

statutorily required consultation has been accomplished.

The FAA has formally received the noise compatibility program for The Southwest Florida International Airport, also effective on May 17, 1995.

Preliminary review of the submitted material indicates that it conforms to the requirements for the submittal of noise compatibility programs, but that further review will be necessary prior to approval or disapproval of the program. The formal review period, limited by law to a maximum of 180 days, will be completed on or before November 13, 1995.

The FAA's detailed evaluation will be conducted under the provisions of 14 CFR part 150, § 150.33. The primary considerations in the evaluation process are whether the proposed measures may reduce the level of aviation safety, create an undue burden on interstate or foreign commerce, or be reasonably consistent with obtaining the goal of reducing existing noncompatible land uses and preventing the introduction of additional noncompatible land uses.

Interested persons are invited to comment on the proposed program with specific reference to these factors. All comments, other than those properly addressed to local land use authorities, will be considered by the FAA to the extent practicable. Copies of the noise exposure maps, the FAA's evaluation of the maps, and the proposed noise compatibility program are available for examination at the following locations:

Federal Aviation Administration,
Orlando Airports District Office, 9677
Tradeport Drive, Suite 130, Orlando,
Florida 32827-5397
Lee County Port Authority, 16000
Chamberlin Parkway, Suite 8671, Ft.
Myers, FL 33913-8899

Questions may be directed to the individual named above under the heading, **FOR FURTHER INFORMATION CONTACT**.

Issued in Orlando, Florida, May 17, 1995.

Charles E. Blair, Manager,

Orlando Airports District Office.

[FR Doc. 95-16164 Filed 6-29-95; 8:45 am]

BILLING CODE 4910-13-M

RTCA, Inc., Special Committee 185; Aeronautical Spectrum Planning Issues

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C., Appendix 2), notice is hereby given for Special Committee 185 meeting to be held August 1-3, 1995, starting at 9:00 a.m. The meeting will be held at the RTCA, 1140

Connecticut Avenue, NW., Suite 1020, Washington, D.C., 20036.

The agenda will be as follows:

- (1) Welcome and Administrative Remarks;
(2) Introductions;
(3) Review and Approval of the Agenda;
(4) Review and Approval of the Summary of the Previous Meeting;
(5) Review of Results of Working Group 1 Editorial Group Meeting;
(6) Presentations;
(7) Assignment of Tasks;
(8) Other Business;
(9) Date and Place of Next Meeting.

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting.

Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1140 Connecticut Avenue NW., Suite 1020, Washington, D.C. 20036; (202) 833-9339 (phone) or (202) 833-9434 (fax). Members of the public may present a written statement to the committee at any time.

Issued in Washington, D.C., on June 26, 1995.

Janice L. Peters,

Designated Official.

[FR Doc. 95-16165 Filed 6-29-95; 8:45 am]

BILLING CODE 4810-13-M

Flight Service Station at Butte, MT; Notice of Closing

Notice is hereby given that on or about July 26, 1995, the flight service station at Butte, Montana, will be closed. Services to the aviation public formerly provided by this facility will be provided by the automated flight service station in Great Falls, Montana. This information will be reflected in the FAA Organization Statement the next time it is issued. Sec. 313(a) of Federal Aviation Act of 1958, as amended, 72 Stat. 752; 49 U.S.C. App. 1354(a).

Issued in Seattle, Washington, on June 20, 1995.

Frederick M. Isaac,

Regional Administrator, Northwest Mountain Region.

[FR Doc. 95-16166 Filed 6-29-95; 8:45 am]

BILLING CODE 4810-13-M

Federal Highway Administration

[FHWA Docket No. 94-29]

Exemption Criteria for Highway Sanctions

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of proposed policy statement; request for comments.

SUMMARY: The purpose of this document is to propose a policy which would govern the exemption criteria that would be used to determine which projects could advance if the Environmental Protection Agency (EPA) imposes highway sanctions in accordance with section 179(a) or section 110(m) of the CAA, in conjunction with EPA regulations published in the **Federal Register** on January 11, 1994, and August 4, 1994; define the requirements which establish the basis for project exemptions; and describe and clarify the types of projects and programs which are exempt. The FHWA requests comments on the proposed policy.

DATES: Comments should be received by August 29, 1995.

ADDRESSES: Submit written, signed comments to FHWA Docket 94-29, Federal Highway Administration, Room 4232, HCC-10, Office of Chief Counsel, 400 Seventh Street, SW., Washington DC 20590. All comments received will be available for examination at the above address between 8:30 a.m. and 4:15 p.m., e.t., Monday through Friday, except Federal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped envelope or postcard.

FOR FURTHER INFORMATION CONTACT: Ms. Lucy Garliauskas, Office of Environment and Planning, (202) 366-2068, or Mr. Reid Alsop, Office of Chief Counsel, (202) 366-1372, FHWA. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: This policy statement proposes criteria and offers clarification on the types of projects ("exempt projects") listed in section 179(b)(1) of the Clean Air Act (CAA) as amended in 1990 (42 U.S.C. 7509(b)(1)), that may continue to advance while an area is subject to highway funding sanctions. Under section 179(b) and section 110(m) of the CAA, the EPA Administrator may impose a prohibition on project approvals and grants made under title 23, United States Code, by the Secretary of Transportation ("highway sanctions"). The descriptions of exempt projects contained within this document would apply equally to sanctions applied under section 179(a) ("mandatory sanctions") or section 110(m) ("discretionary sanctions"). Section 110(m) contemplates circumstances under which EPA may extend highway sanctions to areas not designated as "nonattainment". Hence,

the information contained in this notice applies to attainment, nonattainment, and unclassifiable areas.

As of this date EPA has published two final rules related to sanctions. A final rule was published in the **Federal Register** on January 11, 1994, entitled, "Criteria for Exercising Discretionary Sanctions under Title I of the Clean Air Act" (59 FR 1476). It establishes criteria to guide EPA's decision on whether, in a specific circumstance, to impose discretionary sanctions on a statewide basis under section 110(m).

A second regulation, "Selection of Sequence of Mandatory Sanctions for Findings Made Pursuant to Section 179 of the Clean Air Act," was published on August 4, 1994 (59 FR 39832). This regulation establishes that, following section 179(a) findings, the 2-to-1 offset sanction on new or modified major stationary sources applies first, 18 months after the finding (except where EPA reverses the order through a separate rulemaking), unless EPA has determined that the State corrected the deficiency that prompted the finding. Highway sanctions apply second, six months after application of the offset sanction, unless EPA has determined that the State corrected the deficiency that prompted the finding.

Those two final rules (and this proposed policy statement, if made final) effectively supersede the joint DOT/EPA **Federal Register** notice of April 10, 1980 (45 FR 24692), "Federal Assistance Limitation Required by section 176(a) of the Clean Air Act." The EPA also expects to publish another regulation that would establish the sequence of sanctions applied under section 502(d)(2)(B) of the Clean Air Act relating to the EPA's permit program.

The proposed policy seeks to clarify the types of projects which are exempt from sanctions and to establish criteria that are uniformly applied when determining which programs and projects are exempt from highway sanctions. The proposed policy gives recognition to the respective roles and responsibilities of the FHWA and the EPA in applying funding and program/project approval limitations under section 179(b)(1), when the highway sanction is imposed under section 179(a) or section 110(m) of the CAA of 1990.

The policy would be nationally applicable. Although FHWA would consult with EPA to determine whether projects meet the exemption criteria set forth in this proposed policy, the final authority to determine whether a project is exempt from highway sanctions under the safety exemption criteria and seven congressionally authorized

activities is the responsibility of the Secretary of Transportation, as delegated to the FHWA. Other transportation related projects, not covered under the aforementioned exemptions, are not exempt unless the EPA Administrator, in consultation with the Secretary of Transportation, finds that they will improve air quality and not contribute to increased single occupancy vehicle (SOV) capacity.

A number of stand-alone projects which do not affect air quality but have other environmentally beneficial impacts are not specifically exempt from sanctions by the CAA. These projects may improve water quality, mitigate wetland impacts, provide landscaping, preserve historic structures, reduce noise, and have other aesthetic benefits. While the proposed policy statement would not exempt these projects, FHWA requests comments as to whether the following types of projects should be exempt from highway sanctions because of their de minimis impact on air quality. These activities are generally exempted from the CAA transportation conformity requirements (see 40 CFR §§ 51.460 and 93.134). Comments should include a discussion of the basis for the commentor's position in favor of, or against, such an exemption. FHWA would consult further with EPA before granting such an exemption.

The projects for which exemption status is being considered include:

1. Wetland mitigation;
2. Planting trees, shrubs, wildflowers;
3. Landscaping;
4. Purchase of scenic easements;
5. Billboard and other sign removal;
6. Historic preservation;
7. Transportation enhancements; and
8. Noise abatement.

Requirements which Establish the Basis for Highway Sanctions Exemptions

The Secretary of Transportation may make certain project approvals and award grants, even while the nonattainment area or State is under highway sanctions. As stated in section 179(b)(1) of the CAA, safety projects could go forward provided the Secretary of Transportation determines that, based on accident or other data, the principal purpose of the project is an improvement in safety to resolve a demonstrated safety problem and will likely result in a significant reduction in or avoidance of accidents.

In addition to safety projects, section 179(b)(1) specifically exempted seven activities from highway sanctions. Projects that the EPA Administrator, in consultation with the Secretary of Transportation, determines would

contribute to air quality improvement and would not encourage SOV capacity are also exempted. Programs and projects which are allowed to go forward under section 179(b)(1) should strive to avoid increasing or relocating emissions and congestion rather than simply reducing them.

Safety Program/Project Requirements Under 23 U.S.C.

Several programs have been established under title 23, U.S.C., expressly for the purpose of addressing safety objectives, either through programs targeted at driver behavior or safety projects intended to remediate structures, facilities, or prevent loss of human life. These programs include the:

(1) Highway Safety Improvement Program as defined under 23 CFR Part 924;

(2) the Highway Bridge Replacement and Rehabilitation Program as defined under 23 CFR Part 650, Subpart D; and

(3) grant programs whose principal purpose is to improve safety and which do not include any capital improvements, including all programs established in Chapter I or IV or 23 U.S.C. that are administered by the National Highway Traffic Safety Administration (NHTSA).

Additionally, the Transportation Management and Monitoring Systems defined under 23 CFR Part 500 (58 FR 63475, December 1, 1993), defined data requirements for six management systems and the Traffic Monitoring System. The requirements set forth in the management systems are being phased in and, with the exception of the pavement and bridge management systems, will be fully operational by October 1, 1996. The pavement and bridge management systems are required to be fully operational by October 1, 1997, and October 1, 1998, respectively. These requirements, as applied to the safety and bridge management systems, will yield additional information and data needed to support highway sanction exemptions as specified in section 179(b)(1) of the CAA. This information may be used to supplement existing data or, as it is developed, may improve existing data or information currently available.

Programs or projects stemming from the following provisions could be exempt on the basis of an established safety-related project need meeting section 179(b) requirements. Title 23 of the Code of Federal Regulations (April 1, 1994) sets forth the requirements for eligibility for Federal funding for projects under the Highway Safety Improvement Program (23 CFR Part 924) and the Highway Bridge Replacement and Rehabilitation Program (23 CFR Part

650, Subpart D) and programs administered by NHTSA (Chapters II and III of 23 CFR). These programs have been established with the purpose of addressing safety objectives and may be used to establish justification for the safety exemptions under the CAA if the section 179(b) requirements and those of this policy are fully met.

1. Highway Safety Improvement Program (23 CFR Part 924).

The Highway Safety Improvement Program requires each State to develop and implement a program which has as its goal reducing the number and severity of accidents and decreasing the potential for accidents on all highways. The program is to be continuous and its components consist of planning, implementation, and evaluation of safety programs and projects.

The implementation of the highway safety improvement program is subject to procedures set forth in 23 CFR Part 630, Subpart A, Federal-aid Programs Approval and Project Authorization, and the priorities developed in conjunction with 23 CFR Part 924, section 924.9—Planning.

The planning components of the program shall incorporate a process for collecting and maintaining a record of accident data; a process for analyzing available data to identify hazardous locations on the basis of accident experience or accident potential; a process for conducting engineering studies to develop highway safety improvements; and projects considering the potential reduction in the number and severity of accidents.

2. The Highway Bridge Replacement and Rehabilitation Program.

This program is administered in accordance with 23 U.S.C. 144. Eligible work under this program includes the total replacement of a structurally deficient or functionally obsolete bridge, a nominal amount of approach work sufficient to connect the bridge to the roadway or major work required to restore the structural integrity of a bridge as well as work necessary to correct major safety defects. Bridge projects eligible for funding under the bridge replacement and rehabilitation program must be supported by bridge inventory data and evaluation of the bridge inventory.

Projects are submitted by the State to the FHWA in accordance with 23 CFR part 630, Subpart A, Federal-aid Programs Approval and Authorization. Priority considerations will be given to those projects which will remove from service those highway bridges most in danger of failure.

3. Highway Safety Programs Administered by NHSTA.

The National Highway Traffic Safety Administration (NHTSA) administers (independently, jointly, or cooperatively with other Federal agencies) programs whose principal purpose is to improve highway safety and which do not include any capital improvements. Under these programs, the agency awards either grants, contracts, or cooperative agreements. These programs include, but are not limited to, programs authorized under chapter IV of title 23, U.S.C., such as:

Section 402, Highway Safety Programs, under which the agency promulgates guidelines and awards grants to States having approved highway safety programs designed to reduce traffic accidents and deaths, injuries and property damage;

Section 403, Highway Safety Research and Development, under which the agency engages in research on all phases of highway safety and traffic conditions and other related research and development activities which will promote highway safety;

Section 408, Alcohol Traffic Safety Programs, and section 410, Alcohol Impaired Driving Countermeasures, under which the agency makes grants to States which adopt and implement effective programs to reduce traffic safety problems resulting from persons driving while under the influence of alcohol or a controlled substance.

NHTSA programs also include, but are not limited to, programs authorized under Chapter I of title 23, U.S.C., such as:

Section 153, Use of Safety Belts and Motorcycle Helmets, under which the agency has made grants to States with effective safety belt and motorcycle helmet use laws and under which States are subject to the transfer of certain highway construction funds to section 402 programs for not having such laws in effect;

Section 154, National Maximum Speed Limit, under which States are subject to the transfer of certain highway construction funds to section 402 programs for noncompliance with the National Maximum Speed Limit requirements.

4. ISTEA Management Systems

Section 1034 of the ISTEA amended title 23, United States Code, by adding section 303, Management Systems. Section 303 requires State development, establishment, and implementation of a system for managing each of the following: highway pavement of Federal-aid highways (PMS); bridges on

and off Federal-aid highways (BMS); highway safety (SMS); traffic congestion (CMS); public transportation facilities and equipment (PTMS); and intermodal transportation facilities and systems (IMS). An interim final rule (IFR) for these systems was published on December 1, 1993, as 23 CFR part 500. The IFR allows for a phase-in of the management systems ranging over the next several years.

While each of the systems may result in the identification of strategies that benefit attainment of the NAAQS, the data available from the BMS and SMS would significantly contribute to the justification for project exemption for bridge and safety strategies identified by these systems.

The BMS (23 CFR part 500, subpart C), which must be fully operational by October 1, 1998, must include a bridge inventory database, a procedure for predicting the deterioration of bridge elements with or without intervening action, and identification of feasible actions to improve bridge condition, safety, and serviceability.

The SMS (23 CFR part 500, subpart D), which must be fully operational by October 1, 1996, is to provide information for selecting and implementing effective highway safety strategies and projects and must include identification of highway safety strategies, actions, projects or programs for consideration in development of highway safety plans, State enforcement plans, and metropolitan and statewide transportation plans and improvement programs.

The proposed policy for exemption criteria for highway sanctions follows:

HIGHWAY SANCTION EXEMPTION CRITERIA POLICY

SUBJECT: Policy for Exemption Criteria to be Used to Determine Which Projects Can Advance if the Environmental Protection Agency Imposes the Highway Funding Sanction Under section 179(a) or 110(m) of the CAA, as Amended in 1990.

FROM: Rodney E. Slater, Federal Highway Administrator U. S. Department of Transportation.
MEMO TO: Regional Administrators, Federal Lands Highway Program Administrator

The purpose of this memorandum is to define the exemption criteria that will be used to determine which projects can go forward and which grants can be awarded in the event the Environmental Protection (EPA) Agency imposes highway sanctions under section 179(a) or section 110(m) of the Clean Air Act (CAA) of 1990. This policy contains a

description of the criteria for exemptions and clarification of the types of projects and programs that are exempt. Projects for which exemptions can not be granted are also included in this policy memorandum.

A. General Description

Highway sanctions, when applied, halt the approval of projects and the award of any grants funded under title 23, United States Code (Title 23), except as defined in section 179(b) and this policy. This applies to the following major funding programs:

1. Surface Transportation Program (STP);
2. National Highway System;
3. Interstate Maintenance;
4. Bridges;
5. Interstate Construction;
6. Interstate Substitution; and
7. Congestion Mitigation and Air Quality Improvement Program (CMAQ).

Projects funded under all other Title 23 programs and other authorizations are also subject to sanctions, including demonstration projects identified by the Congress and specified in the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991 under sections 1103–1108 or in other laws, unless they meet the criteria set forth in this policy memorandum. Additionally, projects to be funded under previously authorized programs, such as Federal-aid Urban, etc., are also subject to sanction.

Projects funded under title 49, U.S.C., chapter 53, the Federal Transit Laws, as amended, are categorically exempt from sanctions by law as are other transportation programs authorized by statutes other than Title 23.

B. Typical Nonexempt Projects

The following types of projects generally do not meet the exemption criteria in section 179(b)(1) and would not be allowed to proceed if funded or approved under Title 23 unless it is demonstrated that they meet one or more of the exemption criteria. These include projects that expand highway or road capacity, nonexempt project development activities and any other project that does not explicitly meet the criteria in this notice. These may include activities for:

1. The addition of general purpose through lanes to existing roads;
2. New highway facilities on new locations;
3. New interchanges on existing highways;
4. Improvements to, or reconfiguration of, existing interchanges;
5. Additions of new access points to the existing road network;

6. Increasing functional capacity of the facility;

7. Relocating existing highway facilities;

8. Repaving or resurfacing except for safety purposes, as defined by section 179(b);

9. Nonexempt projects, project development, including NEPA documentation and preliminary engineering, right-of-way purchase, equipment purchase, and construction;

10. Stand-alone projects that do not affect air quality but have other environmentally beneficial impacts such as wetland mitigation, planting and landscaping, purchase of scenic easements, billboard and other sign removal, historic preservation, transportation enhancements, and noise abatement.

C. Project Exemptions

Under section 179(b)(1) of the CAA, once the EPA imposes highway sanctions, the FHWA may not approve or award any grants in the sanctioned area except those which fall under three categories: (1) safety programs and projects; (2) congressionally-authorized activities under section 179(b)(1)(B); and (3) air quality improvement projects that do not encourage single occupancy vehicle capacity.

1. Safety Programs and Projects

Safety projects are those for which the principal purpose is an improvement in safety but the projects may also have other important benefits. These projects must resolve a demonstrated safety problem with the likely result being a significant reduction in or avoidance of accidents as determined by the FHWA. Such demonstration must be supported by accident or other data submitted by the State or appropriate local government.

Three types of categories of safety-based programs and projects could potentially meet the exemption criteria: grant programs and related activities; statewide safety improvement programs; and specific projects outside of a statewide safety program. Each category calls for a different level of justification specific to a particular category.

a. Programs administered by the National Highway Traffic Safety Administration qualify for blanket exemptions, on the basis that their principal purpose is to improve safety and do not include any capital improvements. Programs that fall within this category include but are not limited to: Use of Safety Belts and Motorcycle Helmets (23 U.S.C. 153); National Maximum Speed Limit (23 U.S.C. 154); Highway Safety Programs (23 U.S.C.

402); Highway Safety Research and Development (23 U.S.C. 403); Alcohol Traffic Safety Programs (23 U.S.C. 408); and Alcohol-Impaired Driving Countermeasures (23 U.S.C. 401).

b. Statewide safety improvement programs include specific safety projects that can be justified on the basis of State or national level data, which will be additionally supported by data and analysis stemming from the management system requirements once the systems are fully operational. Projects meeting this exemption category would come out of the Highway Safety Improvement Program (23 CFR part 924) and the Highway Bridge Replacement and Rehabilitation Program (23 CFR part 650, subpart D). The Highway Safety Improvement Program also includes the Hazard Elimination Program (23 U.S.C. 152).

c. Specific projects for which justification is needed to show that the project is related to safety, unless the project is drawn out of a statewide safety program and would be likely to reduce accidents, would include capital projects such as:

1. Elimination of, and safety features for, railroad-highway grade crossings;
2. Repair of damage caused by natural disasters, civil unrest, or terrorist acts;
3. Changes in vertical or horizontal alignment;
4. Increasing sight distance;
5. Elimination of high hazard locations or roadside obstacles;
6. Shoulder improvements, widening narrow pavements;
7. Adding or upgrading guardrail, medians and barriers, crash cushions, fencing;
8. Pavement resurfacing or rehabilitation to improve skid resistance;
9. Replacement or rehabilitation of unsafe bridges;
10. Safety roadside rest areas, truck size and weight inspection stations;
11. Addition and upgrading of traffic control devices, (traffic signals, signs, and pavement markings);
12. Lighting improvements; and
13. Truck climbing lanes.

Justification for an exemption on the grounds of safety must be based on accident or other data such as the data derived from a safety management system, bridge management system, the Highway Safety Improvement Program, or the Highway Bridge Replacement and Rehabilitation Program. Such data need not be specific to the proposed project's location but may be based on accident or other data from similar conditions, including national experience where such projects have been implemented to remove safety hazards. For example,

rigid highway sign posts were identified in the past as a safety hazard causing unnecessary deaths and injuries. The identification of this hazard led to national policy requiring rigid posts to be replaced with breakaway poles.

Projects exempted under the safety provision may not involve substantial functional (such as upgrading major arterial to freeways), locational, or capacity changes except when the safety problem could not otherwise be solved. Although substantial changes to the function, location, or capacity have been previously allowed for projects funded under Emergency Relief, such projects could not proceed under sanction.

2. Congressionally Authorized Activities

Seven project types are identified specifically in CAA section 179(b)(1) as exempt from highway sanctions. Essentially these are projects that discourage single occupancy vehicles or improve traffic flow (e.g., intersections, turning lanes) in ways that reduce congestion and emissions:

a. Capital programs for public transit. These include any capital investment for new construction, rehabilitation, replacement, or reconstruction of facilities and acquisition of vehicles and equipment;

b. Construction or restriction of certain roads or lanes solely for the use of passenger buses or high occupancy vehicles (HOV). Exempt projects include construction of new HOV lanes, if those lanes are solely dedicated as 24-hour HOV facilities, and converting existing lanes for HOV use during peak hours, including capital costs necessary to restrict existing lanes (barriers, striping, signage, etc.);

c. Planning for requirements for employers to reduce employee work trip-related vehicle emissions. This also includes promotional and other activities associated with this type of program that are eligible under Title 23;

d. Highway ramp metering, traffic signalization, and related programs that improve traffic flow and achieve a net emission reduction;

e. Fringe and transportation corridor parking facilities serving multiple occupancy vehicle programs or transit operations (this includes the construction of new facilities and the maintenance of existing facilities);

f. Programs to limit or restrict vehicle use in downtown areas or other areas of emission concentration, particularly during periods of peak use, through road use charges, tolls, parking surcharges, or other pricing mechanisms, vehicle restricted zones or periods, or vehicle registration programs; exempt projects include all

activities of these types that are eligible under existing funding programs; and

g. Programs for breakdown and accident scene management, nonrecurring congestion, and vehicle information systems, to reduce congestion and emissions.

The FHWA will consult with the EPA on any project claimed to reduce emissions; that is, with projects falling under paragraphs c, d, and g, above. The final authority to determine whether a project meets the criteria in this section and is therefore exempt from highway sanctions, however, rests with the FHWA.

3. Air Quality Improvement Programs That Do Not Encourage Single Occupancy Vehicle Capacity

Transportation programs not otherwise exempt that improve air quality and which would not encourage single occupancy vehicle capacity (as determined by EPA in consultation with DOT) are also exempt from highway sanctions.

For example, transportation control measures (TCMs) listed in section 108(f) of the CAA and projects funded under 23 U.S.C. 149, the Congestion Mitigation and Air Quality Improvement (CMAQ) program, are projects which the EPA and DOT may, after individual review of each project, find to be exempt from highway sanctions. For these projects to advance while highway sanctions are in place, the State must submit to DOT an emissions reduction analysis similar to that required under the CMAQ program. Upon receipt, DOT will forward it to the EPA. The EPA will complete its review and make its finding regarding air quality and single occupancy vehicle travel within 14 days of receipt of such information.

The EPA and DOT have agreed that the following projects will be categorically exempt from highway sanctions, and will not require additional EPA review or an individual finding by EPA:

a. TCMs included in an EPA-approved State Implementation Plan (SIP) or Federal Implementation Plan which have emission reduction credit and will not encourage single occupant vehicle travel;

b. Inspection and maintenance facilities and activities eligible for CMAQ funding;

c. Bicycle and pedestrian facilities and programs; and

d. Carpool/Vanpool programs.

In considering exempt projects, States should seek to ensure adequate access to downtown and other commercial and residential areas, and avoid increasing

or relocating emissions and congestion rather than reducing them.

D. Planning and Research Activities

Planning and research activities for transportation and/or air quality purposes are exempt from highway sanctions (except as noted in Section E. Project Development Activities). Such planning and research is critical for the development of projects that improve safety and address an area's transportation/air quality needs. Planning and research activities include development of major investment studies which may be coupled with the draft Environmental Impact Statement or Environmental Assessment. Major investment studies take a multimodal approach in considering transportation alternatives (including new highway capacity) which would be exempt from highway sanctions if advanced as stand alone projects.

Research activities also include those research, development, testing, and planning projects involving the National Intelligent Transportation Systems (ITS) Program. The goal of the ITS Program is to use advanced technology to improve travel and roadway safety without expanding existing infrastructure. ITS activities are generally done under seven broad categories: Travel and transportation management; travel demand management; public transportation operations; electronic payment; commercial vehicle operations; emergency management; and advanced vehicle control and safety systems.

For these reasons, planning and research activities can continue even under highway sanctions. These studies may be carried out with any Title 23 program funds (metropolitan planning, state planning and research, STP, or other programs) under Sections 134, 135, and 307 or other relevant sections.

E. Project Development Activities

Development and completion of studies that are necessary to meet requirements under the National Environmental Policy Act (NEPA) are exempt from highway sanctions as long as consideration of projects that would be exempt under the policy statement, such as transit or other transportation demand management (TDM) measures, are actively pursued as reasonable independent alternatives. Once all alternatives that could be considered exempt from highway sanctions under this policy statement are eliminated, project development activities for NEPA or other purposes are no longer exempt and can no longer be approved if they are to be funded under Title 23. For

example, if prior to completion of NEPA documentation, all TDM measures are eliminated from consideration and the sole remaining question is the determination of an alignment for a highway capacity-expanding project (which may include TDM), subsequent project development activities are not exempt from highway sanctions.

The FHWA may not approve preliminary engineering for final design of a project, nor can approval be granted for a project's plans, specifications, and estimates (PS&E) after initiation of highway sanctions for projects that are not exempt under this policy. Neither right-of-way nor any necessary equipment may be purchased or leased with Federal funds for nonexempt projects while an area is under sanction. Federally-funded construction may not in any way begin on a project that does not meet the exemption criteria described in this policy while an area is under sanction.

Highway sanctions apply to those projects whose funds have not yet been obligated by the FHWA by the date the highway sanction applies. Those projects that have already received approval to proceed and had obligated funds before the EPA imposes the prohibition may proceed even while the area is under sanction, if no other FHWA action is required to proceed. In the case of a phased project, only those phases that have been approved and had obligated funds prior to the date of sanction application may proceed. For example, if preliminary engineering for a project was approved and funds were obligated prior to application of sanctions but no approval was secured for later project phases (such as right-of-way acquisition, construction, etc.), preliminary engineering could proceed while the highway sanction applies but no subsequent phases of the project could proceed with Federal highway funds unless the total project meets the exemption criteria in this policy. These restrictions pertain only to project development activities that are to be approved or funded under Title 23. Activities funded under title 49, U.S.C., or through State or other funds may proceed even after highway sanctions have been imposed unless: (1) approval or action by FHWA under title 23 is required; and (2) they do not otherwise meet the exemption criteria of this policy statement.

F. Other Environmental Requirements

Exemption of a transportation project from the section 179(b)(1) highway sanctions does not waive any applicable requirements under the NEPA (e.g., environmental documents), section

176— of the CAA (conformity requirement), or other Federal law.

Authority: 42 U.S.C. 7509(b); 23 U.S.C. 315; and 49 CFR 1.48.

Issued on: June 22, 1995.

Rodney E. Slater,

Federal Highway Administrator.

[FR Doc. 95-16103 Filed 6-29-95; 8:45 am]

BILLING CODE 4910-22-P

Maritime Administration

[Docket S-921]

Matson Navigation Company, Inc.;
Notice of Application for Written
Consent Pursuant to Section 506 of the
Merchant Marine Act, 1936, as
amended, for the Transfer of the
President Hoover, President Grant, and
President Tyler to the Domestic Trade

Notice is hereby given that Matson Navigation Company, Inc. (Matson), by letter of June 19, 1995, requests a waiver of the provisions of section 506 of the Merchant Marine Act, 1936, as amended (Act), so as to permit Matson to operate in exclusively domestic service during the year commencing December 1, 1995, the U.S.-Flag C-8 containerships the President Hoover, President Grant, and President Tyler (Vessels) not to exceed six months, with respect to each vessel, during that year period. The Vessels were built in the United States with the aid of construction-differential subsidy (CDS), and are currently owned by American President Lines, Ltd. (APL). Matson intends to purchase the Vessel from APL.

Matson states that it intends to use the C-8S both in its Transpacific Alliance (Alliance) service, as well as in its Pacific Coast Shuttle (PCS) service, where they will engage on voyages among Vancouver, British Columbia, Canada; Seattle, Washington; Los Angeles and Oakland, California. The itinerary of the Alliance service vessels westbound will involve departures from California ports with calls at Honolulu and Guam outbound before arrival as Asian ports. The outbound calls at Hawaii and Guam are specifically permitted under section 506 of the Act. Matson explains that due to operational exigencies involved in the start-up of the Alliance service, it is likely that the Vessels will have to be used interchangeably among the Alliance and PCS services for an indefinite period. However, Matson indicates that only two of the Vessels will be used in the PCS service at any time. Acquisition of the C-8s will mean that the PCS can be expanded to a twice weekly service, and

that Oakland, CA can be added as port of call.

Any person, firm, or corporation having any interest in the application for section 506 consent and desiring to submit comments concerning Matson's request must by 5:00 p.m. on July 17, 1995, file written comments in triplicate, to the Secretary, Maritime Administration, Room 7210, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590. The Maritime Administration, as a matter of discretion, will consider any comments submitted and take such action as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 20.800 Construction-Differential Subsidies (CDS)).

By Order of the Maritime Administrator.

Dated: June 27, 1995.

Joel C. Richard,

Secretary, Maritime Administration.

Federal Transit Administration

Environmental Impact Statement on
the Introduction of Transportation
Improvements on the East Side of New
York County, NY

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The FTA, the Federal Highway Administration (FHWA) and the New York City Transit Authority (NYC Transit) are issuing this notice to advise the public and all other interested parties that in accordance with the National Environmental Policy Act (NEPA), an Environmental Impact Statement (EIS) will be prepared for transportation improvements that will improve mobility on the east side of the island of Manhattan within the City of New York. NYC Transit will ensure that the EIS also satisfies the requirements of the State of New York Environmental Quality Review Act and the intent of the City of New York Environmental Quality Act. The Draft EIS (DEIS) will include a Major Investment Study (MIS) in accordance with the joint FTA/FHWA Metropolitan Planning Requirements, 23 CFR part 450.

High levels of auto congestion in the study area influence the region's ability to meet National Ambient Air Quality standards. The MIS/DEIS process will clearly identify these and other mobility problems in the study area and evaluate any alternative actions generated through the scoping process. Among the alternatives that the MIS/DEIS effort will evaluate are the No-Action and