

Scenic Enhancement (Wildflowers) [23 U.S.C. 319].

4. *Wildlife: Endangered Species Act* [16 U.S.C. 1531–1544 and Section 1536], *Marine Mammal Protection Act* [16 U.S.C. 1361], *Anadromous Fish Conservation Act* [16 U.S.C. 757(a)-757(g)], *Fish and Wildlife Coordination Act* [16 U.S.C. 661–667(d)], *Migratory Bird Treaty Act* [16 U.S.C. 703–712], *Magnuson-Stevenson Fishery Conservation and Management Act of 1976*, as amended [16 U.S.C. 1801 *et seq.*].

5. *Historic and Cultural Resources: Section 106 of the National Historic Preservation Act of 1966*, as amended [16 U.S.C. 470(f) *et seq.*]; *Archaeological Resources Protection Act of 1977* [16 U.S.C. 470(aa)–11]; *Archaeological and Historic Preservation Act* [16 U.S.C. 469–469(c)]; *Native American Grave Protection and Repatriation Act (NAGPRA)* [25 U.S.C. 3001–3013].

6. *Social and Economic: Civil Rights Act of 1964* [42 U.S.C. 2000(d)–2000(d)(1)]; *American Indian Religious Freedom Act* [42 U.S.C. 1996]; *Farmland Protection Policy Act (FPPA)* [7 U.S.C. 4201–4209].

7. *Wetlands and Water Resources: Land and Water Conservation Fund (LWCF)* [16 U.S.C. 4601–4604]; *Safe Drinking Water Act (SDWA)* [42 U.S.C. 300(f)–300(j)(6)]; *Wild and Scenic Rivers Act* [16 U.S.C. 1271–1287]; *Emergency Wetlands Resources Act* [16 U.S.C. 3921, 3931]; *TEA–21 Wetlands Mitigation* [23 U.S.C. 103(b)(6)(m), 133(b)(11)]; *Flood Disaster Protection Act* [42 U.S.C. 4001–4128].

8. *Hazardous Materials: Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)* [42 U.S.C. 9601–9675]; *Superfund Amendments and Reauthorization Act of 1986 (SARA)*; *Resource Conservation and Recovery Act (RCRA)* [42 U.S.C. 6901–6992(k)].

9. *Executive Orders: E.O. 11990 Protection of Wetlands*; *E.O. 11988 Floodplain Management*; *E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations*; *E.O. 11593 Protection and Enhancement of Cultural Resources*; *E.O. 13007 Indian Sacred Sites*; *E.O. 13287 Preserve America*; *E.O. 13175 Consultation and Coordination with Indian Tribal Governments*; *E.O. 11514 Protection and Enhancement of Environmental Quality*; *E.O. 13112 Invasive Species*.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on

Federal programs and activities apply to this program.)

**Authority:** 23 U.S.C. 139(I)(1).

Issued on: July 31, 2008.

**George Hoops,**

*Major Projects Engineer, FHWA, Raleigh, North Carolina.*

[FR Doc. E8–17986 Filed 8–5–08; 8:45 am]

**BILLING CODE 4910-RY-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2007–28055]

#### Demonstration Project on NAFTA Trucking Provisions

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Notice of extension of demonstration project.

**SUMMARY:** FMCSA announces the extension of the demonstration project allowing up to 100 Mexico-domiciled motor carriers to operate beyond the U.S. border commercial zones, and the same number of U.S. carriers to operate in Mexico, from one year to the full three years allowed by statute, 49 U.S.C. 31315. Reciprocally, Mexico has agreed to allow U.S.-domiciled motor carriers in the demonstration project to continue to operate in Mexico for up to three years.

**DATES:** This notice is effective upon publication.

**FOR FURTHER INFORMATION CONTACT:** Mr. Milt Schmidt, Division Chief, North American Borders Division, Federal Motor Carrier Safety Administration, Telephone (202) 366–4049; e-mail [milt.schmidt@dot.gov](mailto:milt.schmidt@dot.gov).

**SUPPLEMENTARY INFORMATION:** Secretary of Transportation Mary E. Peters and Mexico's Secretary of Communications and Transportation Luis Tollez Kuenzler announced a demonstration project to implement certain trucking provisions of the North American Free Trade Agreement (NAFTA) in February 2007. The project was expected to last one year. FMCSA's notice inaugurating the project stated that “[t]he demonstration project has a one-year limit” (72 FR 23883, 23884, May 1, 2007).

Shortly thereafter Congress required the Department of Transportation (DOT) to satisfy a series of new conditions before starting the demonstration project. See section 6901 of the “U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq

Accountability Appropriations Act, 2007” [hereafter: “Iraq Supplemental”], Pub. L. 110–28, 121 Stat. 112, 183, May 25, 2007. Section 6901 imposed limits on DOT's use of appropriated funds to grant authority to Mexico-domiciled motor carriers to operate beyond the border commercial zones. In particular, section 6901(a) required that the granting of such authority be tested as part of a pilot program meeting the requirements of 49 U.S.C. 31315(c) and that the pilot program also comply with the requirements of section 350 of Public Law 107–87 (115 Stat. 833, 864, December 18, 2001). Section 350, enacted by the 2002 DOT Appropriations Act and reenacted in every subsequent annual DOT appropriations act, set forth additional requirements FMCSA must meet as a condition of granting Mexico-domiciled motor carriers authority to operate in the United States. A pilot program under § 31315(c) must include, among other things, a “scheduled life \* \* \* of not more than 3 years.”

As demonstrated in the **Federal Register** notices of June 8 and August 17, 2007 (72 FR 31877 and 72 FR 46263, respectively), FMCSA met all of the conditions established by section 6901 of the Iraq Supplemental, including compliance with section 350. The demonstration project was initiated on September 6, 2007, after Secretary Peters submitted to Congress the Department's response to the report by the DOT Office of Inspector General verifying compliance with section 350, as required by section 6901(b)(1) and (b)(2)(A). FMCSA issued provisional operating authority to the first Mexico-domiciled motor carrier the same day. However, uncertainties concerning the length and viability of the demonstration project may have deterred a significant number of carriers, both from Mexico and the United States, from seeking to participate in the project. For example, many Mexico-domiciled motor carriers who previously expressed an interest in operating beyond the border commercial zones have not pursued such authority through the demonstration project. Additionally, we have been advised that other Mexico-domiciled carriers who received approval for project participation are not participating because they are reluctant to incur substantial costs related to obtaining insurance to operate in the United States and developing a customer base for long-haul operations, in the face of these uncertainties. The result is that the number of Mexico-domiciled carriers operating under the

demonstration project is smaller than expected: currently, 27 carriers are operating 107 trucks. Although these carriers have made 9,983 trips into the United States, most of these carriers had destinations in the commercial zones; they have performed 1,272 long-haul trips beyond the border zones. Concurrently, many U.S.-domiciled motor carriers have expressed concern at the high cost of maintaining an official legal representative in Mexico, especially due to their belief that a minimum of two years is needed to develop sustainable business relationships with Mexican shippers. This has resulted in a limited number of U.S. carriers participating in the demonstration project. At the moment, only 10 U.S. carriers are participating and they are operating only 55 vehicles. They have made 2,245 trips across the Mexican border.

In order to ensure the demonstration project can be reviewed and evaluated on the basis of a more comprehensive body of data, FMCSA has decided to extend the project from one year up to the full three years allowed by statute. The U.S. and Mexico will continue to limit the project to a maximum of 100 of each other's motor carriers and will provide for reciprocal authority. In addition, the U.S. will require participating Mexican carriers and drivers to comply with all applicable U.S. laws and regulations. The extension will enable FMCSA to collect and analyze a larger volume of safety and operational data, which is the fundamental goal of the demonstration project. We believe an extension will provide non-participating motor carriers, both in Mexico and the United States, added incentives to join the project, knowing that their investment in long-haul foreign operations will have more time to mature and become profitable.

Issued on: July 31, 2008.

**John H. Hill,**  
Administrator.

[FR Doc. E8-17946 Filed 8-4-08; 9:15 am]

**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

[Docket No: FTA-2008-0002]

#### National Transit Database: Amendments to Urbanized Area Annual Reporting Manual

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

**ACTION:** Notice of Amendments to 2008 National Transit Database Urbanized Area Annual Reporting Manual.

**SUMMARY:** This notice announces the adoption of certain amendments for the Federal Transit Administration's (FTA) 2008 National Transit Database (NTD) Urbanized Area Annual Reporting Manual (Annual Manual). On February 7, 2008, FTA published a notice in the **Federal Register** (73 FR 7361) inviting comments on proposed amendments to the 2008 Annual Manual. This notice provides responses to those comments, and announces the adoption of certain amendments for the 2008 Annual Manual, as well as the adoption of some amendments to take effect for the 2009 Report Year.

**DATES:** *Effective Date:* August 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. Recipients of FTA's Urbanized Area Formula Program (Section 5307) and Other Than Urbanized Area Formula Program (Section 5311) are required by statute to submit data to the NTD. These data are used to "help meet the needs of \* \* \* the public for information on which to base public transportation service planning \* \* \*" (49 U.S.C. 5335). Other transit providers in urbanized areas report to the NTD under these requirements on a voluntary basis for purposes of including their data in the apportionment of Urbanized Area Formula Grants. FTA details the NTD reporting requirements for urbanized area transit providers in the NTD Urbanized Area Annual Reporting Manual (Annual Manual).

Currently, over 650 transit providers 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 \$5 billion of FTA funds under the Urbanized Area Formula and the Fixed-Guideway Modernization Grants Programs. 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.

In an ongoing effort to improve the NTD Internet reporting system and to be responsive to the needs of transit providers reporting to the NTD, and to the needs of the transit data user community, FTA annually refines and clarifies reporting requirements to the NTD. This notice announces the adoption of certain amendments for the 2008 Annual Manual, as well as the adoption of some amendments to take effect for the 2009 Report Year.

##### II. Comments and FTA Response to Comments

On February 7, 2008, FTA published a notice in the **Federal Register** (73 FR 7361) inviting comments on proposed amendments to the 2008 Annual Manual. FTA received responses from seven commenters. Three of the commenters made comments on the set of amendments as a whole. One expressed support for the package of amendments as a whole and two commenters suggested that most of the proposed amendments should not take effect until the 2009 Report Year, in order to give reporters sufficient time to prepare reports under the new requirements. FTA agrees with the commenters and will therefore delay many of the proposed amendments until the 2009 Report Year, particularly those that impact relationships with purchased transportation providers. FTA will respond to all comments based on each proposed amendment.

##### (a) Contractual Relationship (B-30) Form

FTA proposed to revamp this form to allow reporters to clearly report three separate types of relationships: (1) Traditional purchased transportation contracts; (2) taxicab contracts for demand response service; and (3) pass-through relationships. Under this proposal, taxicab contracts for demand response service would become a third type of service under the NTD, with reduced reporting requirements on the S-10, and no reporting requirements for the A-10 (asset inventory) form. FTA received one comment in support of the proposed changes.

*FTA Response:* Based on the above comments requesting that changes impacting the reporting requirements for purchased transportation services be delayed until the 2009 Report Year, FTA agrees to delay implementation of this amendment until the 2009 Report Year. The above requirements will be reflected in the 2009 Annual Manual.