Notice

U.S. DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Subject:

Rescission of Federal-aid Apportionments

Classification Code:	Date:	OPI:
N 4510. 643	MAR 19 2007	HCFB-1

1. **What is the purpose of this Notice?** This Notice is to notify the States that $3,471,582,000 of unobligated Federal-aid highway funds apportioned to States are hereby rescinded as required by Division B, Title 1, Chapter 10 of the Continuing Appropriations Resolution, 2007, Public Law (Pub. L. No.) 110-5.

2. **What apportioned funds are being rescinded?** In accordance with Division B, Title 1, Chapter 10 of the Continuing Appropriations Resolution, 2007, Pub. L. No. 110-5, an amount of $3,471,582,000 is rescinded from the unobligated balances of funds apportioned under Chapter 1 of Title 23, United States Code (U.S.C.). The rescission shall not apply to funds distributed in accordance with Title 23, U.S.C., Section 130(f), Title 23, U.S.C., Section 104(b)(5), Title 23 U.S.C., Section 133(d)(1), Title 23, U.S.C, and 163, Title 23, U.S.C., as in effect on the day before the date of enactment of Pub. L. No. 109-59, and the first sentence of Tection 133(d)(3)(A), Title 23, U.S.C.

3. **How are the apportioned funds being rescinded?**

   a. The rescission is being applied proportionately to States based upon the fiscal year (FY) 2007 apportionments to the States for the core apportioned programs excluding the Highway Safety Improvement Program. Table 1 shows each State's share of the total rescinded amount based upon FY 2007 apportionments for the Interstate Maintenance (IM), National Highway System (NHS), Bridge, Surface Transportation Program (STP) and Congestion Mitigation and Air Quality Improvement (CMAQ) programs, inclusive of funds programmatically distributed from Equity Bonus and Revenue Aligned Budget Authority, but excluding funds set aside for State Planning and Research and after application of penalties pursuant to Section 154 of Title 23, U.S.C., (Open Container Requirements), and Section 164 of Title 23, U.S.C.,

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(Minimum Penalties for Repeat Offenders for Driving While Intoxicated or Driving Under the Influence), which are separate from, but impact the core programs by operation of law.

b. The rescissions may be taken from any unobligated funds apportioned under Chapter 1 of Title 23, including apportionment categories authorized prior to the Transportation Equity Act for the 21st Century, Pub. L. No., 105-178, as amended by the Surface Transportation Extension Act, 2004, Part V, Pub. L. No. 108-310. These categories include IM, NHS, STP, CMAQ, Bridge, Recreational Trails, Minimum Guarantee, Minimum Allocation, Interstate Construction, Interstate Substitution, Consolidated Primary, Rural Secondary, and Urban System.

c. States are encouraged to review projects funded from the older apportionment categories to determine if any of the funds can be deobligated and applied to the rescission. The States should ensure that a sufficient amount of unobligated funds is available within each program and category selected to bear the rescission. For guidance, refer to Fiscal Management Information System (FMIS) reports M28 and W10 to assist in determining the program code(s), prior fiscal years, and amount to be deobligated and applied to the rescission. **Once the program code(s), fiscal years, and amount have been determined and submitted to the Federal Highway Administration's (FHWA) Budget Division, no obligations should be incurred by the State on the amounts identified to be rescinded.**

d. Not later than 30 days after the date of this Notice, the States must identify the amounts to be rescinded from funds apportioned under chapter 1 of Title 23, U.S.C., excluding Title 23, U.S.C., Section 130(f), Railway-Highway Crossing; Title 23 U.S.C., Section 133(d)(1), STP Safety Set-aside, as in effect prior to the date of enactment of Pub. L. No., 109-59; the first sentence of Title 23, U.S.C., 33(d)(3)(A), STP Suballocation to areas; Title 23, U.S.C., 104(b)(5), Highway Safety Improvement Program; or Title 23, U.S.C., Section 163, Safety Incentives to Prevent Operation of Motor Vehicles by Intoxicated Persons, as in effect prior to the enactment of Pub. L. No. 109-59, based on the amounts shown on Table 1. The information should be submitted on the attached Table 2 to the Budget Division's official electronic mailbox, "FHWA, Budget Division."

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

J. Richard Capka
Administrator

Attachments

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

Table 1

Rescission of Unobligated Balances
Pursuant to the Continuing Appropriations Resolution, 2007, Pub. L. No. 110-5, Sec. 21014

STATE	TOTAL AMOUNT TO BE RESCINDED
ALABAMA	$65,744,411
ALASKA	27,637,276
ARIZONA	66,647,424
ARKANSAS	43,455,250
CALIFORNIA	315,578,363
COLORADO	47,723,005
CONNECTICUT	47,158,259
DELAWARE	14,295,680
DIST. OF COL.	15,623,725
FLORIDA	171,349,894
GEORGIA	119,333,910
HAWAII	15,402,160
IDAHO	25,426,864
ILLINOIS	120,193,725
INDIANA	89,485,497
IOWA	41,083,779
KANSAS	37,944,927
KENTUCKY	55,213,815
LOUISIANA	56,348,708
MAINE	16,081,378
MARYLAND	58,324,080
MASSACHUSETTS	62,883,726
MICHIGAN	104,962,046
MINNESOTA	55,464,895
MISSISSIPPI	42,448,254
MISSOURI	82,677,947
MONTANA	32,432,635
NEBRASKA	27,379,146
NEVADA	24,819,462
NEW HAMPSHIRE	16,516,058
NEW JERSEY	98,056,495
NEW MEXICO	33,337,986
NEW YORK	163,613,861
NORTH CAROLINA	97,369,596
NORTH DAKOTA	22,054,127
OHIO	126,295,401
OKLAHOMA	53,965,720
OREGON	42,212,339
PENNSYLVANIA	155,132,336
RHODE ISLAND	19,417,323
SOUTH CAROLINA	58,274,172
SOUTH DAKOTA	23,395,328
TENNESSEE	73,415,383
TEXAS	288,459,698
UTAH	26,470,174
VERMONT	15,260,885
VIRGINIA	91,607,665
WASHINGTON	63,656,419
WEST VIRGINIA	28,994,224
WISCONSIN	66,819,014
WYOMING	24,137,555
TOTAL	$3,471,582,000

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Table 2

Rescission of Unobligated Balances
ursuant to the Continuing Appropriations Resolution, 2007, Pub. L. No. 110-5, Sec. 21014

State:_____

Program Title	Program Codes	Fiscal Year	Unobligated Balance to be Rescinded

Total $X,XXX,XXX,XXX*

*Amount should equal State total from Table 1