



U.S. Department
of Transportation

**Federal Highway
Administration**

Notice

Subject:

**FEDERAL-AID HIGHWAY PROGRAM OBLIGATION AUTHORITY –
FISCAL YEAR (FY) 2012**

Classification Code	Date	Office of Primary Interest
N 4520.217	July 23, 2012	HCFB-1

1. **What is the purpose of this Notice?** This Notice is to advise the States of the revised distribution of the limitation on Federal-aid highway program obligations pursuant to the Department of Transportation Appropriations Act, 2012, division C, title I of Public Law (Pub. L.) 112-55.
2. **Does this Notice cancel FHWA Notice 4520.216?** Yes, this Notice cancels FHWA Notice 4520.216, Federal-aid Highway Program Obligation Authority – Fiscal Year (FY) 2012 (October 1, 2011, to June 30, 2012), dated April 11, 2012. The revision to the distribution of obligation limitation is based on the extension of contract authority through September 30, 2012. The revision to the distribution is also required due to changes to the Federal-aid highway program contract authority resulting from a correction to the FY 2011 rescission amount and determinations made by the Secretary of Transportation pursuant to section 111(d)(3) of the Surface Transportation Extension Act of 2011, Part II, title I of Pub. L. 112-30, as amended by the Surface Transportation Extension Act of 2012, Pub. L. 112-102, and the Surface Transportation Extension Act of 2012, Part II, division G of Pub. L. 112-141.
3. **What are the legislative provisions?**
 - a. The Department of Transportation Appropriations Act, 2012, provides the limitation on obligations for FY 2012 of \$39,143,582,670.
 - b. The limitation shall not apply to obligations for projects covered under:
 - (1) section 125 of title 23, United States Code (U.S.C.);
 - (2) section 147 of the Surface Transportation Assistance Act of 1978;
 - (3) section 9 of the Federal-Aid Highway Act of 1981;
 - (4) sections 131(b) and 131(j) of the Surface Transportation Assistance Act of 1982;
 - (5) sections 149(b) and 149(c) of the Surface Transportation and Uniform Relocation Assistance Act of 1987;

- (6) sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991;
- (7) section 157 of title 23, U.S.C., as in effect on the day before the date of enactment of the Transportation Equity Act for the 21st Century;
- (8) section 105 of title 23, U.S.C, as in effect for fiscal years 1998 through 2004, but only in an amount equal to \$639,000,000 for each of those fiscal years;
- (9) the Federal-aid highway programs for which obligation authority was made available under the Transportation Equity Act for the 21st Century or subsequent public laws for multiple years or to remain available until used, but only to the extent that the obligation authority has not lapsed or been used;
- (10) section 105 of title 23, U.S.C., but only in an amount equal to \$639,000,000 for each fiscal year 2005 through 2012; and
- (11) section 1603 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), to the extent that funds obligated in accordance with that section were not subject to a limitation on obligations at the time at which the funds were initially made available for obligation.

4. What are the allocated accounts?

- a. Amounts authorized for administrative expenses and programs funded from the administrative takedown, the highway use tax evasion program, and the Bureau of Transportation Statistics are subject to the limitation on obligations.
- b. Unobligated balances of funds from the previous fiscal year that are allocated by the Secretary are subject to the limitation on obligations but are excluded from the State-by-State distribution.
- c. Obligations of funds authorized for Transportation Research are subject to the limitation on obligations. Obligation limitation made available for Transportation Research remains available for 3 fiscal years. Obligation limitation made available for Transportation Research in prior fiscal years is in addition to amounts made available for FY 2012.
- d. Amounts that are allocated will be covered by an equal amount of obligation limitation, which will be distributed with the allocation of the funds.

5. What is the distribution of obligation limitation to the States?

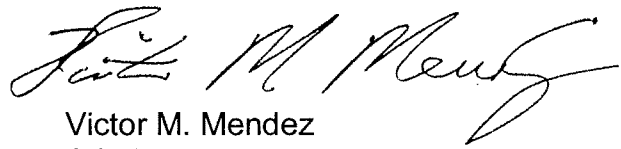
- a. The attached Table 1 shows the amount of formula obligation limitation distributed to each State for FY 2012. Each State receives a proportional amount of the obligation limitation available to be distributed to the States based on the ratio of that State's total apportionments subject to the limitation on obligations bears to the total of such apportionments for all States.
- b. After August 1, 2012, the Secretary will revise the distribution of obligation authority made available if a State does not plan to obligate the amount distributed during FY 2012 and redistribute such amount to those States able to obligate amounts in addition to those previously distributed during FY 2012. The revised distribution of obligation authority shall not include such obligation authority that is available indefinitely (until used) or that is available to be used after FY 2012.

6. What are the special limitations?

- a. Section 120(a)(4)(A) of the Department of Transportation Appropriations Act, 2012, provides for an obligation limitation within the overall obligation ceiling for the funds authorized under the following:
 - (1) section 117 of title 23, U.S.C., undesignated funds for the High Priority Projects Program; and
 - (2) section 14501 of title 40, U.S.C., Appalachian Development Highway System Program.
- b. Section 120(a)(4)(B) of the Department of Transportation Appropriations Act, 2012, provides that \$2,000,000,000 of the obligation limitation shall be distributed for the Equity Bonus Program (section 105 of title 23, U.S.C.).
- c. Section 120(f) of the Department of Transportation Appropriations Act, 2012, provides that the special limitation associated with the provision specified in section 120(a)(4) of the Department of Transportation Appropriations Act, 2012, shall:
 - (1) remain available until used for the obligation of funds for which distributed; and
 - (2) be in addition to any amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

* References to sections 1301, 1302, and 1934 of the SAFETEA-LU, and section 144(f)(1) of title 23, U.S.C. have not been included because the Surface Transportation Extension Act of 2011, Part II, as amended, does not continue the projects under these sections.

- d. The State-by-State distribution of the special limitation associated with the Equity Bonus Program and the Appalachian Development Highway System Program for FY 2012 is also shown on the attached Table 1.
7. **Are there any transfer provisions?** Yes, limitation will be transferred to the State's 402 Safety Program for those States that failed to meet the provisions of section 154 of title 23, U.S.C., the Open Container Requirements; and section 164 of title 23, U.S.C., the Minimum Penalties for Repeat Offenders for Driving While Intoxicated or Driving Under the Influence for FY 2012. The amounts of the transfers and associated obligation limitation for FY 2012 are shown on Table 2.
8. **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

U. S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

FY 2012 OBLIGATION LIMITATION DISTRIBUTION PURSUANT TO THE DEPARTMENT OF
TRANSPORTATION APPROPRIATIONS ACT, 2012, DIVISION C, TITLE I OF PUBLIC LAW 112-55

STATE	Formula Obligation Limitation	Equity Bonus (Special)	Appalachia (Special)	Total
ALABAMA	547,744,845	34,512,954	103,990,072	686,247,871
ALASKA	375,589,737	41,599,623	0	417,189,360
ARIZONA	599,698,746	56,130,656	0	655,829,402
ARKANSAS	431,887,346	25,875,012	0	457,762,358
CALIFORNIA	3,130,737,760	135,412,697	0	3,266,150,457
COLORADO	464,860,224	19,709,046	0	484,569,270
CONNECTICUT	419,788,183	27,199,027	0	446,987,210
DELAWARE	144,653,521	5,462,254	0	150,115,775
DISTRICT OF COLUMBIA	145,195,971	677,671	0	145,873,642
FLORIDA	1,525,508,392	167,362,202	0	1,692,870,594
GEORGIA	1,041,981,200	103,781,466	10,486,526	1,156,249,192
HAWAII	151,982,455	2,263,729	0	154,246,184
IDAHO	237,032,653	19,858,686	0	256,891,339
ILLINOIS	1,213,665,650	70,287,054	0	1,283,952,704
INDIANA	772,749,356	79,713,573	0	852,462,929
IOWA	424,484,472	12,781,772	0	437,266,244
KANSAS	340,260,413	4,508,306	0	344,768,719
KENTUCKY	528,478,054	36,250,042	34,587,389	599,315,485
LOUISIANA	587,926,963	26,876,786	0	614,803,749
MAINE	168,954,403	0	0	168,954,403
MARYLAND	504,640,434	17,904,230	12,121,666	534,666,330
MASSACHUSETTS	544,767,461	8,918,660	0	553,686,121
MICHIGAN	903,711,976	48,096,159	0	951,808,135
MINNESOTA	545,018,541	30,986,716	0	576,005,257
MISSISSIPPI	407,536,797	17,118,182	4,442,165	429,097,144
MISSOURI	768,189,666	51,033,872	0	819,223,538
MONTANA	332,578,812	27,733,958	0	360,312,770
NEBRASKA	255,668,389	7,127,408	0	262,795,797
NEVADA	310,959,864	17,160,981	0	328,120,845
NEW HAMPSHIRE	143,581,711	6,131,404	0	149,713,115
NEW JERSEY	846,647,850	53,915,647	0	900,563,497
NEW MEXICO	304,743,602	18,779,655	0	323,523,257
NEW YORK	1,466,406,097	49,440,909	8,318,041	1,524,165,047
NORTH CAROLINA	841,538,256	65,972,164	29,136,645	936,647,065
NORTH DAKOTA	219,518,009	6,189,004	0	225,707,013
OHIO	1,090,977,748	74,547,488	20,092,921	1,185,618,157
OKLAHOMA	550,333,739	24,183,009	0	574,516,748
OREGON	433,961,246	11,653,032	0	445,614,278
PENNSYLVANIA	1,332,677,152	56,531,849	98,917,188	1,488,126,189
RHODE ISLAND	197,184,452	0	0	197,184,452
SOUTH CAROLINA	515,655,158	42,233,040	6,349,385	564,237,583
SOUTH DAKOTA	237,028,720	12,126,452	0	249,155,172
TENNESSEE	672,736,736	50,322,655	21,823,190	744,882,581
TEXAS	2,575,714,163	250,796,761	0	2,826,510,924
UTAH	277,130,825	14,236,278	0	291,367,103
VERMONT	181,759,425	407,864	0	182,167,289
VIRGINIA	807,097,418	58,467,576	33,711,253	899,276,247
WASHINGTON	596,742,511	10,323,310	0	607,065,821
WEST VIRGINIA	324,869,008	29,467,532	31,983,852	386,320,392
WISCONSIN	600,477,617	58,369,274	0	658,846,891
WYOMING	211,176,356	9,562,375	0	220,738,731
SUBTOTAL	32,254,210,083	2,000,000,000	415,960,293	34,670,170,376
Allocated Programs				4,141,848,975
Undesignated High Priority Projects				1,449,725
Transfer to Sections 154 & 164				330,113,594
TOTAL				39,143,582,670

U. S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

FY 2012 FUNDS TRANSFERRED TO THE SECTION 402 HIGHWAY
SAFETY PROGRAM PURSUANT TO SECTIONS 154 AND 164

STATE	TOTAL FUNDS SECTIONS 154 & 164	OBLIGATION LIMITATION TRANSFER
ALABAMA	0	0
ALASKA	19,322,986	18,255,749
ARIZONA	0	0
ARKANSAS	10,304,370	9,735,245
CALIFORNIA	63,271,194	59,776,634
COLORADO	0	0
CONNECTICUT	6,364,497	6,012,977
DELAWARE	3,560,791	3,364,123
DISTRICT OF COLUMBIA	0	0
FLORIDA	0	0
GEORGIA	0	0
HAWAII	0	0
IDAHO	0	0
ILLINOIS	0	0
INDIANA	0	0
IOWA	0	0
KANSAS	0	0
KENTUCKY	0	0
LOUISIANA	22,183,862	20,958,615
MAINE	0	0
MARYLAND	10,000,825	9,448,465
MASSACHUSETTS	0	0
MICHIGAN	0	0
MINNESOTA	13,957,957	13,187,039
MISSISSIPPI	9,913,898	9,366,339
MISSOURI	36,697,694	34,670,827
MONTANA	8,871,282	8,381,308
NEBRASKA	0	0
NEVADA	0	0
NEW HAMPSHIRE	0	0
NEW JERSEY	0	0
NEW MEXICO	8,425,698	7,960,334
NEW YORK	0	0
NORTH CAROLINA	0	0
NORTH DAKOTA	0	0
OHIO	24,257,793	22,918,000
OKLAHOMA	0	0
OREGON	9,519,830	8,994,036
PENNSYLVANIA	0	0
RHODE ISLAND	3,159,020	2,984,543
SOUTH CAROLINA	0	0
SOUTH DAKOTA	6,321,887	5,972,720
TENNESSEE	17,167,851	16,219,646
TEXAS	0	0
UTAH	0	0
VERMONT	3,695,728	3,491,608
VIRGINIA	18,862,418	17,820,619
WASHINGTON	11,500,837	10,865,629
WEST VIRGINIA	6,892,590	6,511,902
WISCONSIN	16,341,510	15,438,945
WYOMING	12,047,528	11,382,125
SUBTOTAL	342,642,046	323,717,428
Puerto Rico	6,747,010	6,396,166
TOTAL	349,389,056	330,113,594

NOTE: Puerto Rico Highway Program is an allocated program and is not treated as an apportionment to the States.