

measures the operator has taken or proposes to take to reduce existing non-compatible uses and prevent the introduction of additional non-compatible uses.

The FAA has completed its review of the noise exposure maps and accompanying documentation submitted by the Mayland Aviation Administration. The documentation that constitutes the “Noise Exposure Maps” (NEM) as defined in Section 150.7 of part 150 includes: 2014 Base Year NEM Figure (20) and 2019 Future Year NEM Figure (21). The Noise Exposure Maps contain current and forecast information, including the depiction of the airport and its boundaries, the runway configurations, and land uses such as residential, open space, commercial/office, community facilities, libraries, churches, open space, infrastructure, vacant and warehouse and those areas within the Day Night Average Sound Level (DNL) 65, 70 and 75 noise contours. Estimates for the area within these contours for the 2014 Base Year are shown in Table 3–1 and Table 15; and in Chapter 5 of the NEM. Estimates of the future residential population within the 2019 Future Year noise contours are shown in Table 15 and in Chapter 5 of the NEM. Figure 24 displays the location of noise monitoring sites. Flight tracks for the existing and the five-year forecast Noise Exposure Maps are found in Chapter 4 and Appendix F. The type and frequency of aircraft operations (including nighttime operations) are found in Appendix C. The FAA has determined that these noise exposure maps and accompanying documentation are in compliance with applicable requirements. This determination is effective on August 17, 2016.

FAA’s determination on an airport operator’s noise exposure maps is limited to a finding that the maps were developed in accordance with the procedures contained in Appendix A of FAR Part 150. Such determination does not constitute approval of the applicant’s data, information or plans; or a commitment to approve a noise compatibility program or to fund the implementation of that program. If questions arise concerning the precise relationship of specific properties to noise exposure contours depicted on a noise exposure map submitted under Section 47503 of the Act, it should be noted that the FAA is not involved in any way in determining the relative locations of specific properties with regard to the depicted noise contours, or in interpreting the noise exposure maps to resolve questions concerning, for example, which properties should be

covered by the provisions of Section 47506 of the Act. These functions are inseparable from the ultimate land use control and planning responsibilities of local government. These local responsibilities are not changed in any way under Part 150 or through FAA’s review of noise exposure maps. Therefore, the responsibility for the detailed overlaying of noise exposure contours onto the map depicting properties on the surface rests exclusively with the airport operator that submitted those maps, or with those public agencies and planning agencies with which consultation is required under Section 47503 of the Act. The FAA has relied on the certification by the airport operator, under Section 150.21 of FAR Part 150, that the statutorily required consultation has been accomplished.

Copies of the full noise exposure map documentation and of the FAA’s evaluation of the maps are available for examination at the following locations: Federal Aviation Administration, Eastern Region, Airports Division, AEA-600, 1 Aviation Plaza, Jamaica, New York 11434. Federal Aviation Administration, Washington Airports District Office, 23723 Air Freight Lane, Suite 210, Dulles, VA 20166. Maryland Aviation Administration, 991 Corporate Boulevard, Linthicum, MD 21090.

FOR FURTHER INFORMATION CONTACT: Washington Airports District Office (WAS ADO), Marcus Brundage, Environmental Protection Specialist, Federal Aviation Administration, WAS ADO, 23723 Air Freight Lane, Suite 210, Dulles, VA 17011, Telephone: (703) 661-1354.

Issued in Dulles, VA, on August 17, 2016.

Matthew J. Thys,
Manager, Washington Airports District Office,
Eastern Region.

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DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No: FHWA-2016-0018]

Assumption of Authorities

AGENCY: Federal Highway Administration (FHWA); Department of Transportation (DOT).

ACTION: Notice; request for comments.

SUMMARY: The Fixing America’s Surface Transportation (FAST) Act builds on the authorities and requirements in the

Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) and the Moving Ahead for Progress in the 21st Century Act (MAP-21). The FAST Act also builds on efforts under FHWA’s Every Day Counts to accelerate delivery of surface transportation projects by institutionalizing best practices and expediting complex infrastructure projects.

The Secretary, in cooperation with the States, must submit recommendations to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate recommendations on legislation to permit the assumption of additional authorities by States. The FAST Act specifically asks for recommendations in the areas of real estate acquisition and project design.

In order to implement section 1316 of the FAST Act, FHWA is soliciting feedback from States and other stakeholders on additional authorities to assume under title 23, including real estate acquisition and project design. The FHWA will collect suggestions during a 60-day period. At the end of that period, FHWA will assess suggestions prior to providing a Report to Congress.

DATES: Comments must be received by October 31, 2016.

ADDRESSES: To ensure that you do not duplicate your docket submissions, please submit them by only one of the following means:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov> and follow the online instructions for submitting comments.

- *Electronic Mail:* Section1316FRN@Sharepointmail.dot.gov.

- *Mail:* U.S. Department of Transportation, Dockets Management Facility, Room W12-140, 1200 New Jersey Ave. SE., Washington, DC 20590-0001.

- *Hand Delivery:* West Building Ground Floor, Room W12-140, 1200 New Jersey Ave. SE., between 9 a.m. 5p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 366-9329.

All comments must include the docket number DOT-FHWA-2016-0018 at the beginning of the submission.

FOR FURTHER INFORMATION CONTACT: Mr. Michael Howell, Office of Information Technology Services, (202) 366-5707, michael.howell@dot.gov, Federal Highway Administration, 1200 New Jersey Avenue SE., Washington, DC 20590, Ms. Janet Myers, Office of Chief Counsel, 202-366-2019,

janet.myers@dot.gov, Federal Highway Administration, 1200 New Jersey Avenue SE., Washington, DC 20590, or Ms. Cynthia Essenmacher, Office of Infrastructure (Detail), Federal Highway Administration, 315 W. Allegan St., Ste. 201, Lansing, MI 48913, (517) 702-1839, *cynthia.essenmacher@dot.gov*, Office Hours are from 8:00 a.m. to 4:30 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

I. Background

The FAST Act builds on the authorities and requirements in SAFETEA-LU and MAP-21, and on efforts under FHWA's Every Day Counts in an effort to accelerate delivery of surface transportation projects by institutionalizing best practices and expediting complex infrastructure projects. This includes promoting the transition from FHWA project-level "full-oversight" of the Federal-aid highway program (FAHP) to a risk-based approach to FHWA oversight activities. The FHWA's use of a risk-based approach to stewardship and oversight is intended to optimize the successful delivery of projects and to ensure compliance with Federal requirements by focusing FHWA resources on activities with the highest potential impacts on the success of the FAHP.

Section 1316(a) of the FAST Act directs the Secretary of Transportation to use the authority under 23 U.S.C. 106(c) to the maximum extent practicable to allow a State to assume the responsibilities described in 23 U.S.C. 106(c) on both a project-specific and programmatic basis. Section 1316 of the FAST Act seeks to expand the use of the 23 U.S.C. 106(c) authority for State assumption of responsibilities, and to solicit legislative recommendations for additional authorities for State assumption. Assumption is a key part of the transition to risk-based oversight of the FAHP. The Secretary, in cooperation with the States, must submit recommendations to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate recommendations on legislation to permit the assumption of additional authorities by States. The FAST Act specifically asks for recommendations in the areas of real estate acquisition and project design.

The FHWA may not assign its decisionmaking responsibilities to a State department of transportation (SDOT) unless authorized by law. Section 106(c) of title 23, United States Code (U.S.C.), authorizes the State to assume project responsibilities for

design, plans, specifications, estimates, contract awards, and inspections. For projects that receive funding under title 23, U.S.C., and are on the National Highway System (NHS), including projects on the Interstate System, the State may assume the responsibilities unless FHWA, acting under a delegation of authority from the Secretary, determines that the assumption is not appropriate (23 U.S.C. 106(c)(1)). For non-NHS projects, States must assume such responsibilities (23 U.S.C. 106(c)(2)).

Section 106(c)(3) requires FHWA and the SDOT to enter into an agreement relating to the extent to which the SDOT assumes project and program responsibilities. This Stewardship and Oversight Agreement (S&O Agreement) includes information on which entity is responsible for specific project approvals and related responsibilities. The S&O Agreement also contains provisions relating to FHWA oversight of the FAHP, as part of the oversight program required by 23 U.S.C. 106(g).

In 2015 and 2016, all S&O Agreements with the SDOTs were updated and executed. The new S&O Agreements contain specific project and program level assumptions of responsibilities agreed upon between FHWA and the respective SDOTs (Attachment A). Examples of responsibilities assumed by some States include approvals and related responsibilities affecting real property as provided in 23 CFR 710.201(i) and any successor regulation in 23 CFR part 710.

The agreements also include a broader list of title 23 program actions and agency points of contact (Attachment B). In addition, some States have assumed authorities under other statutory provisions, such as National Environmental Policy Act categorical exclusion approval actions assigned through a programmatic agreement pursuant to Section 1318(d) of MAP-21 and 23 CFR 771.117(g).

Commenters may wish to consider Attachments A & B, as well as other authorities that presently permit or prohibit State assumption, when developing their comments on additional authorities for SDOTs to assume. The S&O Agreements are available at the following Web site: <http://www.fhwa.dot.gov/federalaid/stewardship/>.

II. Objectives of This Notice

The FHWA is soliciting feedback from States and other stakeholders on additional authorities to permit States to assume responsibilities of the Secretary under title 23, U.S.C., including real

estate acquisition and project design. The intent of this Notice is to seek feedback on ways in which FHWA could change existing regulations, policies, guidance, and/or administrative practices to better reflect the legislative purpose of section 1316, and to seek suggestions on legislative changes meeting the requirements of section 1316(b) of the FAST Act. Section 1316(b) requires the Secretary, in cooperation with the States, to submit recommendations for legislation to permit the assumption of additional authorities by States, including with respect to real estate acquisition and project design. This notice gives States and other stakeholders an opportunity to share comments and make recommendations to allow further State assumption of authorities for any project phase.

III. Request for Comments

In accordance with section 1316 of the FAST Act, FHWA seeks input from States and other stakeholders on what legislation, regulations, or policy they believe would accelerate project delivery. Recommendations may address any aspect of the FAHP, including, but not limited to, project design, real estate acquisition, plans, specifications, estimates, contract awards, and inspection of projects, on both a project-specific and programmatic basis.

The FHWA is soliciting feedback from States and other stakeholders on additional authorities States may wish to assume under title 23, including real estate acquisition and project design. The FHWA's goal is to understand which additional authorities of the Secretary States might wish to assume, and what revisions to existing legislation, regulations, policies, guidance and/or administrative practices are needed to permit such assumptions. Specifically, FHWA welcomes suggestions on:

(1) Additional authorities States could assume for project plans, specifications, estimates, contract awards, and inspection of projects,

(2) Additional authorities States could assume for the real estate acquisition and project design process, and

(3) Additional project or program level authorities, including new laws, regulations and policies, that would accelerate project delivery.

Commenters are encouraged to address any or all of the areas above. In responding, commenters may wish to address: Current assumptions contained in State S&O agreements, the additional responsibilities the commenter would like States to be able to assume, the

commenter's specific goals for proposed assumption of additional authorities, changes to legislation, non-legislative actions FHWA might take to achieve those goals, the benefits and costs associated with the proposed assumption of authority, whether the proposal affects only FHWA or may have impacts on the responsibilities of other Federal agencies, the rationale and evidence to support the recommendation, and the roles of other stakeholders. Legislative recommendations and specific, actionable proposals for the revision of existing regulations, policies, guidance, and/or administrative practices are most useful. As a result, commenters are encouraged to focus on matters within the control of FHWA and Congress.

Issued on: August 22, 2016.

Gregory G. Nadeau,

Administrator, Federal Highway Administration.

[FR Doc. 2016-20818 Filed 8-29-16; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[FHWA Docket No. FHWA-2016-0020]

Fixing America's Surface Transportation Act—Productive and Timely Expenditure of Funds

AGENCY: Federal Highway Administration (FHWA), Department of Transportation (DOT).

ACTION: Notice; request for comments.

SUMMARY: By this notice, FHWA announces a new Web site providing information and guidance on the use of programmatic approaches to project delivery in accordance with section 1421 of the Fixing America's Surface Transportation (FAST) Act ("Productive and Timely Expenditure of Funds"). The FHWA requests comments on what procedures, techniques, programmatic approaches, or best practices should be considered for inclusion on the Web site. In addition, FHWA is requesting comment on any information resources that are readily available regarding practices and procedures that avoid unnecessary delays, minimize cost overruns, and ensure the effective use of Federal funds.

DATES: Comments must be received on or before October 31, 2016. Late comments will be considered to the extent practicable.

ADDRESSES: You may submit comments identified by the docket number

FHWA-2016-0020 by any one of the following methods:

Fax: 1-202-493-2251;

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

Hand Delivery: U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays; or electronically through the Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the online instructions for submitting comments.

Instructions: All submissions must include the agency name, docket name and docket number for this notice (FHWA-2016-0020). The DOT posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at www.dot.gov/privacy.

Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov> at any time or to U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20950, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Gerald Yakowenko, FHWA Office of Program Administration, 202-366-1562, or via email at gerald.yakowenko@dot.gov. For legal questions, please contact Ms. Jennifer Mayo, FHWA Office of the Chief Counsel, 202-366-1523, or via email at jennifer.mayo@dot.gov. Office hours for the FHWA are from 8 a.m. to 4:30 p.m., ET, Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

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

Background

On December 4, 2015, President Obama signed into law the FAST Act. The FAST Act authorizes \$305 billion over fiscal years 2016 through 2020 for DOT's highway, highway and motor

vehicle safety, public transportation, motor carrier safety, hazardous materials safety, rail, and research, technology and statistics programs.

Section 1421 of the FAST Act, "Productive and Timely Expenditure of Funds," states that the Secretary shall develop guidance that encourages the use of programmatic approaches to project delivery, expedited and prudent procurement techniques, and other best practices to facilitate productive, effective, and timely expenditure of funds for projects eligible for funding under title 23, United States Code. The Secretary is directed to work with States to ensure that any guidance developed under section 1421(a) is consistently implemented by States and the Federal Highway Administration to avoid unnecessary delays in completing projects; minimize cost overruns; and ensure the effective use of Federal funding.

For the purposes of section 1421, FHWA interprets the term "programmatic approach" to mean a method, procedure, tool, or technique that promotes increased efficiency by taking advantage of economy of scale (e.g., a construction contract that provides for the replacement of bridges at multiple locations in lieu of separate contracts for each bridge). The term "programmatic agreement" means an agreement that sets procedures for consultation, review, and compliance with Federal laws. Programmatic agreements allow repetitive actions to be handled on a program basis rather than on a project-by-project basis (e.g., an agreement between a State department of transportation and an FHWA Division Office concerning the roles and responsibilities associated with review and approval of changes in Interstate-System Access). Programmatic approaches may include programmatic agreements.

The FHWA invites public comment on the following:

1. As it relates to section 1421, what procedures, techniques, programmatic approaches, or best practices should be considered for inclusion on the Web site?

2. What information resources are readily available that will provide documentation regarding procedures that avoid unnecessary delays, minimize cost overruns, and ensure the effective use of funds?

An example list of resources is available at the following Web site: <http://www.fhwa.dot.gov/construction/contracts/section1421.cfm>. The FHWA will consider posting information regarding the recommended procedures, techniques, programmatic approaches,