

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****Notice of Intent to Rule on Application to Use Only, Impose Only and Impose and Use the Revenue from a Passenger Facility Charge (PFC) at Meadows Field Airport, Bakersfield, California**

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of Intent to Rule on Application.

SUMMARY: The Federal Aviation Administration (FAA) proposes to rule and invites public comment on the application to use only, impose only and impose and use revenue from a PFC at Meadows Field Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101-508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

DATES: Comments must be received on or before September 29, 1999.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Airports Division, P.O. Box 92007, Worldway Postal Center, Los Angeles, CA, 90009. In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Raymond C. Bishop, Director of Airports, Meadows Field Airport, 1401 Skyway Drive, Suite 200 Bakersfield, CA 93308. Air carriers and foreign air carriers may submit copies of written comments previously provided to the county of Kern under section 158.23 Part 158.

FOR FURTHER INFORMATION CONTACT: Mr. John P. Milligan, Supervisor Standards Section, Airports Division, P.O. Box 92007, WPC, Los Angeles, CA 90009, Telephone: (310) 725-3621. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to use only, impose only and impose and use the revenue from a PFC at Meadows Field Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101-508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158). On July 23, 1999, the FAA determined that the application to use only, impose only and impose and use the revenue from a PFC submitted by the county of Kern was not

substantially complete within the requirements of section 158.25 of Part 158. The following items are required to complete the application:

The impose authority for the Construct an Aircraft Rescue and Fire Fighting (ARFF) Station project was expired on June 1, 1998. Reconsult with the carriers on this project as a new impose and use project, or delete this ARFF project from the application. The county of Kern has not submitted supplemental information to complete this application. The FAA will approve or disapprove the application, in whole or in part, not later than October 22, 1999.

The following is a brief overview of the application:

Level of the proposed PCF: \$3.00.

Proposed charge effective date: January 1, 2000.

Proposed charge expiration date: May 1, 2002.

Total Estimated PFC Revenue: \$829,933.

Brief description of the proposed projects:

Use only:

Construct an Aircraft Rescue and Fire Fighting (ARFF) Station.

Impose only:

Land Acquisition for Airport Expansion.

Impose and Use:

Planning and Design of New Terminal and Apron/Master Plan Design and Install Touchdown and Centerline Lights for Runway 30R-12L Install Midfield and Rollout Runway Visual Range (RVR) sensors Class or classes of air carriers which the public agency has requested not be required to collect PCFs: None.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**. In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Meadows Field Airport Administration Office.

Issued in Hawthorne, California, on August 10, 1999.

Peter T. Melia,

Acting Manager, Airports Division, Western-Pacific Region.

[FR Doc. 99-22434 Filed 8-27-99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION**Federal Highway Administration**

[FHWA Docket No. FHWA-98-4622]

Transportation Equity Act for the 21st Century: Implementation Guidance for the National Corridor Planning and Development Program and the Coordinated Border Infrastructure Program

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice; request for comments; solicitation of applications for fiscal year (FY) 2000 grants.

SUMMARY: This document provides implementation guidance on section 1118 and 1119 of the Transportation Equity Act for the 21st Century (TEA-21). These sections established the National Corridor Planning and Development Program (NCPD program) and the Coordinated Border Infrastructure Program (CBI program). The NCPD and the CBI programs are funded by a single funding source. These programs provide funding for planning, project development, construction and operation of projects that serve border regions near Mexico and Canada and high priority corridors throughout the United States. States and metropolitan planning organizations (MPOs) are, under the NCPD program, eligible for discretionary grants for: Corridor feasibility; corridor planning; multistate coordination; environmental review; and construction. Border States and (MPOs) are, under the CBI program, eligible for discretionary grants for: Transportation and safety infrastructure improvements, operation and regulatory improvements, and coordination and safety inspection improvements in a border region.

DATES: Grant applications should be received by FHWA Division Offices on November 29, 1999. Specific information required in grant applications is provided in Section III of this notice. Comments on program implementation should be received on or before January 27, 2000. The additional time is provided so that any applicants can use the first 60 days to fully concentrate on preparing grant applications and, subsequently, to use information developed during that time to formulate comments in the following 90 days. The FHWA will consider comments received in developing the FY 2001 solicitation of grant applications. More information on the type of comments sought by the FHWA is provided in Section II of this notice.

ADDRESSES: You signed, written comments on program implementation for FY 2001 and beyond should refer to the docket number appearing at the top of this document and you must submit the comments to the Docket Clerk, US DOT Dockets, Room PL-401, 400 Seventh Street, SW., Washington, DC 20590-0001. All comments received will be available for examination at the above address between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. Those desiring notification of receipt of comments should include a self-addressed, stamped envelope or postcard.

Applications for FY 2000 grants under the NCPD and CBI programs should be submitted to the FHWA Division Office in the State where the applicant is located.

FOR FURTHER INFORMATION CONTACT: For program issues: Mr. Martin Weiss, Office of Intermodal and Statewide Programs, HEPS, (202) 366-5010; or for legal issues: Mrs. Diane Mobley (for the NCPD program), Office of the Chief Counsel, HCC-31, (202) 366-1366; or Ms. Grace Reidy (for the CBI program), Office of the Chief Counsel, HCC-31, (202) 366-6226; Federal Highway Administration, 400 Seventh Street SW., Washington D.C. 20590.

SUPPLEMENTARY INFORMATION:

Electronic Access

Internet users may access all comments received by the U.S. DOT Dockets, Room PL-401, by using the universal resource locator (URL): <http://dms.dot.gov>. It is available 24 hours each day, 365 days each year. Please follow the instructions online for more information and help.

An electronic copy of this document may be downloaded using a computer, modem and suitable communications software from the Government Printing Office's Electronic Bulletin Service at (202) #512-1661. Internet users may reach the Office of the **Federal Register's** home page at: <http://www.access.nara.gov/fedreg> and the Government Printing Office's web page at <http://www.access.gpo.gov/nara>.

In addition, a number of documents and links concerning the NCPD and CBI programs are available though the home page of the Corridor/Border Programs: <http://www.fhwa.dot.gov/hep10/corbor/corbor.html>.

Background

Sections 1118 and 1119 of the TEA-21, Public Law 105-178, 112 Stat. 107, at 161, establish the NCPD and CBI programs, respectively. These programs respond to substantial interest dating

from, as early as, 1991. In that year, the Intermodal Surface Transportation Efficiency Act (ISTEA), Pub. L. 102-240, 105 Stat. 1914, designated a number of high priority corridors. Subsequent legislation modified the corridor descriptions and designated additional corridors. Citizen and civic groups promoted many of these corridors as, for example, a means to accommodate international trade. Similarly, since 1991, a number of studies identified infrastructure and operation deficiencies near the U.S. borders with Mexico and Canada. Also various groups, some international and/or intergovernmental, studies opportunities to improve infrastructure and operations.

In 1997, the DOT's Strategic Plan for 1997-2002 was established. The strategic goals in this plan are: Safety, mobility, economic growth and trade, human and natural environment, and national security. In 1998, the FHWA's National Strategic Plan was established. The strategic goals in this plan are: Mobility, safety, productivity, human and natural environment and national security. Both sets of goals are consistent with the language of TEA-21, including sections 1118 and 1119.

The NCPD and CBI programs are funded by a single funding source. The combined authorized funding for these two programs is \$140 million in each year from FY 1999 and FY 2003 (a total of \$700 million). However, obligations are limited each year by the requirements of section 1102 (Obligation Ceiling) of the TEA-21.

Under the NCPD program, funds are available to States and MPOs for coordinated planning, design, and construction of corridors of national significance, economic growth, and international or interregional trade. Under the CBI program, funds are available to border States and MPOs for projects to improve the safe movement of people and goods at, or across, the border between the United States and Canada, and the border between the United States and Mexico. In addition, the Secretary may transfer up to a total of \$10 million of combined program funds, over the life of the TEA-21, to the Administrator of General Services for the construction of transportation infrastructure necessary for law enforcement in border States. Such transfer(s) will be made, based on funding requested and supporting information furnished by the Administrator of General Services. Finally, the Secretary of Transportation (the Secretary) will implement any provisions in legislation that directs that FY 2000 NCPD/CBI funds be used for

specific projects. Based on the factors noted above (i.e., obligation limitations, transfer of funds to GSA and legislation), the FHWA anticipates that between \$95 million and \$130 million will be available for allocation for projects submitted in response to this notice.

The Federal share for these funds is set by 23 U.S.C. 120 (generally 80 percent plus the sliding scale adjustment in States with substantial public lands). The period of availability for obligation is the fiscal year for which the funds are authorized and the three years following. States which receive an allocation of funds under these programs will, at the same time, receive an increase in obligation equal to the allocation. Under section 1102 of TEA-21, obligation authority for discretionary programs that is provided during a fiscal year is extinguished at the end of the fiscal year. Funds allocated to projects which, under the NCPD/CBI programs, receive an obligation authority increase for FY 2000, must therefore be obligated during FY 2000 or be withdrawn for redistribution.

This notice includes four sections: Section I—Program Background and Implementation of the NCPD/CBI Discretionary Program in FY 1999; Section II—Eligibility and Selection Criteria for FY 2000 Grants; Section III—Request for Comments on Program Implementation in FY 2001 and Beyond; Section IV—Solicitation of Applications for FY 2000 Grants.

Section I—Program Background and Implementation of the NCPD/CBI Discretionary Program in FY 1999

The FHWA implemented the NCPD/CBI programs with specific goals. In addition, the FHWA considered the following: Comments received at outreach sessions; information received during program discussions within the DOT; and information received during discussions between officials of the DOT and a variety of public sector and private sector officials. The FY 1999 implementation goals were:

1. Respect both the letter and the intent of existing statutes.
2. Minimize administrative additions to statutory requirements.
3. Minimize grant application paperwork.
4. Maximize administrative control of grants by FHWA field personnel rather than FHWA Headquarters personnel.
5. Encourage substantive coordination of grant applications and grant administration by State and local officials.
6. Encourage appropriate private/public, State/local, intermodal,

interregional, multistate and multinational coordination.

7. Encourage grant applications that have realistic objectives and time horizons.

Summary of Selection Process—FY 1999

The FHWA received 151 applications for NCPD/CBI funding, all of which were at least partially eligible (e.g., some applications included work components that were not eligible and also included work components that were eligible) for consideration. The requests for funding totaled over \$2.2 billion compared with \$123,620,000 available for allocation. The FHWA established an evaluation panel comprised of officials from various agencies within the DOT (e.g., the Federal Railroad Administration, the Federal Transit Administration, the Office of the Secretary of Transportation, as well as the FHWA) which reviewed the applications and tabulated summaries of applications. The evaluation panel identified applications that were "well qualified" and those which were "qualified" based on summary information prepared by the FHWA program office. This information was presented to the FHWA Administrator and other DOT management officials who together selected 55 applications for funding totaling \$123,603,000; some for full funding of the amount requested, some for funding of a portion of the amount requested. An announcement of the selections was made on May 27, 1999. The list of all applications, and well as the list of selected applications, are available at the URL noted above. A report, for the fiscal quarter covering the May 27, 1999, selections, containing the reasons for selection of projects, is required by section 1311 of the TEA-21, as amended. At the time of this notice, the report for that quarter is not available. When completed, it will be available at URL: <http://www.fhwa.dot.gov/discretionary/>

Summary of Comments to the Docket

The November 12, 1998 **Federal Register** notice (63 FR 63351) requested comments on how the NCPD/CBI programs implementation could be improved in FY 2000, as well as other aspects of the program. Commenters were asked specifically for improvements that could be made at the discretion of the FHWA that would more effectively meet the seven goals established for the program.

The following organizations submitted letters to the docket (FHWA-1998-4622):

Pennsylvania Turnpike Commission
Texas Department of Transportation

Canadian National Railway
Whatcom County Council of Governments
State of Michigan, Department of Transportation

Wisconsin Department of Transportation

Washington State Department of Transportation

Illinois Department of Transportation
ITS America

Science Applications International Corporation

Although no specific comment was raised by more than one or two of the letters, there were a number of comments that addressed similar issues or discussed similar problems.

The most common comment, made to some extent by all but one letter, was the suggestion that more evaluation weight be given to certain characteristics of applications. In a number of such cases, commenters asserted that Congress "meant" to give more weight to these characteristics. The FHWA was unable to find any statutory language to support any of these assertions. In all cases where a suggestion was made to give more weight to certain characteristics of applications, these characteristics were those contained in applications submitted or favored by the organization writing the letter. The FHWA has, however, reconsidered the overall subject of selection in response to these comments. Based on this reconsideration, the FHWA will emphasize, in the selections, applications that support the DOT and the FHWA strategic goals noted previously in the context of the statute.

A common problem, cited to some extent by four commenters, was that of addressing criteria specifically cited in the statute, e.g., international truck-borne cargo, reduction in commercial and other travel time through a port of entry, the value of the cargo and congestion impose economic costs on the Nation's economy, and encourage or facilitates multistate or regional mobility. While developing the FY 1999 solicitation of applications, the FHWA did not find any cost effective, easy-to-use methodologies for quantifying the specific terms noted above. Thus, in that solicitation, the FHWA allowed the use of surrogates to address such requirements and will continue to allow the use of surrogates in addressing statutory criteria in the FY 2000 solicitation. However, the FHWA and other agencies are currently investing time and money in developing better means to measure and predict these terms.

Another common problem, cited to some extent by four commenters, was that of not being sure where to place particular project information in the application. One commenter suggested that the FHWA prescribe a consistent uniform format for applications. While the FHWA does not believe a prescriptive approach is needed, additional consistency in applications is desirable. Therefore, the FHWA has modified and clarified the section containing the application format accordingly.

Four commenters mentioned performance measures. One noted that there was no detailed direction about this for applicants and three suggested examples of performance measures for use by applicants. The FHWA did not provide detailed direction on this during the FY 1999 solicitation process, because there was no clear statutory basis to develop such direction. However, the FHWA Strategic Plan, discussed above, includes a number of measures particularly relevant to these programs (e.g., reduction of delay on Federal-aid highways, reduction of delay at international border crossings, reduction of freight costs per ton mile, education of fatalities). The FHWA Strategic Plan is available at URL: <http://intra.fhwa.dot.gov/strategic/index.htm>. Thus, the evaluation considerations have been modified to note that meeting the goals in the FHWA strategic plan goals will be specifically considered in evaluating the selection criteria. Furthermore, the item in the application format on performance measures has been similarly modified.

Two commenters complimented certain aspects of the solicitation process. One especially appreciated the extensive guidance posted on the Internet; the other appreciated the flexibility to use existing planning and project development products as constituting the corridor development and management plan. The FHWA intends to continue the Internet posting of guidance and is continuing the flexibility regarding the corridor development and management plan.

The Texas Department of Transportation stated that the FHWA's interpretation of the statutory language was too flexible in that the FHWA allowed applicants to provide information on "interstate or interregional traffic" as a surrogate for the term "international truck-borne commodities." The latter term is the one which appears in section 1118 of the TEA-21. The same letter suggested clarification on how States and MPOs should address criteria that are difficult to quantify and specifically noted that

"international truck-borne commodities" was one of those criteria. As noted above, the FHWA has not found any cost effective easy-to-use methodologies for quantifying the specific term used in the statute and will continue to allow the use of surrogates in addressing statutory criteria for FY 2000 while the FHWA and other agencies are investigating better measurement.

In addition, the Texas Department of Transportation stated that there is little transportation related trade data that is complete, reliable, comparable from State to State, easy to use, and inexpensive to obtain. The comment was made that the DOT should ensure this data is verified before using it to distribute program funds. The FHWA agrees with the comment about the lack of the kind of data desired. Because of this situation, the FHWA did not distribute FY 1999 program funds based on formulas or fixed numerical rating methods. Since there is no reasonable probability that this data situation will change, the FHWA does not expect to use formulas or fixed numerical rating methods for distributing FY 2000 program funds.

Finally, the Texas Department of Transportation commented that FHWA should provide applicants with information on how projects were selected and how applications could be improved. Information on selection was provided earlier in this notice. With respect to improving future applications, the FHWA division offices provide information to applicants on a case-by-case basis.

The Canadian National Railway stated that corridor plans (required by section 1118 of the TEA-21) will not indicate substantive intermodal, particularly freight rail, improvement opportunities. Section 1118(d) of the TEA-21, which provides the statutory reference for the corridor plan, nowhere requires, or even mentions rail freight or intermodal opportunities as a plan element. However, the FHWA considers intermodal opportunities as valid in the more general context of statewide and metropolitan planning, and intends, in updating regulations on statewide and metropolitan planning, to assure an appropriate level of intermodal attention.

The Whatcom County Council of Governments stated that a fixed schedule for announcing solicitations and allocations over the life of the program would be desirable. The FHWA is attempting to meet this desire by making the NCPD/CBI solicitations and allocations closer to the timetable used

in other discretionary programs (e.g., ferry boats, public lands).

The State of Michigan, Department of Transportation objected to the FHWA division office accepting the application of a metropolitan planning organization (MPO) which had not cleared the application with the State DOT. The statute allows grants to an MPO and, therefore, acceptance of this application was clearly proper. It is expected that through its involvement in the MPO, the State DOT will be consulted in the MPO application(s).

The Wisconsin Department of Transportation commented that no new corridors be designated until substantial progress has been made on the corridors already listed in the TEA-21. Since the FHWA does not have the authority to designate corridors (nor does the Secretary), no response is made to this comment.

The Washington State Department of Transportation stated that spreading allocations to every corridor and every border crossing (referred to by the commenter as "peanut buttering") should be avoided. The comment went on to note that this point was made at other venues. This comment has merit and the FHWA took this into consideration in the FY 1999 allocations and intends to do so in the FY 2000 allocations.

Finally, two commenters encouraged the DOT/FHWA to ensure that a significant number of selected projects incorporated Intelligent Transportation Systems (ITS) and related technologies. As noted below, the FHWA strategic goals will be considered in the FY 2000 selections, specifically those involving ITS.

Section II—Eligibility and Selection Criteria for FY 2000 Grants

In general, the eligibility and selection criteria for FY 2000 grants are the same as those used for FY 1999 grants with one change; namely, that the FHWA is, in effect, considering not only the goals stated in the FY 1999 solicitations (see above) but also the US Department of Transportation and the FHWA strategic goals in making grant selections.

Eligibility—NCPD Program

Projects eligible for funding include the following:

1. Feasibility studies.
2. Comprehensive corridor planning and design activities.
3. Location and routing studies.
4. Multistate and intrastate coordination for corridors.
5. Environmental review or construction after review by the Secretary of a development and

management plan for the corridor or useable section of the corridor (hence called "corridor plan").

The FHWA considers work in the pre-feasibility stage of a project, e.g., development of metropolitan and State plans and programs, as not eligible for support with Federal aid under section 1118 funds (although funds authorized by other portions of the TEA-21 are eligible for such support), but project development planning is eligible for support and multistate freight planning is specifically encouraged herein.

The FHWA construes the phrase "environmental review," as used above, as being the portion of the environmental documentation e.g., environmental assessment/finding of non significant impact (EA/FONSI), environmental impact statement (EIS) process requiring formal interagency review and comment. Thus, even without review of the corridor plan, work needed to produce the pre-draft EIS and to revise the draft would be eligible for support with Federal aid under section 1118. However, work subsequent to FHWA signature of the draft EIS (or equivalent) would not be eligible for such support until review of the corridor plan. Subsequent to such a review, work on a final EIS and any other necessary environmental work would be eligible for funding under this section.

Eligibility for funds from the NCPD program is limited to high priority corridors identified in section 1105(c) of the ISTEA, as amended, and any other significant regional or multistate highway corridors selected by the Secretary after consideration of the criteria listed for selecting projects for NCPD funding. Fund allocation to a corridor does not constitute designation of the corridor as a high priority corridor. The FHWA has no statutory authority to make such a designation.

Eligibility—CBI Program

Projects eligible for funding include the following:

1. Improvements to existing transportation and supporting infrastructure that facilitate cross border vehicle and cargo movements.
2. Construction of highways and related safety and safety enforcement facilities that will facilitate vehicle and cargo movements related to international trade.
3. Operational improvements, including improvements relating to electronic data interchange and use of telecommunications, to expedite cross border vehicle and cargo movement.

4. Modifications to regulatory procedures to expedite cross border vehicle and cargo movements.

5. International coordination of planning, programming, and border operation with Canada and Mexico relating to expediting cross border vehicle and cargo movements.

6. Activities of Federal inspection agencies.

The statute requires projects to be in a border region. The FHWA considers projects within 100km (62 miles) of the U.S./Canada or U.S./Mexico border to be in a border region.

Selection Criteria for the NCPD Program Funding

The statute provides criteria to be used in identifying corridors, in addition to those statutorily designated for eligibility. These following criteria will be used for selecting projects for funding:

1. The extent to which the annual volume of commercial vehicle traffic at the border stations or ports of entry of each State has increased since the date of enactment of the North American Free Trade Agreement (NAFTA), and is projected to increase in the future.

2. The extent to which commercial vehicle traffic in each State has increased since the date of enactment of the NAFTA, and is projected to increase in the future.

3. The extent to which international truck-borne commodities move through each State.

4. The reduction in commercial and other travel time through a major international gateway or affected port of entry expected as a result of the proposed project including the level of traffic delays at major highway/rail grade crossings in trade corridors.

5. The extent of leveraging of Federal funds, including use of innovative financing; combination with funding provided under other sections of the TEA-21 and title 23 U.S.C.; and combination with other sources of Federal, State, local, or private funding including State, local and private matching funds.

6. The value of the cargo carried by commercial vehicle traffic, to the extent that the value of the cargo and congestion impose economic costs on the Nation's economy.

7. Encourage or facilitate major multistate or regional mobility and economic growth and development in areas undeserved by existing highway infrastructure.

Specific aspects of the NCPD program require the FHWA to interpret these criteria. Based on the goals noted above in Section I, the FHWA intends to use

a flexible interpretation. For example, while the date of the enactment of NAFTA was December 8, 1993, traffic data which provides an average for the calendar year 1993 could be used for the pre-NAFTA information. For another example, since businesses use both imported and domestically produced materials in a constantly changing component mix to produce higher valued products, and, because interregional trade is noted as part of the purpose of the section, either interstate traffic or interregional traffic could be used as a surrogate for "international truck-borne commodities." Similarly, where determining the value of cargo carried by commercial vehicle traffic would be impossible without using proprietary information, a reasonable surrogate could be based on the vehicle traffic multiplied by an imputed value for various classes of cargo.

Selection Criteria for the CBI Program Funding

The selection criteria in the statute are as follows:

1. Expected reduction in commercial and other motor vehicle travel time through an international border crossing as a result of the project.

2. Improvements in vehicle and highway safety and cargo security related to motor vehicles crossing a border with Canada or Mexico.

3. Strategies to increase the use of existing, underutilized border crossing facilities and approaches.

4. Leveraging of Federal funds, including use of innovative financing, combination of such funds with funding provided under other sections of the TEA-21 and combination with other sources of Federal, State, local or private funding.

5. Degree of multinational involvement in the project and demonstrated coordination with other Federal agencies responsible for the inspection of vehicles, cargo, and persons crossing international borders and their counterpart agencies in Canada and Mexico.

6. Improvements in vehicle and highway safety and cargo security in and through the gateway or affected port of entry concerned.

7. The extent to which the innovative and problem solving techniques of the proposed project would be applicable to other border stations or ports of entry.

8. Demonstrated local commitment to implement and sustain continuing comprehensive border or affected port of entry planning processes and improvement programs.

As in the NCPD program criteria, the FHWA intends to use a flexible

interpretation of the CBI program selection criteria. For example, because local (e.g., business association, civic, county, municipal, utility) agencies and organizations sometimes have very small capital improvement budgets, that local commitment for continuing planning and improvement will be considered in the context of local program cooperation with State projects in the border regions, as well as in the context of local financial support for such projects.

Selection Criteria Common to Both Programs

Although all Federal-aid programs relate to the achievement of the FHWA's strategic goals—safety, mobility, productivity, environment, and national security—these discretionary programs apply most directly to fulfillment of the safety, mobility, and productivity goals. In addition, Departmental policy, related Federal directives and the Government Performance and Results Act of 1993, Public Law 103-62, 107 Stat. 285, emphasize the use of coordinated agency strategies and advanced technology applications to achieve goals in a cost-effective and environmentally sound manner. As noted in the Administrator's message accompanying the 1998 FHWA National Strategic Plan, the strategic goals and policies, "guide FHWA decisions on a day-to-day basis, and will help our partners to frame their own agendas within a context that contributes to achieving these broad national goals." In accordance with this guidance, in making selections, the Administrator will emphasize proposals related to motor carrier safety enforcement facilities, integrated trade transportation processing systems to improve border crossings, multistate freight planning efforts, and applications of operational strategies, including ITS applications.

In addition, the concept of equity was important in the development of the TEA-21. National geographic distribution among all discretionary programs and congressional direction or guidance will be considered by the Administrator in the selection of projects for discretionary funds.

Evaluation Considerations for Both the NCPD and the CBI Program

To adequately evaluate the extent to which selection criteria noted above are met by individual projects, the FHWA will consider the following in each grant application:

1. The extent to which the project will help meet the FHWA and the DOT strategic goals as noted above.

2. Likelihood of expeditious completion of a usable project or product.

3. Size, in dollars, of the program grant request in comparison to likely accomplishments (e.g., grant requests that exceed about 10 percent of the available NCPD and CBI program funding in a given year would be expected to be subject to extra scrutiny to determine whether the likely consequences would be commensurate with that level of funding).

4. Clarity and conciseness of the grant application in submission of the required information.

5. State priorities and endorsement of, or opposition to, projects by other States, MPOs and other public and private agencies or organizations, as well as the status of the project on the State transportation improvement program (STIP) and the metropolitan transportation improvement program (TIP).

6. The extent to which the project may be eligible under both the NCPD and the CBI program.

Section III—Request for Comments on Program Implementation in FY 2001 and Beyond

The FHWA has, as noted above, changed the selection criteria somewhat from what they were in the FY 1999 solicitation. In addition, the FHWA may consider requiring the use of electronic submittals for FY 2001 for the narrative portion of the application (not maps). Consequently, the FHWA is specifically requesting comments on these two aspects of program implementation. In addition, although, as noted above, comments have been made previously, agencies that wish to reconsider their previous comment(s) or make additional or new comments on other aspects of program implementation are invited to do so. The docket number noted in the beginning of this notice should be referenced.

Section IV—Solicitation of Applications for FY 2000 Grants

As noted above, applications for FY 2000 grants are to be sent to the division office in the State where the applicant is located or to the division office in the lead State, where a project is in more than one State.

When sending in applications, the States and MPOs must understand that any qualified projects may or may not be selected. It may be necessary to supplement NCPD and CBI program funds with other Federal-aid and/or other funds to complete a useable project or product. Allocations of FY 2000 funds will be made considering

the degree to which proposed projects are viable and implementation schedules are realistic.

There is no prescribed format for project submission. The FHWA has developed, however, a sample application format and summary format which, if used, provides all the information needed to fairly evaluate candidate projects. The FHWA expects that, except for especially complex or geographically extensive projects, applications (excluding the corridor plan which is to be a separate document) should be no more than 12 pages in length and the summary should be one page in length. Applications that do not include all the described information may be considered incomplete. The sample application format and summary format are:

Format for Application for NCPD or CBI Discretionary Funds

1. State (if a multi state or multi MPO project list the lead State/MPO and participating States/MPO);

2. Congressional high priority corridor number(s), if applicable;

3. County(ies) or Parish(es);

4. U.S. Congressional District(s) and name of U.S. Representative(s) in the District(s);

5. Project Location, including a map or maps (no more than two, except for extraordinarily complex projects) with U.S. State, local numbered routes and other important facilities clearly identified;

6. Project objectives and benefits;

7. Proposed work, identifying which specific element(s) of work corresponds to each of the list of eligible NCPD and/or CBI work types and disaggregating the work into phases, if applicable;

8. Planning, programming, coordinating and scheduling status: Identifying whether the project is included, or expected to be included, in State and MPO plans and programs (e.g., STIPs and TIPs); noting consistency with plans and programs as developed by empowerment zone and enterprise community organizations; noting consistency with air quality plans; noting coordination with inspection agencies and with Canada and Mexico; and, stating the expected project initiation, milestone and/or project component completion and overall project completion dates;

9. Current and projected traffic (auto, heavy truck, and, if applicable, light truck, pedestrian, bicycle, transit vehicle, railcar, etc.) and motor carrier and highway safety information for significant facilities integral to the project;

10. Financial information and projections, including: total estimated cost of improvement to the overall corridor or border facility; a listing by year and source of previous funding (if part of a larger project, this should include previous funding for the overall project) from all sources; and, a listing, by year, amount and source, of other funds committed to the project or useable portions of the project;

11. Infrastructure condition information, applicable to infrastructure improvement projects where, at the time of the application, the facilities to be improved are reasonably known;

12. Information regarding ownership, applicable to infrastructure improvement projects where, at the time of the application, the facilities to be improved are reasonably known;

13. Maintenance responsibility, applicable to infrastructure improvement projects where, at the time of the application, the facilities to be improved are reasonably known;

14a. Other information needed to specifically address the seven selection criteria for NCPD program funding (e.g., increase in commercial traffic); and/or

14b. Other information needed to specifically address the eight selection criteria for CBI program funding (e.g., reduction in travel time);

15. Amount of NCPD program and/or CBI program funds requested, as well as written confirmation of the source and amount of non-Federal funds that make up the non-Federal share of the project;

16. Willingness to accept partial funding (if not indicated, the FHWA will construe that partial funding is acceptable);

17a. The priority within the State (or lead State) assigned to the application, relative to other applications submitted by that State, that is a clearly defined e.g., priority one or priority two, (not a qualified priority such as priority one for CBI or priority one for planning); or

17b. The reason(s) why a priority was not assigned;

18. Public endorsements of, expectations for or opposition to the project by public and private organizations who expect to use the work to be funded by the grant as well as those who expect to benefit or be adversely affected, directly or indirectly, from such work (a summary of such endorsements, delineating the oral from the written, and if appropriate, the extent of the support, is needed; however, copies of endorsements are not needed and should not be included in the application);

19a. A summary of the corridor plan, for those applications for the NCPD program where the work to be funded

includes environmental review or construction and where the project is not on a corridor identified by section 1105(c) of the ISTEA, as amended (for other NCPD applications this item is optional);

19b. Corridor plan, separate from the rest of the application, for those applications for the NCPD program where the work to be funded includes environmental review or construction.

20. Performance measures in support of the FHWA Strategic Plan; and

21. Summary sheet covering basic project information (see below).

Format for Summary Sheet— Application for NCPD or CBI Discretionary Funds

Grantee: List full name of agency.

U.S. Representative/Senator(s): List full names.

Governor/Mayor(s): List full names.

Project: Short name and brief description of project (e.g., This project provides for widening by one lane in each direction of * * * extending from * * * in the vicinity of * * * to * * * in the vicinity of * * * a distance of * * *. This improvement will serve * * * and * * * will result in major safety/time savings * * * to * * *).

FHWA Funds Requested: Exclude non-Federal share.

Other Funds Committed: Specify source and amounts.

Other Support: List agencies providing substantive assistance.

Other Important Information: (e.g., improved access to Indian Reservation, expected improvement to local economy, specify phase of project or corridor development, specify on going projects that will be coordinated with this one, identify environmental features, construction scheduling—all if appropriate).

Authority: 23 U.S.C. 315; secs. 1118 and 1119, Pub. L. 105-178, 112 Stat. 107, at 161 (1998); and 49 CFR 1.48.

Issued on: August 24, 1999.

Anthony R. Kane,

Executive Director.

[FR Doc. 99-22473 Filed 8-27-99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-1999-6171]

Liquefied Natural Gas (LNG) Vessels; Notice of Application for Approval Under Section 9 Of the Shipping Act, 1916, as Amended, to Transfer Registry of the U.S.-Flag LNG Vessels LNG: Aquarius, Aries, Capricorn, Gemini, Leo, Libra, Virgo, and Taurus to the Marshall Islands

Wilmington Trust Company and United States Trust Company of New York, as Owner Trustees, Hull Fifty Corporation, Patriot I Shipping Corp., Patriot II Shipping Corp., and Patriot IV Shipping Corp. by applications submitted January 20 and August 20, 1999, request the approval required by Section 9 of the Shipping Act, 1916, as amended (Act), of the transfer to foreign registry of the LNG *Aquarius*, LNG *Aries*, LNG *Capricorn*, LNG *Taurus*, LNG *Libra*, LNG *Gemini*, LNG *Leo*, and LNG *Virgo* (Vessels). The Vessels, delivered between 1977 and 1979 in Quincy, Massachusetts, are 71,466 DWT liquefied natural gas carriers. The Vessels have been engaged in the carriage of LNG for Pertamina, the Indonesian State oil company, from Indonesia to Japan since their delivery, and it is expected that they will continue to operate exclusively between foreign ports in the future. The proposed transfer of registry to the Marshall Islands does not include any change in ownership of the Vessels.

Any person, firm, or corporation having any interest in these applications for approval of the reflagging of the Vessels, and who desires to submit comments concerning the applications, should refer to the docket number that appears on this notice and submit their comments in triplicate to the Docket Clerk, U.S. DOT Dockets, Room PL-401, Nassif Building, Department of Transportation, 400 Seventh Street, SW, Washington, DC 20590. Comments may also be submitted by electronic means via the Internet at <http://dmses.dot.gov/submit/>. Comments must be received no later than 5 P.M. Eastern Time September 14, 1999.

This notice is published as a matter of discretion. The Maritime Administrator will consider any comments submitted and take such action with respect thereto as may be deemed appropriate.

The application and all comments received will be available for examination at the above address between 10 A.M. and 5 P.M., Monday through Friday, except Federal holidays. An electronic version of this document

is available at the World Wide Web at <http://dms.dot.gov>.

By Order of the Maritime Administrator.

Dated: August 26, 1999.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 99-22574 Filed 8-27-99; 8:45 am]

BILLING CODE 4910-81-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

[Docket No. RSPA-99-6157]

Pipeline Safety: Programmatic Environmental Assessment for Oil Pollution Act Facility Response Plans

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Availability of the environmental assessment for the Office of Pipeline Safety's Response Plan Review and Exercise Program.

SUMMARY: Pursuant to Council on Environmental Quality regulations and Department of Transportation policy, the Research and Special Programs Administration announces the availability of an Environmental Assessment for the Office of Pipeline Safety's (OPS) Response Plan Review and Exercise Program. The Environmental Assessment examines the effects of the program on the environment and on pipeline operators' ability to respond to oil spills affecting waters of the United States. The Research and Special Programs Administration is soliciting comments on this Environmental Assessment. These comments will be considered in evaluating it and in making decisions pursuant to the National Environmental Policy Act (NEPA).

ADDRESSES: Comments on the Environmental Assessment should be submitted to: Jim Taylor, Response Plans Officer, US Department of Transportation, Research and Special Programs Administration, Office of Pipeline Safety, Room 7128, 400 7th Street, SW, Washington, DC 20590 or email jim.taylor@rspa.dot.gov. A limited number of copies of the Environmental Assessment are available on request. Public reading copies of the Environmental Assessment will be available at the Department of Transportation Docket Center, Room PL-401, 400 7th Street, SW, Washington DC, 20590. The Dockets Facility is open from 10 a.m. to 5 p.m., Monday through Friday, except Federal holidays.