

Previous Meeting; (5) Review Papers/Comments Received Since the Release of DO-160D; (6) Identify Next Steps and Develop a Plan to Accomplish Them; (7) Review Section 20 Working Group Activities; (8) New/Unfinished Business; (10) Closing.

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1140 Connecticut Avenue, NW., Suite 1020, Washington, DC 20036; (202) 833-9339 (phone); (202) 833-9434 (fax); <http://www.rtca.org> (web site). Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on July 17, 1998.

Janice L. Peters,

Designated Official.

[FR Doc. 98-19667 Filed 7-22-98; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Transportation Equity Act for the 21st Century; Implementation Guidance for Discretionary Program Funds for Bridges, Ferry Boats, Interstate Maintenance, and Public Lands Highways

AGENCY: Federal Highway Administration (FHWA), DOT.
ACTION: Notice.

SUMMARY: This document publishes implementation guidance on the Transportation Equity Act for the 21st Century (TEA-21) enacted on June 9, 1998, for eligible candidate projects in Fiscal Year 1999 concerned with the discretionary bridge program and in Fiscal Years 1998 and 1999 concerned with the ferry boat discretionary program, the interstate maintenance discretionary program, and the public lands highways discretionary program. Implementation guidance materials on these topics were issued to FHWA region and division offices on June 25, 1998. This material describes activities eligible for discretionary funding, the application process, and criteria used to evaluate candidate projects.

FOR FURTHER INFORMATION CONTACT: *For bridge program:* Mr. Robert C. Wood, HNG-33, (202)366-4622; *For ferry boat program:* Mr. John C. Wasley, HNG-12, (202)366-4658; *For interstate maintenance program:* Mr. Cecilio A.

Leonin, HNG-12, (202)366-4651; *For public lands highway program:* Mr. Lawrence J. Beidel, HNG-12, (202)366-1564; *For legal issues:* Mr. Wil Baccus, HCC-32, Office of the Chief Counsel, (202)366-1396, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590-0001. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except for Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

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Background

The TEA-21 (Pub. L. 105-178, 112 Stat. 107) implementation guidance published in this **Federal Register** notice is provided for informational purposes. Specific questions on any of the material published in this notice should be directed to the contact person named in the caption **FOR FURTHER INFORMATION CONTACT** for the program in which you have interest.

(Authority: 23 U.S.C. 315; 49 CFR 1.48)

Issued on: July 15, 1998.

Kenneth R. Wykle,

Federal Highway Administrator.

The text of four FHWA memoranda follows:

June 25, 1998.

[HNG-33]

ACTION: Request for Projects for Fiscal Year (FY) 1999 Discretionary Bridge Program

(*Reply Due:* September 1, 1998)

Associate Administrator for Program Development
Regional Administrators
Division Administrators

With passage of the Transportation Equity Act for the 21st Century (TEA-21), the Discretionary Bridge Program (DBP) has been continued through FY 2003. Section 1109 of TEA-21 authorizes in FY 1999, \$100 million for bridge replacement and rehabilitation projects with a maximum of \$25 million of that amount being available only for projects for the seismic retrofit of bridges, including projects in the New Madrid fault region.

With this memorandum, we are requesting submission of eligible candidate projects for FY 1999 DBP

funds. We are requesting that candidate project submissions be received in Headquarters no later than September 1. Candidate projects should be supported by State documents, including a description of the proposed project(s), total project(s) costs, anticipated letting date(s), and a one page project briefing paper.

Eligibility

The DBP funds are available for deficient highway bridges located on Federal-aid highways that have a replacement or rehabilitation cost of more than \$10 million, or a cost that is twice the amount apportioned under 23 U.S.C. 144(e) to the State in which the bridge is located. Please refer to 23 CFR 650 Subpart G for additional eligibility criteria.

In accordance with 23 U.S.C. 144(d), seismic retrofit projects for non-deficient highway bridges are also eligible. Therefore, bridges only in need of seismic retrofiting will be considered along with deficient bridges for allocating a portion of the FY 1999 funds.

Selection Criteria

The DBP selection criteria have previously been published in the **Federal Register** (48 FR 52296, November 17, 1983) and are also codified as 23 CFR 650 Subpart G. To evaluate the submitted candidates for selection, we will be considering several criteria. The following statutory and regulatory criteria are found in 23 U.S.C. 144(d), 23 CFR 650 Subpart G, and Section 1223 of TEA-21:

1. The Rating Factor formula (23 CFR 650 Subpart G),

2. Special considerations including unique situations (23 CFR 650 Subpart G). The FHWA has identified the need for seismic retrofiting as a unique situation.

3. Seismic retrofit allocations for non-deficient bridges (23 U.S.C. 144(d)).

4. Priority may be given to funding a transportation project relating to an international quadrennial Olympic or Paralympic event, or a Special Olympics International event if the project meets the extraordinary needs associated with such events and is otherwise eligible for assistance with DBP funds (Section 1223).

The following criteria are also considered in the evaluation of candidates for the DBP:

1. Leveraging of private or other public funding—Because the annual requests for funding far exceed the available DBP funds, a commitment of other funding sources to complement

the requested DBP funding is an important factor.

2. Expeditious completion of project—Preference is also given to requests that will expedite the completion of a viable project over requests for initial funding of a project that will require a long-term commitment of future DBP funding. For large-scale projects, consideration is given to the State's total funding plan to expedite the completion of the project.

3. National geographic distribution of the funding within the DBP—Consideration is also given to providing funding to States to provide some geographic balance for the program. The project selection process may also consider national geographic distribution among all of the discretionary programs, as well as congressional direction or guidance provided on specific projects or programs.

Submission Requirements

Attached is an application form for providing project information. The form should be completed by the State and submitted along with supporting documents that describe the project.

Preliminary engineering is not an eligible item for DBP funding, but the State could elect to use other eligible Federal-aid funding sources. Submissions requesting right-of-way acquisition with DBP funds will be given low priority. States should be encouraged to seek other sources of funding for perennial ready-for-construction DBP candidates, which are unlikely to be selected because of high rating factors.

The DBP funds will not be allocated to a State that has, in FY 1998, transferred HBRRP funds to other categories. This is in accordance with our November 3, 1992, memorandum on the subject of Transfer of Funds/Discretionary Allocations (copy attached).

For bridge candidates, the Total Project Cost Estimate (TPCE) for the project is to include preliminary engineering, right-of-way and construction costs associated with eligible bridge (including seismic retrofitting costs if applicable), and bridge approach work. The TPCE of the bridge and bridge approaches is used in determining project eligibility and then

in the rating factor computation. Therefore, particular care should be taken to ensure that estimates near the minimum \$10 million project cost limit are accurate.

For seismic retrofit candidates only, the TPCE will be the total cost of the seismic retrofit construction.

Division Office Responsibilities

In order to ensure that the submitted candidates are complete and properly prepared, it is requested that the field offices:

1. Provide this information regarding project eligibility, selection criteria and submission requirements to the State transportation agency, and

2. Review all candidate applications submitted by the State prior to sending them to this office to ensure that they are complete and meet the above requirements.

If there are questions, please contact the Bridge Division at (202) 366-4617.

Henry H. Rentz for Thomas J. Ptak

2 Attachments

BILLING CODE 4910-22-P

ATTACHMENT NO. 1:

FY 1999 REQUEST FOR DISCRETIONARY BRIDGE PROGRAM FUNDS APPLICATION FORM

Bridge Name _____ State _____

NBI Structure Number (15 Digits) _____

U.S. Congressional District and Member's Name: _____

Facility Carried _____ Facility Intersected _____

Type of Work: BHF ____ BRF ____ Seismic Retrofit ____ Date of Last Inspection _____

Sufficiency Rating(from SI&A Sheet) Defense Highway: Yes (1.5) ____ No (1.0) ____

ADT(from SI&A Sheet): _____ ADTT: _____ ADT':

FY 1999 Request:	Entire	Bridge and	Discretionary
(in dollars)	Project	Bridge Approaches (PE, ROW, Con.)	Request (Construction only)

TPCE	_____	<input type="text"/>	_____
Federal Share (80%)		_____	_____
Non-Fed. Matching (20%)		_____	_____

FY 1999 Discretionary Request and Obligation Schedule (FY Quarter; CON only)

CONSTRUCTION: 1stQ: _____ 2ndQ: _____ 3rdQ: _____ 4thQ: _____

Describe the construction activities (substructure, superstructure, main span, approach work, seismic retrofit, etc.): _____

Load Posted: Yes: ☐ No: ☐ List the load posting (if yes): _____

Rating Factor : _____ (FHWA to compute referring to 23 CFR 650 Subpart G)

Seismic retrofit construction candidates only:

(Include here the seismic retrofit costs only) TPCE _____

Federal Share _____

Non-Fed. Matching (20%) _____

Does this project qualify for priority under the provisions of Section 1223 of TEA-21 (Transportation Assistance for Olympic Cities)? Yes ☐ No ☐

- NOTES:
1. A current briefing is to be provided for each project.
 2. BHF = Bridge Rehabilitation on a Federal-aid highway; BRF = Bridge Replacement on a Federal-aid highway.
 3. Figures in to be used in rating factor calculation.
 4. TPCE = Total Project Cost Estimate of bridge and bridge approach work.

Attachment No. 2

Nov. 3, 1992.

[HNG-13]

INFORMATION: Transfer of Funds/

Discretionary Allocations
 Director, Office of Engineering
 Regional Federal Highway
 Administrators
 Federal Lands Highway Programs
 Administrator

The purpose of this memorandum is to make you aware of a consideration utilized in the allocation of Interstate 4R discretionary funds and Bridge discretionary funds.

Interstate 4R Discretionary Allocations

Discretionary funds will not be allocated to a State that has, in the preceding fiscal year, transferred either National Highway System or Interstate Maintenance funds to the STP apportionments.

Bridge Discretionary Allocations

Discretionary funds will not be allocated to a State that has, in the preceding fiscal year, transferred Highway Bridge Replacement and Rehabilitation funds.

We recognize Congress provided flexibility to States by allowing the transfer of these apportionments to other programs. There are, however, tremendous Interstate System and bridge needs across the country and we believe the congressional intent is to give priority consideration to high cost projects in States where available apportionments are insufficient to allow such projects to proceed on a timely basis.

Please take the necessary steps to make sure States are aware of this consideration.

Thomas O. Willett

June 25, 1998.

[HNG-12]

ACTION: Ferry Boat Discretionary (FBD) Program Request for Projects for FYs 1998 and 1999 Funding
 (Reply Due: September 1, 1998)

Associate Administrator for Program Development
 Regional Administrators
 Division Administrators

Section 1207 of the Transportation Equity Act for the 21st Century (TEA-21) reauthorized the funding category for the construction of ferry boats and ferry terminal facilities created by Section 1064 of the 1991 ISTEA. For FY 1998, \$30 million is authorized from the Highway Trust Fund for the FBD program. Subsequent funding of \$38 million is authorized for each of FYs 1999 through 2003. The TEA-21 also

includes a new requirement that \$20 million from each of FYs 1999 through 2003 be set aside for marine highway systems that are part of the National Highway System for use by the States of Alaska, New Jersey, and Washington. As a result, for each of FYs 1999 through 2003, the amount of FBD funding available for open competition among all States is \$18 million with a non-competitive amount of \$20 million set aside for Alaska, New Jersey, and Washington..

The FBD funds, including both the competitive amount available to all States and the set-aside for the three States, are not subject to lapse; however, they are subject to obligation limitation. A proportional share of obligation authority will accompany allocated funds. The Federal share is 80 percent.

The purpose of this memorandum is to solicit candidate projects for the competitive portion of the FBD funds. Implementation of the non-competitive portion involving Alaska, New Jersey, and Washington will be handled by separate memorandum at the beginning of FY 1999 when the set-aside FBD funds are first available to these three States.

For the competitive portion of the FBD funds, we are combining into one call (solicitation) the submissions of candidate projects for FYs 1998 and 1999 funds. A total of \$48 million for the two fiscal years combined (\$30 million and \$18 million) will be available to fund FBD projects. The "open competition" portion of the discretionary funds is available to all States (including the three designated States that also receive set-asides) for the construction of ferry boats and ferry terminal facilities serving as a link on any highway route, other than an Interstate highway, and for passenger ferries and ferry terminals.

With this memorandum, we are requesting the States to submit candidate projects for our consideration for funding in FYs 1998 and 1999. Please work with the States to identify viable projects to assure high quality candidates for this program. The three States designated for the set-aside funding should not submit projects that they plan to fund from their individual State set-aside.

Eligibility

As specified in Section 1064 of the 1991 ISTEA, this program is for the construction of ferry boats and ferry terminal facilities in accordance with 23 U.S.C. 129. Proposals should meet the basic eligibility criteria in 23 U.S.C. 129(c). The TEA-21 contains amendments to 23 U.S.C. 129 that

expand the eligibility criteria for FBD funding to include ferry boats and ferry terminal facilities that are publicly "operated," and those with the public authority having a "majority ownership interest" provided the operation provides substantial public benefits.

Discretionary funds are available for improvements to ferry boats or ferry boat terminals where:

- The ferry facility is providing a link on a public road (other than Interstate) or the ferry facility is providing passenger only ferry service.
- The ferry and/or ferry terminal to be constructed or improved is either publicly owned, publicly operated, or a public authority has majority ownership interest where it is demonstrated that the ferry operation provides substantial public benefits.
- The ferry does not operate in international water except for Hawaii, Puerto Rico, Alaska and for ferries between a State and Canada.

Selection Criteria

To evaluate the submitted candidates for selection, we will be considering several criteria. Although there are no statutory or regulatory criteria for selection of FBD projects, the following criteria are considered in the evaluation of candidates for this program:

1. Expedient completion of project—Consideration is given to requests that will expedite the completion of a viable project. This is a project's ability to expeditiously complete *usable facilities* within the limited funding amounts available.

2. Leveraging of private or other public funding—Because the annual requests for funding far exceed the available FBD funds, commitment of other funding sources to complement the requested FBD funding is an important factor.

3. Amount of FBD funding—The requested amount of funding is a consideration. Realizing the historically high demand of funding under this program, we are looking for modest sized requests for funding (generally less than \$2 million) to allow more States to receive funding under this program.

4. State priorities—For States submitting more than one project, we will consider the individual States priorities if specified.

5. National geographic distribution of funding within the FBD program—Consideration is given to selecting projects over time among all the States competing for funding.

In addition to the above criteria, project selection will also consider national geographic distribution among

all the discretionary programs as well as congressional direction or guidance provided on specific projects or programs.

Submission Requirements

Although there is no prescribed format for a project submission, the following information must be included to properly evaluate the candidate projects. With the exception of the project area map, all of the following must be included to consider the application complete. The information does not have to be lengthy. Do not include reports but rather provide simple concise statements. Incomplete applications will be returned unprocessed.

1. *State(s)* in which the project is located.
2. *County(ies)* in which the project is located.
3. *U.S. Congressional District No. (s)* in which the project is located.
4. *U.S. Congressional Member's Name(s)* for each District.
5. *Facility or Project Name* commonly used to describe the facility or project.
6. *Service Termini and Ports* for the ferry boat operation including the name of water crossing. A statement must be included for ferry boat operations carrying motorized vehicles, describing the link in the roadway system. Please clearly identify any "passenger only" ferry service, and explain how the ferry service is linked to public transportation or is part of a transit system. Also, for each project please indicate if the project is part of an existing link or service or if it is new service. Also identify if the ferry operates in domestic, foreign or international waters.

7. *Ownership/Operation* must be specified. Please indicate which of the following apply:

- The boat or terminal is publicly owned. The term "publicly owned" means that the title for the boat or terminal must be vested in a Federal, State, county, town, or township, Indian tribe, municipal or other local government or instrumentality.
- The boat or terminal is publicly operated. The term "publicly operated" means that a public entity operates the boat or terminal.
- The boat or terminal is "majority publicly owned" (as opposed to public owned). This means that more than 50 percent of the ownership is vested in a public entity. If so, does it provide substantial public benefits?

Documentation of substantial public benefits, concurred in by the division office, is required for ferry facilities that are in majority public ownership.

8. *Current and Future Traffic* including the functional classification of the route that the project is located on along with a general description of the type and nature of traffic, both current and design year average daily traffic or average daily passenger volumes, on the route if available. The general description could include information on year round or seasonal service; commuter, recreational or visitor ridership; traffic generators and attractions.

9. *Proposed Work* should describe the project work to be completed under this particular request, and whether this is a complete project or part of a larger project.

10. *Amount of Federal FBD Discretionary Funds Requested* for the proposed work. The total cost for the proposed work should be shown along with the requested amount of FBD funding (this should reflect that the maximum Federal share for this program is 80 percent). A State's willingness to accept partial funding should be indicated.

11. *Commitment of Other Funds*—Indicate the amounts and sources of any private or other public funding being provided as part of this project. Only indicate those amounts of funding that are firm and documented commitments. The submission must include written confirmation of these commitments from the entity controlling the funds.

12. *Previous FBD Discretionary Funding*—Indicate the amount and fiscal year of any previous FBD discretionary funds received for this project, terminals or ferry boats operating on this route or transit system.

13. *Future Funding Needs*—Indicate the estimated future funding needs for the project or facility if known. Also, provide estimated time schedules for implementing future projects. This information will be used to identify funding commitments beyond the presently proposed project and in outlying years.

14. *Talking Points Briefing*—Each State's request for ferry boat discretionary funds must be accompanied by a talking points paper for use by the Office of the Secretary for the congressional notification process should a project be selected for funding. A sample paper is attached to this memorandum.

15. *Project Area Map*—A readable location/vicinity map showing the ferry route and terminal connections would be helpful if available.

Division Office Responsibilities

In order to ensure that the submitted candidates are complete and properly prepared, the division office must:

1. Provide this information regarding project eligibility, selection criteria and submission requirements to the State transportation agency, and
2. Review all candidate applications submitted by the State prior to sending them to this office to ensure that they are complete and meet the above requirements.

When sending in candidate projects, the States must understand that any qualified project may or may not be selected, and it may be necessary to supplement FBD funds with other Federal-aid and/or State funds.

Any allocations in FY 1999 will be made on the assumption that proposed projects are viable and implementation schedules are realistic. Any unobligated balances remaining on September 15, 1999, will be withdrawn and used for funding future fiscal year requests.

Because of the compressed time period available, candidate projects should be submitted to us no later than *September 1, 1998. Projects received after this date may not receive full consideration.* Questions on this memorandum may be directed to Mr. Jack Wasley of the Federal-Aid and Design Division at 202-366-4658. Henry H. Rentz for Thomas J. Ptak
Attachment

Sample Talking Points Briefing for Secretary's Office

Note: These talking points will be used by the Office of the Secretary in making congressional notification contacts. Since some of the recipients of the calls may not be closely familiar with the highway program, layman's language should be used to the extent possible. Information contained in the talking points may be used by a member of Congress in issuing a press release announcing the discretionary allocation.

Ferry Boat Discretionary (FBD) Funds

GRANTEE: <List full name of State Highway Agency>

REPRESENTATIVE/SENATOR: <List full names>

PROJECT: <short name/description of project>

Example: Northport to Fort Bischer/
Build a 180' Ferry

FHWA FUNDS: <requested funds>
Example: \$1,200,000

Will the Project be advanced with State funds even if FBD funds are not received? If so, what year?

Were we asked to consider an overmatch (i.e. more than 20%)

<List talking points with little o bullets, note italicized items are requested bullets>

Examples:

- This project is needed to replace the MV Good Times which is currently running at the Northport Operation. This operation provides service across the Little Pike River and is a link between SR 21 and U.S. 52, both of which are classified as principal arterials.

- Limited roadway access has created intolerable congestion on the existing approaches to the city. The project will relieve congestion on the local system which is presently operating at capacity during peak hour. (If there is anything innovative about the project be sure and mention in layman's terms.)

- Project is in Congressional district <add number and member's name>.

- This project is part of the State's ferry boat program. Annually the State spends \$19 million to operate seven ferry routes, and receives an average of \$1.5 million annually in tolls from three of these routes.

- The project will be advertised for construction in <month/year> and is scheduled for completion in <month/year>.

June 25, 1998

[HNG-12]

ACTION: Request for Projects for Fiscal Year 1998 and 1999 Interstate Maintenance Discretionary (IMD) Funds

(Reply Due: September 1, 1998)

Associate Administrator for Program Development
Regional Administrators
Division Administrators

Section 1107(b) of the Transportation Equity Act for the 21st Century (TEA-21) amended Section 118 (c), of Title 23, United States Code (23 U.S.C.) and provides that before any apportionment of Interstate Maintenance (IM) funds is made under Section 104(b)(4) of 23 U.S.C., the Secretary shall set aside \$50,000,000 in fiscal year (FY) 1998 and \$100,000,000 in each of FYs 1999 through 2003 for obligation by the Secretary for IMD projects for *resurfacing, restoring, rehabilitating and reconstructing* (4R) any route or portion thereof on the Interstate System with certain exceptions (see below).

In order to facilitate the orderly development and review of candidate projects, we intend to combine the \$150 million authorized in total for FY 1998 and FY 1999 IMD funding into one solicitation. Please work with the States to identify viable projects to assure high quality candidates for this program.

Eligibility

The eligibility criteria for IMD projects is provided in Section 118(c) of 23 U.S.C.

1. IMD funds are available for 4R work (including added lanes) on the Interstate System. However, not eligible for allocation of IMD funds are projects on any highway designated as a part of the Interstate System under Section 139 of 23 U.S.C., as in effect before the enactment of TEA-21 and any toll road on the Interstate System not subject to an agreement under Section 119(e) of 23 U.S.C., as in effect on December 17, 1991.

2. A State is eligible to receive an allocation of IMD funds if it has obligated or demonstrates that it will obligate in FY 1999 all of its IM funds apportioned under Section 104(b)(4) of 23 U.S.C., other than an amount which by itself, is insufficient to pay the Federal share of the cost of a project for resurfacing, restoring, rehabilitating, and reconstructing the Interstate System which has been submitted by the State to the Secretary for approval.

3. The applicant must be willing and able to obligate the IMD funds within 1 year of the date the funds are made available, apply them to a ready-to-commence project, and in the case of construction work, begin work within 90 days of obligation.

Selection Criteria

To evaluate the submitted candidates for selection, we will be considering several criteria. The following statutory criteria for priority consideration are found in 23 U.S.C. 118(c)(3) and Section 1223 of TEA-21:

1. Any project the cost of which exceeds \$10 million [Section 118].
2. A project on any high volume route in an urban area or high truck-volume route in a rural area. [Section 118].
3. Priority may be given to funding a transportation project relating to an international quadrennial Olympic or Paralympic event, or a Special Olympics International event if the project meets the extraordinary needs associated with such events and is otherwise eligible for assistance with IMD funds [Section 1223].

Although there are no regulatory criteria for selection of IMD projects, the following criteria are also considered in the evaluation of candidates for this program:

1. Leveraging of private or other public funding—Because the annual requests for funding far exceed the available IMD funds, commitment of other funding sources to complement the requested IMD funds is an important factor.

2. State priorities—For States that submit more than one project, we give consideration to the individual State's priorities if specified.

3. Expedient completion of project—Preference is also given to requests that will expedite the completion of a viable project over requests for initial funding of a project that will require a long-term commitment of future IMD funding. For large-scale projects consideration is given to the State's total funding plan to expedite the completion of the project.

In addition to the above criteria, project selection will also consider national geographic distribution among all of the discretionary programs as well as congressional direction or guidance provided on specific projects or programs.

Submission Requirements

Although there is not a prescribed format for a project submission, the following information must be included in the application to properly evaluate the candidate projects. Those applications that do not include these items will be considered incomplete and returned.

1. *State.*
2. *Federal-Aid Project Number.*
3. *Description of Project*—Describe the project work to be completed under this request. If the project is related to one of the Olympic events listed in Section 1223 of TEA-21, that relationship should be described.
4. *Project Location*—Describe the specific location of the project, including route number and mileposts, if applicable.
5. *County or Counties* in which the project is located.
6. *U.S. Congressional District No.(s)* in which the project is located.
7. *U.S. Congressional District Member's Name(s).*
8. *Current 2-Way Average Daily Traffic including percentage of trucks.*
9. *Name of Urban Area* or indicate if located in a rural area.
10. *Number of lanes* before and after construction of the project. The number of lanes and current ADT are used to gauge the degree of congestion on the route.
11. *Project Plan Status*—PS&E status.
12. *Estimated Authorization Date (month/year).*
13. *Total Project Cost.*
14. *Amount of IMD funds requested*—Indicate amount of IMD funds being requested. If a State is willing to accept partial funding of this amount, that should be indicated. Sometimes, partial funding of requests is utilized to provide funding for more projects since

the requests far exceed the available funds.

15. *An Obligation Schedule*—Demonstrate how the State will obligate all of its IM apportionments before the end of FY 1999.

16. *Commitment of Other Funds*—Indicate the amounts and sources of any private or other public funding being provided as part of this project. Only indicate those amounts of funding that are firm with documented commitments. The submission must include written confirmation of these commitments from the entity controlling the funds.

17. *Previous Interstate 4R Discretionary (IDR) Funding*—Indicate the amount and fiscal year of any previous IDR funds received for the project.

18. *Future Funding Needs*—Indicate the estimated future funding needs for the project, including anticipated requests for additional IMD funding, the items of work to be completed and projected scheduling.

19. *Talking Points Briefing*—A one-page talking points paper covering basic project information for each candidate project submitted for IMD funding is needed for use by the Office of the Secretary for the congressional notification process in the event a project is selected for funding. For your guidance a sample paper is attached to this memorandum.

Division Office Responsibilities

In order to ensure that the submitted candidate projects are complete and properly prepared, the Division Office must:

1. Provide the information regarding project eligibility, selection criteria and submission requirements to the State transportation agency, and

2. Review all candidate project applications submitted by the State prior to sending them to this office to ensure that they are complete and meet the above requirements.

We are requesting that candidate project submissions be forwarded to the Chief, Federal-Aid and Design Division, HNG-12, not later than *September 1, 1998. Projects received after this date may not receive full consideration.*

When sending in candidate projects, the States must understand that any qualified project may or may not be selected and it may be necessary to supplement allocated IMD funds with other Federal-aid and/or State funds to construct a section of highway which will be usable to the traveling public in as short a period of time as possible.

Allocations of IMD funds shall remain available until expended. Obligation

limitation will be distributed with each allocation of funds.

As a reminder, any requests to adjust the amount of IMD funds allocated to a specific project must be forwarded in writing to the Chief, Federal-Aid and Design Division, HNG-12, for approval. Furthermore, funds from unobligated allocations or project underruns cannot be used for another IMD project without the written approval of the Chief, Federal-Aid and Design Division.

Questions concerning preparation of applications and other matters may be directed to Mr. Cecilio Leonin of the Federal-Aid and Design Division, HNG-12, telephone (202) 366-4651.

Henry H. Rentz for Thomas J. Ptak

Attachment

Sample Talking Points Briefing for Secretary Slater

Note: These talking points will be used by the Office of the Secretary in making congressional notification contacts. Since some of the recipients of the calls may not be closely familiar with the highway program, layman's language should be used to the extent possible. Information contained in the talking points may be used by a member of Congress in issuing a press release announcing the discretionary allocation.

Interstate Maintenance Discretionary (IMD) Funds

GRANTEE: <List full name of State Highway Agency>

PROJECT NO: IMD-xxx-x(xxx)

<List each project number in this format>

FHWA FUNDS: \$xx,xxx,xxx. <If more than one project, also show cost for each>

- This project provides for resurfacing ____ miles of the two northbound lanes of I-xx in _____ county, extending from the U.S. Route 1 interchange at Hometown to the State Road 2 overpass in the vicinity of Smallville.

- The project provides for a 2-inch overlay of the existing bituminous concrete pavement which is badly deteriorated and rutted. (If there is anything innovative about the project be sure and mention in layman's terms.)

- Project IMD-xxx-x(xxx) is in Congressional district <add number and member's name>.

- This project is part of the second phase of a 5-year program to resurface a 25-mile section of I-xx between Town-A and Town-B. In 1998, the southbound lanes at this same location are being resurfaced using State funds.

- In addition to State matching funds, a portion of the total project cost will be financed by \$_____ in funds provided by _____.

- The project includes improvements to several safety features within the project limits including upgrading of guardrail and traffic signs.

- The project will be advertised for construction in <month/year> and is scheduled for completion in <month/year>.

June 25, 1998

[HNG-12]

ACTION: Request for Projects for Fiscal Year, (FY) 1999 Public Lands Highways (PLH) Discretionary Funds (Reply Due: September 1, 1998)

Associate Administrator for
Program Development
Regional Administrators
Division Administrators
Federal Lands Highway Program
Administrator

With passage of the Transportation Equity Act for the 21st Century (TEA-21), the PLH discretionary program has been continued through FY 2003. As you are aware, the Surface Transportation Extension Act of 1997 provided the initial FY 1998 funding for the PLH program, and we allocated those available PLH discretionary funds to 10 projects earlier this year.

There is approximately \$30 million of additional FY 1998 funds provided by TEA-21. We had originally intended to allocate these additional FY 1998 funds to additional projects selected from the previously submitted FY 1998 candidates. Because we are nearing the last quarter of FY 1998, we have instead decided to combine the available FY 1998 and FY 1999 funds in one solicitation.

With this memorandum, we are requesting submission of eligible candidate projects for FY 1999 PLH discretionary funds. It appears that approximately \$80 million will be available for allocation in FY 1999. Combined with the \$30 million FY 1998 funds, the total available funding for FY 1999 candidates is approximately \$110 million. Please work with the States to identify viable projects to assure high quality candidates for this program.

Eligibility

The PLH funds are available for any kind of transportation project eligible for assistance under Title 23, United States Code, that is within, adjacent to, or provides access to the areas served by the public lands highway. The PLH funds are available for planning, research, engineering, and construction of the highways or of transit facilities within public lands. In addition, eligible projects under the PLH program may include the following:

1. Transportation planning for tourism and recreational travel, including the National Forest Scenic Byways Program, Bureau of Land Management Back Country Byways Program, National Trail System Program, and other similar Federal programs that benefit recreational development.

2. Adjacent vehicular parking areas.
3. Interpretive signage.
4. Acquisition of necessary scenic easements and scenic or historic sites.
5. Provision for pedestrians and bicycles.
6. Construction and reconstruction of roadside rest areas, including sanitary and water facilities.
7. Other appropriate public road facilities such as visitor centers.
8. A project to build a replacement of the federally owned bridge over the Hoover Dam in the Lake Mead National Recreation Area between Nevada and Arizona (added by Section 1115 of TEA-21).

The term "public lands highway" means a forest road under the jurisdiction of and maintained by a public authority and open to public travel or any highway through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations under the jurisdiction of and maintained by a public authority and open to public travel. Federal reservations are considered to include lands owned by the Department of the Interior, Department of Agriculture, Department of Defense and other Federal Agencies.

In addition, Section 1203 of TEA-21 provides that up to "1 percent of the funds allocated under 23 U.S.C. 202 may be used to carry out the transportation planning process for the Lake Tahoe region," and that highway projects included in these transportation plans "may be funded using funds allocated under 23 U.S.C. 202." Applications for these activities, therefore, could also be submitted requesting PLH discretionary funding.

Selection Criteria

To evaluate the submitted candidates for selection, we will be considering several criteria. The following statutory criteria are found in 23 U.S.C. 202(b):

1. The funds shall be allocated "among those States having unappropriated or unreserved public lands, nontaxable Indian lands or other Federal reservations, on the basis of need in such States," and
2. We are required to "give preference to those projects which are significantly impacted by Federal land and resource management activities which are

proposed by a State which contains at least 3 percent of the total public lands in the Nation."

Although there are no regulatory criteria for selection of PLH discretionary projects, the following criteria are also considered in the evaluation of candidates for this program:

1. Equitable distribution of funding among the States—In applying this criterion, we look at PLH discretionary funding distributed over the past 20 years and consider two factors in determining a State's fair share of this distribution. These factors are the State's share of the Nation's Federal public lands and the percentage of an individual State's area that is comprised of Federal public lands. Preference is given to those States that are "behind" in their fair share of the funding.
2. Leveraging of private or other public funding—Because the annual requests for funding far exceed the available PLH discretionary funds, commitment of other funding sources to complement the requested PLH discretionary funding is an important factor.
3. Expeditious completion of project—Preference is also given to requests that will expedite the completion of a viable project over requests for initial funding of a project that will require a long-term commitment of future PLH funding. For large-scale projects consideration is given to the State's total funding plan to expedite the completion of the project.
4. Amount of PLH funding—The requested amount of funding is another consideration. For States that have a relatively small amount of Federal public lands, more moderately sized (< \$500,000) project requests are given more favorable consideration.
5. State priorities—For States that submit more than one project, we give consideration to the individual State's priorities if specified.
6. National geographic distribution of the funding within the PLH program—Although preference is to be given to the States with at least 3 percent of the Nation's public lands, consideration is also given to providing funding to States in the eastern part of the country to provide some geographic balance for the program.
7. Program Emphasis Area—Priority will be given to projects for the construction or restoration of nationally significant trails. This reflects the ongoing development of a Millennium Trails Program to commemorate the heritage of trails important to our past and celebrate the legacy of new and restored trails for our future.

In addition to the above criteria, project selection will also consider national geographic distribution among all of the discretionary programs as well as congressional direction or guidance provided on specific projects or programs.

Submission Requirements

Although there is not a prescribed format for a project submission, the following information must be included to properly evaluate the candidate projects. With the exception of the project area map, all of the following must be included to consider the application complete. Those applications that do not include these items will be considered incomplete and returned.

1. *State* in which the project is located.
2. *County* in which the project is located.
3. *U.S. Congressional District No.(s)* in which the project is located.
4. *U.S. Congressional District Member's Name(s)*.
5. *Project Location*—Describe the specific location of the project, including route number and mileposts, if applicable.
6. *Public Lands Category*—Specify what Federal public lands are being served by the project and whether the project is within, adjacent to, or provides access to the public lands.
7. *Proposed Work*—Describe the project work to be completed under this particular request, and whether this is a complete project or part of a larger project.
8. *Project Purpose*—The States' submission should show how the proposed project and/or the highway route of which it is a part meet the Federal land and resource management needs in the State. This should include status and adequacy of the existing route with regard to route continuity, capacity and safety and the benefits anticipated from completion of the proposed project.
9. *Planning and Coordination*—For the proposed project, describe the coordination with and input from the various Federal land management, State, and metropolitan planning agencies involved. Section 204(a) of Title 23, United States Code, as amended, requires all regionally significant Federal lands highways program projects to be developed in cooperation with States and metropolitan planning organizations, and included in appropriate Federal lands highways program, State, and metropolitan plans and transportation improvement programs.

10. *Current and Future Traffic*—For highway projects provide the current and design year average daily traffic. For other facilities, such as visitor centers, it may be desirable to describe the number of visitors accommodated by the facility.

11. *Project Administration*—Indicate whether the Federal funds for this project will be administered by the State transportation agency or a Federal Lands Highway Division (FLHD) of FHWA. If the FLHD or other Federal Agencies are involved, the type of involvement, whether it is preliminary engineering or contract administration, or other, should be specified. Also, the FLHD is available to assist you with Federal Agency coordination and should provide you with any data and information requested.

12. *Amount of Federal PLH Discretionary Funds Requested*—Indicate the amount of Federal PLH funds being requested for FY 1999. If a State is willing to accept partial funding of the request, that should also be indicated. Sometimes partial funding of requests is utilized to provide funding to more projects, since the requests far exceed the funding available.

13. *Commitment of Other Funds*—Indicate the amounts and sources of any private or other public funding being provided as part of this project. Only indicate those amounts of funding that are firm and documented commitments. The submission must include written confirmation of these commitments from the entity controlling the funds.

14. *Previous PLH Discretionary Funding*—Indicate the amount and fiscal year of any previous PLH discretionary funds received for this project or route.

15. *Future Funding Needs*—Indicate the estimated future funding needs for the project, including anticipated requests for additional PLH discretionary funding, the items of work to be completed and projected scheduling.

16. *Project Area Map*—It is suggested that a readable map, clearly showing the proposed project and its relationship to the overall development of a highway route, as well as its relationship to the Federal public lands, be included. The map should also show any previously completed work on this highway route, if any, plus additional work being planned beyond the proposed project.

17. *Talking Points Briefing*—A one page talking points paper covering basic project information is also needed for use by the Office of the Secretary for the congressional notification process should a project be selected for funding. Each State's request for

FY 1999 PLH discretionary funds must include a talking points paper. A sample paper is attached to this memorandum.

Division Office Responsibilities

In order to ensure that the submitted candidates are complete and properly prepared, the Division Office must:

1. Provide this information regarding project eligibility, selection criteria and submission requirements to the State transportation agency, and
2. Review all candidate applications submitted by the State prior to sending them to this office to ensure that they are complete and meet the above requirements.

We are requesting that candidate project submissions be received in Headquarters no later than *September 1, 1998. Projects received after this date may not receive full consideration.*

When sending in candidate projects, the States must understand that any qualified project may or may not be selected, and it may be necessary to supplement PLH funds with other Federal-aid and/or State funds to construct a section of highway which will be usable to the traveling public in as short a period as possible.

Any allocations in FY 1999 will be made on the assumption that proposed projects are viable and implementation schedules are realistic. Any unobligated balances remaining on September 15, 1999, will be withdrawn and used for funding future fiscal year requests.

If there are questions, please contact Mr. Larry Beidel (202-366-1564) of our Federal-Aid and Design Division.

Henry H. Rentz for Thomas J. Ptak

Attachment

Sample Talking Points Briefing for Sec. Slater

Note: These talking points will be used by the Office of the Secretary in making congressional notification contacts. Since some of the recipients of the calls may not be closely familiar with the highway program, layman's language should be used to the extent possible. Information contained in the talking points may be used by a member of Congress in issuing a press release announcing the discretionary allocation.

Public Lands Highways (PLH) Discretionary Funds

GRANTEE: <List full name of State Highway Agency>

REPRESENTATIVE/SENATOR: <List full names>

PROJECT: <short name/description of project>

This project provides for reconstructing ____ miles of US 1 in _____ County extending from State

Route 2 intersection in Hometown to the County Road 3 in the vicinity of Smallville. Widening 2 feet on either side with improvements on horizontal alignment and installation of 1000 feet of guard rail are included in the project. FHWA FUNDS: \$xx,xxx,xxx. <requested funds>

Specify other source of funds (for ex: State, local, Forest highways, etc, if any, to supplement Federal funds

- This project will improve access to Navajo Indian Reservation and improve the local economy.

- This project is in Congressional district <add number and member's name>.

- This project is part of the second phase of a 5-year program to reconstruct a 30-mile section of Forest Road 11 (State Route 201) between Town A and Town B.

- The project will be advertised for construction in <month/year> and is scheduled for completion in <month/year>.

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. MC-F-20923]

Coach USA, Inc.—Control—Kansas City Executive Coach, Inc. and Le Bus, Inc.

AGENCY: Surface Transportation Board.

ACTION: Notice tentatively approving finance transaction.

SUMMARY: Coach USA, Inc. (Coach), a noncarrier, filed an application under 49 U.S.C. 14303 to acquire control of Kansas City Executive Coach, Inc. (Executive) and Le Bus, Inc. (Le Bus) (collectively, the Acquired Carriers), both motor carriers of passengers. Persons wishing to oppose the application must follow the rules under 49 CFR part 1182, subparts B and C. The Board has tentatively approved the transaction, and, if no opposing comments are timely filed, this notice will be the final Board action.

DATES: Comments are due by September 8, 1998. Applicant may reply by September 22, 1998. If no comments are received by September 8, 1998, this notice is effective on that date.

ADDRESSES: Send an original and 10 copies of any comments referring to STB No. MC-F-20923 to: Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423—