



U.S. Department
of Transportation

**Federal Highway
Administration**

Notice

Subject:

**FEDERAL-AID HIGHWAY PROGRAM OBLIGATION AUTHORITY –
FISCAL YEAR (FY) 2008**

Classification Code	Date	Office of Primary Interest
N 4520.194	January 30, 2008	HCFB-1

1. **What is the purpose of this Notice?** This Notice is to advise of the preliminary distribution among the States of the limitation on Federal-aid highway program obligations. The distribution is subject to revision based upon the impact of carrying out provisions of Division K, Title I, Section 186 of the Consolidated Appropriations Act, 2008, Public Law (Pub. L. No.), 110-161.
2. **What are the legislative provisions?**
 - a. Division K, Title I of the Consolidated Appropriations Act, 2008, provides the limitation on obligations for FY 2008 of \$41,216,051,359. The FY 2008 obligation limitation includes \$1,000,000,000 in obligation authority for purposes under Section 144(e) of Title 23, United States Code (U.S.C.).
 - b. The limitation shall not apply to obligations for projects covered under:
 - (1) Section 125 of Title 23, 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 2008; and
- (11) under Section 1603 of the 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.

3. 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 years. Obligation limitation made available for Transportation Research in prior years is in addition to amounts made available for FY 2008.
- d. The additional obligation limitation made available for purposes of Section 144(e) of Title 23, U.S.C. remains available for 3 years. Obligation limitation shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.
- e. Obligations of funds authorized for the programs, projects, and activities funded by the set-aside authorized by Section 129 of Pub. L. No. 110-161 are subject to the limitation on obligations. The obligation limitation made available for the programs, projects, and activities for which funds are set aside shall remain available until used and shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.
- f. Amounts that are allocated will be covered by an equal amount of obligation limitation, which will be distributed with the allocation of the funds.

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

- a. The attached Table 1 shows the amount of formula obligation authority/limitation distributed to each State for FY 2008. Each State receives a proportional amount of the obligation limitation available to be distributed to the States based on the ratio 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, 2008, the Secretary will revise the distribution of obligation authority made available if a State does not plan to obligate the amount distributed during FY 2008 and redistribute such amount to those States able to obligate amounts in addition to those previously distributed during FY 2008. 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 2008.

5. What are the special limitations?

- a. Division K, Title I, Section 120(a)(4)(A) of the Consolidated Appropriations Act, 2008, provides for an obligation limitation within the overall obligation ceiling for the funds authorized under the following:
 - (1) Section 1301 of the SAFETEA-LU, Projects of National and Regional Significance;
 - (2) Section 1302 of the SAFETEA-LU, National Corridor Infrastructure Improvement Program;
 - (3) Section 1934 of the SAFETEA-LU, Transportation Improvements;
 - (4) Section 117 of Title 23 U.S.C., but individually for High Priority Projects numbered 1 through 3676 contained in Section 1702 of SAFETEA-LU, and in aggregate to each State for projects numbered 3677-5173;
 - (5) Section 144(g) of Title 23, U.S.C., the Bridge Set-Aside for designated projects; and
 - (6) Section 14501 of Title 40, U.S.C., Appalachian Development Highway System Program.
- b. Division K, Title I, Section 120(a)(4)(B) of the Consolidated Appropriations Act, 2008, 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. Division K, Title I, Section 120(f) of the Consolidated Appropriations Act, 2008, provides that the special limitation associated with the provision specified in Division K, Title I, Section 120(a)(4) of the Consolidated Appropriations Act, 2008, shall,

- (1) remain available until used for the obligation of funds for which distributed; and
 - (2) shall 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.
 - d. Division K, Title I, Section 120(g) of the Consolidated Appropriations Act, 2008, provides flexibility by permitting obligation limitation assigned individually to High Priority Projects numbered 1-3676 in the table in Section 1702, to be used for any other project in that Section in the same State. Limitation so used must be restored to its original purpose when the FY 2009 obligation limitation is distributed.
 - e. The State-by-State distribution of the special limitation associated with Equity Bonus Program, the Appalachian Development Highway System Program, and for purposes under Section 144(e) of Title 23, U.S.C., for FY 2008 is also shown on the attached Table 1.
6. **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 2008. The revised amounts of the transfers and associated obligation limitation are shown on Table 2.
7. **Are there any specific instructions regarding the use of the additional bridge limitation?** Yes, the additional \$1 billion of obligation authority for purposes under Section 144(e) of Title 23, U.S.C. will be transferred to the Fiscal Management Information System (FMIS), but will not be available for immediate obligation as modifications to the FMIS are required to accommodate the obligation of the funds. In addition, further instruction on the availability and use of the funds is currently being prepared by the Office of Bridge Technology and will be issued at a later date.
8. **What action is required?** Division Administrators should ensure that copies this Notice are provided to the State departments of transportation.



J. Richard Capka
Administrator

Attachments

U. S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

FY 2008 OBLIGATION LIMITATION DISTRIBUTION
PURSUANT TO DIVISION K, TITLE I, SECTION 120 OF THE
THE CONSOLIDATED APPROPRIATIONS ACT, 2008, PUBLIC LAW 110-161

STATE	OBLIGATION LIMITATION				
	Formula	Special Limitation			Total
		Equity Bonus	Appalachian Development Highway System	Bridge	
ALABAMA	558,030,856	52,126,808	27,013,389	15,555,494	652,726,547
ALASKA	237,474,480	41,552,529	0	3,039,702	282,066,711
ARIZONA	584,540,483	56,606,819	0	3,928,042	645,075,344
ARKANSAS	369,333,565	26,897,535	0	12,472,923	408,704,023
CALIFORNIA	2,787,624,047	140,069,894	0	100,000,000	3,027,693,941
COLORADO	412,007,038	19,640,359	0	7,465,758	439,113,155
CONNECTICUT	390,174,191	24,678,637	0	33,545,876	448,398,704
DELAWARE	120,520,163	4,829,291	0	3,028,428	128,377,882
DISTRICT OF COLUMBIA	124,219,541	0	0	7,058,550	131,278,091
FLORIDA	1,457,404,454	167,014,015	0	22,508,320	1,646,926,789
GEORGIA	1,042,158,817	116,828,732	16,556,534	13,900,183	1,189,444,266
HAWAII	129,086,493	3,701,398	0	5,398,718	138,186,609
IDAHO	215,987,880	20,228,197	0	4,125,863	240,341,940
ILLINOIS	1,020,321,607	68,213,234	0	28,349,052	1,116,883,893
INDIANA	743,359,231	81,106,120	0	12,756,193	837,221,544
IOWA	352,284,936	9,166,689	0	14,572,001	376,023,626
KANSAS	316,418,645	4,355,869	0	10,848,673	331,623,187
KENTUCKY	455,831,170	30,547,784	63,355,589	13,366,925	563,101,468
LOUISIANA	469,284,293	16,041,612	0	40,207,373	525,533,278
MAINE	138,294,977	0	0	7,512,716	145,807,693
MARYLAND	477,222,983	20,360,442	5,926,141	23,292,258	526,801,824
MASSACHUSETTS	512,832,733	8,169,147	0	42,442,187	563,444,067
MICHIGAN	872,453,885	53,595,883	0	23,539,287	949,589,055
MINNESOTA	476,104,121	33,076,080	0	6,849,173	516,029,374
MISSISSIPPI	351,831,221	16,512,622	4,899,113	13,486,737	386,729,693
MISSOURI	686,641,561	49,519,325	0	26,396,149	762,557,035
MONTANA	276,717,301	28,054,038	0	2,822,240	307,593,579
NEBRASKA	229,757,267	6,360,091	0	5,692,805	241,810,163
NEVADA	217,076,536	15,512,683	0	2,500,000	235,089,219
NEW HAMPSHIRE	137,142,320	6,004,315	0	5,569,814	148,716,449
NEW JERSEY	775,908,437	55,808,780	0	37,919,229	869,636,446
NEW MEXICO	280,562,707	18,937,846	0	2,978,426	302,478,979
NEW YORK	1,350,654,364	48,670,769	20,857,209	100,000,000	1,520,182,342
NORTH CAROLINA	800,209,553	65,663,960	35,330,415	25,321,589	926,525,517
NORTH DAKOTA	194,023,638	6,042,136	0	2,500,000	202,565,774
OHIO	1,032,155,770	82,192,319	18,962,880	32,918,739	1,166,229,708
OKLAHOMA	462,806,753	24,573,464	0	15,962,296	503,342,513
OREGON	348,395,413	10,933,879	0	18,096,746	377,426,038
PENNSYLVANIA	1,250,198,456	66,274,187	95,555,193	93,887,593	1,505,915,429
RHODE ISLAND	153,907,813	0	0	15,224,139	169,131,952
SOUTH CAROLINA	477,973,852	40,890,756	2,683,807	11,626,086	533,174,501
SOUTH DAKOTA	198,215,269	11,531,964	0	2,880,383	212,627,616
TENNESSEE	610,873,907	50,387,671	32,312,516	12,035,612	705,609,706
TEXAS	2,416,278,761	228,351,804	0	32,362,327	2,676,992,892
UTAH	220,883,424	10,629,737	0	2,568,480	234,081,641
VERMONT	129,192,838	53,965	0	7,013,688	136,260,491
VIRGINIA	743,273,129	62,137,519	30,893,724	20,440,584	856,744,956
WASHINGTON	528,044,676	9,799,277	0	34,839,647	572,683,600
WEST VIRGINIA	242,862,726	18,272,075	79,933,490	11,554,093	352,622,384
WISCONSIN	561,665,023	58,779,939	0	5,138,903	625,583,865
WYOMING	198,842,190	9,297,805	0	2,500,000	210,639,995
SUBTOTAL	29,139,065,494	2,000,000,000	434,280,000	1,000,000,000	32,573,345,494
Allocated Programs					4,127,089,170
High Priority Projects					2,740,953,600
Projects of National & Regional Significance					410,949,000
National Corridor Infrastructure Improvement Program					449,988,000
Transportation Projects					590,259,516
Bridge (Sec. 144(g))					92,400,000
Transfer to Sections 154 & 164					231,066,579
TOTAL					41,216,051,359

U. S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

FY 2008 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	12,399,200	11,404,477
ARIZONA	0	0
ARKANSAS	9,053,920	8,327,572
CALIFORNIA	57,763,612	53,129,541
COLORADO	0	0
CONNECTICUT	5,822,413	5,355,311
DELAWARE	2,966,306	2,728,335
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	17,825,006	16,394,999
MAINE	0	0
MARYLAND	0	0
MASSACHUSETTS	0	0
MICHIGAN	0	0
MINNESOTA	12,534,209	11,528,655
MISSISSIPPI	8,586,355	7,897,517
MISSOURI	16,322,578	15,013,103
MONTANA	0	0
NEBRASKA	0	0
NEVADA	0	0
NEW HAMPSHIRE	0	0
NEW JERSEY	0	0
NEW MEXICO	7,893,502	7,260,248
NEW YORK	0	0
NORTH CAROLINA	0	0
NORTH DAKOTA	0	0
OHIO	23,932,558	22,012,575
OKLAHOMA	0	0
OREGON	7,823,057	7,195,454
PENNSYLVANIA	0	0
RHODE ISLAND	2,606,514	2,397,407
SOUTH CAROLINA	0	0
SOUTH DAKOTA	5,349,190	4,920,053
TENNESSEE	16,016,524	14,731,602
TEXAS	0	0
UTAH	0	0
VERMONT	2,610,005	2,400,618
VIRGINIA	18,127,373	16,673,109
WASHINGTON	0	0
WEST VIRGINIA	5,279,584	4,856,031
WISCONSIN	0	0
WYOMING	11,612,872	10,681,232
SUBTOTAL	244,524,778	224,907,839
Puerto Rico	6,665,302	6,158,740
TOTAL	251,190,080	231,066,579

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