



U.S. Department  
of Transportation

**Federal Highway  
Administration**

# Notice

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Subject:

**APPORTIONMENT OF FUNDS FOR THE PERIOD BEGINNING ON  
OCTOBER 1, 2015, AND ENDING ON NOVEMBER 20, 2015,  
PURSUANT TO THE HIGHWAY AND TRANSPORTATION FUNDING  
ACT OF 2014, AS AMENDED**

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Classification Code

Date

Office of Primary Interest

**N 4510.796**

November 5, 2015

**HCFB-10**

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1. **What is the purpose of this Notice?** This Notice transmits the certificate of apportionment for apportioned Federal-aid highway program funds authorized for the period beginning on October 1, 2015, and ending on November 20, 2015, pursuant to the Highway and Transportation Funding Act of 2014 (Extension Act), Public Law (Pub. L.) 113-159, as amended by the Highway and Transportation Funding Act of 2015, Pub. L. 114-21, the Surface Transportation and Veterans Health Care Choice Improvement Act of 2015, Pub. L. 114-41, and the Surface Transportation Extension Act of 2015, Pub. L. 114-73. 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 4510.793?** Yes, this Notice cancels FHWA Notice N4510.793, Apportionment of Funds for the Period Beginning on October 1, 2015, and Ending on October 29, 2015, Pursuant to the Highway and Transportation Funding Act of 2014, as Amended, dated October 1, 2015. The revision to the apportionment is required due to the further extension of the Federal-aid highway program under the Surface Transportation Extension Act of 2015.
  
3. **What is the background information?**
  - a. The Extension Act extends the surface transportation programs, including the Federal-aid highway programs, under the Moving Ahead for Progress in the 21st Century Act (MAP-21), Pub. L. 112-141, through November 20, 2015.
  
  - b. Section 1001(a) of the Extension Act incorporates by reference and continues in effect the requirements, authorities, conditions, eligibilities, limitations, and other provisions authorized under divisions A and E of MAP-21; the SAFETEA-LU Technical Corrections Act of 2008; titles I, V, and VI of the Safe, Accountable, Flexible, Efficient Transportation Equity

Act: A Legacy for Users (SAFETEA-LU); titles I and V of the Transportation Equity Act for the 21st Century; the National Highway System Designation Act of 1995; titles I and VI of the Intermodal Surface Transportation Act of 1991; and title 23, United States Code (U.S.C.) (excluding chapter 4 of that title), which would have otherwise expired or ceased to apply after September 30, 2014.

- c. Pursuant to section 1001(b)(1) of the Extension Act, except as provided in section 1002 for the administrative expenses of the Federal Highway Administration, there is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) for the period beginning on October 1, 2015, and ending on November 20, 2015, a sum equal to 51/366 of the total amount authorized to be appropriated out of the Highway Trust Fund for programs, projects, and activities for Fiscal Year (FY) 2015 under divisions A and E of MAP-21 and title 23, U.S.C. (excluding chapter 4 of that title).
- d. Pursuant to section 1001(c)(1) of the Extension Act, except as otherwise expressly provided in the Act, the funds authorized to be appropriated for the period beginning on October 1, 2015, and ending on November 20, 2015, shall be distributed, administered, limited, and made available for obligation in the same manner and at the same levels as 51/366 of the amounts of funds authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) for FY 2015 to carry out programs, projects, activities, eligibilities, and requirements under MAP-21; the SAFETEA-LU Technical Corrections Act of 2008; SAFETEA-LU; titles I and V of the Transportation Equity Act for the 21st Century; the National Highway System Designation Act of 1995; titles I and VI of the Intermodal Surface Transportation Act of 1991; and title 23, U.S.C. (excluding chapter 4 of that title).

**4. What is the availability of these funds?**

- a. The funds shall be available for obligation and administered in the same manner as if the funds were apportioned under chapter 1 of title 23, U.S.C.
- b. The funds resulting from this apportionment are available for obligation until September 30, 2019. Any amounts not obligated by the State on or before September 30, 2019, shall lapse.
- c. 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.

- d. For the period beginning on October 1, 2015, and ending on November 20, 2015, an amount of National Highway Performance Program funds equal to \$89,040,984 prior to sequestration (\$82,986,197 after sequestration) that is exempt from obligation controls is provided. See FHWA Notice N4510.797 for additional information on sequestration.
  - e. 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.
  - f. Program codes to be used when obligating these funds were provided in a program code memorandum dated September 23, 2014.
  - g. The Catalog of Federal Domestic Assistance (CFDA) number for these funds is 20.205, with the exception that the CFDA number for the Recreational Trails Program is 20.219.
5. **How were the State-by-State and program-by-program amounts determined?**
- a. The base amount of apportioned funds available for each program and each State for the period beginning on October 1, 2015, and ending on November 20, 2015, is equal to 51/366 of the amount for each such program and State in FY 2015.
  - b. Table 1 shows the State-by-State, program-by-program apportionment amounts (before post-apportionment set-asides and before penalties) available under the Extension Act for the period beginning on October 1, 2015, and ending on November 20, 2015.
6. **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 under sections 154 and 164 of title 23, U.S.C., are 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.
- Alaska, Arkansas, Connecticut, Delaware, Hawaii, Louisiana, Maine, Mississippi, Missouri, Ohio, Tennessee, Virginia, and Wyoming**
- The penalty under section 154 of title 23, U.S.C., for Ohio is subject to an administrative review by the National Highway Traffic Safety Administration and the Federal Highway Administration; the penalty amount for Ohio 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, California, Colorado, Hawaii, Indiana, Louisiana, Minnesota, Montana, New Mexico, North Dakota, Ohio, Oregon, Rhode Island, South Dakota, Vermont, and Wyoming**

The penalty under section 164 of title 23, U.S.C., for Colorado is subject to an administrative review by the National Highway Traffic Safety Administration and the Federal Highway Administration; the penalty amount for Colorado 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.

7. **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.

8. **What action is required?** Division Administrators should ensure that copies of this Notice are provided to the State departments of transportation.



Gregory G. Nadeau  
Administrator

Attachments

**CERTIFICATE OF APPORTIONMENT FROM THE SUM OF \$5,266,934,426  
AUTHORIZED TO BE APPROPRIATED FOR APPORTIONED FEDERAL-AID HIGHWAY  
PROGRAMS FOR THE PERIOD BEGINNING ON OCTOBER 1, 2015, AND  
ENDING ON NOVEMBER 20, 2015**

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 Surface Transportation Extension Act of 2015, and title 23 of the United States Code, 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 Highway and Transportation Funding Act of 2014, Public Law 113-159, as amended by the Highway and Transportation Funding Act of 2015, Public Law 114-21, the Surface Transportation and Veterans Health Care Choice Improvement Act of 2015, Public Law 114-41, and the Surface Transportation Extension Act of 2015, Public Law 114-73, is \$5,266,934,426, which is 100 percent of the amount authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) for the period beginning on October 1, 2015, and ending on November 20, 2015.

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 Alaska, Arkansas, Connecticut, Delaware, Hawaii, Louisiana, Maine, Mississippi, Missouri, Ohio, Tennessee, Virginia, and Wyoming are 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 Ohio 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, California, Colorado, Hawaii, Indiana, Louisiana, Minnesota, Montana, New Mexico, North Dakota, Ohio,

Oregon, Rhode Island, South Dakota, Vermont, and Wyoming are 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 Colorado 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:

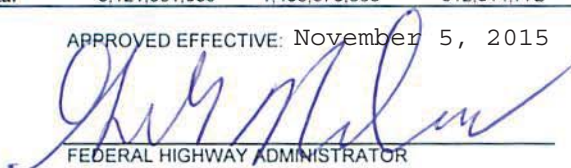
U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL HIGHWAY ADMINISTRATION

N4510.796 - TABLE 1

FEDERAL-AID HIGHWAY PROGRAM APPORTIONMENTS FOR THE PERIOD BEGINNING ON OCTOBER 1, 2015, AND  
ENDING ON NOVEMBER 20, 2015, PURSUANT TO THE HIGHWAY AND TRANSPORTATION FUNDING ACT OF 2014, AS AMENDED  
(before post-apportionment set-asides; before penalties; before sequestration)

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	63,721,189	29,309,747	6,370,875	631,453	1,588,133	415,256	102,036,653
Alaska	40,321,532	18,546,638	4,277,659	153,279	3,831,020	306,231	67,436,359
Arizona	57,578,500	26,484,302	5,954,379	372,928	7,222,018	790,290	98,402,417
Arkansas	43,115,981	19,831,998	4,214,008	524,011	1,714,264	232,040	69,632,302
California	268,979,744	123,722,237	27,428,987	2,129,226	64,605,266	6,757,188	493,622,648
Colorado	41,605,603	19,137,271	4,130,395	441,649	5,888,186	714,280	71,917,384
Connecticut	38,709,057	17,804,951	4,071,800	181,942	6,158,973	623,292	67,550,015
Delaware	13,304,595	6,119,696	1,308,765	153,279	1,623,463	240,656	22,750,454
Dist. of Col.	12,621,128	5,805,323	1,233,659	153,279	1,406,299	239,706	21,459,394
Florida	159,331,584	73,287,526	16,329,581	1,179,384	1,892,953	2,796,292	254,817,320
Georgia	103,925,053	47,802,261	10,322,979	1,097,357	9,459,265	1,049,307	173,656,222
Hawaii	13,420,880	6,173,184	1,321,543	153,279	1,442,063	236,193	22,747,142
Idaho	23,228,237	10,684,259	2,304,981	247,572	1,783,843	218,665	38,467,557
Illinois	110,571,432	50,859,387	10,709,221	1,441,486	15,326,587	2,304,458	191,212,571
Indiana	77,003,504	35,419,194	7,434,652	1,027,272	6,559,081	706,886	128,150,589
Iowa	40,931,703	18,827,299	3,769,912	728,077	1,572,438	267,888	66,097,317
Kansas	31,363,476	14,426,214	2,626,236	820,300	1,324,787	263,063	50,824,076
Kentucky	55,489,814	25,523,572	5,588,777	509,005	1,907,127	342,129	89,360,424
Louisiana	58,743,822	27,020,313	5,895,022	560,343	1,593,482	580,635	94,393,617
Maine	14,742,774	6,781,213	1,449,301	170,784	1,433,486	248,790	24,826,348
Maryland	46,124,565	21,215,852	4,749,409	319,224	7,475,101	936,538	80,820,689
Massachusetts	45,634,373	20,990,379	4,676,872	337,894	8,828,923	1,214,017	81,682,458
Michigan	82,747,326	38,061,172	8,061,918	1,031,195	10,302,532	1,398,560	141,602,703
Minnesota	52,613,475	24,200,547	4,951,875	829,826	4,486,258	617,518	87,699,499
Mississippi	40,293,393	18,533,696	3,957,084	470,761	1,561,838	229,661	65,046,433
Missouri	78,566,421	36,138,087	7,866,089	767,583	3,281,429	701,993	127,321,602
Montana	33,675,683	15,489,757	3,443,721	256,904	2,072,499	242,804	55,181,368
Nebraska	23,707,699	10,904,797	2,108,694	496,548	1,432,217	223,841	38,873,796
Nevada	27,938,124	12,850,660	2,916,845	153,279	4,534,086	443,345	48,836,339
New Hampshire	13,101,158	6,026,121	1,286,409	153,279	1,440,738	213,502	22,221,207
New Jersey	75,236,866	34,606,596	7,762,179	505,608	14,491,089	1,681,311	134,283,649
New Mexico	30,310,305	13,941,788	3,105,847	224,956	1,588,846	217,381	49,389,123
New York	125,409,016	57,684,210	12,921,888	859,323	25,502,861	3,372,734	225,750,032
North Carolina	84,305,450	38,777,860	8,366,254	898,081	7,134,946	785,587	140,268,178
North Dakota	20,192,013	9,287,692	1,713,754	505,148	1,464,561	226,754	33,389,922
Ohio	105,347,093	48,456,355	10,379,789	1,196,814	13,330,558	1,564,498	180,275,107
Oklahoma	53,068,991	24,410,070	5,109,531	722,226	1,636,479	349,202	85,296,499
Oregon	40,789,189	18,761,746	4,079,800	402,528	2,700,804	488,879	67,222,946
Pennsylvania	130,181,383	59,879,349	13,388,723	916,924	14,547,860	1,751,792	220,666,031
Rhode Island	17,651,408	8,119,093	1,786,436	153,279	1,452,038	250,802	29,413,056
South Carolina	55,935,037	25,728,361	5,558,353	588,355	1,823,642	425,404	90,059,152
South Dakota	22,920,442	10,542,683	2,195,198	323,532	1,707,712	238,660	37,928,227
Tennessee	68,696,599	31,598,279	6,892,493	656,584	5,156,728	649,235	113,649,918
Texas	279,015,283	128,338,270	28,222,318	2,438,702	22,918,765	3,305,560	464,238,898
Utah	28,324,070	13,028,183	2,894,060	218,475	1,798,595	437,652	46,701,035
Vermont	16,156,535	7,431,499	1,622,165	153,279	1,649,109	283,120	27,295,707
Virginia	81,659,987	37,561,030	8,351,881	621,743	7,645,461	1,021,049	136,861,151
Washington	54,170,799	24,916,867	5,386,632	566,204	5,144,237	988,904	91,173,643
West Virginia	36,023,154	16,569,520	3,681,954	276,634	1,993,910	229,895	58,775,067
Wisconsin	61,638,667	28,351,852	5,991,815	781,665	3,814,089	617,465	101,195,553
Wyoming	20,887,527	9,607,607	2,142,054	153,279	1,450,644	213,518	34,454,629
<b>Apportioned Total</b>	<b>3,121,031,639</b>	<b>1,435,576,563</b>	<b>312,314,772</b>	<b>30,655,737</b>	<b>322,701,289</b>	<b>44,654,426</b>	<b>5,266,934,426</b>

APPROVED EFFECTIVE: November 5, 2015



FEDERAL HIGHWAY ADMINISTRATOR



U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL HIGHWAY ADMINISTRATION

N4510.796 - TABLE 2

PENALTIES ASSESSED PURSUANT TO 23 U.S.C. 154 FOR THE PERIOD  
BEGINNING ON OCTOBER 1, 2015, AND ENDING ON NOVEMBER 20, 2015  
(before election of penalty shifts by States)

<u>State</u>	<b>23 U.S.C. 154 Penalty Amounts (Open Container Requirements)</b>		
	<u>National Highway Performance Program</u>	<u>Surface Transportation Program</u>	<u>Total</u>
ALABAMA	\$0	\$0	\$0
ALASKA	1,008,038	463,666	1,471,704
ARIZONA	0	0	0
ARKANSAS	1,077,900	495,800	1,573,700
CALIFORNIA	0	0	0
COLORADO	0	0	0
CONNECTICUT	967,726	445,124	1,412,850
DELAWARE	332,615	152,992	485,607
DIST. OF COL.	0	0	0
FLORIDA	0	0	0
GEORGIA	0	0	0
HAWAII	335,522	154,330	489,852
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	1,468,596	675,508	2,144,104
MAINE	368,569	169,530	538,099
MARYLAND	0	0	0
MASSACHUSETTS	0	0	0
MICHIGAN	0	0	0
MINNESOTA	0	0	0
MISSISSIPPI	1,007,335	463,342	1,470,677
MISSOURI	1,964,161	903,452	2,867,613
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	2,633,677	1,211,409	3,845,086
OKLAHOMA	0	0	0
OREGON	0	0	0
PENNSYLVANIA	0	0	0
RHODE ISLAND	0	0	0
SOUTH CAROLINA	0	0	0
SOUTH DAKOTA	0	0	0
TENNESSEE	1,717,415	789,957	2,507,372
TEXAS	0	0	0
UTAH	0	0	0
VERMONT	0	0	0
VIRGINIA	2,041,500	939,026	2,980,526
WASHINGTON	0	0	0
WEST VIRGINIA	0	0	0
WISCONSIN	0	0	0
WYOMING	522,188	240,190	762,378
<b>Total</b>	<b>\$15,445,242</b>	<b>\$7,104,326</b>	<b>\$22,549,568</b>

U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL HIGHWAY ADMINISTRATION

N4510.796 - TABLE 3

PENALTIES ASSESSED PURSUANT TO 23 U.S.C. 164 FOR THE PERIOD  
BEGINNING ON OCTOBER 1, 2015, AND ENDING ON NOVEMBER 20, 2015  
(before election of penalty shifts by States)

<u>State</u>	23 U.S.C. 164 Penalty Amounts (Minimum Penalties for DWI or DUI Repeat Offenders)		<u>Total</u>
	<u>National Highway Performance Program</u>	<u>Surface Transportation Program</u>	
ALABAMA	\$0	\$0	\$0
ALASKA	1,008,038	463,666	1,471,704
ARIZONA	0	0	0
ARKANSAS	0	0	0
CALIFORNIA	6,724,494	3,093,056	9,817,550
COLORADO	1,040,140	478,432	1,518,572
CONNECTICUT	0	0	0
DELAWARE	0	0	0
DIST. OF COL.	0	0	0
FLORIDA	0	0	0
GEORGIA	0	0	0
HAWAII	335,522	154,330	489,852
IDAHO	0	0	0
ILLINOIS	0	0	0
INDIANA	1,925,088	885,480	2,810,568
IOWA	0	0	0
KANSAS	0	0	0
KENTUCKY	0	0	0
LOUISIANA	1,468,596	675,508	2,144,104
MAINE	0	0	0
MARYLAND	0	0	0
MASSACHUSETTS	0	0	0
MICHIGAN	0	0	0
MINNESOTA	1,315,337	605,014	1,920,351
MISSISSIPPI	0	0	0
MISSOURI	0	0	0
MONTANA	841,892	387,244	1,229,136
NEBRASKA	0	0	0
NEVADA	0	0	0
NEW HAMPSHIRE	0	0	0
NEW JERSEY	0	0	0
NEW MEXICO	757,758	348,545	1,106,303
NEW YORK	0	0	0
NORTH CAROLINA	0	0	0
NORTH DAKOTA	504,800	232,192	736,992
OHIO	2,633,677	1,211,409	3,845,086
OKLAHOMA	0	0	0
OREGON	1,019,730	469,044	1,488,774
PENNSYLVANIA	0	0	0
RHODE ISLAND	441,285	202,977	644,262
SOUTH CAROLINA	0	0	0
SOUTH DAKOTA	573,011	263,567	836,578
TENNESSEE	0	0	0
TEXAS	0	0	0
UTAH	0	0	0
VERMONT	403,913	185,787	589,700
VIRGINIA	0	0	0
WASHINGTON	0	0	0
WEST VIRGINIA	0	0	0
WISCONSIN	0	0	0
WYOMING	522,188	240,190	762,378
<b>Total</b>	<b>\$21,515,469</b>	<b>\$9,896,441</b>	<b>\$31,411,910</b>