

b. By hand delivery to U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except Federal Holidays.

c. Electronically: by logging onto the Federal Docket Management System (FDMS) Web site at <http://www.regulations.gov/>. Follow the online instructions for submitting comments. Comments may also be faxed to 1-202-493-2251.

Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that your comments were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to <http://www.regulations.gov/>, including any personal information provided.

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78).

You may view documents submitted to a docket at the address and times given above. You may also view the documents on the Internet at <http://www.regulations.gov/> by following the online instructions for accessing the dockets available at that Web site.

The petition, supporting materials, and all comments received before the close of business on the closing date indicated below will be filed and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice of the decision will be published in the **Federal Register** pursuant to the authority indicated below.

*Comment closing date:* June 19, 2009.

**Authority:** 49 U.S.C. 30118, 30120; Delegations of authority at CFR 1.50 and 501.8.

Issued on: May 14, 2009.

**Claude H. Harris,**

*Director, Office of Vehicle Safety Compliance.*  
[FR Doc. E9-11720 Filed 5-19-09; 8:45 am]

**BILLING CODE 4910-59-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

**[Docket Number: FTA-2009-0009]**

#### Notice of Availability of Proposed Guidance for New Starts/Small Starts Policies and Procedures and Request for Comments

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

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

**SUMMARY:** This notice announces the availability of, and requests comments on, the Federal Transit Administration's (FTA) Proposed Guidance on New Starts/Small Starts Policies and Procedures. The proposed guidance presents weights to be assigned for the six project justification criteria for New Starts and the three project justification criteria for Small Starts in the project evaluation process. FTA also proposes a process to ensure that the impacts of tunnels are considered in project evaluation.

**DATES:** Comments on the Proposed Guidance on New Starts/Small Starts Policies and Procedures must be received by June 19, 2009. Late filed comments will be considered to the extent practicable.

**ADDRESSES:** You may submit comments [identified by the Docket Number FTA-2009-0009] by any of the following methods:

*Web site:* <http://regulations.gov/>.

Follow the instructions for submitting comments on the DOT electronic docket site.

*Fax:* 202-493-2251.

*Mail:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Ave., SE., Washington, DC 20590.

*Hand Delivery:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Ave., SE., Washington, DC 20590, between 8:30 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

*Instructions:* You must include the agency name (Federal Transit Administration) and the docket number (FTA-2009-0009). You should submit two copies of your comments if you submit them by mail. If you wish to receive confirmation that FTA received your comments, you must include a self-addressed stamped postcard. Note that all comments received will be posted without change to the Federal government Web site located at <http://www.regulations.gov/>.

*regulations.gov*. This means that if your comment includes any personal identifying information, such information will be made available to users of Web site.

#### FOR FURTHER INFORMATION CONTACT:

Elizabeth Day, Office of Planning and Environment, telephone (202) 366-5159 and Christopher Van Wyk, Office of Chief Counsel, telephone (202) 366-1733. FTA is located at 1200 New Jersey Ave., SE., East Building, Washington, DC 20590. Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:** The proposed changes described in the policy guidance made available by this notice have been necessitated by the Safe, Accountable, Flexible, Efficient Transportation Equity Act—A Legacy for Users (SAFETEA-LU) Technical Corrections Act of 2008 (Pub. L. 110-244), which amends 49 U.S.C. 5309. The Act specifies that each of the project justification criteria for proposed New Starts and Small Starts projects should be given “comparable, but not necessarily equal, numerical weight \* \* \* in calculating the overall project rating.” The guidance proposes to set the weights at 20 percent each for the mobility, cost-effectiveness, land use, and economic development criteria, and 10 percent each for the operating efficiencies and environmental benefits criteria for New Starts projects. Each of the three project justification criteria for Small Starts (land use, economic development and cost-effectiveness) would be set at a third each.

The Act further states that the Secretary of Transportation shall analyze, evaluate, and consider the congestion relief, improved mobility, and other benefits of tunnels in transit projects that include a transit tunnel, as well as the associated ancillary and mitigation costs necessary to relieve congestion, improve mobility, and decrease air and noise pollution in those projects that do not include a tunnel but where a transit tunnel was one of the alternatives analyzed. FTA proposes to require that project sponsors develop and consider such information during alternative analysis studies. FTA will ensure that such information has been addressed as part of the FTA review of project applications for entry into preliminary engineering.

FTA will respond to comments received on the proposed guidance in a second **Federal Register** notice to be published after the close of the comment period. That notice will describe any changes made to the weights for project justification criteria

and to the process for consideration of tunnel alternatives in response to comments received.

FTA requests comments on the policy guidance, which is available in DOT's electronic docket at <http://regulations.gov> and on FTA's Web site at [http://www.fta.dot.gov/planning/newstarts/planning\\_environment\\_5615.html](http://www.fta.dot.gov/planning/newstarts/planning_environment_5615.html).

Issued this May 14, 2009, in Washington, DC.

**Matthew J. Welbes,**

*Acting Deputy Administrator.*

[FR Doc. E9-11718 Filed 5-19-09; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

[FHWA Docket No. FHWA-2009-0051]

#### Surface Transportation Project Delivery Pilot Program; Caltrans Audit Report

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

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

**SUMMARY:** Section 6005 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) established the Surface Transportation Project Delivery Pilot Program, codified at 23 U.S.C. 327. To ensure compliance by each State participating in the Pilot Program, 23 U.S.C. 327(g) mandates semiannual audits during each of the first 2 years of State participation. This notice announces and solicits comments on the third audit report for the California Department of Transportation (Caltrans).

**DATES:** Comments must be received on or before June 19, 2009.

**ADDRESSES:** Mail or hand deliver comments to Docket Management Facility: U.S. Department of Transportation, 1200 New Jersey Avenue, SE., Room W12-140, Washington, DC 20590. You may also submit comments electronically at <http://www.regulations.gov>, or fax comments to (202) 493-2251.

All comments should include the docket number that appears in the heading of this document. All comments received will be available for examination and copying at the above address from 9 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard or you may print the acknowledgment page that appears after submitting comments

electronically. Anyone is able to search the electronic form of all comments in any one of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, or labor union). You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70, Pages 19477-78), or you may visit <http://DocketsInfo.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:** Ms. Ruth Rentch, Office of Project Development and Environmental Review, (202)-366-2034, [Ruth.Rentch@dot.gov](mailto:Ruth.Rentch@dot.gov), or Mr. Michael Harkins, Office of the Chief Counsel, (202) 366-4928, [Michael.Harkins@dot.gov](mailto:Michael.Harkins@dot.gov), Federal Highway Administration, Department of Transportation, 1200 New Jersey Avenue, SE., 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:

##### Electronic Access

An electronic copy of this notice may be downloaded from the Office of the Federal Register's home page at <http://www.archives.gov> and the Government Printing Office's Web site at <http://www.access.gpo.gov>.

##### Background

Section 6005 of SAFETEA-LU (codified at 23 U.S.C. 327) established a pilot program to allow up to five States to assume the Secretary of Transportation's responsibilities for environmental review, consultation, or other actions under any Federal environmental law pertaining to the review or approval of highway projects. In order to be selected for the pilot program, a State must submit an application to the Secretary.

On June 29, 2007, Caltrans and FHWA entered into a Memorandum of Understanding (MOU) that established the assignments to and assumptions of responsibility to Caltrans. Under the MOU, Caltrans assumed the majority of FHWA's responsibilities under the National Environmental Policy Act, as well as the FHWA's responsibilities under other Federal environmental laws for most highway projects in California.

To ensure compliance by each State participating in the Pilot Program, 23 U.S.C. 327(g) requires the Secretary to conduct semiannual audits during each of the first 2 years of State participation; and annual audits during each subsequent year of State participation. The results of each audit must be

presented in the form of an audit report and be made available for public comment. This notice announces the availability of the third audit report for Caltrans and solicits public comment on same.

**Authority:** Section 6005 of Pub. L. 109-59; 23 U.S.C. 315 and 327; 49 CFR 1.48.

Issued on May 11, 2009.

**Jeffrey F. Paniati,**

*Acting Deputy Federal Highway Administrator.*

#### Surface Transportation Project Delivery Pilot Program; Federal Highway Administration Audit of California Department of Transportation; January 26-30, 2009

##### Introduction

##### Overall Audit Opinion

Based on the information reviewed, it is the Federal Highway Administration (FHWA) audit team's opinion that as of January 30, 2009, the California Department of Transportation (Caltrans) continued to work toward meeting all responsibilities assumed under the Surface Transportation Project Delivery Pilot Program (Pilot Program), as specified in the Memorandum of Understanding (MOU) <sup>1</sup> with FHWA and in the Caltrans Application for Assumption (Application).

With the completion of FHWA's third audit, the audit team has completed onsite audits of the majority of the Caltrans Districts. The audit team identified significant differences across the Districts in terms of the Pilot Program: resource availability and allocation, details of implementation, processes, and improvement and progress toward meeting all commitments. The highly decentralized nature of Caltrans operations is a major contributing factor to the variation observed. The decentralized nature of the organization necessitates clear, consistent and ongoing oversight by Caltrans Headquarters over District operations. A robust oversight program will help foster the exchange of information and the sharing of best practices and resources between Districts and will put the entire organization in a better position to more fully implement all assumed responsibilities and meeting all Pilot Program commitments.

Due to the multiyear timeframes associated with more complex and controversial projects, the full lifecycle of project development (beginning with environmental studies and concluding

<sup>1</sup> Caltrans MOU between FHWA and Caltrans available at: [http://environment.fhwa.dot.gov/stmrng/safe\\_cdot\\_pilot.asp](http://environment.fhwa.dot.gov/stmrng/safe_cdot_pilot.asp).