

Surface Transportation Extension Act of 2010, Public Law 111-147

Frequently Asked Questions:

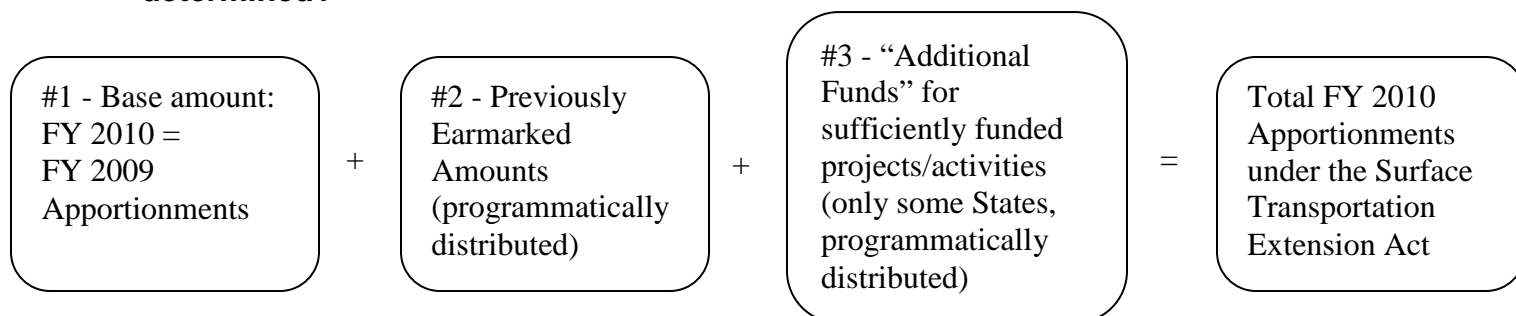
Q1: How long is this extension for?

This extension lasts through December 31, 2010 (from the beginning of FY 2010 through the first quarter of FY 2011). This means that the extension provides funding for all of FY 2010.

Q2: Are the apportioned amounts lower due to the rescissions in FY 2009?

No, in contrast to the previous extension calculations under the Continuing Appropriations Resolution, the apportioned amounts under Public Law 111-147 are not reduced based on the FY 2009 rescissions.

Q3: How were apportioned amounts for each program and each State determined?



#1 - The base FY 2010 amount for each program and each State is equal to the apportioned amount for that program and that State in FY 2009.

In addition to the base FY 2010 amounts, the apportionments include “bonus” funds based on the FY 2009 amounts for certain allocated programs. These “bonus” funds are detailed under #2 and #3 below.

#2 - The amount a State received or was authorized to receive in FY 2009 for certain allocated programs (sections 1301, 1302, 1307, 1702, and 1934 of SAFETEA-LU, and section 144(f)(1) of title 23, United States Code) has been programmatically distributed to the core apportioned programs (Interstate Maintenance, National Highway System, Surface Transportation Program, Highway Bridge Program, Congestion Mitigation and Air Quality, and Highway Safety Improvement Program) in FY 2010. The programmatic distribution has been done proportionally based on the FY 2009 apportionments for the core programs. The programmatically distributed funds are loaded into FMIS in the

same program codes as the base apportionments for the core programs and are, therefore, indistinguishable.*

#3 - The “Additional Funds” provision (section 411(d)(4)) states that “no additional funds shall be provided for any project or activity” for which it is determined that the project or activity “was sufficiently funded before or during fiscal year 2009 to achieve the authorized purpose of the project or activity.” The funds subject to this provision will then be made available to the State that would have otherwise received the funds from the discontinued activity for use in carrying out other programs, projects or activities extended by the extension act. For each State, the funds will be programmatically distributed among the core apportioned programs in a manner identical to that described in #2. It has been determined that the amounts for the following projects/activities are subject to the provision:

- 1) Freight Intermodal Distribution Pilot Grant Program (section 1306 of SAFETEA-LU);
- 2) Pavement Marking Systems Demonstration Projects (section 1907 of SAFETEA-LU);
- 3) Road User Fees Study (section 1919 of SAFETEA-LU); and
- 4) Multimodal Facility Improvements (section 1962 of SAFETEA-LU).

Q4: How is the reconciliation of funds provision being implemented?

The law requires the FHWA to reconcile the amounts provided under this extension with the amounts already provided under previous FY 2010 extensions (i.e., complete the calculations under this extension and then subtract amounts that have already been provided under previous extensions in order to determine the additional amounts to make available in FMIS).

By way of a simple example, if the extension from October 1, 2009 through March 28, 2010 contained in the Continuing Appropriations Resolution provided \$40 million and the Surface Transportation Extension Act of 2010, which provides funds for all of FY 2010 (from October 1, 2009 through September 30, 2010), provides \$100 million, the State will only get an additional \$60 million in FMIS.

In most cases, the application of the reconciliation will be fairly straightforward. For instance, L01E funds provided under the previous extensions are subtracted against L01E funds provided in this extension, L1CE funds provided under the previous extensions are subtracted against L1CE funds provided in this extension, etc.

The reconciliation of funds already authorized through 151 days under section 157(d) of the extension in the Continuing Appropriations Resolution (program code L00E) is more complicated since the Surface Transportation Extension Act of 2010 instead

* The only difference between the “base” apportionments and the “bonus” funds programmatically distributed under #2 is that the “bonus” funds may not be used to carry out the project described in section 1307(d)(1) of the SAFETEA-LU. The Budget Office will work with the Nevada Division Office to implement this restriction.

programmatically distributes the funds to the core apportioned programs (see Q3, #2). For these funds, the reconciliation will be implemented by proportionally reducing the funds programmatically distributed to the core apportioned programs under #2 in Q3. In other words, the “bonus” funds provided in section 157(d) of the Continuing Appropriations Resolution will be reconciled with the “bonus” funds provided in the Surface Transportation Extension Act of 2010. So, for example, take a State that received \$100 in L00E funds under the CR extension and is calculated to receive \$400 in “bonus” funds under this extension, of which \$80 (20%) is to be programmatically distributed to STP. After the reconciliation, only \$60 in “bonus” funds would be made available to the STP (\$80 minus \$20 [20% of the \$100 in L00E funds]).

Please note that the tables attached to the Notice are for the full-year FY 2010 as calculated under this extension. All of the apportionment notice tables are prior to any reconciliation of funds. The implementation of the reconciliation regarding the L00E funds will be shown in the Supplementary Tables Notice.

Q5: Are the amounts shown the final apportionment amounts for FY 2010?

The Surface Transportation Extension Act of 2010 provides funding for the full year FY 2010. However, it has been widely reported that Congress may pass subsequent legislation amending the distribution of the formerly earmarked “bonus” funds. Should such legislation be enacted into law, the apportionments (and obligation limitation distribution) would need to be revised. At this time, the legislative vehicle and prospects for such amendments becoming law are uncertain.

Q6: Does this extension also include a restoration of the amounts rescinded in FY 2009 pursuant to section 10212 of SAFETEA-LU?

Yes, this extension does include a restoration of the rescinded contract authority. The restoration will be done separately from the apportionments under the extension, and States will be advised of the restoration in a separate notice. Separate FAQs will also be provided on the restoration.