

your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Documents that describe the Parks' proposed ATMP project in greater detail are available at the following locations:

- FAA Air Tour Management Plan Program website, http://www.faa.gov/about/office_org/headquarters_offices/arc/programs/air_tour_management_plan/.
- NPS Planning, Air Tours website, <https://home.nps.gov/subjects/sound/airtours.htm>.

Issued in El Segundo, CA. On October 8, 2021.

Kevin Lusk,

Program Manager, Special Programs Office, Western-Pacific Region.

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DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Limitation on Claims Against Proposed Public Transportation Projects

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice.

SUMMARY: This notice announces final environmental actions taken by the Federal Transit Administration (FTA). The purpose of this notice is to announce publicly the environmental decisions by FTA on the subject projects and to activate the limitation on any claims that may challenge these final environmental actions.

DATES: A claim seeking judicial review of FTA actions announced herein for the listed public transportation projects will be barred unless the claim is filed on or before March 14, 2022.

FOR FURTHER INFORMATION CONTACT:

Kathryn Loster, Assistant Chief Counsel, Office of Chief Counsel, (312) 353-3869 or Saadat Khan, Environmental Protection Specialist, Office of Environmental Programs, (202) 366-9647. FTA is located at 1200 New Jersey Avenue SE, Washington, DC 20590. Office hours are from 9:00 a.m. to 5:00 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: Notice is hereby given that FTA has taken final agency actions subject to 23 U.S.C. 139(l) by issuing certain approvals for the public transportation projects listed

below. The actions on the projects, as well as the laws under which such actions were taken, are described in the documentation issued in connection with the projects to comply with the National Environmental Policy Act (NEPA) and in other documents in the FTA environmental project file for the project. Interested parties may contact either the project sponsor or the relevant FTA Regional Office for more information. Contact information for FTA's Regional Offices may be found at <https://www.transit.dot.gov>.

This notice applies to all FTA decisions on the listed projects as of the issuance date of this notice and all laws under which such actions were taken, including, but not limited to, NEPA [42 U.S.C. 4321-4375], Section 4(f) requirements [23 U.S.C. 138, 49 U.S.C. 303], section 106 of the National Historic Preservation Act [54 U.S.C. 306108], Endangered Species Act [16 U.S.C. 1531], Clean Water Act [33 U.S.C. 1251], the Uniform Relocation and Real Property Acquisition Policies Act [42 U.S.C. 4601], and the Clean Air Act [42 U.S.C. 7401-7671q]. This notice does not, however, alter or extend the limitation period for challenges of project decisions subject to previous notices published in the **Federal Register**. The projects and actions that are the subject of this notice follow:

1. *Project name and location:* Illinois Terminal Expansion Project, Champaign County, Illinois. *Project Sponsor:* Champaign-Urbana Mass Transit District (MTD), Urbana, Illinois. *Project description:* The project involves Illinois Terminal expansion on parcels north of Logan Street, construction of dedicated intercity and rural bus platforms to reduce bus congestion, construction of controlled pedestrian access to bus platforms, and visibility improvements. The project also includes interior renovation and expansion of the Illinois Terminal including waiting areas, passenger amenities and creating green space. *Final agency action:* Section 106 no adverse effect determination, dated March 24, 2021; Illinois Terminal Expansion Finding of No Significant Impacts (FONSI), dated September 2, 2021. *Supporting documentation:* Illinois Terminal Expansion Environmental Assessment (EA), dated May 25, 2021. The EA, FONSI and associated documents can be viewed and downloaded from: <https://mtd.org/inside/projects/illinois-terminal-expansion/>.

2. *Project name and location:* Rush Line Bus Rapid Transit (BRT) Project, Ramsey County, Minnesota. *Project Sponsor:* Ramsey County Regional Railroad Authority, Saint Paul,

Minnesota. *Project description:* The Rush Line BRT Project is a 15-mile BRT route connecting Saint Paul, Maplewood, White Bear Township, Vadnais Heights, Gem Lake and White Bear Lake. The BRT route will operate in both a dedicated guideway and mixed traffic along Robert Street, Jackson Street, Phalen Boulevard, Ramsey County rail right-of-way and Highway 6. The project involves construction of 21 stations consisting of: Station platforms; shelters; ticket machines for off-board fare purchase; real-time bus schedule information; bicycle parking; on-demand heat; trash and recycling bins; emergency telephones; security cameras; energy-efficient LED station lighting; and information about the station, route, transit system and neighborhood. The project would also serve one existing park-and-ride at the Maplewood Mall Transit Center, and include construction of two park-and-rides facilities at Highway 36 and County Road E.

Final agency actions: Section 4(f) individual use and *de minimis* impact determination; Section 106 Memorandum of Agreement, dated October 1, 2021; and Rush Line Bus Rapid Transit (BRT) Project Finding of No Significant Impacts (FONSI), dated October 05, 2021. *Supporting documentation:* Rush Line Bus Rapid Transit (BRT) Project Environmental Assessment (EA), dated, May 11, 2021. The EA, FONSI and associated documents can be viewed and downloaded from: <https://www.ramseycounty.us/residents/roads-transportation/transit-corridors-studies/rush-line-brt-project/environmental-process>.

3. *Project name and location:* Penn Station Access Project, New York City and New Rochelle, New York. *Project Sponsor:* Metropolitan Transportation Authority (MTA), New York, New York. *Project description:* The project will provide new rail service from New Haven, Connecticut to Penn Station New York (PSNY) in Manhattan by utilizing Amtrak's Hell Gate Line (HGL) on the Northeast Corridor (NEC), through the eastern Bronx and western Queens. The project will make infrastructure improvements on the HGL beginning in southeastern Westchester County and extending to Harold Interlocking in Queens, joining the MTA Long Island Rail Road (LIRR) Main Line. The project also involves construction of four new Metro-North stations in the eastern Bronx at Hunts Point, Parkchester-Van Nest, Morris Park, and Co-op City. *Final agency action:* Section 4(f) *de minimis* impact determination; Section 106

Programmatic Agreement, dated September 24, 2021; Penn Station Access Project Finding of No Significant Impacts (FONSI), dated September 24, 2021. *Supporting documentation:* Penn Station Access Project Environmental Assessment (EA), dated May 13, 2021. The EA, FONSI and associated documents can be viewed and downloaded from: <https://pennstationaccess.info/environmental-assessment>.

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

Mark A. Ferroni,

Deputy Associate Administrator for Planning and Environment.

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-2020-0054; Notice 2]

Notice of Grant of Petition for Decision That Nonconforming Model Year 2019 Schuler Spezialfahrzeuge GmbH Trailer Is Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, Department of Transportation (DOT).

ACTION: Grant of petition.

SUMMARY: This document announces the National Highway Traffic Safety Administration's (NHTSA's) grant of a petition for a decision that a model year (MY) 2019 Schuler Spezialfahrzeuge GmbH trailer that was not originally manufactured to comply with all applicable Federal motor vehicle safety standards (FMVSS) is eligible for importation into the United States because it is capable of being readily altered to conform with all applicable Federal Motor Vehicle Safety Standards (FMVSS).

FOR FURTHER INFORMATION CONTACT: Robert Mazurowski, Office of Vehicle Safety Compliance, NHTSA (202-366-1012).

SUPPLEMENTARY INFORMATION:

I. Background

A motor vehicle that was not originally manufactured to conform to all applicable FMVSS may be eligible for import into the United States if NHTSA determines that the motor vehicle is capable of being readily altered to conform to all applicable FMVSS. See 49 U.S.C. 30141(a). “[I]f there is no substantially similar United States motor vehicle,” NHTSA may determine that “the safety features of

the vehicle comply with or are capable of being altered to comply with those standards based on destructive test information or other evidence the Secretary of Transportation decides is adequate.” *Id.* 30141(a)(1)(B). The term “motor vehicle” includes trailers that “are manufactured primarily for use on public streets, roads, and highways.” See *id.* 30102(a)(7). If NHTSA determines that a nonconforming vehicle is import eligible, any such nonconforming vehicle imported into the United States must be modified into conformance and certified as conforming by a registered importer before it is sold or otherwise released from the custody of the registered importer. 49 U.S.C. 30146(a)(1); 49 CFR 592.6.¹

Petitions for import eligibility decisions may be submitted by either manufacturers or registered importers and must comply with the requirements set forth in 49 CFR 593.6. A petition based on the capability of the vehicle to comply with all applicable FMVSS include, among other things, “data, views, and arguments demonstrating that the vehicle [which is the subject of the petition] has safety features that comply with or are capable of being modified to conform with such standard.” *Id.* 593.6(b)(2). “The latter demonstration [must] include a showing that after such modifications, the features will conform with such standard.” *Id.*

As specified in 49 CFR 593.7, NHTSA publishes notice of each petition that it receives in the **Federal Register** and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides whether the vehicle is eligible for importation based on the petition, its review of any comments received, and the agency's own analysis. NHTSA will grant a petition for import eligibility if it “determines that the petition clearly demonstrates that the vehicle model is eligible for importation” and will deny the petition if it “determines that the petition does not clearly demonstrate that the vehicle model is eligible for importation.” 49 CFR 593.7(e)-(f). NHTSA then publishes its decision and the reasons for it in the **Federal Register**. *Id.*

II. Discussion of Petition

Skytop Rover Co., Inc., (Registered Importer R-6-343), of Philadelphia, Pennsylvania has petitioned NHTSA to

decide whether a nonconforming MY 2019 Schuler Spezialfahrzeuge GmbH trailer (the Subject Vehicle) is eligible for importation into the United States. Petitioner contends the Subject Vehicle's “safety features comply with or are capable of being modified to comply with all applicable Federal motor vehicle safety standards.” Petitioner states the Subject Vehicle “is a custom-built trailer made in Germany by Schuler Spezialfahrzeuge GmbH” and “there is no substantially similar trailer for comparison purposes.”² Petitioner states the Gross Vehicle Weight Rating (GVWR) of the Subject Vehicle is 60,295 lbs. (27,349 kg).

Petitioner states that the Subject Vehicle “was developed and manufactured using ‘off the shelf’ DOT compliant components” and “has safety features which comply with or are capable of being modified to conform to all applicable Federal motor vehicle safety standards.” Petitioner contends that the Subject Vehicle, as originally manufactured, complies with or is not subject to FMVSS Nos. 108 (Lamps, Reflective Devices and Associated Equipment), 119 (New Pneumatic Tires), 120 (Tire and Rim Selection), 121 (Air Brake Systems), 223 (Rear Impact Guards), and 224 (Rear Impact Protection).

With respect to FMVSS No. 108 (Lamps, Reflective Devices and Associated Equipment), Petitioner claims the vehicle meets all aspects of this standard and provided photographs of the lighting and retroreflective tape on the vehicle as equipped. These photographs, however, showed no retroreflective tape applied to the upper corners of the rear extremity of the vehicle as required under this FMVSS.

With respect to FMVSS No. 119 (New Pneumatic Tires), Petitioner claims and provided photographs demonstrating that the vehicle is equipped with tires that bear the relevant “DOT” markings/symbols and all required information for U.S. DOT certification.

With respect to FMVSS No. 121 (Air Brake Systems), Petitioner claims the vehicle meets all aspects of this standard and provided a test report detailing the service brake and park brake actuation and release timing. The test report showed results within the requirements for brake actuation specified for this FMVSS.

With respect to FMVSS Nos. 223 (Rear Impact Guards) and 224 (Rear Impact Protection), Petitioner claims the

¹ A registered importer is an importer that has registered with NHTSA under 49 CFR part 592 and is therefore authorized to modify and then certify imported vehicles as compliant with all applicable FMVSS.

² Because the Subject Vehicle is a custom-built trailer, the grant of this import eligibility petition applies only to the Subject Vehicle and does not create a category of import eligible trailers or otherwise apply to any other trailers.