



U.S. Department  
of Transportation

**Federal Highway  
Administration**

# Notice

Subject:

**APPORTIONMENT OF FISCAL YEAR (FY) 2009  
EQUITY BONUS PROGRAM FUNDS**

Classification Code	Date	Office of Primary Interest
<b>N 4510.696</b>	October 1, 2008	<b>HCFB-1</b>

1. **What is the purpose of this Notice?** This Notice transmits the certificate of apportionment of Equity Bonus Program funds authorized for FY 2009 pursuant to Section 105(a) of Title 23, United States Code (U.S.C.). The apportionment is effective immediately.
  
2. **What is the availability of these funds?**
  - a. The Equity Bonus Program funds resulting from this apportionment are available for obligation until September 30, 2012. Any amounts not obligated by the State on or before September 30, 2012, 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 distributed portion of the Equity Bonus Program which adjusts to the National Highway System, Surface Transportation, and Interstate Maintenance 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.
3. **What action is required?** Division Administrators should ensure that copies of this Notice are provided to the State departments of transportation.

A handwritten signature in blue ink, appearing to read 'TJM', is written over a light blue rectangular background.

Thomas J. Madison, Jr.  
Administrator

Attachments

**CERTIFICATE OF APPORTIONMENT FROM  
THE SUM OF \$9,594,053,923  
FOR THE EQUITY BONUS PROGRAM  
FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2009**

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, 2009, pursuant to Section 1104 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, is \$9,594,053,923, 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

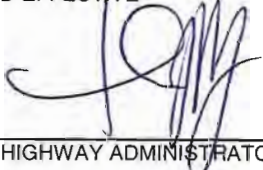
TABLE 1

APPORTIONMENT OF FUNDS FOR THE  
EQUITY BONUS  
AUTHORIZED FOR FISCAL YEAR 2009

STATE	EQUITY BONUS FORMULA LIMITATION	SUBJECT TO SPECIAL LIMITATION	EXEMPT FROM LIMITATION	TOTAL
ALABAMA	\$120,212,677	\$34,568,439	\$11,044,616	\$165,825,732
ALASKA	144,356,884	41,511,363	13,262,880	199,131,127
ARIZONA	195,414,284	56,193,464	17,953,812	269,561,560
ARKANSAS	90,050,179	25,894,890	8,273,418	124,218,487
CALIFORNIA	471,719,181	135,647,886	43,339,500	650,706,567
COLORADO	68,459,259	19,686,190	6,289,738	94,435,187
CONNECTICUT	94,509,620	27,177,250	8,683,131	130,370,001
DELAWARE	19,012,890	5,467,360	1,746,822	26,227,072
DIST. OF COL.	2,362,318	679,310	217,039	3,258,667
FLORIDA	582,360,307	167,463,923	53,504,723	803,328,953
GEORGIA	360,904,948	103,782,070	33,158,371	497,845,389
HAWAII	7,948,153	2,285,576	730,242	10,963,971
IDAHO	69,057,699	19,858,278	6,344,720	95,260,697
ILLINOIS	244,247,458	70,235,964	22,440,390	336,923,812
INDIANA	277,032,216	79,663,571	25,452,511	382,148,298
IOWA	44,506,396	12,798,289	4,089,053	61,393,738
KANSAS	15,845,663	4,556,589	1,455,830	21,858,082
KENTUCKY	126,039,630	36,244,041	11,579,971	173,863,642
LOUISIANA	93,522,250	26,893,321	8,592,416	129,007,987
MAINE	0	0	0	0
MARYLAND	62,248,241	17,900,146	5,719,097	85,867,484
MASSACHUSETTS	30,970,654	8,905,942	2,845,449	42,722,045
MICHIGAN	166,453,039	47,865,348	15,292,979	229,611,366
MINNESOTA	107,226,197	30,834,038	9,851,475	147,911,710
MISSISSIPPI	59,571,827	17,130,515	5,473,199	82,175,541
MISSOURI	177,554,662	51,057,739	16,312,948	244,925,349
MONTANA	96,501,092	27,749,919	8,866,099	133,117,110
NEBRASKA	24,913,211	7,164,060	2,288,917	34,366,188
NEVADA	59,713,708	17,171,314	5,486,235	82,371,257
NEW HAMPSHIRE	21,177,781	6,089,897	1,945,722	29,213,400
NEW JERSEY	187,453,014	53,904,115	17,222,365	258,579,494
NEW MEXICO	65,497,891	18,834,618	6,017,660	90,350,169
NEW YORK	171,396,807	49,286,981	15,747,191	236,430,979
NORTH CAROLINA	229,334,890	65,947,696	21,070,289	316,352,875
NORTH DAKOTA	21,536,462	6,193,040	1,978,676	29,708,178
OHIO	259,086,409	74,503,062	23,803,728	357,393,199
OKLAHOMA	84,410,045	24,273,010	7,755,227	116,438,282
OREGON	40,578,827	11,668,875	3,728,206	55,975,908
PENNSYLVANIA	196,386,096	56,472,918	18,043,097	270,902,111
RHODE ISLAND	0	0	0	0
SOUTH CAROLINA	146,851,181	42,228,625	13,492,046	202,571,852
SOUTH DAKOTA	42,230,482	12,143,826	3,879,952	58,254,260
TENNESSEE	175,083,513	50,347,133	16,085,909	241,516,555
TEXAS	872,809,825	250,985,782	80,189,957	1,203,985,564
UTAH	49,487,696	14,230,716	4,546,714	68,265,126
VERMONT	1,324,901	380,990	121,726	1,827,617
VIRGINIA	203,398,960	58,489,542	18,687,409	280,575,911
WASHINGTON	35,963,826	10,341,782	3,304,199	49,609,807
WEST VIRGINIA	102,490,848	29,472,337	9,416,412	141,379,597
WISCONSIN	202,512,645	58,234,673	18,605,978	279,353,296
WYOMING	33,327,181	9,583,587	3,061,956	45,972,724
TOTAL	\$6,955,053,923	\$2,000,000,000	\$639,000,000	\$9,594,053,923

APPROVED EFFECTIVE

October 1, 2008



FEDERAL HIGHWAY ADMINISTRATOR

U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL HIGHWAY ADMINISTRATION

TABLE 2

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 2009

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(d)			PURSUANT TO TITLE 23 U.S.C. 154			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	953,209	1,124,006	969,141	1,047,549	1,235,250	1,065,058	2,000,757	2,359,256	2,034,199	6,394,212
ARIZONA	0	0	0	0	0	0	0	0	0	0
ARKANSAS	2,055,880	2,566,501	2,653,313	563,370	703,295	727,084	2,619,250	3,269,796	3,380,397	9,269,442
CALIFORNIA	0	0	0	0	0	0	0	0	0	0
COLORADO	0	0	0	0	0	0	0	0	0	0
CONNECTICUT	1,524,434	1,405,638	1,793,928	430,232	396,705	506,290	1,954,666	1,802,343	2,300,218	6,057,227
DELAWARE	238,653	1,435,144	969,141	39,590	238,075	160,770	278,243	1,673,219	1,129,911	3,081,374
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	2,763,864	2,580,149	3,125,882	519,259	484,744	587,273	3,283,124	3,064,893	3,713,155	10,061,172
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	1,976,221	2,889,684	2,811,929	345,960	505,873	492,261	2,322,182	3,395,557	3,304,189	9,021,928
MISSOURI	3,885,971	4,354,795	4,694,539	1,158,702	1,298,494	1,399,797	5,044,673	5,653,289	6,094,336	16,792,298
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	3,888,307	3,962,735	4,257,098	1,333,786	1,359,316	1,460,290	5,222,092	5,322,051	5,717,388	16,261,532
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	4,298,210	4,203,211	5,148,432	1,392,626	1,361,846	1,668,099	5,690,837	5,565,057	6,816,531	18,072,425
WASHINGTON	0	0	0	0	0	0	0	0	0	0
WEST VIRGINIA	1,328,981	1,339,568	1,449,551	651,669	656,860	710,791	1,980,651	1,996,428	2,160,342	6,137,421
WISCONSIN	0	0	0	0	0	0	0	0	0	0
WYOMING	1,520,826	2,591,760	969,141	256,745	437,539	163,610	1,777,571	3,029,299	1,132,751	5,939,620
<b>Total</b>	<b>\$24,434,556</b>	<b>\$28,453,190</b>	<b>\$28,842,095</b>	<b>\$7,739,489</b>	<b>\$8,677,998</b>	<b>\$8,941,324</b>	<b>\$32,174,044</b>	<b>\$37,131,188</b>	<b>\$37,783,418</b>	<b>\$107,088,651</b>

U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL HIGHWAY ADMINISTRATION

TABLE 3

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 FY 2009

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(d)			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	953,209	1,124,006	969,141	1,047,549	1,235,250	1,065,058	2,000,757	2,359,256	2,034,199	6,394,212
ARIZONA	0	0	0	0	0	0	0	0	0	0
ARKANSAS	0	0	0	0	0	0	0	0	0	0
CALIFORNIA	13,505,368	17,093,988	18,794,610	2,456,527	3,109,271	3,418,602	15,961,895	20,203,259	22,213,212	58,378,366
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	2,763,864	2,580,149	3,125,882	519,259	484,744	587,273	3,283,124	3,064,893	3,713,155	10,061,172
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	2,667,134	3,298,432	4,132,624	682,827	844,449	1,058,015	3,349,961	4,142,881	5,190,640	12,683,482
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	2,111,163	2,539,207	1,807,051	551,682	663,537	472,213	2,662,845	3,202,744	2,279,263	8,144,853
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	6,134,790	5,376,871	6,726,961	1,809,216	1,585,697	1,983,853	7,944,006	6,962,569	8,710,815	23,617,389
OKLAHOMA	0	0	0	0	0	0	0	0	0	0
OREGON	2,029,217	2,581,076	2,535,878	234,796	298,650	293,421	2,264,013	2,879,727	2,829,299	7,973,039
PENNSYLVANIA	0	0	0	0	0	0	0	0	0	0
RHODE ISLAND	314,178	1,359,618	969,141	0	0	0	314,178	1,359,618	969,141	2,642,937
SOUTH CAROLINA	0	0	0	0	0	0	0	0	0	0
SOUTH DAKOTA	1,065,351	2,058,618	1,342,277	250,380	483,819	315,464	1,315,731	2,542,437	1,657,741	5,515,909
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	498,852	1,174,941	969,141	4,939	11,633	9,595	503,792	1,186,574	978,736	2,669,102
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	1,520,826	2,591,760	969,141	256,745	437,539	163,610	1,777,571	3,029,299	1,132,751	5,939,620
<b>Total</b>	<b>\$33,563,952</b>	<b>\$41,778,667</b>	<b>\$42,341,848</b>	<b>\$7,813,921</b>	<b>\$9,154,590</b>	<b>\$9,367,103</b>	<b>\$41,377,873</b>	<b>\$50,933,257</b>	<b>\$51,708,951</b>	<b>\$144,020,081</b>