

radiant heat. The device may also contain a temperature monitoring sensor, a heat output control mechanism, and an alarm system (infant temperature, manual mode if present, and failure alarms) to alert operators of a temperature condition over or under the set temperature, manual mode time limits, and device component failure, respectively. The device may be placed over a pediatric hospital bed or it may be built into the bed as a complete unit.

(b) *Classification.* Class II (Special Controls):

(1) The Association for the Advancement of Medical Instrumentation (AAMI) Voluntary Standard for the Infant Radiant Warmer;

(2) A prescription statement in accordance with § 801.109 of this chapter (restricted to use by or upon the order of qualified practitioners as determined by the States); and

(3) Labeling for use only in health care facilities and only by persons with specific training and experience in the use of the device.

Dated: June 10, 1997.

**Joseph A. Levitt,**

*Deputy Director for Regulations Policy, Center for Devices and Radiological Health.*

[FR Doc. 97-16123 Filed 6-18-97; 8:45 am]

BILLING CODE 4160-01-F

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### 23 CFR Part 470

[Docket No. FHWA 97-2394]

RIN 2125-AD74

#### Federal-Aid Highway Systems

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

**ACTION:** Interim final rule; request for comments.

**SUMMARY:** The FHWA is amending its regulation on Federal-aid highway systems to incorporate changes made by the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) and the National Highway System Designation Act of 1995. The ISTEA, among other things, added provisions defining the Federal-aid highway systems as the Interstate System and the National Highway System (NHS) which replaced the provisions defining the Federal-aid highway systems as the Interstate, Primary, Secondary, and Urban Systems. The purpose of this document is to reflect the statutory changes in defining the Federal-aid highway systems, reduce regulatory requirements

and simplify recordkeeping requirements imposed on States, and consolidate (in appendices to the regulation) all nonregulatory guidance material issued previously by the FHWA on this subject.

**DATES:** This interim final rule is effective July 21, 1997. Comments must be received by August 18, 1997.

**ADDRESSES:** Submit written, signed comments to the docket number that appears in the heading of this document to the Docket Clerk, U.S. 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 10 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped envelope or postcard.

**FOR FURTHER INFORMATION CONTACT:**

Thomas R. Weeks, Intermodal and Statewide Programs Division (202) 366-5002, or Grace Reidy, Office of the Chief Counsel, HCC-32, (202) 366-6226, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:** The FHWA is amending its regulation at 23 CFR Part 470, subpart A, on Federal-aid highway systems to: (1) Reflect recent statutory changes made by sections 1006, 1024, 1025, and 1105 of the ISTEA, Pub. L. 102-240, 105 Stat. 1914, and sections 101 and 332 of the NHS Act, Pub. L. 104-59, 109 Stat. 568; (2) reduce regulatory requirements and simplify recordkeeping requirements imposed on States; and (3) consolidate, in appendices to the regulation, all relevant nonregulatory guidance previously issued in the FHWA's policy memoranda and the "Federal-Aid Policy Guide." The amended regulation, including its appendices, now combines all policies and guidance on the Federal-aid highway systems in a single document for easy reference.

For a number of years prior to the ISTEA, the Federal-aid highway systems consisted of four components—the Primary System (which also included the Interstate System), the Urban System, and the Secondary System. These four highway systems established basic eligibility of qualifying roads and streets for construction or improvement with certain categories of Federal-aid highway funds, i.e., the Interstate, Primary, Secondary, and Urban System apportionments. The ISTEA restructured the Federal-aid highway

systems by rescinding the Federal-aid Primary, Secondary, and Urban Systems and requiring the establishment of a new NHS. Certain components of the NHS were specified by statute, including the Interstate System and 21 high priority corridors. The ISTEA also required a functional reclassification of all public roads and streets to determine eligibility for inclusion on the NHS and eligibility for funding under the Surface Transportation Program. Pending enactment of legislation approving the NHS, the ISTEA established an interim NHS that was eligible for funding under the NHS program and consisted of all rural and urban routes which were functionally classified as principal arterials.

During December 1993, a proposed NHS was submitted by the Department of Transportation (DOT) to Congress for approval, and the NHS was subsequently designated by the NHS Act. The NHS Act, within 180 days of enactment, required the Secretary of Transportation (Secretary) to submit to Congress for approval proposed additions to the NHS, consisting of connections to major intermodal terminal facilities. The NHS Act also authorized the Secretary to approve modifications to the NHS, including, once the initial designations were enacted by law, the connections to intermodal terminals. Finally, the NHS Act designated eight additional high priority corridors on the NHS and designated all, or part of, four high priority corridors as future Interstate routes.

The proposed NHS connections to major intermodal terminals were submitted to Congress in May 1996. To date, Congress has not enacted legislation regarding these additional routes.

The FHWA issued interim guidance in February 1996 establishing procedures for use by the States in proposing modifications to the NHS. Guidance for use by the States in proposing modifications to the Interstate System under 23 U.S.C. 139 was issued in 1986. Guidance for use by the States in proposing additions to the Interstate System under Section 332 of the NHS Act was issued in February 1996. Guidance for signing and numbering routes identified as future parts of the Interstate System was issued in August 1996 and later modified in December 1996. All guidance material contained in the documents noted above is incorporated in the regulation at 23 CFR part 470 as nonregulatory appendices. The documents were initially issued as FHWA Headquarters memoranda that

were transmitted by the field offices to their respective States.

### Section-by-Section Analysis

#### *All Sections and Appendices*

All references to the former Federal-aid Primary, Secondary, and Urban Systems are removed. A number of provisions that apply to the former Federal-aid Primary System are carried over to the new NHS. References to statewide and metropolitan transportation planning are expanded to include new statutory statewide transportation planning requirements and have been coordinated with terms used in the planning regulations at 23 CFR part 450. The responsible State body for proposing changes to the Federal-aid highway systems is now identified as the State transportation agency.

Because of the substantial number of deletions and additions, the existing rule is essentially reorganized and rewritten in its entirety. Therefore, section numbers, appendices and titles used herein are those of the interim final rule, unless labeled as a former section or appendix. Wording carried forward, or revised, may be from a different numbered and titled former section. *Additional* substantive changes made in specific sections and appendices are described below.

#### *Section 470.101 Purpose*

The regulations are applied to designation of routes on the statutory Federal-aid highway systems.

#### *Section 470.103 Definitions*

The revised statutory name of the Interstate System, the "Dwight D. Eisenhower National System of Interstate and Defense Highways," is taken from section 1005(e) of the ISTEA. Terms used in the regulation are retained for "governor" and "metropolitan planning organization." The term for "responsible local officials" is a new heading used in the regulation. Definitions are added for "consultation," "cooperation," "coordination," "Federal-aid highway systems," "Federal-aid highways," and "State." Definitions needed only for nonregulatory guidance are removed.

#### *Section 470.105 Urban Area Boundaries and Highway Functional Classification*

The minimum boundaries for Federal-aid urban areas are established by reference to census urban places and census urbanized areas. Modification (enlargement) of the boundaries is permitted by 23 U.S.C. 101. Guidance

for the modification of urban area boundaries is now contained in FHWA's "Federal-Aid Policy Guide," which is available for inspection and copying, as prescribed in 49 CFR part 7, appendix D, and is available for purchase from the FHWA, Office of Management Systems, HMS-12, 400 Seventh St. SW., Washington, DC 20590. The limits of urban areas can be of importance in the planning and programing of improvements to the Federal-aid and other highway systems.

Functional classification is a prerequisite for determining the newly defined Federal-aid highways and National Highway System. Procedures for functional classification of existing roads and streets according to functional usage are contained in the FHWA publication, "Highway Functional Classification—Concepts, Criteria and Procedures" (March 1989) which is available from the FHWA's Office of Environment and Planning, HEP-10, 400 Seventh St. SW., Washington, DC 20590. The mapping and the FHWA approval requirements are retained.

#### *Section 470.107 Federal-Aid Highway Systems*

The new National Highway System includes the Interstate System and other principal arterials serving major travel destinations and transportation needs, connectors to major transportation terminals, the Strategic Highway Network and connectors, and high priority corridors identified by law.

Statutory limits on the lengths of the Federal-aid highway systems are being given in terms of kilometers using the factor of 0.62 kilometers per mile. The portion of Interstate System mileage that may be based on 23 U.S.C. 103(e)(1), (e)(2), and (e)(3) is limited to 43,000 miles (41,000, 500, and 1,500 miles, respectively). The limit on NHS mileage is based on 115 percent of 155,000 miles.

#### *Section 470.109 Proposed System Designations—General*

Provisions applicable to any Federal-aid highway system are grouped in this section; those applicable to the Interstate or NHS are included separately in the following sections. The details of route location, mapping, and numbering are no longer covered by regulation.

#### *Former Section 470.111 Reclassifications, Deletions, and Reinstatements*

This section regarding the applicability of State agreements to maintain Federal-aid projects is deleted

as it is a duplication of other directives and inappropriate to regulations on highway systems.

#### *Section 470.111 Proposed Interstate System Designations*

Additions to the Interstate System may no longer be approved under the authority of 23 U.S.C. 103(e), which created eligibility for Interstate construction funds. Furthermore, there are no new authorizations of Interstate construction funds. Basic procedural requirements are retained, however, for possible Interstate modifications under 23 U.S.C. 103(f). The interim final rule now incorporates several special provisions that existed for Interstate additions. Also, included in the interim final rule are the general requirements for designation of routes as parts, or future parts, of the Interstate System under 23 U.S.C. 139 (a) or (b). These designations are made by the FHWA Administrator for routes that would be logical additions to the Interstate System and are, or will be, constructed to Interstate standards.

The FHWA also includes special provisions for Interstate routes in Alaska and Puerto Rico under 23 U.S.C. 139(c) and provisions regarding four corridors designated as future Interstate routes in section 332(a)(2) of the NHS Act.

The interim final rule recognizes the important and long standing role of the American Association of State Highway and Transportation Officials (AASHTO) in the review of proposed route numbers for Interstate highways.

Although the law is clear that highways designated as future parts of the Interstate System under 23 U.S.C. 139(b) may not be signed as a part of the Interstate System, it is silent on whether or not they may be signed as a future part. Because of increased interest in such signing, the FHWA is including reference to a policy (see appendix C of the rule) recently established for the signing of future Interstate corridors that have been established either under 23 U.S.C. 139(b), or under section 332(a)(2) of the NHS Act. The conference report on the latter section stated that the "\* \* \* provision is intended to permit States to erect signs along such designated routes as 'future' Interstates upon enactment."

#### *Section 470.113 Proposed National Highway System Designations*

There are no additional substantive changes.

*Former Section 470.111  
Reclassifications, Deletions, and  
Reinstatements*

Provisions relating to State obligations with respect to Federal-aid projects are removed.

*Section 470.115 Approval authority*

There are no additional substantive changes.

*Former Part 470, Subpart A, Appendix A—Florida (National System of Interstate and Defense Highways); Appendix B—Primary Federal-Aid System; Appendix C—Urbanized Federal-Aid Urban System*

Former Appendix A, with a detailed format for listing Interstate highway descriptions, is removed as unnecessary. Former Appendices B and C, which refer to former Federal-aid systems, are removed as obsolete.

*Part 470, Subpart A, Appendix A—Guidance Criteria for Evaluating Requests for Interstate System Designations under 23 U.S.C. 139 (a) and (b)*

The criteria for designations of highways as parts, or future parts, of the Interstate System under 23 U.S.C. 139 (a) and (b), respectively, have been virtually unchanged since 1986. The appendix includes both statutory and administrative criteria.

*Appendix B—Designation of Segments of Section 332(a)(2) Corridors as Parts of the Interstate System*

These procedures for addition of highways designated as future parts of the Interstate System under section 332(a)(2) of the NHS Act were issued as interim guidance in February 1996.

*Appendix C—Policy for the Signing and Numbering of Future Interstate Corridors Designated by Section 332 of the NHS Designation Act of 1995 or Designated under 23 U.S.C. 139(b)*

The policy for signing and numbering of future Interstate routes was issued as an interim policy in August 1996 and revised in December 1996. Criteria are included to establish eligibility for consideration of signing of future routes and are supplementary to normal signing location, design, construction, and wording requirements.

*Appendix D—Guidance Criteria for Evaluating Requests for Modifications to the National Highway System*

The criteria for modifications of the National Highway System were issued as interim guidance in February 1996. While essentially the same as the

interim guidance, several sections are being expanded for clarification.

For ease of reference, the following table is provided to assist the user in locating section and paragraph changes made in this rulemaking:

Old Section	New Section
470.101 .....	470.101 revised.
470.103(a) .....	470.103 introductory paragraph.
70.103(b): .....	470.103 terms revised:
Urban area .....	Removed.
Rural area .....	Removed.
Public road .....	Removed.
Rural arterial routes ..	Removed.
Rural major collector routes.	Removed.
Urban arterial routes	Removed.
Appropriate local officials.	Responsible local officials.
Governor .....	Governor.
Metropolitan planning organization.	Metropolitan planning organization.
Control area .....	Removed.
None .....	Consultation.
None .....	Cooperation.
None .....	Coordination.
None .....	Federal-aid highway systems.
None .....	Federal-aid highways.
None .....	State.
470.105(a) .....	470.107(a) revised.
470.105 (b)–(d) .....	Removed.
470.107 (a)–(b) .....	470.105(a)-(b) revised.
470.107(c) .....	470.109(a)-(e) revised.
470.107(d) .....	470.107(a)-(b) revised.
470.107 (e)–(h) .....	Removed.
470.109 .....	470.111 and 470.113.
470.111 .....	Removed.
470.113 .....	470.109.
470.115 .....	470.115.
470.117 .....	Removed.
Appendices A, B, and C.	Removed.
None .....	Appendices A, B, C, and D.

**Rulemaking Analyses and Notices**

Because the amendments to this regulation are statutorily mandated, incorporate existing policy, or essentially document well-established procedures, requirements or practices, the FHWA finds that prior notice and opportunity for comment are unnecessary under 5 U.S.C. 553(b)(3)(B). The States have operated under the basic policies covered by this regulation for many years. The amendments being made to this regulation were specifically designed to simplify administrative procedures, minimize regulatory burdens, and provide flexibility for accomplishing required system actions. Therefore, the FHWA is not exercising its discretion in a way that could be

substantially affected by public comment.

Since passage of the NHS Act, the FHWA developed and implemented policies for modifying the NHS. The policies included in the interim final rule for modifying the NHS are essentially the same. The criteria for modifying the Interstate System under 23 U.S.C. 139 have been virtually identical since 1986. The nonregulatory guidance for numbering and signing future Interstate routes, although recently issued, was developed through a consultative process. Only a few States have expressed an interest in such signing.

For these reasons, the FHWA has also determined that prior notice and opportunity for comment are not required under the Department of Transportation's regulatory policies and procedures, as it is not anticipated that such action would result in the receipt of essential information. Issuance of the amended regulation as an interim final rule will provide interested parties an opportunity to comment on any aspect of the amended regulation and the nonregulatory appendices. Depending on the nature and extent of the comments, the FHWA will consider subsequent revisions to either the regulation or the nonregulatory appendices. The FHWA will also publish a notice in the **Federal Register** to summarize any comments received and any actions the agency has taken, or plans to take, with regard to the comments. Therefore, the FHWA is proceeding directly to an interim final rule, which is effective 30 days from its date of publication.

**Executive Order 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures**

The FHWA has determined that this action is neither a significant action within the meaning of Executive Order 12866 nor significant under the Department of Transportation's regulatory policies and procedures. This rule establishes procedures for State highway agencies to request modifications of established Federal-aid highway systems.

This interim final rule provides States with criteria for proposed system modifications, route numbering, and signing. This rule will not result in a major increase in costs or prices for State or local governments. The rule will not have an adverse effect on competition, employment, investment, productivity, innovation, or on the ability to compete with foreign enterprises. It is anticipated that the economic impact of this rulemaking will

be minimal, as the rule is not altering the amount of Federal-aid funds made available, nor is it substantially changing the administrative processing requirements for State transportation agencies. Therefore, a full regulatory evaluation is not required. Nevertheless, the FHWA is providing an opportunity for interested parties to comment upon the possible economic consequences of the rule.

#### **Regulatory Flexibility Act**

In compliance with the Regulatory Flexibility Act (Pub.L. 96-354, 5 U.S.C. 601-612), the FHWA has preliminarily determined that this rulemaking will have virtually no economic impact on small entities. The rulemaking is directed toward State governments. Although the regulation being amended continues to require the States to cooperate with responsible local officials in conjunction with certain highway classification and system actions, the States will bear the responsibility for initiating and completing this cooperation. The States will coordinate with responsible local officials through existing organizational mechanisms as a part of the ongoing statewide and metropolitan transportation planning processes required by 23 CFR part 450. Therefore, no unique or special arrangements are required, nor expected, to accomplish the necessary cooperation.

The regulation clarifies, streamlines, and simplifies Federal-aid highway systems policies for modification and management of the systems. The primary impact of this rulemaking action, therefore, will be a reduction in the administrative burden on the States associated with Federal-aid system actions. Based on this evaluation, the FHWA hereby certifies that this action will not have a significant economic impact on a substantial number of small entities.

#### **Executive Order 12612 (Federalism Assessment)**

This rulemaking has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that this action does not have sufficient federalism implications to warrant the preparation of a federalism assessment. The purpose of this rule is to eliminate many administrative procedures and recordkeeping requirements related to the Federal-aid highway system actions that have been in place for many years, and to limit State actions to those specifically required by Federal statute. The rule will reduce costs and burdens on the States. It will not affect the

ability of the States to discharge traditional State governmental functions. The rule relies on existing mechanisms—those established through the statewide and metropolitan planning processes for the involvement of local and metropolitan agencies in the management of the Federal-aid highway systems. An overriding objective of the FHWA in developing this rule is to minimize the regulatory requirements and rely heavily on nonregulatory guidance in the management of proposed changes to Federal-aid highway systems.

#### **Executive Order 12372 (Intergovernmental Review)**

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.

#### **Paperwork Reduction Act**

The Paperwork Reduction Act of 1995 (PRA) concerns the responsibility of Federal agencies in developing proposed collections of information. The PRA is designed "to reduce, minimize, and control burdens and maximize the practical utility and public benefit of the information created, collected, disclosed, maintained, used, shared, and disseminated by or for the Federal Government." 23 CFR 1320.1. Thus, the FHWA has a responsibility to determine if the PRA applies to this rulemaking proceeding.

For many years, States and State transportation agencies have operated pursuant to current regulations at 23 CFR part 470 that contain criteria to request modifications of established Federal-aid highway systems. Before enactment of the ISTEA, the Federal-aid highway systems consisted of the Interstate, Primary, Secondary, and Urban Systems. The ISTEA, however, restructured the Federal-aid highway systems by rescinding the Federal-aid Primary, Secondary, and Urban Systems and requiring the establishment of the NHS. The ISTEA also required a functional reclassification of all public roads and streets to determine eligibility for inclusion on the NHS and eligibility for funding under the Surface Transportation Program. Another piece of legislation, the NHS Act, designated the NHS and authorized the Secretary to approve any modifications to the NHS. To assist States with their system modifications, the FHWA previously issued interim guidance establishing

procedures for use by the States in proposing modifications to the Interstate System and the NHS, and for signing and numbering routes identified as future parts of the Interstate System. Thus, the purpose of this interim final rule is to incorporate the legislative changes mandated by the ISTEA and the NHS Act, as well as the nonregulatory guidance material that the FHWA issued previously to assist States in their efforts to modify the Federal-aid highway systems. Only a few States have indicated that they are interested in such signing.

The interim final rule specifies that States and State transportation agencies can submit proposals for modifying the Federal-aid highway systems by submitting certain information to the FHWA and, in the case of Interstate route numbering proposals, to the American Association of State Highway and Transportation Officials route numbering committee. As indicated above, the FHWA intends to include, as appendices to the regulation at part 470, nonregulatory guidance material issued previously by the agency to assist States in their system modification efforts. Under 5 CFR 1320.3(c)(2), the public disclosure of information originally supplied by the Federal Government to the recipient for the purpose of disclosure is not a collection of information. Thus, the FHWA's consolidation of this nonregulatory guidance material in the interim final rule does not violate the PRA.

It is also important to note that, under the PRA, a State agency is not required to obtain approval of the Office of Management and Budget (OMB) to undertake on its own initiative to collect information. However, in instances where the State agency's collection of information is being "conducted or sponsored" by a Federal agency, then the Federal agency would need to obtain OMB approval for any collection of information. Thus, another inquiry to be made in this rulemaking would be whether a State's proposal to modify the Federal-aid highway system is a collection of information "conducted or sponsored" by the FHWA. The FHWA believes that it is not.

First, under 49 CFR 1320.3(d), a collection of information undertaken by a recipient (here the State) of a Federal grant is considered to be "conducted or sponsored" by an agency only if: (1) The recipient of a grant is conducting the collection of information at the specific request of the agency; or (2) the terms and conditions of the grant require specific approval by the agency of the collection of information or collection procedures. In this interim final rule,

the FHWA is not requesting the States to collect information to modify the Federal-aid highway systems. Nor is the State's submittal of a proposed modification a prerequisite for a Federal grant. Presumably, the FHWA must first approve a State's proposal to modify the Federal-aid highway systems before a route can be added to the Interstate System or the NHS, but the FHWA is not requesting this collection of information. States that seek to modify the Interstate System and the NHS can follow the criteria set forth at part 470 to accomplish requested system modifications. This interim final rule merely provides the States with revised regulations to assist them in their efforts.

Second, the FHWA does not believe that this action constitutes a collection of information under the PRA because the interim final rule does not impose requirements on "ten or more persons." 49 CFR 1320.3(c). The phrase "ten or more persons" refers to the persons to whom a collection of information is addressed by the agency within any 12-month period, and to any independent entities to which the initial addressee may reasonably be expected to transmit the collection of information during that period, including independent State, territorial, tribal or local entities and separately incorporated subsidiaries or affiliates. 49 CFR 1320.3(c)(4). Because the FHWA does not expect to address more than 10 requests by States to modify route designations during any 12-month period, it does not constitute a "collection of information" covered by the PRA.

Accordingly, the FHWA is amending its regulation on Federal-aid highway systems to incorporate statutory changes made by the ISTEA and the NHS Act, and to include in this amended regulation all relevant appendices of nonregulatory guidance previously issued in FHWA policy memoranda and the "Federal-aid Policy Guide" to assist States in proposing modifications to the Interstate System and the NHS. The interim final rule will provide States and State transportation agencies with criteria for proposed system modifications, route numbering, and signing. This action will also reduce regulatory requirements, simplify administrative procedures and recordkeeping requirements, and provide flexibility to accomplish State-requested system actions.

#### National Environmental Policy Act

The agency has analyzed this section for the purpose of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and has determined

that this action would not have any effect on the quality of the environment.

#### Regulation Identification Number

A regulation identification number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN contained in the heading of this document can be used to cross reference this action with the Unified Agenda.

#### List of Subjects in 23 CFR Part 470

Grant programs—transportation, Highway planning, Highways and roads.

In consideration of the foregoing, the FHWA is amending title 23, CFR, chapter I, by revising subpart A of part 470 as set forth below.

Issued on: June 11, 1997.

**Jane F. Garvey,**

*Acting Administrator for the Federal Highway Administration.*

#### PART 470—HIGHWAY SYSTEMS

1. The authority citation for part 470 is revised to read as follows:

**Authority:** 23 U.S.C. 103(b)(2), 103 (e)(1), (e)(2), and (e)(3), 103(f), 134, 135, and 315; and 49 CFR 1.48(b)(2).

#### Subpart A—[Revised]

2. Subpart A of part 470 is revised to read as follows:

#### Subpart A—Federal-aid Highway Systems

Sec.

470.101 Purpose.

470.103 Definitions.

470.105 Urban area boundaries and highway functional classification.

470.107 Federal-aid highway systems.

470.109 System procedures—General.

470.111 Interstate System procedures.

470.113 National Highway System procedures.

470.115 Approval authority.

Appendix A—Guidance Criteria for Evaluating Requests for Interstate System Designations under 23 U.S.C. 139 (a) and (b).

Appendix B—Designation of Segments of Section 332(a)(2) Corridors as Parts of the Interstate System.

Appendix C—Policy for the Signing and Numbering of Future Interstate Corridors Designated by Section 332 of the NHS Designation Act of 1995 or Designated under 23 U.S.C. 139(b).

Appendix D—Guidance Criteria for Evaluating Requests for Modifications to the National Highway System.

#### Subpart A—Federal-aid Highway Systems

##### § 470.101 Purpose.

This part sets forth policies and procedures relating to the identification of Federal-aid highways, the functional classification of roads and streets, the designation of urban area boundaries, and the designation of routes on the Federal-aid highway systems.

##### § 470.103 Definitions.

Except as otherwise provided in this part, terms defined in 23 U.S.C. 101(a) are used in this part as so defined.

*Consultation* means that one party confers with another identified party and, prior to taking action(s), considers that party's views.

*Cooperation* means that the parties involved in carrying out the planning, programming and management systems processes work together to achieve a common goal or objective.

*Coordination* means the comparison of the transportation plans, programs, and schedules of one agency with related plans, programs, and schedules of other agencies or entities with legal standing, and adjustment of plans, programs, and schedules to achieve general consistency.

*Federal-aid highway systems* means the National Highway System and the Dwight D. Eisenhower National System of Interstate and Defense Highways (the "Interstate System").

*Federal-aid highways* means highways on the Federal-aid highway systems and all other public roads not classified as local roads or rural minor collectors.

*Governor* means the chief executive of the State and includes the Mayor of the District of Columbia.

*Metropolitan planning organization (MPO)* means the forum for cooperative transportation decisionmaking for the metropolitan planning area in which the metropolitan transportation planning process required by 23 U.S.C. 134 and 49 U.S.C. 5303–5305 must be carried out.

*Responsible local officials* means—

- (1) In urbanized areas, principal elected officials of general purpose local governments acting through the Metropolitan Planning Organization designated by the Governor, or
- (2) In rural areas and urban areas not within any urbanized area, principal elected officials of general purpose local governments.

*State* means any one of the fifty States, the District of Columbia, Puerto Rico, or, for purposes of functional classification of highways, the Virgin Islands, American Samoa, Guam, or the

Commonwealth of the Northern Marianas.

**§ 470.105 Urban area boundaries and highway functional classification.**

(a) *Urban area boundaries.* Routes on the Federal-aid highway systems may be designated in both rural and urban areas. Guidance for determining the boundaries of urbanized and nonurbanized urban areas is provided in the "Federal-Aid Policy Guide," Chapter 4 [G 4063.0], dated December 9, 1991.<sup>1</sup>

(b) *Highway Functional Classification.* (1) The State transportation agency shall have the primary responsibility for developing and updating a statewide highway functional classification in rural and urban areas to determine functional usage of the existing roads and streets. Guidance criteria and procedures are provided in the FHWA publication "Highway Functional Classification—Concepts, Criteria and Procedures."<sup>2</sup> The State shall cooperate with responsible local officials, or appropriate Federal agency in the case of areas under Federal jurisdiction, in developing and updating the functional classification.

(2) The results of the functional classification shall be mapped and submitted to the Federal Highway Administration (FHWA) for approval and when approved shall serve as the official record for Federal-aid highways and the basis for designation of the National Highway System.

**§ 470.107 Federal-aid highway systems.**

(a) *Interstate System.* (1) The Dwight D. Eisenhower National System of Interstate and Defense Highways (Interstate System) shall consist of routes of highest importance to the Nation, built to the uniform geometric and construction standards of 23 U.S.C. 109(h), which connect, as directly as practicable, the principal metropolitan areas, cities, and industrial centers, including important routes into, through, and around urban areas, serve the national defense and, to the greatest extent possible, connect at suitable border points with routes of continental importance in Canada and Mexico.

(2) The portion of the Interstate System designated under 23 U.S.C. 103 (e)(1), (e)(2), and (e)(3) shall not exceed 69,230 kilometers (43,000 miles). Additional Interstate System segments

are permitted under the provisions of 23 U.S.C. 139 (a) and (c) and section 1105(e)(5)(A) of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), Pub. L. 102-240, 105 Stat. 1914, as amended.

(b) *National Highway System.* (1) The National Highway System shall consist of interconnected urban and rural principal arterials and highways (including toll facilities) which serve major population centers, international border crossings, ports, airports, public transportation facilities, other intermodal transportation facilities and other major travel destinations; meet national defense requirements; and serve interstate and interregional travel. All routes on the Interstate System are a part of the National Highway System.

(2) The National Highway System shall not exceed 286,983 kilometers (178,250 miles).

(3) The National Highway System shall include the Strategic Highway Corridor Network (STRAHNET) and its highway connectors to major military installations, as designated by the Administrator in consultation with appropriate Federal agencies and the States. The STRAHNET includes highways which are important to the United States strategic defense policy and which provide defense access, continuity, and emergency capabilities for the movement of personnel, materials, and equipment in both peace time and war time.

(4) The National Highway System shall include all high priority corridors identified in section 1105(c) of the ISTEA.

**§ 470.109 System procedures—General.**

(a) The State transportation agency, in consultation with responsible local officials, shall have the responsibility for proposing to the Federal Highway Administration all official actions regarding the designation, or revision, of the Federal-aid highway systems.

(b) The routes of the Federal-aid highway systems shall be proposed by coordinated action of the State transportation agencies where the routes involve State-line connections.

(c) The designation of routes on the Federal-aid highway systems shall be in accordance with the planning process required, pursuant to the provisions at 23 U.S.C. 135, and, in urbanized areas, the provisions at 23 U.S.C. 134(a). The State shall cooperate with local and regional officials. In urbanized areas, the local officials shall act through the metropolitan planning organizations designated for such areas under 23 U.S.C. 134.

(d) In areas under Federal jurisdiction, the designation of routes on the Federal-aid highway systems shall be coordinated with the appropriate Federal agency.

**§ 470.111 Interstate System procedures.**

(a) Proposals for system actions on the Interstate System shall include a route description and a statement of justification. Proposals shall also include statements regarding coordination with adjoining States on State-line connections, with responsible local officials, and with officials of areas under Federal jurisdiction.

(b) Proposals for Interstate or future Interstate designation under 23 U.S.C. 139(a) or (b), as logical additions or connections, shall consider the criteria contained in appendix A of this subpart. For designation as a part of the Interstate system, 23 U.S.C. 139(a) requires that a highway meet all the standards of a highway on the Interstate System, be a logical addition or connection to the Interstate System, and have the affirmative recommendation of the State or States involved. For designation as a future part of the Interstate System, 23 U.S.C. 139(b) requires that a highway be a logical addition or connection to the Interstate System, have the affirmative recommendation of the State or States involved, and have the written agreement of the State or States involved that such highway will be constructed to meet all the standards of a highway on the Interstate System within twelve years of the date of the agreement between the FHWA Administrator and the State or States involved. Such highways must also be on the National Highway System.

(c) Proposals for Interstate designation under 23 U.S.C. 139(c) shall pertain only to Alaska or Puerto Rico. For designation as parts of the Interstate System, 23 U.S.C. 139(c) requires that highway segments be in States which have no Interstate System; be logical components to a system serving the State's principal cities, national defense needs and military installations, and traffic generated by rail, water, and air transportation modes; and have been constructed to the geometric and construction standards adequate for current and probable future traffic demands and the needs of the locality of the segment. Such highways must also be on the National Highway System.

(d) Routes proposed for Interstate designation under section 332(a)(2) of the NHS Designation Act of 1995 (NHS Act) shall be constructed to Interstate standards and connect to the Interstate

<sup>1</sup> The "Federal-aid Policy Guide" is available for inspection and copying as prescribed in 49 CFR part 7, Appendix D.

<sup>2</sup> This publication, revised in March 1989, is available on request to the FHWA, Office of Environment and Planning, HEP-10, 400 Seventh Street, SW., Washington, DC 20590.

System. Proposals shall consider the criteria contained in appendix B of this subpart.

(e) Proposals for Interstate route numbering shall be submitted by the State transportation agency to the Route Numbering Committee of the American Association of State Highway and Transportation Officials.

(f) Signing of corridors federally designated as future Interstate routes can follow the criteria contained in appendix C of this subpart. No law, rule, regulation, map, document, or other record of the United States, or of any State or political subdivision thereof, shall refer to any highway under 23 U.S.C. 139, nor shall any such highway be signed or marked, as a highway on the Interstate System until such time as such highway is constructed to the geometric and construction standards for the Interstate System and has been designated as a part of the Interstate System.

#### **§ 470.113 National Highway System procedures.**

(a) Proposals for system actions on the National Highway System shall include a route description, a statement of justification, and statements of coordination with adjoining States on State-line connections, with responsible local officials, and with officials of areas under Federal jurisdiction.

(b) Proposed modifications to the National Highway System shall enhance the national transportation characteristics of the National Highway System and shall follow the criteria listed in § 470.107. Proposals shall also consider the criteria contained in appendix D of this subpart.

#### **§ 470.115 Approval authority.**

(a) The Federal Highway Administrator will approve Federal-aid highway system actions involving the designation, or revision, of routes on the Interstate System, including route numbers, future Interstate routes, and routes on the National Highway System.

(b) The Federal Highway Administrator will approve functional classification actions.

#### **Appendix A to Part 470, Subpart A—Guidance Criteria for Evaluating Requests for Interstate System Designations Under 23 U.S.C. 139 (a) and (b)**

Section 139 (a) and (b), of title 23, U.S.C., permits States to request the designation of National Highway System routes as parts or future parts of the Interstate System. The FHWA Administrator may approve such a request if the route is a logical addition or connection to the Interstate System and has been, or will be, constructed to meet

Interstate standards. The following are the general criteria to be used to evaluate 23 U.S.C. 139 requests for Interstate System designations.

1. The proposed route should be of sufficient length to serve long-distance Interstate travel, such as connecting routes between principal metropolitan cities or industrial centers important to national defense and economic development.

2. The proposed route should not duplicate other Interstate routes. It should serve Interstate traffic movement not provided by another Interstate route.

3. The proposed route should directly serve major highway traffic generators. The term "major highway traffic generator" means either an urbanized area with a population over 100,000 or a similar major concentrated land use activity that produces and attracts long-distance Interstate and statewide travel of persons and goods. Typical examples of similar major concentrated land use activities would include a principal industrial complex, government center, military installation, or transportation terminal.

4. The proposed route should connect to the Interstate System at each end, with the exception of Interstate routes that connect with continental routes at an international border, or terminate in a "major highway traffic generator" that is not served by another Interstate route. In the latter case, the terminus of the Interstate route should connect to routes of the National Highway System that will adequately handle the traffic. The proposed route also must be functionally classified as a principal arterial and be a part of the National Highway System.

5. The proposed route must meet all the current geometric and safety standards criteria as set forth in 23 CFR part 625 for highways on the Interstate System, or a formal agreement to construct the route to such standards within 12 years must be executed between the State(s) and the Federal Highway Administration. Any proposed exceptions to the standards shall be approved at the time of designation.

6. A route being proposed for designation under 23 U.S.C. 139(b) must have an approved final environmental document (including, if required, a 49 U.S.C. 303(c) [Section 4(f)] approval) covering the route and project action must be ready to proceed with design at the time of designation. Routes constructed to Interstate standards are not necessarily logical additions to the Interstate System unless they clearly meet all of the above criteria.

#### **Appendix B to Part 470, Subpart A—Designation of Segments of Section 332(a)(2) Corridors as Parts of the Interstate System**

The following guidance is comparable to current procedures for Interstate System designation requests under 23 U.S.C. 139(a). All Interstate System additions must be approved by the Federal Highway Administrator. The provisions of section 332(a)(2) of the NHS Act have also been incorporated into the ISTEA as section 1105(e)(5)(A).

1. The request must be submitted through the appropriate FHWA Division and Regional Offices to the Associate Administrator for Program Development (HEP-10). Comments and recommendations by the division and regional offices are requested.

2. The State DOT secretary (or equivalent) must request that the route segment be added to the Interstate System. The exact location and termini must be specified. If the route segment involves more than one State, each affected State must submit a separate request.

3. The request must provide information to support findings that the segment (a) is built to Interstate design standards and (b) connects to the existing Interstate System. The segment should be of sufficient length to provide substantial service to the travelling public.

4. The request must also identify and justify any design exceptions for which approval is requested.

5. Proposed Interstate route numbering for the segment must be submitted to FHWA and the American Association of State Highway and Transportation Officials Route Numbering Committee.

#### **Appendix C to Part 470, Subpart A—Policy for the Signing and Numbering of Future Interstate Corridors Designated by Section 332 of the NHS Designation Act of 1995 or Designated Under 23 U.S.C. 139(b)**

##### **Policy**

State transportation agencies are permitted to erect informational Interstate signs along a federally designated future Interstate corridor only after the specific route location has been established for the route to be constructed to Interstate design standards.

##### **Conditions**

1. The corridor must have been designated a future part of the Interstate System under section 332(a)(2) of the NHS Designation Act of 1995 or 23 U.S.C. 139(b).

2. The specific route location to appropriate termini must have received Federal Highway (FHWA) environmental clearance. Where FHWA environmental clearance is not required or Interstate standards have been met, the route location must have been publicly announced by the State.

3. Numbering of future Interstate route segments must be coordinated with affected States and be approved by the American Association of State Highway and Transportation Officials and the FHWA at Headquarters. Short portions of a multistate corridor may require use of an interim 3-digit number.

4. The State shall coordinate the location and content of signing near the State line with the adjacent State.

5. Signing and other identification of a future Interstate route segment must not indicate, nor imply, that the route is on the Interstate System.

6. The FHWA Regional Office must confirm in advance that the above conditions have been met and approve the general locations of signs.

**Sign Details**

1. Signs may not be used to give directions and should be away from directional signs, particularly at interchanges.

2. An Interstate shield may be located on a green informational sign of a few words. For example: Future Interstate Corridor or Future I-00 Corridor.

3. The Interstate shield may not include the word "Interstate."

4. The FHWA Division Office must approve the signs as to design, wording, and detailed location.

### **Appendix D to Part 470, Subpart A—Guidance Criteria for Evaluating Requests for Modifications to the National Highway System**

Section 103(b), of title 23, U.S.C., allows the States to propose modifications to the National Highway System (NHS) and authorizes the Secretary to approve such modifications provided that they meet the criteria established for the NHS and enhance the characteristics of the NHS. In proposing modifications under 23 U.S.C. 103(b), the States must cooperate with local and regional officials. In urbanized areas, the local officials must act through the metropolitan planning organization (MPO) designated for such areas under 23 U.S.C. 134. The following guidance criteria should be used by the States to develop proposed modifications to the NHS.

1. Proposed additions to the NHS should be included in either an adopted State or metropolitan transportation plan or program.

2. Proposed additions should connect at each end with other routes on the NHS or serve a major traffic generator.

3. Proposals should be developed in consultation with local and regional officials.

4. Proposals to add routes to the NHS should include information on the type of traffic served (i.e., percent of trucks, average trip length, local, commuter, interregional, interstate) by the route, the population centers or major traffic generators served by the route, and how this service compares with existing NHS routes.

5. Proposals should include information on existing and anticipated needs and any planned improvements to the route.

6. Proposals should include information concerning the possible effects of adding or deleting a route to or from the NHS might have on other existing NHS routes that are in close proximity.

7. Proposals to add routes to the NHS should include an assessment of whether modifications (adjustments or deletions) to existing NHS routes, which provide similar service, may be appropriate.

8. Proposed modifications that might affect adjoining States should be developed in cooperation with those States.

9. Proposed modifications consisting of connections to major intermodal facilities should be developed using the criteria set forth below. These criteria were used for identifying initial NHS connections to major intermodal terminals. The primary criteria are based on annual passenger volumes, annual freight volumes, or daily vehicular traffic on one or more principal routes that

serve the intermodal facility. The secondary criteria include factors which underscore the importance of an intermodal facility within a specific State.

**Primary Criteria****Commercial Aviation Airports**

1. Passengers—scheduled commercial service with more than 250,000 annual enplanements.

2. Cargo—100 trucks per day in each direction on the principal connecting route, or 100,000 tons per year arriving or departing by highway mode.

**Ports**

1. Terminals that handle more than 50,000 TEUs (a volumetric measure of containerized cargo which stands for twenty-foot equivalent units) per year, or other units measured that would convert to more than 100 trucks per day in each direction. (Trucks are defined as large single-unit trucks or combination vehicles handling freight.)

2. Bulk commodity terminals that handle more than 500,000 tons per year by highway or 100 trucks per day in each direction on the principal connecting route. (If no individual terminal handles this amount of freight, but a cluster of terminals in close proximity to each other does, then the cluster of terminals could be considered in meeting the criteria. In such cases, the connecting route might terminate at a point where the traffic to several terminals begins to separate.)

3. Passengers—terminals that handle more than 250,000 passengers per year or 1,000 passengers per day for at least 90 days during the year.

**Truck/Rail**

1. 50,000 TEUs per year, or 100 trucks per day, in each direction on the principal connecting route, or other units measured that would convert to more than 100 trucks per day in each direction. (Trucks are defined as large single-unit trucks or combination vehicles carrying freight.)

**Pipelines**

1. 100 trucks per day in each direction on the principal connecting route.

**Amtrak**

1. 100,000 passengers per year (entrainments and detrainments). Joint Amtrak, intercity bus and public transit terminals should be considered based on the combined passenger volumes. Likewise, two or more separate facilities in close proximity should be considered based on combined passenger volumes.

**Intercity Bus**

1. 100,000 passengers per year (boardings and deboardings).

**Public Transit**

1. Stations with park and ride lots with more than 500 vehicle parking spaces, or 5,000 daily bus or rail passengers, with significant highway access (i.e., a high percentage of the passengers arrive by cars and buses using a route that connects to another NHS route), or a major hub terminal that provides for the transfer of passengers

among several bus routes. (These hubs should have a significant number of buses using a principal route connecting with the NHS.)

**Ferries**

1. Interstate/international—1,000 passengers per day for at least 90 days during the year. (A ferry which connects two terminals within the same metropolitan area should be considered as local, not interstate.)

2. Local—see public transit criteria above.

**Secondary Criteria**

Any of the following criteria could be used to justify an NHS connection to an intermodal terminal where there is a significant highway interface:

1. Intermodal terminals that handle more than 20 percent of passenger or freight volumes by mode within a State;

2. Intermodal terminals identified either in the Intermodal Management System or the State and metropolitan transportation plans as a major facility;

3. Significant investment in, or expansion of, an intermodal terminal; or

4. Connecting routes targeted by the State, MPO, or others for investment to address an existing, or anticipated, deficiency as a result of increased traffic.

**Proximate Connections**

Intermodal terminals, identified under the secondary criteria noted above, may not have sufficient highway traffic volumes to justify an NHS connection to the terminal. States and MPOs should fully consider whether a direct connection should be identified for such terminals, or whether being in the proximity (2 to 3 miles) of an NHS route is sufficient.

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**DEPARTMENT OF DEFENSE****Department of the Navy****32 CFR Part 706**

### **Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972 Amendment**

**AGENCY:** Department of the Navy, DOD.

**ACTION:** Final rule.

**SUMMARY:** The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Deputy Assistant Judge Advocate General (Admiralty) of the Navy has determined that USS JUNEAU (LPD 10) is a vessel of the Navy which, due to its special construction and purpose, cannot fully comply with certain provisions of the 72 COLREGS without interfering with its special functions as a naval vessel. The intended effect of