

**TRANSFER APPLICABILITY FOR FUNDS APPORTIONED UNDER 23 U.S.C. 104
 AUTHORIZED PRIOR TO MAP-21
 ELIGIBLE FOR TRANSFER BETWEEN PROGRAMS UNDER MAP-21 SECTION 1509, 23 U.S.C 126**

*Citation is as in effect prior to MAP-21 (October 1, 2012).

Primary Purpose	Transfer Among Title 23 Programs (23 U.S.C. 126)
<i>National Highway System (NHS) (23 U.S.C. 103*)</i>	
Improvements to rural and urban roads that are part of the NHS or that are NHS Intermodal connectors.	Up to 50% of the specified funds made available in the specified original fiscal year (i.e., by program code and FY) may be transferred to other apportionments of the State under any program apportioned under 23 U.S.C. 104(b) (of the same year of availability) which include STP, HSIP, CMAQ or Metro planning. (e.g., Lxx0 should only be transferred to another Lxx0 program code to maintain "first in, first out" availability)
<i>Interstate Maintenance (IM) (23 U.S.C. 119*)</i>	
Resurfacing, restoring, rehabilitating, and reconstructing most routes on the Interstate system.	Up to 50% of the specified funds made available in the specified original fiscal year (i.e., by program code and FY) may be transferred to other apportionments of the State under any program apportioned under 23 U.S.C. 104(b) (of the same year of availability) which include STP, HSIP, CMAQ or Metro planning. (e.g., Lxx0 should only be transferred to another Lxx0 program code to maintain "first in, first out" availability)
<i>Railway-Highway Crossing (HRGX) 23 U.S.C. 130*</i>	
Elimination of hazards at railway-highway crossings.	None.

Surface Transportation Program (STP) (23 U.S.C. 133)	
STP program continued under MAP-21. All funding follows new STP policies and procedures.	Up to 50% of the specified funds made available in the specified original fiscal year (i.e., by program code and FY) may be transferred to other apportionments of the State under any program apportioned under 23 U.S.C. 104(b) (of the same year of availability) which include STP, HSIP, CMAQ or Metro planning. (e.g., Lxx0 should only be transferred to another Lxx0 program code to maintain "first in, first out" availability) STP funds sub-allocated based on population under 23 U.S.C. 133(d) are not transferable to other programs.
Surface Transportation Program Transportation Enhancements Set-aside (TE) (23 U.S.C. 133(d)(2)*)	
12 specific activities included in the definition of Transportation Enhancement Activities in 23 U.S.C. 101(a)(35)*.	Same as STP.
Highway Bridge Program (HBP) (23 U.S.C. 144*)	
Replace and rehabilitate deficient highway bridges and to seismically retrofit bridges located on any public road.	None (authority to transfer was eliminated by MAP-21).
Construction of Ferry Boats & Ferry Terminal Facilities (23 U.S.C. 147)	
Construction of ferry boats and ferry terminal facilities in accordance with section 129(c).	None.

Highway Safety Improvement Program (HSIP) (23 U.S.C. 148)	
HSIP program continued under MAP-21. All funding follows new HSIP policies and procedures.	Up to 50% of the specified funds made available in the specified original fiscal year (i.e., by program code and FY) may be transferred to other apportionments of the State under any program apportioned under 23 U.S.C. 104(b) (of the same year of availability) which include STP, HSIP, CMAQ or Metro planning. (e.g., Lxx0 should only be transferred to another Lxx0 program code to maintain "first in, first out" availability)
Congestion Mitigation and Air Quality Improvement Program (CMAQ) (23 U.S.C. 149)	
CMAQ program continued under MAP-21.	Up to 50% of the specified funds made available in the specified original fiscal year (i.e., by program code and FY) may be transferred to other apportionments of the State under any program apportioned under 23 U.S.C. 104(b) (of the same year of availability) which include STP, HSIP, CMAQ or Metro planning. (e.g., Lxx0 should only be transferred to another Lxx0 program code to maintain "first in, first out" availability)
Recreational Trails Program (RTP) (23 U.S.C. 206)	
RTP program continued under MAP-21. All funding follows new RTP policies and procedures.	None (authority to transfer was eliminated by MAP-21).
Statewide Planning & Research (SPR) (23 U.S.C. 505)	
SPR program continued under MAP-21. All funding follows new SPR policies and procedures.	None.

Qxx0 – TEA-21 program codes (e.g. Q240 – 1998 - 2003 apportioned STP Flex)

Hxx0 – TEA-21 Extension program codes (e.g. H240 – 2004 - 2005 apportioned STP Flex)

Lxx0 – SAFETEA-LU program codes (e.g. L240 – 2006 - 2009 apportioned STP Flex)

LxxE – SAFETEA-LU extension program codes (e.g. L24E – 2010 - 2012 apportioned STP Flex)

Other programs not listed should be coordinated with the appropriate program office and the Office of Financial and Management Programs to confirm eligibility for transfer.

Other applicable transfer provisions related to ISTEA primary and secondary system funding only:
ISTEA section 1100(c)

(2) TRANSFERABILITY-

(A) PRIMARY SYSTEM- A State may transfer unobligated balances of funds apportioned to the State for the Federal-aid primary system before October 1, 1991, to the apportionment to such State under section 104(b)(1) [NHS] or 104(b)(3) [STP] of title 23, United States Code, or both.

(B) SECONDARY AND URBAN SYSTEM- A State may transfer unobligated balances of funds apportioned to the State for the Federal-aid secondary system or the Federal-aid urban system before October 1, 1991, to the apportionment to such State under section 104(b)(3) [STP] of such title.

(C) APPLICABILITY OF CERTAIN LAWS, REGULATIONS, POLICIES, AND PROCEDURES- Funds transferred under this paragraph shall be subject to the laws, regulations, policies, and procedures relating to the apportionment to which they are transferred