

(801) 965-4327. For USACE: Mr. Nathan Green, U.S. Corp. of Engineers, Colorado/Gunnison Basin, 400 Road Avenue, Room 142, Grand Junction, Colorado 81501 or Telephone (970) 243-1199.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that the FHWA, USACE, and other Federal agencies have taken final agency actions subject to 23 U.S.C. 139(J)(1) by issuing licenses, permits, and approvals for the following highway project in the State of Utah:

Browns Park Road, Red Creek to Colorado State Line in the State of Utah. The selected alternative and least environmentally damaging practicable alternative (LEPDA) will address and rectify safety and mobility deficiencies and improve emergency response times on the existing Browns Park Road by linking Browns Park Road in Utah that junctions with U.S. Highway 191 (Scenic Byway) near the Utah-Wyoming border, to Colorado State Route 318, a distance of approximately 16.8 miles. The selected alternative generally follows the existing Browns Park Road alignment except for the Jesse Ewing Canyon portion, which would be routed to the west to reduce grades and provide a safer route of travel.

The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Final Environmental Impact Statement (FEIS) for the project, approved on March 31, 2006, in the FHWA Record of Decision (ROD) issued on July 27, 2006, and in other documents in the FHWA project files. The FEIS, ROD, and other project records are available by contacting the FHWA or the Utah Department of Transportation at the addresses provided above. The FHWA FEIS and ROD can be viewed and downloaded from the project Web site at <http://www.udot.utah.gov/> or viewed at public libraries in the project area. The USACE decision and permit (USACE Permit SPK-2007-1461) are available by contacting U.S. Army Corp of Engineers.

This notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. General: National Environmental Policy Act (NEPA) [42 U.S.C. 4321-4351]; Federal-Aid Highway Act [23 U.S.C. 109 and 23 U.S.C. 128].

2. Air: Clean Air Act [42 U.S.C. 7401-7671(q)].

3. Land: Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303]; Landscaping and Scenic Enhancement (Wildflowers) [23 U.S.C. 319].

4. Wildlife: Endangered Species Act [16 U.S.C. 1531-1544 and Section 1536]; Marine Mammal Protection Act [16 U.S.C. 1361]; Fish and Wildlife Coordination Act [16 U.S.C. 661-667(d)]; Migratory Bird Treaty Act [16 U.S.C. 703-712].

5. Historic and Cultural Resources: Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470(f) et seq.]; Archeological Resources Protection Act of 1977 [16 U.S.C. 470(aa)-470(ll)]; Archeological and Historic Preservation Act [16 U.S.C. 469-469(c)]; Native American Grave Protection and Repatriation Act (NAGPRA) [25 U.S.C. 3001-3013].

6. Social and Economic: Civil Rights Act of 1964 [42 U.S.C. 2000(d)-2000(d)(1)]; American Indian Religious Freedom Act [42 U.S.C. 1996]; Farmland Protection Policy Act (FPPA) [7 U.S.C. 4201-4209].

7. Wetlands and Water Resources: Clean Water Act (Section 404, Section 401, Section 319) [33 U.S.C. 1251-1377]; Land and Water Conservation Fund (LWCF) [16 U.S.C. 4601-4604]; Safe Drinking Water Act (SDWA) [42 U.S.C. 300(f)-300(j)(6)]; Rivers and Harbors Act of 1899 [33 U.S.C. 401-406]; Wild and Scenic Rivers Act [16 U.S.C. 1271-1287]; Emergency Wetlands Resources Act, [16 U.S.C. 3921, 3931]; Wetlands Mitigation [23 U.S.C. 103(b)(6)(M) and 133(b)(11)]; Flood Disaster Protection Act, 42 U.S.C. 4001-4128.

8. Executive Orders: E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations; E.O. 11593 Protection and Enhancement of Cultural Resources; E.O. 13007 Indian Sacred Sites; E.O. 13287 Preserve America; E.O. 13175 Consultation and Coordination with Indian Tribal Governments; E.O. 11514 Protection and Enhancement of Environmental Quality; E.O. 13112 Invasive Species.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program)

**Authority:** 23 U.S.C. 139(l)(1)

Issued on: Wednesday, November 14, 2007.

**Walter C. Waidelich, Jr.,**

*Division Administrator, Salt Lake City.*

[FR Doc. E7-22734 Filed 11-20-07; 8:45 am]

**BILLING CODE 4910-RY-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

[Docket No: FTA-2007-0012]

#### National Transit Database: Strike Adjustments for Urbanized Area Apportionments

**AGENCY:** Federal Transit Administration (FTA), DOT.

**ACTION:** Notice of New Policy on Strike Adjustments for Urbanized Area Formula Grant Apportionment Data.

**SUMMARY:** This notice provides interested parties with the opportunity to comment on changes to the Federal Transit Administration's (FTA) National Transit Database (NTD) policy on strike adjustments. On March 12, 2007, FTA provided notice to NTD reporters that it was changing its policy on strikes, to permit transit agencies to request an adjustment to their NTD data that are used in the apportionment of Urbanized Area Formula Grants to offset the effect of strikes, retroactive to the 2005 Report Year. FTA invites the public to comment on this policy change.

**DATES:** Comments must be received on or before December 21, 2007. FTA will consider comments filed after this date to the extent practicable.

**ADDRESSES:** You may submit comments [identified by DOT Docket ID Number FTA-2007-0012] at the Federal eRulemaking Portal at: <http://www.regulations.gov>. Follow the online instructions for submitting comments  
Fax: 202-493-2251.

Mail: Docket Management Facility: U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12-140, Washington, DC 20590-0001.

Hand Delivery or Courier: West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

**Instructions:** When submitting comments, you must use docket number FTA-2007-0012. This will ensure that your comment is placed in the correct docket. If you submit comments by mail, you should submit two copies and include the above docket number. Note that all comments received will be posted, without change, to <http://www.regulations.gov> including any personal identifying information.

**FOR FURTHER INFORMATION CONTACT:** For program issues, John D. Giorgis, Office of Budget and Policy, (202) 366-5430 (telephone); (202) 366-7989 (fax); or [john.giorgis@dot.gov](mailto:john.giorgis@dot.gov) (e-mail). For legal issues, Richard Wong, Office of the

Chief Counsel, (202) 366-0675 (telephone); (202) 366-3809 (fax); or [richard.wong@dot.gov](mailto:richard.wong@dot.gov) (e-mail).

**SUPPLEMENTARY INFORMATION:**

**I. Background**

The National Transit Database (NTD) is the Federal Transit Administration's (FTA's) primary database for statistics on the transit industry. Congress established the NTD to "help meet the needs of \* \* \* the public for information on which to base public transportation service planning \* \* \*" (49 U.S.C 5335). Currently, over 650 transit agencies in urbanized areas report to the NTD through an Internet-based reporting system. Each year, performance data from these submissions are used to apportion over \$4 billion of FTA funds under the Urbanized Area Formula Grants Program. These data are also used in the annual National Transit Summaries and Trends report, the biennial Conditions and Performance Report to Congress, and in meeting FTA's obligations under the Government Performance and Results Act.

For many years, it was FTA's policy to not adjust performance data submitted to the NTD to offset the effect of strikes. On March 12, 2007, FTA provided notice to NTD reporters that it was changing its policy on strikes, to permit transit agencies to request an adjustment to their NTD data that are used in the apportionment of Urbanized Area Formula Program Funds to offset the effect of strikes, retroactive to the 2005 Report Year. An internal review in FTA found that this policy had not been subject to public notice-and-comment at that time. Pursuant to 49 U.S.C. 5334(l), FTA now invites comments on this change.

**II. Proposed Policy Change**

FTA proposes to allow urbanized area transit agencies to request that their NTD data submissions be adjusted to offset the effects of strikes for purposes of the apportionment of Urbanized Area Formula Program Grants. Requesting transit agencies must provide FTA with documentation for the duration of the strike. FTA will then use the transit agency's NTD submissions to project performance data for the time period in question. These projections would then be added to the transit agency's NTD submission in the data sets used by FTA for the calculation of the apportionments of Urbanized Area Formula Program Grants (Section 5307 and Section 5309 Grants). The NTD data in all publicly-available data sets and data products would remain unadjusted,

and would reflect the actual NTD submission for the agency.

FTA proposes this policy change because the Section 5307 and Section 5309 Grant Programs are fundamentally designed to support the capital needs of transit agencies in urbanized areas. As such, various performance data are used to approximate the relative capital needs of the various urbanized areas. These capital needs are unaffected by strikes, even though strikes may produce a substantial decrease in the performance data for an urbanized area.

Further, FTA proposes to make this policy retroactive to the FY 2005 Report Year, to allow urbanized areas that were negatively impacted by strikes in the 2005 and 2006 Report Years in the formula apportionment to avail themselves of this policy.

Issued in Washington, DC, this 15th day of November 2007.

**James S. Simpson,**

*Administrator.*

[FR Doc. E7-22766 Filed 11-20-07; 8:45 am]

**BILLING CODE 4910-57-P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Transit Administration**

[Docket No: FTA-2007-0013]

**National Transit Database:  
Amendments to Safety & Security  
Reporting Manual**

**AGENCY:** Federal Transit Administration (FTA), DOT.

**ACTION:** Notice of Availability of Proposed Amendments to the 2008 National Transit Database Safety & Security Reporting Manual.

**SUMMARY:** This notice provides interested parties with the opportunity to comment on changes to the Federal Transit Administration's (FTA) 2008 *National Transit Database (NTD) Safety & Security Reporting Manual (Safety & Security Manual)*. Pursuant to 49 U.S.C. 5335, FTA requires those transit agencies that are reporting to the NTD from urbanized areas to provide reports within 30 days of a major safety or security incident, and to provide a monthly report on minor safety and security incidents. In an ongoing effort to improve the NTD reporting system, and to be responsive to the needs of NTD data users and of the transit agencies reporting to the NTD, FTA annually refines and clarifies the Safety & Security Module reporting requirements through revisions to the Safety & Security Manual.

**DATES:** Comments must be received on or before December 21, 2007. FTA will

consider comments filed after this date to the extent practicable.

**ADDRESSES:** You may submit comments [identified by DOT Docket ID Number FTA-2007-0013] at the Federal eRulemaking Portal at: <http://www.regulations.gov>. Follow the online instructions for submitting comments.

*Fax:* 202-493-2251.

*Mail:* Docket Management Facility: U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12-140, Washington, DC 20590-0001.

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*Instructions:* When submitting comments you must use docket number FTA-2007-0013. This will ensure that your comment is placed in the correct docket. If you submit comments by mail, you should submit two copies and include the above docket number. Note that all comments received will be posted, without change, to <http://www.regulations.gov> including any personal identifying information.

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Currently, over 650 transit agencies in urbanized areas report to the NTD through an Internet-based reporting system. Since 2002, the NTD has included an expanded Safety & Security Module in order to meet the increased public interest in transit safety and security data. Data from the Safety & Security NTD Module are used by FTA's Office of Safety and Security, the Department of Homeland Security, the National Transportation Safety Board, and in the biennial *Conditions and Performance Report to Congress*. NTD reporters are required to submit a report on major incidents to the Safety & Security Module within 30 days of the