

solicited on an annual basis. Eligible projects are on State designated byways, National Scenic Byways, All-American Roads, or Indian tribe scenic byways.

Applications are completed by Federal, State, or local governmental agencies; Tribal governments; and non-profit organizations. The application information is collected electronically via the online Grant system (<http://www.grants.gov>) and is used to determine project eligibility.

The legislation also includes information about the nomination of scenic byways to become one of America's Byways, a collection of distinct and diverse roads designated by the U.S. Secretary of Transportation. America's Byways include the National Scenic Byways and All-American Roads. Additional information on the National Scenic Byways Program, its grant program, and the nomination process is available at <http://www.bywaysonline.org>.

The total number of burden hours for this collection has changed. The grants applications forms were decreased to include only those forms that were created specifically for [www.grants.gov](http://www.grants.gov). Also, the nominations cycle burden hours have been added.

#### Respondents

**Grants Application Respondents:** In a typical grants cycle, it is estimated that 400 applications will be received. Respondents include: 50 State Departments of Transportation, the District of Columbia and Puerto Rico (Right-of-Way Department), Federal Land Management Agencies, State and local governments, non-profit agencies, and Tribal Governments.

**Frequency:** Annual.

**Estimated Average Burden per Response:** 16 hours.

**Nomination Respondents:** Based on previous nomination cycles, it is estimated that a total of 75 nominations will be received, originating from any local government, including Indian tribal governments, or any private group or individual. Nominations may also originate from the U.S. Forest Service, the National Park Service, the Bureau of Land Management, or the Bureau of Indian Affairs.

**Frequency:** Every 2–3 years.

**Estimated Average Burden per Response:** 200 hours.

**Estimated Total Annual Burden Hours:** 11,400 hours.

**Electronic Access:** For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>. Follow the online instructions for accessing the dockets.

**Authority:** The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued on: January 30, 2008.

**James R. Kabel,**

*Chief, Management Programs and Analysis Division.*

[FR Doc. E8–2168 Filed 2–5–08; 8:45 am]

**BILLING CODE 4910–22–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

[Docket No: FTA–2007–0012]

#### National Transit Database: Strike Adjustments for Urbanized Area Apportionments

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

**ACTION:** Final Strike Adjustment Policy for Urbanized Area Apportionments.

**SUMMARY:** This notice announces the Federal Transit Administration's (FTA) National Transit Database (NTD) policy on strike adjustments. On March 12, 2007, FTA provided notice to NTD reporters that it was changing its policy on strikes, to permit transit agencies to request an adjustment to their NTD data that are used in the apportionment of Urbanized Area Formula Grants to offset the effect of strikes, retroactive to the 2005 Report Year. This policy was also announced in the **Federal Register** Notice of the Urbanized Area Formula Apportionments for Fiscal Year 2007, which was published on March 23, 2007. FTA then formally invited the public to comment on this policy change through a notice published in the **Federal Register** on November 21, 2007. FTA received one comment on this policy change, and is now formally adopting the new policy.

**DATES:** *Effective Date:* February 6, 2008.

**FOR FURTHER INFORMATION CONTACT:** For program issues, John D. Giorgis, Office of Budget and Policy, (202) 366–5430 (telephone); (202) 366–7989 (fax); or [john.giorgis@dot.gov](mailto:john.giorgis@dot.gov) (e-mail). For legal issues, Richard Wong, Office of the Chief Counsel, (202) 366–0675 (telephone); (202) 366–3809 (fax); or [richard.wong@dot.gov](mailto:richard.wong@dot.gov) (e-mail).

**SUPPLEMENTARY INFORMATION:**

#### I. Background

The National Transit Database (NTD) is the Federal Transit Administration's (FTA's) primary database for statistics on the transit industry. Congress established the NTD to "help meet the needs of \* \* \* the public for information on which to base public

transportation service planning \* \* \*" (49 U.S.C 5335). Currently, over 650 transit agencies in urbanized areas report to the NTD through an Internet-based reporting system. Each year, performance data from these submissions are used to apportion over \$4 billion of FTA funds under the Urbanized Area Formula Grants Program. These data are also used in the annual National Transit Summaries and Trends report, the biennial Conditions and Performance Report to Congress, and in meeting FTA's obligations under the Government Performance and Results Act.

For many years, it was FTA's policy to not adjust performance data submitted to the NTD to offset the effect of strikes. On March 12, 2007, FTA provided notice to NTD reporters that it was changing its policy on strikes, to permit transit agencies to request an adjustment to their NTD data that are used in the apportionment of Urbanized Area Formula Grants to offset the effect of strikes, retroactive to the 2005 Report Year. This policy was also announced in the **Federal Register** Notice of the Urbanized Area Formula Apportionments for Fiscal Year 2007, which was published on March 23, 2007. FTA invited the public to comment on this policy change through a notice published in the **Federal Register** on November 21, 2007.

FTA proposes to allow urbanized area transit agencies to request that their NTD data submissions be adjusted to offset the effects of strikes for purposes of the apportionment of Urbanized Area Formula Program Grants. Requesting transit agencies must provide FTA with documentation for the duration of the strike. FTA will then use the transit agency's NTD submissions to project performance data for the time period in question. These projections would then be added to the transit agency's NTD submission in the data sets used by FTA for the calculation of the apportionments of Urbanized Area Formula Program Grants (Section 5307 and Section 5309 Grants). In all publicly-available data sets and data products, an agency's NTD data would remain unadjusted and would reflect the actual NTD submission for the agency.

FTA proposes this policy change because the Section 5307 and Section 5309 Grant Programs are fundamentally designed to support the capital needs of transit agencies in urbanized areas. As such, various performance data are used to approximate the relative capital needs of the various urbanized areas. These capital needs are unaffected by strikes, even though strikes may

produce a substantial decrease in the performance data for an urbanized area.

Further, FTA proposes to make this policy retroactive to the FY 2005 Report Year, to allow urbanized areas that were negatively impacted by strikes in the 2005 and 2006 Report Years in the formula apportionment to avail themselves of this new policy.

## II. Comments and FTA Response to Comments

FTA received one comment on this proposed policy change, inquiring as to how retroactive strike adjustments will be handled.

*FTA Responds:* FTA has made its new strike adjustment policy retroactive to the FY 2005 Report Year. Transit agencies that experienced a reduction in service reported to the NTD due to a strike in FY 2005, FY 2006, or FY 2007 may request an offsetting adjustment in their service data for purposes of the FY 2009 Urbanized Area Formula Apportionment by May 1, 2008. (Service data for FY 2007 will be adjusted in these cases.) Transit agencies experiencing a strike-related service reduction in subsequent years must submit their request for an adjustment along with their original NTD submission.

Issued in Washington, DC, this 1st day of February 2008.

**James S. Simpson,**

*Administrator.*

[FR Doc. E8-2162 Filed 2-5-08; 8:45 am]

BILLING CODE 4910-57-P

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2008-0018; Notice 1]

#### Nissan North America, Inc., Receipt of Petition for Decision of Inconsequential Noncompliance

Nissan North America, Inc. (Nissan), has determined that certain vehicles that it manufactured during the period of April 5, 2007 to July 25, 2007, did not fully comply with paragraph S4.3(b) of 49 CFR 571.110 (Federal Motor Vehicle Safety Standards (FMVSS) No. 110 *Tire Selection and Rims for Motor Vehicles With a GVWR of 4,536 Kilograms (10,000 Pounds) or Less*). Nissan has filed an appropriate report pursuant to 49 CFR Part 573, *Defect and Noncompliance Responsibility and Reports*.

Pursuant to 49 U.S.C. 30118(d) and 30120(h) (see implementing rule at 49 CFR part 556), Nissan has petitioned for an exemption from the notification and

remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential to motor vehicle safety.

This notice of receipt of Nissan's petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Affected are approximately 321 Model Year 2008 Nissan Titan E-Grade trucks manufactured from April 5 to July 25, 2007. Paragraph S4.3(b) of 49 CFR 571.110 requires in pertinent part that:

S4.3 Placard. Each vehicle \* \* \* shall show the information specified in S4.3 (a) through (g) \* \* \* on a placard permanently affixed to the driver's side B-pillar \* \* \*

(b) Designated seated capacity (expressed in terms of total number of occupants and number of occupants for each front and rear seat location)

Nissan explains that E-grade Titan trucks can be equipped with two front bucket seats as an option, which means it has two seats in the front and three in the back for a total of five seating positions. The space between the two front bucket seats is occupied by a hard plastic console with cup holders that cannot be used or mistaken for a seating position. The second row has 3 seating positions. On the subject vehicles, the tire information placard incorrectly states that the total vehicle seating capacity is 6, with 3 seats in the front row, and 3 seats in the second row. All other applicable requirements of FMVSS No. 110 are met.

Nissan states that it believes the noncompliance is inconsequential to motor vehicle safety for the following reasons:

1. The front center console area of this vehicle cannot be mistaken for a seating position because the center console is low to the floor, has molded-in cup holders, has no padded/cushioned area, and has no provisions for seatbelts. It is apparent to any observer that there are only two front seating positions. Even if an occupant referenced the tire information placard to determine the vehicle's front seating capacity, it is readily apparent that the total capacity is five and not six and front row capacity is two and not three.

2. Because the subject vehicle cannot be occupied by more than five people, there is no risk of vehicle overloading.

3. The vehicle capacity weight (expressed as a total weight for passengers and cargo) on the placard is correct. The seating capacity error has no impact on the vehicle capacity weight.

Nissan also states that there have been no customer complaints, injuries, or

accidents related to the incorrect seating capacity of the subject tire information placard.

Additionally, Nissan stated that it believes that because the noncompliance is inconsequential to motor vehicle safety that no corrective action is warranted.

After receipt of the petition, Nissan also informed NHTSA that it has corrected the problem that caused these errors so that they will not be repeated in future production.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance.

Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket and notice number cited at the beginning of this notice and be submitted by any of the following methods:

a. *By mail addressed 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.

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.

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:* March 7, 2008.

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