



U.S. Department
of Transportation

**Federal Highway
Administration**

Notice

Subject:

**REVISED APPORTIONMENT OF FISCAL YEAR (FY) 2008
EQUITY BONUS PROGRAM FUNDS**

Classification Code	Date	Office of Primary Interest
N 4510.670	January 30, 2008	HCFB-1

1. **What is the purpose of this Notice?** This Notice transmits the revised certificate of apportionment of Equity Bonus Program funds authorized for FY 2008 pursuant to Section 105(a) of Title 23, United States Code (U.S.C.). The apportionment is effective immediately.
2. **Does this Notice cancel FHWA Notice 4510.661?** Yes, this Notice cancels FHWA Notice 4510.661, Apportionment of Fiscal Year (FY) 2008 Equity Bonus Program Funds, dated October 1, 2007. The revisions to the apportionment are required pursuant to the terms of Division K, Title I of the Consolidated Appropriations Act, 2008, Pub. L. No. 110-161, which eliminate the percentage takedown from the amount authorized for the Equity Bonus Program to fund a portion of the contract authority for the National Highway Traffic Safety Administration Operations and Research Program. In addition, the revisions to the apportionment are required to reflect the correction of an error in the estimates of FY 2006 Highway Trust Fund contributions (the most current data upon which FY 2008 apportionments are based). United States Comptroller General Decision B-275490 (December 5, 1996) requires that incorrect apportionments be appropriately adjusted to ensure compliance with the statutory formula for apportioning Federal highway funds enacted by Congress. See also 41 Comp. Gen. 16 (1961).
3. **What is the availability of these funds?**
 - a. The Equity Bonus Program funds resulting from this apportionment are available for obligation until September 30, 2011. Any amounts not obligated by the State on or before September 30, 2011, shall lapse.
 - b. The funds resulting from this apportionment are subject to obligation controls in force at the time of obligation. Special obligation limitation will be provided with these funds. In addition, an amount of Equity Bonus Program funds is provided which is exempt from obligation controls.
 - c. The Federal share for the funds programmatically distributed to other programs has the same Federal share as those programs. For the remainder of the funds (\$2,639 million per year), the Federal share is determined under Section 120 of Title 23, U.S.C.; that is, the Federal share is generally 80 percent, subject to the sliding scale adjustment.

When the funds are used for Interstate projects to add high occupancy vehicle or auxiliary lanes, but not other lanes, the Federal share shall be 90 percent, also subject to the sliding scale adjustment.

- d. Funds will be transferred from the apportionment (Table 1) to the State's 402 Safety Program from the programmatically distribution portion of the Equity Bonus Program which adjusts to the National Highway System, Surface Transportation, Interstate Maintenance, and Congestion Mitigation and Air Quality Improvement programs for those States that failed to meet the provisions of Section 154 of Title 23, U.S.C., the Open Container Requirements (3 percent), and Section 164 of Title 23, U.S.C., the Minimum Penalties for Repeat Offenders (3 percent). Tables 2 and 3 illustrate the amounts to be transferred subject to a determination by the State under Sections 154(c)(5) and 164(b)(5), which allow the States to designate the funds to be transferred.
 - e. Supplementary tables providing sub-allocation, appropriation codes, etc., will be issued in a separate Notice.
4. **What action is required?** Division Administrators should ensure that copies of this Notice are provided to the State departments of transportation.



J. Richard Capka
Administrator

Attachments

**CERTIFICATE OF APPORTIONMENT FROM
THE SUM OF \$9,235,351,312
FOR THE EQUITY BONUS PROGRAM
FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2008**

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 Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, Title 23, United States Code, and the delegation of authority from the Secretary of Transportation to the Federal Highway Administrator in Section 1.48, Title 49, 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 Equity Bonus Program for the fiscal year ending September 30, 2008, pursuant to Section 1104 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, is \$9,235,351,312, which is 100 percent of the amount authorized to be made available from the Highway Trust Fund.

Second, that in compliance with Section 154 of Title 23, United States Code, the Open Container Requirements, 3 percent of the amount required to be apportioned to the States of Alaska, Arkansas, Connecticut, Delaware, Louisiana, Mississippi, Missouri, Tennessee, Virginia, West Virginia, and Wyoming will be transferred to the State's 402 Safety Program.

Third, 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, 3 percent of the amount required to be apportioned to the States of Alaska, California, Louisiana, Minnesota, New Mexico, Ohio, Oregon, Rhode Island, South Dakota, Vermont, and Wyoming will be transferred to the State's 402 Safety Program.

Fourth, that after making the transfers, I have computed the apportionment to each State of the amount authorized to be appropriated for the Equity Bonus Program in the manner provided by law in accordance with the formula set forth.

Fifth, the sums that are hereby apportioned to each State effective immediately, are respectively as follows:

**U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION**

**REVISED APPORTIONMENT OF FUNDS FOR THE EQUITY BONUS
AUTHORIZED FOR FISCAL YEAR 2008**

<u>STATE</u>	<u>EQUITY BONUS FORMULA LIMITATION</u>	<u>SUBJECT TO SPECIAL LIMITATION</u>	<u>EXEMPT FROM LIMITATION</u>	<u>TOTAL</u>
ALABAMA	\$171,923,371	\$52,126,808	\$16,654,515	\$240,704,694
ALASKA	137,047,541	41,552,529	13,276,033	191,876,103
ARIZONA	186,699,232	56,606,819	18,085,879	261,391,930
ARKANSAS	88,712,794	26,897,535	8,593,762	124,204,091
CALIFORNIA	461,975,112	140,069,894	44,752,331	646,797,337
COLORADO	64,777,352	19,640,359	6,275,094	90,692,805
CONNECTICUT	81,394,481	24,678,637	7,884,825	113,957,943
DELAWARE	15,927,852	4,829,291	1,542,959	22,300,102
DIST. OF COL.	0	0	0	0
FLORIDA	550,841,558	167,014,015	53,360,978	771,216,551
GEORGIA	385,321,678	116,828,732	37,326,780	539,477,190
HAWAII	12,207,860	3,701,398	1,182,597	17,091,855
IDAHO	66,716,148	20,228,197	6,462,909	93,407,254
ILLINOIS	224,979,229	68,213,234	21,794,128	314,986,591
INDIANA	267,502,230	81,106,120	25,913,405	374,521,755
IOWA	30,233,350	9,166,689	2,928,757	42,328,796
KANSAS	14,366,422	4,355,869	1,391,700	20,113,991
KENTUCKY	100,751,958	30,547,784	9,760,017	141,059,759
LOUISIANA	52,908,053	16,041,612	5,125,295	74,074,960
MAINE	0	0	0	0
MARYLAND	67,152,313	20,360,442	6,505,161	94,017,916
MASSACHUSETTS	26,943,283	8,169,147	2,610,043	37,722,473
MICHIGAN	176,768,637	53,595,883	17,123,885	247,488,405
MINNESOTA	109,090,722	33,076,080	10,567,808	152,734,610
MISSISSIPPI	54,461,527	16,512,622	5,275,783	76,249,932
MISSOURI	163,323,433	49,519,325	15,821,424	228,664,182
MONTANA	92,527,143	28,054,038	8,963,265	129,544,446
NEBRASKA	20,976,695	6,360,091	2,032,049	29,368,835
NEVADA	51,163,553	15,512,683	4,956,302	71,632,538
NEW HAMPSHIRE	19,803,285	6,004,315	1,918,379	27,725,979
NEW JERSEY	184,067,160	55,808,780	17,830,905	257,706,845
NEW MEXICO	62,460,343	18,937,846	6,050,642	87,448,831
NEW YORK	160,524,745	48,670,769	15,550,311	224,745,825
NORTH CAROLINA	216,571,275	65,663,960	20,979,635	303,214,870
NORTH DAKOTA	19,928,027	6,042,136	1,930,463	27,900,626
OHIO	271,084,704	82,192,319	26,260,446	379,537,469
OKLAHOMA	81,047,598	24,573,464	7,851,222	113,472,284
OREGON	36,061,854	10,933,879	3,493,374	50,489,107
PENNSYLVANIA	218,583,911	66,274,187	21,174,603	306,032,701
RHODE ISLAND	0	0	0	0
SOUTH CAROLINA	134,864,897	40,890,756	13,064,596	188,820,249
SOUTH DAKOTA	38,034,443	11,531,964	3,684,462	53,250,869
TENNESSEE	166,187,391	50,387,671	16,098,861	232,673,923
TEXAS	753,144,362	228,351,804	72,958,401	1,054,454,567
UTAH	35,058,738	10,629,737	3,396,201	49,084,676
VERMONT	177,987	53,965	17,242	249,194
VIRGINIA	204,940,454	62,137,519	19,852,937	286,930,910
WASHINGTON	32,319,737	9,799,277	3,130,869	45,249,883
WEST VIRGINIA	60,264,514	18,272,075	5,837,928	84,374,517
WISCONSIN	193,866,564	58,779,939	18,780,190	271,426,693
WYOMING	30,665,796	9,297,805	2,970,649	42,934,250
TOTAL	\$6,596,351,312	\$2,000,000,000	\$639,000,000	\$9,235,351,312

APPROVED EFFECTIVE


 FEDERAL HIGHWAY ADMINISTRATOR

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

N4510.670 - TABLE 2

REVISED TRANSFERS ASSESSED PURSUANT TO TITLE 23 U.S.C. 154 (Open Container Requirements) FOR THE
INTERSTATE MAINTENANCE, NATIONAL HIGHWAY SYSTEM, AND SURFACE TRANSPORTATION PROGRAMS
AUTHORIZED FOR FISCAL YEAR 2008

State	TRANSFERS ASSESSED ON APPORTIONMENTS						TOTAL TRANSFERS ASSESSED			
	PURSUANT TO TITLE 23 U.S.C. 104(b)			PURSUANT TO TITLE 23 U.S.C. 105(c)			PURSUANT TO TITLE 23 U.S.C. 154			
	Interstate Maintenance	National Highway System	Surface Transportation Program	Interstate Maintenance	National Highway System	Surface Transportation Program	Interstate Maintenance	National Highway System	Surface Transportation Program	Total
ALABAMA	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
ALASKA	944,787	1,120,541	955,773	994,010	1,178,921	1,005,568	1,938,797	2,299,462	1,961,341	6,199,600
ARIZONA	0	0	0	0	0	0	0	0	0	0
ARKANSAS	1,994,545	2,496,084	2,593,962	554,431	693,845	721,053	2,548,976	3,189,929	3,315,015	9,053,920
CALIFORNIA	0	0	0	0	0	0	0	0	0	0
COLORADO	0	0	0	0	0	0	0	0	0	0
CONNECTICUT	1,520,200	1,404,043	1,797,094	354,530	327,441	419,105	1,874,730	1,731,484	2,216,199	5,822,413
DELAWARE	248,628	1,402,114	955,773	34,319	193,541	131,931	282,947	1,595,655	1,087,704	2,966,306
DIST. OF COL.	0	0	0	0	0	0	0	0	0	0
FLORIDA	0	0	0	0	0	0	0	0	0	0
GEORGIA	0	0	0	0	0	0	0	0	0	0
HAWAII	0	0	0	0	0	0	0	0	0	0
IDAHO	0	0	0	0	0	0	0	0	0	0
ILLINOIS	0	0	0	0	0	0	0	0	0	0
INDIANA	0	0	0	0	0	0	0	0	0	0
IOWA	0	0	0	0	0	0	0	0	0	0
KANSAS	0	0	0	0	0	0	0	0	0	0
KENTUCKY	0	0	0	0	0	0	0	0	0	0
LOUISIANA	2,627,236	2,451,547	2,948,682	289,656	270,286	325,096	2,916,892	2,721,833	3,273,778	8,912,503
MAINE	0	0	0	0	0	0	0	0	0	0
MARYLAND	0	0	0	0	0	0	0	0	0	0
MASSACHUSETTS	0	0	0	0	0	0	0	0	0	0
MICHIGAN	0	0	0	0	0	0	0	0	0	0
MINNESOTA	0	0	0	0	0	0	0	0	0	0
MISSISSIPPI	1,898,305	2,769,061	2,715,804	309,354	451,255	442,576	2,207,659	3,220,316	3,158,380	8,586,355
MISSOURI	3,841,762	4,280,430	4,682,426	1,055,491	1,176,012	1,286,457	4,897,253	5,456,442	5,968,883	16,322,578
MONTANA	0	0	0	0	0	0	0	0	0	0
NEBRASKA	0	0	0	0	0	0	0	0	0	0
NEVADA	0	0	0	0	0	0	0	0	0	0
NEW HAMPSHIRE	0	0	0	0	0	0	0	0	0	0
NEW JERSEY	0	0	0	0	0	0	0	0	0	0
NEW MEXICO	0	0	0	0	0	0	0	0	0	0
NEW YORK	0	0	0	0	0	0	0	0	0	0
NORTH CAROLINA	0	0	0	0	0	0	0	0	0	0
NORTH DAKOTA	0	0	0	0	0	0	0	0	0	0
OHIO	0	0	0	0	0	0	0	0	0	0
OKLAHOMA	0	0	0	0	0	0	0	0	0	0
OREGON	0	0	0	0	0	0	0	0	0	0
PENNSYLVANIA	0	0	0	0	0	0	0	0	0	0
RHODE ISLAND	0	0	0	0	0	0	0	0	0	0
SOUTH CAROLINA	0	0	0	0	0	0	0	0	0	0
SOUTH DAKOTA	0	0	0	0	0	0	0	0	0	0
TENNESSEE	3,888,032	3,937,424	4,243,353	1,271,778	1,287,934	1,388,003	5,159,810	5,225,358	5,631,356	16,016,524
TEXAS	0	0	0	0	0	0	0	0	0	0
UTAH	0	0	0	0	0	0	0	0	0	0
VERMONT	0	0	0	0	0	0	0	0	0	0
VIRGINIA	4,288,221	4,214,445	5,092,421	1,429,593	1,404,998	1,697,695	5,717,814	5,619,443	6,790,116	18,127,373
WASHINGTON	0	0	0	0	0	0	0	0	0	0
WEST VIRGINIA	1,315,715	1,333,587	1,440,797	382,637	387,835	419,013	1,698,352	1,721,422	1,859,810	5,279,584
WISCONSIN	0	0	0	0	0	0	0	0	0	0
WYOMING	1,492,057	2,571,385	955,773	234,016	403,300	149,905	1,726,073	2,974,685	1,105,678	5,806,436
Total	\$24,059,488	\$27,980,661	\$28,381,858	\$6,909,815	\$7,775,368	\$7,986,402	\$30,969,303	\$35,756,029	\$36,368,260	\$103,093,592

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

N4510.670 - TABLE 3

REVISED TRANSFERS ASSESSED PURSUANT TO TITLE 23 U.S.C. 164 (Minimum Penalties for Repeat Offenders for Driving While Intoxicated or Driving Under the Influence) FOR THE
INTERSTATE MAINTENANCE, NATIONAL HIGHWAY SYSTEM, AND SURFACE TRANSPORTATION PROGRAMS
AUTHORIZED FOR FISCAL YEAR 2008

State	AMOUNT WITHHELD FROM APPORTIONMENTS						TOTAL TRANSFERS ASSESSED			
	PURSUANT TO TITLE 23 U.S.C. 104(b)			PURSUANT TO TITLE 23 U.S.C. 105(c)			PURSUANT TO TITLE 23 U.S.C. 164			Total
	Interstate Maintenance	National Highway System	Surface Transportation Program	Interstate Maintenance	National Highway System	Surface Transportation Program	Interstate Maintenance	National Highway System	Surface Transportation Program	
ALABAMA	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
ALASKA	944,787	1,120,541	955,773	994,010	1,178,921	1,005,568	1,938,797	2,299,462	1,961,341	6,199,600
ARIZONA	0	0	0	0	0	0	0	0	0	0
ARKANSAS	0	0	0	0	0	0	0	0	0	0
CALIFORNIA	13,394,716	16,951,317	18,603,866	2,411,796	3,052,183	3,349,734	15,806,512	20,003,500	21,953,600	57,763,612
COLORADO	0	0	0	0	0	0	0	0	0	0
CONNECTICUT	0	0	0	0	0	0	0	0	0	0
DELAWARE	0	0	0	0	0	0	0	0	0	0
DIST. OF COL.	0	0	0	0	0	0	0	0	0	0
FLORIDA	0	0	0	0	0	0	0	0	0	0
GEORGIA	0	0	0	0	0	0	0	0	0	0
HAWAII	0	0	0	0	0	0	0	0	0	0
IDAHO	0	0	0	0	0	0	0	0	0	0
ILLINOIS	0	0	0	0	0	0	0	0	0	0
INDIANA	0	0	0	0	0	0	0	0	0	0
IOWA	0	0	0	0	0	0	0	0	0	0
KANSAS	0	0	0	0	0	0	0	0	0	0
KENTUCKY	0	0	0	0	0	0	0	0	0	0
LOUISIANA	2,627,236	2,451,547	2,948,682	289,656	270,286	325,096	2,916,892	2,721,833	3,273,778	8,912,503
MAINE	0	0	0	0	0	0	0	0	0	0
MARYLAND	0	0	0	0	0	0	0	0	0	0
MASSACHUSETTS	0	0	0	0	0	0	0	0	0	0
MICHIGAN	0	0	0	0	0	0	0	0	0	0
MINNESOTA	2,634,386	3,195,512	4,064,688	702,787	852,481	1,084,355	3,337,173	4,047,993	5,149,043	12,534,209
MISSISSIPPI	0	0	0	0	0	0	0	0	0	0
MISSOURI	0	0	0	0	0	0	0	0	0	0
MONTANA	0	0	0	0	0	0	0	0	0	0
NEBRASKA	0	0	0	0	0	0	0	0	0	0
NEVADA	0	0	0	0	0	0	0	0	0	0
NEW HAMPSHIRE	0	0	0	0	0	0	0	0	0	0
NEW JERSEY	0	0	0	0	0	0	0	0	0	0
NEW MEXICO	2,056,788	2,474,762	1,766,454	521,054	626,941	447,503	2,577,842	3,101,703	2,213,957	7,893,502
NEW YORK	0	0	0	0	0	0	0	0	0	0
NORTH CAROLINA	0	0	0	0	0	0	0	0	0	0
NORTH DAKOTA	0	0	0	0	0	0	0	0	0	0
OHIO	6,105,891	5,416,784	6,689,082	1,918,024	1,701,557	2,101,220	8,023,915	7,118,341	8,790,302	23,932,558
OKLAHOMA	0	0	0	0	0	0	0	0	0	0
OREGON	2,014,098	2,566,951	2,507,008	208,853	266,181	259,966	2,222,951	2,833,132	2,766,974	7,823,057
PENNSYLVANIA	0	0	0	0	0	0	0	0	0	0
RHODE ISLAND	327,929	1,322,812	955,773	0	0	0	327,929	1,322,812	955,773	2,606,514
SOUTH CAROLINA	0	0	0	0	0	0	0	0	0	0
SOUTH DAKOTA	1,051,447	2,056,019	1,306,099	222,895	435,852	276,878	1,274,342	2,491,871	1,582,977	5,349,190
TENNESSEE	0	0	0	0	0	0	0	0	0	0
TEXAS	0	0	0	0	0	0	0	0	0	0
UTAH	0	0	0	0	0	0	0	0	0	0
VERMONT	492,905	1,157,837	955,773	660	1,550	1,280	493,565	1,159,387	957,053	2,610,005
VIRGINIA	0	0	0	0	0	0	0	0	0	0
WASHINGTON	0	0	0	0	0	0	0	0	0	0
WEST VIRGINIA	0	0	0	0	0	0	0	0	0	0
WISCONSIN	0	0	0	0	0	0	0	0	0	0
WYOMING	1,492,057	2,571,385	955,773	234,016	403,300	149,905	1,726,073	2,974,685	1,105,678	5,806,436
Total	\$33,142,240	\$41,285,467	\$41,708,971	\$7,503,751	\$8,789,252	\$9,001,505	\$40,645,991	\$50,074,719	\$50,710,476	\$141,431,186