

observing drivers' behavior under differing signaling conditions. However, direct verbal reports of drivers are often needed to determine why drivers are making their decisions. For example FHWA may learn from questioning drivers that they would be less likely to speed up when approaching a signal if they knew the signal system would recognize this behavior and respond accordingly. One way this might happen is by advising the motorist earlier of the impending signal change. Driver interviews performed under this study area can provide information on many key issues including behavioral adaptation, decision making, and reaction times to signal phases and changes. This kind of information could lead to improvements to signal controllers that increase mobility and improve safety. Speed management is another area that could benefit from interview data. For example, lower speed limits in construction zones are difficult to enforce, and interview data with drivers can provide information on better methods of restraining driver speeds in these hazardous situations.

*Categories C and D (Intelligent Transportation Systems (ITS), including Driver-Vehicle and Driver-Infrastructure Interfaces and Traffic Management Centers).* One ITS safety countermeasure being studied by FHWA is a system to protect the potential victim of a red light runner at a signalized intersection. ITS affords the capability, via wireless communication and advanced sensing technologies, to warn a driver if another driver is about to run a red light and a collision is imminent. This warning can be given in the car or from special signals placed in the infrastructure. FHWA is interested in determining how drivers respond to these new warnings that tell them to slow down or stop. Information acquired in interviews with drivers is needed to clarify their understanding of the purpose of various special signals, as well as aspects of their behavior not readily detectable, such as whether they checked their rear view mirror before braking, and whether they would have proceeded through the intersection had the signal not come on. Such information will assist FHWA in designing intelligent infrastructure systems to benefit highway safety and operations.

*Category E (Older and Younger Drivers).* The opinions of these two high risk groups are needed for almost all FHWA safety related studies. For example, data on the ease of use expressed by older drivers with respect to an innovative design informs the engineer which aspects of the new design present potential safety problems

and may be in need of modification. In contrast, young drivers present a separate set of challenges for highway engineers. Their ability to negotiate a new design may be less of a concern, however; it is necessary to understand how these drivers regard the conflict points presented by new designs. This is of particular importance as some younger drivers may be willing to take extra risks in situations where ambiguity exists. Gathering verbal feedback from younger drivers will help engineers determine areas of potential ambiguity in design and modify these areas as necessary to ensure they are not introducing safety hazards.

*Category F (Pedestrians and Bicyclists).* Research related to pedestrians and bicyclists arises from the need to determine the most effective ways to accommodate these infrastructure users. While overt pedestrian and bicyclist behavior can be directly observed fairly easily, it is sometimes necessary to collect user opinions and reactions. For example, when a new intersection design is being introduced (e.g., a triple lane roundabout) it is especially advantageous to acquire data that provides insights into the needs and challenges that pedestrians and bicyclists face as they negotiate such an intersection. The needs of disabled pedestrians are also considered when researching new intersection treatments, and in these efforts FHWA works closely with the U.S. Access Board to ensure that novel intersection treatments accommodate their needs. Another example of research in this area is determining bicyclists' reactions to such treatments as separately marked bicycle lanes, signage, and overall roadway configuration.

#### **Description of How Field and Laboratory Study Participants Will Be Acquired**

Samples for research studies will be acquired by advertisement in local papers, by the distribution of flyers, or by postings to the internet. Typically, interested parties contact FHWA and they are asked a few questions to determine whether they qualify for the study. These questions involve such issues as age, driver familiarity with the location or scenario being used, number of miles driven per year, and gender.

#### **Estimate of the Total Annual Reporting and Recordkeeping Burden Resulting From These Information Collections and Requests for Comments**

*Frequency:* This approval request is for 30 studies over a 3-year period.

*Individual Respondent Burden:* FHWA estimates data acquisition from persons participating in research will average about 1 hour.

*Estimated Total Annual Burden Hours:* The maximum burden for any single field study with in-person interviewing will be  $(200 \times 10) / 60$  or 33 hours. The maximum burden for any single research study (including a short interview of approximately 10 minutes) will be  $(200 \times 60) / 60$  or 200 hours. The grand total of burden hours under this approval request is 3,000 hours (30 studies, at 1 hour per study). Since this burden will be over a three-year period, the total annual burden becomes 1,000 hours. Respondents will not incur any reporting or record keeping cost, or any record keeping burden as a result of these collections.

*Public Comments Invited:* You are asked to comment on any aspect of these information collections, including: (1) Whether the proposed collections are necessary for FHWA's performance; (2) the accuracy of the estimated burden; (3) ways for FHWA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of electronic technology, without reducing the quality of the collected information. FHWA will respond to your comments and summarize or include them when requesting clearance from OMB for these information data collections.

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

Issued on May 14, 2009.

**James R. Kabel,**

*Chief, Management Programs and Analysis Division.*

[FR Doc. E9-11726 Filed 5-19-09; 8:45 am]

BILLING CODE P

## **DEPARTMENT OF TRANSPORTATION**

### **Federal Highway Administration**

[Docket No. FHWA-2009-0039]

#### **Agency Information Collection Activities: Notice of Request for Renewal of a Previously Approved Information Collection Titled: Federal Highway Administration (FHWA) State Reports for American Recovery and Reinvestment Act (ARRA)**

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

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

**SUMMARY:** The FHWA invites public comments about our intention to request

the Office of Management and Budget's (OMB) approval for information collection that is summarized below under **SUPPLEMENTARY INFORMATION**. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

**DATES:** Please submit comments by July 20, 2009.

**ADDRESSES:** You may submit comments identified by DOT Docket ID Number FHWA-2009-0039, by any of the following methods:

*Web Site:* For access to the docket to read background documents or comments received go to the Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the online instructions for submitting comments.

*Fax:* 1-202-493-2251.

*Mail:* Docket Management Facility, U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590-0001.

*Hand Delivery or Courier:* U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Karen White, 202-366-9474, Office of Policy and Governmental Affairs, HPTS, Federal Highway Administration, Department of Transportation, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 7:30 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:**

*Title:* Federal Highway Administration (FHWA) State Reports for American Recovery and Reinvestment Act (ARRA), OMB Control # 2125-0623.

*Background:* The American Recovery and Reinvestment Act of 2009 (ARRA), provides the State Departments of Transportation and Federal Lands Agencies with \$27.5 billion for highway infrastructure investment. With these funds also comes an increased level of data reporting with the stated goal of improving transparency and accountability at all levels of government. According to President Obama "Every American will be able to hold Washington accountable for these decisions by going online to see how and where their tax dollars are being spent." The Federal Highway Administration (FHWA) in concert with the Office of the Secretary of Transportation (OST) and the other modes within the U.S. Department of Transportation (DOT) will be taking the

appropriate steps to ensure that this accountability and transparency is in place for all infrastructure investments.

The reporting requirements of the ARRA are covered in Sections 1201, 1512 and 1609. Section 1201 (c)(1) stipulates that "notwithstanding any other provision of law each grant recipient shall submit to the covered agency (FHWA) from which they received funding periodic reports on the use of the funds appropriated in this Act for covered programs. Such reports shall be collected and compiled by the covered agency (FHWA) and transmitted to Congress. Covered agencies (FHWA) may develop such reports on behalf of grant recipients (States) to ensure the accuracy and consistency of such reports."

Section 1512 of the ARRA requires "any entity that receives recovery funds directly from the Federal Government (including recovery funds received through grant, loan, or contract) other than an individual," including States, to provide regular "Recipient Reports."

Section 1609 references the National Environmental Policy Act of January 1, 1970. The ARRA legislation requires that "The President shall report to the Senate Environment and Public Works Committee and the House National Resources Committee every 90 days... the status and progress of projects and activities funded by this Act with respect to compliance with National Environmental Policy act requirements and documentation."

As the recipients or grantees for the majority of the ARRA funds, States and Federal Land Management Agencies (FLMA) are by statute responsible for reporting to FHWA on the projects, use of ARRA funds, and jobs supported. States and FLMA that receive recovery fund apportionments directly from the Federal government are responsible for reporting to FHWA, which in turn is responsible for reporting periodically to Congress and quarterly to the *Recovery.gov* Web site. To achieve a high-quality, consistent basis for reporting, the FHWA has designed a system for obtaining and summarizing data for all purposes.

States and FLMA will be responsible for providing the data that are not currently available at the national level. Not every data element required to be reported by the ARRA needs to be specifically collected. To the maximum extent possible, FHWA will utilize existing data programs to meet the ARRA reporting requirements. For example, for the requirement to report aggregate expenditures of State funds, FHWA will use existing reports submitted by States and data collected

in the Financial Management Information System (FMIS). While the reporting obligations in the ARRA are only applicable to the grant recipients, the States and FLMA may need to obtain certain information from their contractors, consultants, and other funding recipients in order to provide the FHWA with all of the required information. Additional information on the American Recovery and Reinvestment Act of 2009 is available at <http://www.fhwa.dot.gov/economicrecovery/index.htm>.

*Respondents:* In a reporting cycle, it is estimated that reports will be received from approximately 70 grant recipients. Respondents include: 50 State Departments of Transportation, the District of Columbia and Puerto Rico, the U.S. territories, the following Federal Land Management Agencies: National Park Service, U.S. Fish and Wildlife, National Forest Service and the Bureau of Indian Affairs, and several Native American Indian Governments who, by contract, manage their own transportation program. These reports will be submitted online and reviewed for accuracy by the FHWA Division Offices before being submitted to FHWA Headquarters for compilation and submission to OST for publication on *Recovery.gov*.

*Form#:* FHWA-1585.

*Background:* This form is used by the State DOTs and the FLMAs to provide information on the status of all their ARRA projects. The data that is collected on this form addresses the reporting requirements of Sections 1201 and 1512.

*Frequency:* Monthly until September 2012.

*Estimated Average Burden per Response:* 1 hour.

*Estimated Total Annual Burden Hours:* 3,010 hours.

*Form#:* FHWA-1586.

*Background:* This form is used to collect information concerning how each State and FLMA plans to invest its allotment of ARRA funding. The list needs to be consistent with the list of projects provided in the State's Section 1511 certification, as it may be amended. States and FLMA should provide their best estimates of a complete list of projects to be funded with ARRA grants as of the plan's due date. If a State has not programmed all ARRA funds by that time, that information should be provided as well. These data will be used for meeting the reporting requirements of Sections 1201, 1512 and 1609.

*Frequency:* Initial list was due March 31, 2009. Additional updates are due

within 2 weeks of the State or FLMA issuing a new Section 1511 certification.

*Estimated Average Burden per Response:* 1 hour.

*Estimated Total Annual Burden Hours:* 280 hours.

*Form#:* FHWA-1587.

*Background:* This form is used by States, FLMA and the FHWA to provide summary employment information for all active ARRA projects. These data will be used for meeting the reporting requirements of Sections 1201 and 1512.

*Frequency:* Monthly until September 2012.

*Estimated Average Burden per Response:* 1 hour.

*Estimated Total Annual Burden Hours:* 3,010 hours.

*Form#:* FHWA-1588.

*Background:* This report form is for cases in which a State or FLMA needs to provide information on one or more individual ARRA projects that are part of a previously awarded grouped, bundled or area wide project. These data will be used for meeting the reporting requirements of Sections 1201, 1512 and 1609. States and FLMA shall provide the required information as individual projects. If a State or Federal Lands agency has no grouped or bundled projects, then no report is necessary. An example of an area wide grouped or bundled project would be a district wide bridge project that involves re-decking one bridge and replacing the guardrail on a second. Each of these individual bridge projects would be reported on this form after they have been awarded.

*Frequency:* Monthly as needed until September 2012

*Estimated Average Burden per Response:* 1 hour.

*Estimated Total Annual Burden Hours:* 560 hours.

*Form#:* FHWA-1589

*Background:* This form is to be used by the FHWA to gather employment information on every ARRA project that is initiated by the FHWA. Monthly employment information will be used to meet the requirements of Sections 1201 and 1512. In order for FHWA to fulfill the reporting obligations, FHWA must collect and analyze certain employment data for each FHWA ARRA funded contract. FHWA will require contractors and consultants to provide the required information for their own workforce as well as the workforce of all subcontractors that were active on their ARRA funded project(s) for the reporting month.

*Frequency:* Monthly until the contract is completed or September 2012 whichever occurs first.

*Estimated Average Burden per Response:* 0.5 hour.

*Estimated Total Annual Burden*

*Hours:* 500 hours.

*Form#:* FHWA-1590.

*Background:* This form contains the detailed instructions for completing the previous ARRA data reporting forms.

*Frequency:* Issued once initially.

*Estimated Average Burden per Response:* 10 minutes.

*Estimated Total Annual Burden Hours:* 12 hours.

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

Issued on: May 14, 2009.

**James R. Kabel,**

*Chief, Management Programs and Analysis Division.*

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**BILLING CODE 4910-22-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Notice of Final Federal Agency Actions on Proposed Highways in Washington

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

**ACTION:** Notice of Limitation on Claims for Judicial Review of Actions by FHWA and Other Federal Agencies.

**SUMMARY:** This notice announces actions taken by the FHWA that are final within the meaning of 23 U.S.C. 139(l)(1). The actions relate to a proposed highway project, the Mercer Corridor Improvements Project, located in the city of Seattle, King County, Washington. Those actions grant licenses, permits, and approvals for the project.

**DATES:** By this notice, the FHWA is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before November 16, 2009. If the Federal law that authorizes judicial review of a claim provides a time period of less than 180 days for filing such claim, then that shorter time period still applies.

**FOR FURTHER INFORMATION CONTACT:**

Brian Hasselbach, Area Engineer, Federal Highway Administration—Washington Division, 711 South Capitol Way, Suite 501, Olympia, WA 98501. Office hours are 8 a.m. to 4 p.m. (Pacific Time), (360) 753-9411, [Brian.Hasselbach@dot.gov](mailto:Brian.Hasselbach@dot.gov). You may also contact Angela Brady, Project Manager, Seattle Department of Transportation (SDOT), P.O. Box 34996, Seattle, WA 98124; telephone: 206-684-

3115; and e-mail:

[angela.brady@seattle.gov](mailto:angela.brady@seattle.gov). SDOT's regular office hours are between 8 a.m. and 5 p.m. (Pacific Time).

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that the FHWA has taken final agency actions by issuing a Finding of No Significant Impacts (FONSI) for the Mercer Corridor Improvements Project. The purpose of the project is to provide vehicular and pedestrian improvements to the Mercer Street corridor between Interstate 5 (I-5) on and off ramps and Dexter Avenue North. The project is located in the South Lake Union neighborhood of Seattle, King County, Washington.

The actions by FHWA on this project, and the laws under which such actions were taken, are described in the December 2008 Environmental Assessment (EA); the May 2009 FONSI; and in other documents in the FHWA's administrative record for the project. The EA, FONSI, and other documents in the FHWA administrative record are available by contacting FHWA or the Seattle Department of Transportation at the addresses provided previously.

The EA and FONSI can be viewed and downloaded from the project Web site at [http://www.seattle.gov/Transportation/ppmp\\_mercer.htm](http://www.seattle.gov/Transportation/ppmp_mercer.htm) or viewed at the Seattle Public Library, as well as local neighborhood service centers within the project area. This notice applies to all Federal agency decisions on the project, as of the issuance date of this notice, and all laws under which such actions were taken, including but not limited to:

1. *General:* National Environmental Policy Act [42 U.S.C. 4321-4351]; Federal-Aid Highway Act [23 U.S.C. 109].

2. *Air:* Clean Air Act, as amended [42 U.S.C. 7401-7671(q)].

3. *Land:* Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303]; Landscaping and Scenic Enhancement (Wildflowers) [23 U.S.C. 319].

4. *Wildlife:* Endangered Species Act [16 U.S.C. 1531-1544]; Anadromous Fish Conservation Act [16 U.S.C. 757(a)-757(g)]; Fish and Wildlife Coordination Act [16 U.S.C. 661-667(d)]; 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 [25 U.S.C. 3001-3013].