497	269,555,629	59,937,031	4,461,924	54,867,429	7,327,530	982,180,400
Washington	388,755,146	178,815,162	38,657,003	4,063,343	36,917,466	7,096,843	654,304,963
West Virginia	258,519,106	118,910,672	26,423,436	1,985,257	14,309,236	1,649,835	421,797,542
Wisconsin	442,348,084	203,466,230	43,000,082	5,609,598	27,371,694	4,431,220	726,226,908
Wyoming	149,898,722	68,948,706	15,372,387	1,100,000	10,410,501	1,532,307	247,262,623
<b>Apportioned Total</b>	<b>22,397,991,758</b>	<b>10,302,372,972</b>	<b>2,241,317,774</b>	<b>220,000,000</b>	<b>2,315,856,307</b>	<b>320,461,189</b>	<b>37,798,000,000</b>

APPROVED EFFECTIVE October 25, 2013

  
FEDERAL HIGHWAY ADMINISTRATOR

U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL HIGHWAY ADMINISTRATION

N4510.770 - TABLE 2

FY 2014 PENALTIES ASSESSED PURSUANT TO 23 U.S.C. 154  
(before designation of any penalty shifts by States)

23 U.S.C. 154 Penalty Amounts (Open Container Requirements)			
<u>State</u>	<u>National Highway Performance Program</u>	<u>Surface Transportation Program</u>	<u>Total</u>
ALABAMA	\$11,432,331	\$5,258,513	\$16,690,844
ALASKA	7,234,157	3,327,485	10,561,642
ARIZONA	0	0	0
ARKANSAS	7,735,514	3,558,094	11,293,608
CALIFORNIA	0	0	0
COLORADO	0	0	0
CONNECTICUT	6,944,860	3,194,418	10,139,278
DELAWARE	2,387,001	1,097,945	3,484,946
DIST. OF COL.	0	0	0
FLORIDA	0	0	0
GEORGIA	0	0	0
HAWAII	2,407,864	1,107,542	3,515,406
IDAHO	0	0	0
ILLINOIS	0	0	0
INDIANA	0	0	0
IOWA	0	0	0
KANSAS	0	0	0
KENTUCKY	0	0	0
LOUISIANA	10,539,333	4,847,762	15,387,095
MAINE	2,645,027	1,216,629	3,861,656
MARYLAND	0	0	0
MASSACHUSETTS	0	0	0
MICHIGAN	0	0	0
MINNESOTA	0	0	0
MISSISSIPPI	7,229,109	3,325,163	10,554,272
MISSOURI	14,095,740	6,483,598	20,579,338
MONTANA	0	0	0
NEBRASKA	0	0	0
NEVADA	0	0	0
NEW HAMPSHIRE	0	0	0
NEW JERSEY	0	0	0
NEW MEXICO	0	0	0
NEW YORK	0	0	0
NORTH CAROLINA	0	0	0
NORTH DAKOTA	0	0	0
OHIO	0	0	0
OKLAHOMA	0	0	0
OREGON	0	0	0
PENNSYLVANIA	0	0	0
RHODE ISLAND	0	0	0
SOUTH CAROLINA	0	0	0
SOUTH DAKOTA	4,112,197	1,891,481	6,003,678
TENNESSEE	12,324,978	5,669,103	17,994,081
TEXAS	0	0	0
UTAH	0	0	0
VERMONT	0	0	0
VIRGINIA	14,650,762	6,738,891	21,389,653
WASHINGTON	0	0	0
WEST VIRGINIA	6,462,978	2,972,767	9,435,745
WISCONSIN	0	0	0
WYOMING	3,747,468	1,723,718	5,471,186
<b>Total</b>	<b>\$113,949,319</b>	<b>\$52,413,109</b>	<b>\$166,362,428</b>



U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL HIGHWAY ADMINISTRATION

N4510.770 - TABLE 3

FY 2014 PENALTIES ASSESSED PURSUANT TO 23 U.S.C. 164  
(before designation of any penalty shifts by States)

23 U.S.C. 164 Penalty Amounts (Minimum Penalties for DWI or DUI Repeat Offenders)			
<u>State</u>	<u>National Highway Performance Program</u>	<u>Surface Transportation Program</u>	<u>Total</u>
ALABAMA	\$0	\$0	\$0
ALASKA	7,234,157	3,327,485	10,561,642
ARIZONA	0	0	0
ARKANSAS	7,735,514	3,558,094	11,293,608
CALIFORNIA	48,258,131	22,197,225	70,455,356
COLORADO	0	0	0
CONNECTICUT	0	0	0
DELAWARE	0	0	0
DIST. OF COL.	0	0	0
FLORIDA	0	0	0
GEORGIA	0	0	0
HAWAII	2,407,864	1,107,542	3,515,406
IDAHO	4,167,419	1,916,882	6,084,301
ILLINOIS	0	0	0
INDIANA	13,815,334	6,354,620	20,169,954
IOWA	0	0	0
KANSAS	0	0	0
KENTUCKY	0	0	0
LOUISIANA	10,539,333	4,847,762	15,387,095
MAINE	0	0	0
MARYLAND	8,275,290	3,806,373	12,081,663
MASSACHUSETTS	0	0	0
MICHIGAN	0	0	0
MINNESOTA	9,439,476	4,341,863	13,781,339
MISSISSIPPI	0	0	0
MISSOURI	0	0	0
MONTANA	6,041,814	2,779,045	8,820,859
NEBRASKA	0	0	0
NEVADA	0	0	0
NEW HAMPSHIRE	0	0	0
NEW JERSEY	0	0	0
NEW MEXICO	5,438,025	2,501,321	7,939,346
NEW YORK	0	0	0
NORTH CAROLINA	0	0	0
NORTH DAKOTA	3,622,685	1,666,321	5,289,006
OHIO	18,900,508	8,693,640	27,594,148
OKLAHOMA	0	0	0
OREGON	7,318,060	3,366,078	10,684,138
PENNSYLVANIA	0	0	0
RHODE ISLAND	3,166,870	1,456,661	4,623,531
SOUTH CAROLINA	0	0	0
SOUTH DAKOTA	4,112,197	1,891,481	6,003,678
TENNESSEE	12,324,978	5,669,103	17,994,081
TEXAS	0	0	0
UTAH	5,081,671	2,337,409	7,419,080
VERMONT	2,898,672	1,333,298	4,231,970
VIRGINIA	0	0	0
WASHINGTON	9,718,879	4,470,379	14,189,258
WEST VIRGINIA	0	0	0
WISCONSIN	0	0	0
WYOMING	3,747,468	1,723,718	5,471,186
<b>Total</b>	<b>\$194,244,345</b>	<b>\$89,346,300</b>	<b>\$283,590,645</b>