

Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–NASDAQ–2024–008 and should be submitted on or before April 11, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>21</sup>

**Sherry R. Haywood,**  
Assistant Secretary.

[FR Doc. 2024–05945 Filed 3–20–24; 8:45 am]

**BILLING CODE 8011–01–P**

## DEPARTMENT OF TRANSPORTATION

[Docket No. FAA–2023–2372]

### Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Application for Certificate of Waiver or Authorization

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request Office of Management and Budget (OMB) approval to renew an information collection. This collection affects persons who have a need to deviate from certain regulations that govern use of airspace within the United States. The request also describes the burden associated with authorizations to make parachute jumps and operate unmanned aircraft (including moored balloons, kites, unmanned rockets, and unmanned free balloons) and small unmanned aircraft systems.

**DATES:** Written comments should be submitted by April 22, 2024.

**ADDRESSES:** Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting “Currently under 30-day Review—Open

for Public Comments” or by using the search function.

**FOR FURTHER INFORMATION CONTACT:** Raymond Plessinger by email at: [raymond.plessinger@faa.gov](mailto:raymond.plessinger@faa.gov); phone: (717) 774–8271.

#### SUPPLEMENTARY INFORMATION:

*Public Comments Invited:* You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA’s performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information.

*OMB Control Number:* 2120–0027.

*Title:* Application for Certificate of Waiver or Authorization.

*Form Numbers:* FAA form 7711–2.

*Type of Review:* Renewal.

*Background:* The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on December 6, 2023 (88 FR 84871). The information collected by FAA Form 7711–2, Application for Certificate of Waiver or Authorization, is reviewed and analyzed by the FAA to determine the type and extent of the intended deviation from prescribed regulations. A certificate of waiver or authorization to deviate is generally issued to the applicant (individuals and businesses) if the proposed operation does not create a hazard to persons, property, or other aircraft, and includes the operation of unmanned aircraft. Applications for certificates of waiver to the provisions of parts 91 and 101 are made by using FAA Form 7711–2. Application for authorization to make parachute jumps (other than emergency or military operations) under part 105, section 105.15 (airshows and meets) also uses FAA Form 7711–2. Application for other types of parachute jumping activities are submitted in various ways; e.g., in writing, in person, by telephone, etc.

Persons authorized to deviate from provisions of part 101 are required to give notice of actual activities. Persons operating in accordance with the provisions of part 101 are also required to give notice of actual activities. In both instances, the notice of information required is the same. Therefore, the burden associated with applications for certificates of waiver or authorization and the burden associated with notices of actual aircraft activities are identified and included in this request for clearance.

Regarding operation of small unmanned aircraft systems under part 107, to obtain a certificate of waiver, an applicant will have to submit a request containing a complete description of the proposed operation and a justification, including supporting data and documentation as necessary that establishes that the proposed operation can safely be conducted under the terms of a certificate of waiver. The FAA expects that the amount of data and analysis required as part of the application will be proportional to the specific relief that is requested.

*Respondents:* 26,495, including approximately 5,500 annual applications for waivers from certain sections of Part 107.

*Frequency:* On occasion.

*Estimated Average Burden per Response:* 45 minutes for non-part 107 waivers; 45.7 hours for part 107 waivers.

*Estimated Total Annual Burden:* 19,871 hours (not-part 107) + 251,520 (part 107) = 271,391 hours.

Issued in Washington, DC, on March 15, 2024.

**D.C. Morris,**

*Aviation Safety Analyst, Flight Standards Service, General Aviation and Commercial Division.*

[FR Doc. 2024–05964 Filed 3–20–24; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

[Docket No.: FHWA–2023–0002]

#### Promoting Resilient Operations for Transformative, Efficient, and Cost-Saving Transportation Discretionary Program Metrics

**AGENCY:** Federal Highway Administration (FHWA), U.S. Department of Transportation (DOT).

**ACTION:** Notice; request for comments.

**SUMMARY:** The FHWA is establishing metrics for the purpose of evaluating the effectiveness and impacts of projects under the Promoting Resilient Operations for Transformative, Efficient, and Cost-Saving Transportation (PROTECT) Discretionary Grant Program. The FHWA will select a representative sample of projects to evaluate using these metrics. This notice fulfills FHWA’s requirement to publish the proposed metrics in the **Federal Register** for public comment.

**DATES:** Submit comments on the proposed metrics by May 20, 2024.

**ADDRESSES:** To ensure that you do not duplicate your docket submissions,

<sup>21</sup> 17 CFR 200.30–3(a)(12).

please submit comments by only one of the following means:

- *Federal eRulemaking Portal*: Go to [www.regulations.gov](http://www.regulations.gov) and follow the online instructions for submitting comments.

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

- *Hand Delivery*: West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9:00 a.m. and 5:00 p.m. ET, Monday through Friday, except Federal holidays. The telephone number is (202) 366-9329;

- *Instructions*: You must include the Agency name and docket number for the notice at the beginning of your comments. All comments received will be posted without change to [www.regulations.gov](http://www.regulations.gov), including any personal information provided.

**FOR FURTHER INFORMATION CONTACT:**

Rebecca Lupes, Office of Natural Environment; [Rebecca.Lupes@dot.gov](mailto:Rebecca.Lupes@dot.gov), 202-366-7808, 1200 New Jersey Avenue SE, Washington, DC 20590, or Alla C. Shaw, Esq. HCC-30, [Alla.Shaw@dot.gov](mailto:Alla.Shaw@dot.gov), (202) 366-1042, Room E84-463, 1200 New Jersey Avenue SE, Washington, DC 20590.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

On November 15, 2021, the President signed the Infrastructure Investment and Jobs Act (IIJA) (Pub. L. 117-58, also known as the “Bipartisan Infrastructure Law” (BIL)) into law.

Section 11405 of the BIL established the PROTECT Formula and Discretionary Grant Programs, which are codified in section 176 of Title 23, United States Code (U.S.C.). Although both the PROTECT Formula and Discretionary Grant Programs share common activities, this notice focuses only on the discretionary grants authorized under 23 U.S.C. 176(d). Under 23 U.S.C. 176(f), FHWA is directed to establish metrics for the purpose of evaluating the effectiveness and impacts of PROTECT Discretionary Grant Program-funded projects and procedures for monitoring and evaluating projects based on those metrics. The FHWA is also required to select a representative sample of projects to be evaluated based on these metrics and procedures. This notice provides an opportunity for public comment on the proposed metrics before they are adopted. (23 U.S.C. 176(f)(2)). The FHWA may adjust these metrics based on feedback from this

notice and from grant recipients, as well as FHWA’s assessment of analytical and data challenges and ongoing assessment of the utility of each measure.

The vision of the PROTECT Discretionary Grant Program is to fund projects that address the climate crisis by improving the resilience of the surface transportation system, including highways, public transportation, ports, and intercity passenger rail. Projects selected under this program should be grounded in the best available scientific understanding of climate change risks, impacts, and vulnerabilities. Projects should support the continued operation or rapid recovery of crucial local, regional, or national surface transportation facilities. Furthermore, selected projects should utilize innovative and collaborative approaches to risk reduction, including the use of natural infrastructure, which is explicitly eligible under the program. Natural infrastructure (also called nature-based solutions) strategies include conservation, restoration, or construction of riparian and streambed treatments, marshes, wetlands, native vegetation, stormwater bioswales, breakwaters, reefs, dunes, parks, urban forests, and shade trees. Nature-based solutions reduce flood risks, erosion, wave damage, and heat impacts while also creating habitat, filtering pollutants, and providing recreational benefits. Projects in the PROTECT Discretionary Grant Program have the potential to demonstrate innovation in the area of resiliency and best practices that State and local governments in other parts of the country can consider replicating.

By funding projects that improve resilience to natural hazards and climate change impacts, the PROTECT Discretionary Grant Program aims to reduce damage and disruption to the transportation system, improve the safety of the traveling public, and improve equity by addressing the needs of disadvantaged communities that are often the most vulnerable to hazards. The FHWA will seek to award projects to communities that demonstrate a strong need for the funding. The program also includes set asides for rural communities and Indian Tribes.

Under the PROTECT Discretionary Grant Program, similar to the PROTECT Formula Program, grant funds may only be used for activities that are primarily for the purpose of resilience or inherently resilience-related.

There are four categories of funding under the PROTECT Discretionary Grant Program. One category is for Planning Grants. The other three categories are for Resilience Improvement, Community Resilience and Evacuation Routes, and

At-Risk Coastal Infrastructure projects, collectively referred to as Resilience Grants. The FHWA is seeking input on proposed performance metrics that will enable the Agency to measure the impact and effectiveness of a representative sample of grant projects funded under the PROTECT Discretionary Grant Program. Proposed metrics are located in Section II of this notice.

*Definitions*

- *Baseline* refers to the observed level of performance for a specified timeframe from which implementation begins, improvement is judged, or comparison is made.<sup>1</sup>

- *Goal* is a broad statement of a desired end condition or outcome; a unique piece of the Agency’s vision.

- *Performance Measures* are quantifiable and are based upon a defined metric used to track progress toward goals, objectives, and achievement of established targets. They should be manageable, sustainable, and based on collaboration with partners. Measures provide an effective basis for evaluating strategies for performance improvement.

- *Metric* is an indicator of performance or condition.

- *Effectiveness* refers to the extent to which a project is achieving one or more of the PROTECT Discretionary Grant Program objectives.<sup>2</sup>

- *Impact* refers to a valuation of a project’s outcomes, including estimating what would have happened in the absence of the project.

- *Robustness* refers to the strength, or the ability of elements, systems, and other measures of analysis to withstand a given level of stress or demand without suffering degradation or loss of function.<sup>3</sup>

- *Redundancy* is the extent to which elements, systems, or other measures of analysis exist that are substitutable, *i.e.*,

<sup>1</sup> For the purpose of this notice, FHWA is utilizing definitions for the performance management terms “baseline”, “goal”, “performance measure”, and “metric” from the FHWA *Transportation Performance Management (TPM) Guidebook* available at <https://www.tpmttools.org/guidebook/>.

<sup>2</sup> The FHWA is utilizing a variation of the U.S. Government Accountability Office’s (GAO) definitions for the terms “effectiveness” and “impact.” See GAO. *Program Evaluation Key Terms and Concepts*. GAO-21-404SP (2021), available at <https://www.gao.gov/assets/gao-21-404sp.pdf>.

<sup>3</sup> The FHWA is utilizing Bruneau et al.’s definitions for the terms “Robustness”, “Redundancy”, “Resourcefulness” and “Rapidity”. See: Bruneau, M., SE Chang, R.T. Eguchi, G.C. Lee, T.D. O’Rourke, A.M. Reinhorn, M. Shinozuka, K. Tierney, W.A. Wallace, and D.V. Winterfeldt. 2003. “A Framework to Quantitatively Assess and Enhance the Seismic Resilience of Communities.” *Earthquake Spectra* 19:733-752.

capable of satisfying functional requirements in the event of disruption, degradation, or loss of functionality.

- *Resourcefulness* refers to the capacity to identify problems, establish priorities, and mobilize resources when conditions exist that threatens to disrupt some element, system, or other measures of analysis.

- *Rapidity* is the capacity to meet priorities and achieve goals in a timely manner in order to contain losses, recover functionality and avoid future disruption.

*Areas Where FHWA Is Seeking Input*

- *Number and detail of proposed metrics.* The FHWA seeks comment on the number and level of detail of the proposed metrics.

- *Data availability.* The FHWA is seeking comment regarding the extent to

which data resources are readily available to support the proposed metrics.

- *Decision support.* The FHWA intends for the proposed metrics to provide useful and timely data to inform transportation decision-making. The FHWA seeks comment on how data collected and published by the Agency may later be utilized by State departments of transportation, metropolitan planning organizations, cities, Tribes, and other stakeholders to deepen the understanding of resilience.

- *Reporting burden.* The FHWA seeks general comments on reporting burden associated with FHWA’s collection of resilience metric data on the projects FHWA selects to monitor, especially PROTECT Discretionary Program Grant projects located in disadvantaged or environmental justice communities.

**II. Project Metrics**

*a. Planning Grants*

The purpose of PROTECT Discretionary Grant Program Planning Grants is to enable communities to assess vulnerabilities to current and future weather events and natural disasters and changing conditions, including sea level rise, and plan transportation improvements and emergency response strategies to address those vulnerabilities (23 U.S.C. 176(b)(2)(B)). To assess the effectiveness and impact of projects in fulfilling this purpose, FHWA established the program objectives and performance measures identified in Table 1. The FHWA will monitor progress made on each applicable performance measure using the associated metrics in Table 1.

TABLE 1—PROTECT PLANNING GRANT PERFORMANCE METRICS

ID#	Aligned DOT strategic goal	Program objective	Applicability	Performance measure	Performance metric	Data source
P1 .....	Climate & Sustainability.	Integrate resilience in transportation planning and programming.	Planning	Grant recipient <i>plans that integrate resilience to ensure alignment with long range transportation plans</i> (State or metropolitan).	<i>Number of grant recipient and partner plans that integrate resilience to ensure alignment with long range transportation plans</i> (State or metropolitan).	FHWA interviews the Grant recipient to obtain this local self-reported data.
P2 .....	Climate & Sustainability.	Integrate resilience in transportation planning and programming.	Planning	Grant recipient procured or utilized <i>tools</i> for resilience related planning analysis to assess hazard severity, duration, and recovery of hazard events.	<i>Number and type of tools</i> procured or utilized for resilience related planning analysis to assess hazard severity, duration, and recovery of hazard events.	FHWA interviews the Grant recipient to obtain this local self-reported data.
P3 .....	Climate & Sustainability.	Integrate resilience in transportation planning and programming.	Planning	<i>Public involvement processes</i> (e.g., events or documents) where resilience and resilience related topics are discussed.	<i>Number and type of public involvement processes</i> (e.g., events or documents) where resilience and resilience related topics are discussed.	FHWA interviews the Grant recipient to obtain this local self-reported data.
P4 .....	Climate & Sustainability.	Integrate resilience in transportation planning and programming.	Planning	Scenario Planning analyses that include <i>resilience</i> .	<i>Qualitative description of how resilience</i> has been incorporated into <i>scenario planning processes and analyses</i> and how results have been used.	FHWA interviews the Grant recipient to obtain this local self-reported data.
P5 .....	Climate & Sustainability.	Improve evacuation planning and emergency management preparations.	Planning	Grant recipient and partner <i>evacuation plans</i> incorporated into an agency’s overall processes or policies.	<i>Number of evacuation-related plans, tools, or procedures</i> incorporated into Grant recipient’s overall processes or policies.	FHWA interviews the Grant recipient to obtain this local self-reported data.

*b. Resilience Grants*

The metrics in Table 2 will apply to the three PROTECT Discretionary Program Resilience Grant categories that fund construction: Resilience Improvement Grants, Community Resilience & Evacuation Route Grants, and At-Risk Coastal Infrastructure Grants. The FHWA will use these metrics to assess the effectiveness and impact of projects in fulfilling the statutory purpose for these three grant types, which are described below.

i. Resilience Improvement Grants

An eligible entity may use a resilience improvement grant for one or more construction activities to improve the ability of an existing surface transportation asset to withstand one or more elements of a weather event or natural disaster, or to increase the resilience of surface transportation infrastructure from the impacts of changing conditions, such as sea level rise, flooding, wildfires, extreme weather events, and other natural disasters. (23 U.S.C. 176(d)(4)(A)(ii)(I)).

ii. Community Resilience and Evacuation Route Grants

An eligible entity may use a community resilience and evacuation route grant for one or more projects that strengthen and protect evacuation routes that are essential for providing and supporting evacuations caused by emergency events. (23 U.S.C. 176(d)(4)(B)(ii)(I–III)).

iii. At-Risk Coastal Infrastructure Grants

An eligible entity may use an at-risk coastal infrastructure grant for strengthening, stabilizing, hardening, elevating, relocating, or otherwise

enhancing the resilience of highway and non-rail infrastructure, including bridges, roads, pedestrian walkways, and bicycle lanes, and associated infrastructure, such as culverts and tide gates to protect highways, that are subject to, or face increased long-term future risks of, a weather event, a natural disaster, or changing conditions, including coastal flooding, coastal erosion, wave action, storm surge, or sea level rise, in order to improve transportation and public safety and to reduce costs by avoiding larger future maintenance or rebuilding costs. (23 U.S.C. 176(d)(4)(C)(iii)).

iv. Resilience Grant Performance Metrics

Table 2 below lists proposed metrics that will be used on a subset of PROTECT Discretionary Grant Program Resilience Grant projects FHWA selects to monitor. For all selected projects, FHWA will assess vulnerability and whether the resilience improvement reduced exposure or sensitivity or increased adaptive capacity of the surface transportation asset. The FHWA

will monitor progress made on each applicable program objective using the performance measures and metrics in Table 2. When collecting data on these projects, FHWA may consider how likely it is that specific hazards will occur (probability) as well as the consequences of an event occurring. Where possible, FHWA will request pre- and post- event data to help assess project effectiveness. For projects that require a baseline year measurement, FHWA will consult with the recipient to determine an appropriate baseline year to best measure effectiveness and impact.

v. Four “R” Components of Resilience

The FHWA proposes to evaluate the effectiveness of a representative sample of Resilience Grant projects against the “Four R” components of resilience: Robustness; Redundancy; Resourcefulness; and Rapidity.<sup>4</sup>

vi. Equity Metrics

The FHWA will collect socioeconomic data from the representative sample of Resilience

Grant projects to evaluate the effectiveness and impacts of those projects on underserved and disadvantaged communities. The FHWA will identify disadvantaged communities using the Climate and Economic Justice Screening Tool, available here: <https://screeningtool.geoplatform.gov/en/>, and DOT’s transportation disadvantage tool, available here: <https://www.arcgis.com/apps/dashboards/d6f90dfcc8b44525b04c7ce748a3674a>.

vii. Metrics Specific to Certain Hazard and/or Project Types

The column titled “applicability” in Table 2 indicates whether a metric applies only to a specific hazard or project type. The FHWA will apply each metric on projects selected for monitoring based on project scope, applicable activities, etc. Because of the specific focus on nature-based solutions (NBS) in the PROTECT Discretionary Program, for example, some metrics are designed to only apply to projects installing NBS.

TABLE 2—PROPOSED PROTECT RESILIENCE GRANT METRICS

ID#	Aligned DOT strategic goal	Program objective	Applicability	Performance measure	Performance metric	Data source
<b>Equity Measures</b>						
R1 .....	Equity .....	Increase transportation system <b>effectiveness and reliability</b> for all users.	All selected projects.	<b>Disadvantaged or underserved communities with improved access to critical services, facilities, or evacuation routes.</b>	Number of people from <b>disadvantaged or underserved communities in the project area with improved access (post construction) to critical services, facilities, or evacuation routes.</b>	FHWA may use the <b>Climate and Economic Justice Screening Tool</b> . In addition, FHWA may interview the Grant recipient to obtain data.
R2 .....	Equity .....	Increase transportation system <b>effectiveness and reliability</b> for all users.	All selected projects.	<b>Disadvantaged or underserved communities affected by hazard-impacted</b> transportation infrastructure.	Reduction in number of people from <b>disadvantaged or underserved communities</b> in the project area <b>affected by hazard-impacted</b> transportation infrastructure.	FHWA may use the <b>Climate and Economic Justice Screening Tool</b> . In addition, FHWA may interview the Grant recipient to obtain data.
<b>ROBUSTNESS MEASURES</b>						
R3 .....	Climate and Sustainability.	Improve transportation infrastructure strength and <b>robustness</b> .	All selected projects.	Improved performance and ability of <b>surface transportation facilities</b> to withstand <b>changing climate conditions</b> .	Change in Life Cycle Cost (per facility) or (per mile) for pavement system in the project area.	FHWA conducts Life Cycle Cost Assessment (LCCA) comparison of replacement in kind vs. adaptive (resilient) design.
R4 .....	Climate and Sustainability.	Improve transportation infrastructure strength and <b>robustness</b> .	All selected projects.	Decrease in Annual Maintenance Costs.	Change in Projected or Actual Annual Maintenance/Repair Costs.	FHWA coordinates with the Grant recipient to obtain this local/self-reported data.
R5 .....	<i>Climate &amp; Sustainability.</i>	Improve transportation infrastructure strength and <b>robustness</b> .	Flooding/ Scour.	Reduction in roadway, bridge, and culvert vulnerability to floods.	Number of <b>Hydraulic countermeasures, structural measures, or road drainage features</b> installed or enhanced in the project area.	FHWA reviews project design documentation submitted by the Grant recipient. Suggested references: FHWA Hydraulic Engineering Circular 22 and Hydraulic Engineering Circular 23 (Vols 1 & 2).

<sup>4</sup> Bruneau, M., SE Chang, R.T. Eguchi, G.C. Lee, T.D. O’Rourke, A.M. Reinhorn, M. Shinozuka, K.

Tierney, W.A. Wallace, and D.V. Winterfeldt. 2003. “A Framework to Quantitatively Assess and

Enhance the Seismic Resilience of Communities.” Earthquake Spectra 19:733–752.

TABLE 2—PROPOSED PROTECT RESILIENCE GRANT METRICS—Continued

ID#	Aligned DOT strategic goal	Program objective	Applicability	Performance measure	Performance metric	Data source
R6 .....	<i>Climate &amp; Sustainability.</i>	Improve transportation infrastructure strength and <b>robustness</b> .	Flooding/ Scour.	<b>Reduction in roadway inundation</b> or overtopping.	Percent change in number of coastal and other low-lying roadway <b>overtopping or inundation events</b> (due to sea level rise, tides, and other factors).	FHWA interviews the Grant recipient to obtain this local/self-reported data.
R7 .....	<i>Climate &amp; Sustainability.</i>	Improve transportation infrastructure strength and <b>robustness</b> .	Flooding/ Scour.	<b>Reduction in stream/river crossing vulnerability</b> to future projected conditions.	Number of constructed <b>crossings designed to accommodate future projected precipitation events</b> or projected changes in land use/land cover.	FHWA reviews project design documentation submitted by the Grant recipient.
R8 .....	<i>Climate &amp; Sustainability.</i>	Improve transportation infrastructure strength and <b>robustness</b> .	Flooding/ Scour.	<b>Reduction in stream/river crossing vulnerability</b> to future projected conditions.	Number of <b>culverts installed to withstand the 100-year flood</b> .	FHWA reviews project design documentation submitted by the Grant recipient.
R9 .....	<i>Climate &amp; Sustainability.</i>	Improve transportation infrastructure strength and <b>robustness</b> .	Geohazards	Frequency of <b>slope failures</b>	Annual percent reduction in <b>frequency of slope failures</b> in project area.	FHWA coordinates with the Grant recipient to obtain this local/self-reported data. FHWA or FHWA contractor determines pre/post-project slope stability rating using relevant project plans and surveys.
R10 .....	<i>Climate &amp; Sustainability.</i>	Improve transportation infrastructure strength and <b>robustness</b> .	Geohazards	<b>Rockfall impact incidents</b> to roads and highways.	Annual percent reduction in <b>rockfall impact incidents</b> to roads and highways in project area.	FHWA coordinates with the Grant recipient to obtain this local/self-reported data.
R11 .....	<i>Climate &amp; Sustainability.</i>	Improve transportation infrastructure strength and <b>robustness</b> .	Seismic Vulnerability.	Seismic vulnerability rating ....	Change in <b>seismic vulnerability rating</b> .	FHWA completes seismic vulnerability rating analysis.
R12 .....	<i>Climate &amp; Sustainability.</i>	Improve transportation infrastructure strength and <b>robustness</b> .	Projects incorporating Nature Based Solutions (Coastal).	<b>Erosion rate and shoreline position</b> .	Annual percent change in the <b>erosion rate and shoreline position</b> in the project area.	FHWA interviews the Grant recipient to obtain this local/self-reported data. Possible field work required.
R13 .....	<i>Climate &amp; Sustainability.</i>	Improve transportation infrastructure strength and <b>robustness</b> .	Projects incorporating Nature Based Solutions.	<b>Vegetation coverage</b> .....	Annual percent change in the <b>vegetation coverage</b> in the project area. Report in cover per square meter or number of stems per meter.	FHWA interviews the Grant recipient to obtain this local/self-reported data. Possible field work required.
<b>REDUNDANCY MEASURES</b>						
R14 .....	<i>Climate &amp; Sustainability.</i>	Improve transportation system <b>redundancy</b> .	All selected projects.	<b>Detour lengths</b> (miles) .....	Reduction in <b>detour length</b> (miles) because of the project.	FHWA reviews project design documentation submitted by the Grant recipient.
<b>RAPIDITY MEASURES</b>						
R15 .....	<i>Climate &amp; Sustainability.</i>	Improve transportation system <b>rapidity</b> and responsiveness.	All selected projects.	<b>Observed closure hours for roads or facilities</b> in project area.	Annual percent change in <b>observed closure hours for roads or facilities</b> in project area.	FHWA interviews the Grant recipient to obtain this local/self-reported data.
R16 .....	<i>Climate &amp; Sustainability.</i>	Improve transportation system <b>rapidity</b> and responsiveness.	Evacuation Routes.	<b>Travel times</b> before, during and after evacuation event.	Percent change in <b>travel times</b> before, during and after evacuation event.	FHWA will use National Performance Management Research Data Set (NPMRDS) data or equivalent.
<b>RESOURCEFULNESS MEASURES</b>						
R17 .....	<i>Climate &amp; Sustainability.</i>	Improve transportation system <b>resourcefulness</b> .	All selected projects.	<b>Equipment and sensor technology</b> that support <b>rapid restoration of asset or system functionality</b> .	Number of warning systems or sensors that were used to improve transportation system performance.	FHWA or FHWA contractor coordinates with the Grant recipient to obtain this local/self-reported data.

The FHWA will utilize comments received on these draft metrics to develop final metrics that will be used to evaluate a representative sample of PROTECT Discretionary Grant projects. Final metrics will be posted on the FHWA PROTECT website <https://www.fhwa.dot.gov/environment/protect/discretionary/>.

Authority: 23 U.S.C. 176(f).

**Shailen P. Bhatt,**

Administrator, Federal Highway Administration.

[FR Doc. 2024-05934 Filed 3-20-24; 8:45 am]

BILLING CODE 4910-22-P

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Notice of Final Federal Agency Actions on Proposed Highway in California

**AGENCY:** Federal Highway Administration (FHWA), Department of Transportation (DOT).

**ACTION:** Notice of Limitation on Claims for Judicial Review of Actions by the California Department of Transportation (Caltrans).

**SUMMARY:** The FHWA, on behalf of Caltrans, is issuing this notice to announce actions taken by Caltrans, that are final. The actions relate to a proposed highway project, on Interstate 80 between postmiles 3.9 and 5.0 and State Route 13 (Ashby Avenue) between postmiles 13.7 and 13.9, in the Cities of Emeryville and Berkeley in the County of Alameda, State of California. Those actions grant licenses, permits, and approvals for the project.

**DATES:** By this notice, the FHWA, on behalf of Caltrans, is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before August 19, 2024. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

**FOR FURTHER INFORMATION CONTACT:** For Caltrans: Wahida Rashid, Branch Chief, California Department of Transportation, 111 Grand Avenue, MS-8B, Oakland, California 94612. Office hours: Monday through Friday 8 a.m.–4 p.m. Contact information: [Wahida.Rashid@dot.ca.gov](mailto:Wahida.Rashid@dot.ca.gov) and (510) 504-3139.

**SUPPLEMENTARY INFORMATION:** Effective July 1, 2007, the Federal Highway Administration (FHWA) assigned, and

the California Department of Transportation (Caltrans) assumed, environmental responsibilities for this project pursuant to 23 U.S.C. 327. Notice is hereby given that the Caltrans has taken final agency actions subject to 23 U.S.C. 139(l)(1) by issuing licenses, permits, and approvals for the following highway project in the State of California: The California Department of Transportation (Caltrans) District 4, in partnership with the Alameda County Transportation Commission (Alameda CTC), proposes to provide interchange and local road improvements along Interstate 80 (I-80) at the Ashby Avenue Interchange. The project will replace the existing interchange connector ramps with a new bridge over I-80, realign access to West Frontage Road, and introduce a new bicycle-pedestrian overcrossing connection over I-80 from 65th Street/Shellmound Street to the San Francisco Bay Trail. The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Final Environmental Document (FED) and Finding of No Significant Impact (FONSI) for the project, approved on December 28, 2023, and in other documents in the project records. The FED, FONSI, and other project records are available by contacting Caltrans at the information provided above. The Caltrans FED and FONSI can be viewed and downloaded from the project website at <https://dot.ca.gov/caltrans-near-me/district-4/d4-popular-links/d4-environmental-docs>.

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. National Environmental Policy Act of 1969
2. Clean Air Act, 42 U.S.C. 7401-7671
3. Endangered Species Act of 1973 (ESA), 16 U.S.C. 1531-1544
4. Migratory Bird Treaty Act of 1918, 16 U.S.C. 703-712
5. Fish and Wildlife Coordination Act, 16 U.S.C. 661-666
6. National Historic Preservation Act of 1966 (NHPA)
7. Clean Water Act, 33 U.S.C. 1251-1387 (Sections 319, 401, and 404)
8. Executive Order 11988 Floodplain Management, Executive Order 11990 Protection of Wetlands, Executive Order 12088 Federal Compliance with Pollution Control Standards, Executive Order 12898 Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations

(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))

**Antonio Johnson,**

Director of Planning, Environmental and Right of Way, Federal Highway Administration, California Division.

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## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

[Docket Number MARAD-2023-0119]

#### Deepwater Port License Application: Grand Isle LNG Operating Company, LLC; Application Withdrawal

**AGENCY:** Maritime Administration, Department of Transportation.

**ACTION:** Notice of application withdrawal.

**SUMMARY:** The Maritime Administration (MARAD) and the U.S. Coast Guard (USCG) announce the cancellation of all actions related to the processing of a license application for the proposed Grand Isle LNG Export Deepwater Port Development Project deepwater port. The action announced here also includes cancellation of all activities related to the deepwater port application review and preparation of an Environmental Impact Statement that was previously published in the **Federal Register** on Monday, July 3, 2023. The publication of this notice is in response to the applicant's decision to withdraw the application.

**DATES:** The cancellation of all actions related to this deepwater port license application was effective February 29, 2023.

**ADDRESSES:** The public docket for the Grand Isle LNG Export Deepwater Port Development Project deepwater port license application is maintained by the U.S. Department of Transportation, Docket Management Facility located at the U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Room W12-140, Washington, DC 20590. The docket may be viewed electronically at <https://www.regulations.gov> and searching for the docket number, MARAD-2023-0119.

**FOR FURTHER INFORMATION CONTACT:** Contact either Mr. Brian S. Barton at the Maritime Administration via email at