

claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before April 14, 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:**

Cesar Perez, Senior Transportation Engineer, Federal Highway Administration, 650 Capitol Mall, #4-100, Sacramento, CA 95814, weekdays between 7 a.m. and 4 p.m., telephone 916-498-5065, [cesar.perez@fhwa.dot.gov](mailto:cesar.perez@fhwa.dot.gov), or Susanne Glasgow, Deputy Environmental, 4050 Taylor Street, San Diego, California 92110, 619-688-6670.

**SUPPLEMENTARY INFORMATION:**

Notice is hereby given that the FHWA and other Federal agencies have taken final agency actions by issuing approvals for the State Route 11 and Otay Mesa Port of Entry in project in the State of California. The Federal Highway Administration (FHWA) has selected the Western Alternative for the future State Route (SR-) 11 Corridor and the associated Western Site for future development of the Otay Mesa East Port of Entry (POE) in San Diego County, California. The selection of a corridor and site constitute Tier I of the SR-11 and Otay Mesa East POE program. This will allow for the following decisions/actions: (1) Corridor adoption by the California Transportation Commission (CTC); (2) consideration and approval of a conditional Presidential Permit for the POE by the U.S. Department of State (DOS); (3) facilitation of land use and circulation planning in the East Otay Mesa Specific Plan (EOMSP) area by local agencies; (4) support of international cooperation efforts to pursue the development of a new Otay Mesa East POE, and (5) possible future designation of right-of-way (R/W) for each facility. FHWA based its decision on the Final Program Environmental Impact Report/Tier I Environmental Impact Statement for the program (PEIR/PEIS, August 2008) and its supporting studies. With adoption of a Record of Decision (ROD) by FHWA and the California Department of Transportation (Caltrans), and the use of the PEIR/PEIS and its supporting studies by the General Services Administration (GSA) to make its own POE site location NEPA determination, these agencies will proceed with identification and analysis of design and operational alternatives for SR-11 and the POE, and environmental processing of the projects

under Tier II, with the knowledge that the overall program has been approved.

Actions by the Federal agencies and the laws under which such actions were taken are described in the Final Environmental Assessment for the project. The Record of Decision (ROD) was approved on October 3, 2008. The Final Environmental Impact Statement and other documents in the FHWA administrative record file are available by contacting the FHWA or the California Department of Transportation at the addresses provided above.

This notice applies to all Federal agency decisions 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 (NEPA) [42 U.S.C. 4321-4351]; Federal-Aid Highway Act [23 U.S.C. 109].

2. Air: Clean Air Act 42 U.S.C. 7401-7671(q).

3. Wildlife: Endangered Species Act [16 U.S.C. 1531-1544 and Section 1536], Fish and Wildlife Coordination Act [16 U.S.C. 661-667(d)], Migratory Bird Treaty Act [16 U.S.C. 703-712].

4. Historic and Cultural Resources: Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470(aa) 11]; Archeological Resources Protection Act of 1977 [16 U.S.C. 470(aa)-11]; Archeological 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].

5. 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]; The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

6. 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).

7. 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 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(1)(1).

Issued on: October 9, 2008.

**Nancy E. Bobb,**

*Director, State Programs, Federal Highway Administration, Sacramento, California.*

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**DEPARTMENT OF TRANSPORTATION**

**Federal Highway Administration**

[FHWA Docket No. FHWA-2005-23112]

**Motorcyclist Advisory Council to the Federal Highway Administration**

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

**ACTION:** Notice of meeting of advisory committee and change to membership.

**SUMMARY:** This document announces the fifth meeting of the Motorcyclist Advisory Council to the Federal Highway Administration (MAC-FHWA). The purpose of this meeting is to advise the Secretary of Transportation, through the Administrator of the Federal Highway Administration, on infrastructure issues of concern to motorcyclists, including: (1) Barrier design; (2) road design, construction, and maintenance practices; and (3) the architecture and implementation of intelligent transportation system technologies, pursuant to section 1914 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU).

**DATES:** The fifth meeting of the MAC-FHWA is scheduled for November 13, 2008, from 9 a.m. until 5 p.m.

**ADDRESSES:** The fifth MAC-FHWA meeting will be held at the Crystal City Marriott, 1999 Jefferson Davis Highway, Arlington, VA 22202.

**FOR FURTHER INFORMATION CONTACT:** Mr. Michael Halladay, the Designated Federal Official, Office of Safety, 202-366-2288, ([michael.halladay@dot.gov](mailto:michael.halladay@dot.gov)), or Dr. Morris Oliver, Office of Safety, 202-366-2288, ([morris.oliver@dot.gov](mailto:morris.oliver@dot.gov)), Federal Highway Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590.

**SUPPLEMENTARY INFORMATION:**

## Background

On August 10, 2005, the President signed into law the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) (Pub. L. 109-59, 119 Stat. 1144). Section 1914 of SAFETEA-LU mandates the establishment of the Motorcyclist Advisory Council as follows: "The Secretary, acting through the Administrator of the Federal Highway Administration, in consultation with the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate, shall appoint a Motorcyclist Advisory Council to coordinate with and advise the Administrator on infrastructure issues of concern to motorcyclists, including—

- (1) Barrier design;
- (2) Road design, construction, and maintenance practices; and
- (3) The architecture and implementation of intelligent transportation system technologies."

In addition, section 1914 specifies the membership of the council: "The Council shall consist of not more than 10 members of the motorcycling community with professional expertise in national motorcyclist safety advocacy, including—

- (1) At least—
  - (A) One member recommended by a national motorcyclist association;
  - (B) One member recommended by a national motorcycle riders foundation;
  - (C) One representative of the National Association of State Motorcycle Safety Administrators;
  - (D) Two members of State motorcyclists' organizations;
  - (E) One member recommended by a national organization that represents the builders of highway infrastructure;
  - (F) One member recommended by a national association that represents the traffic safety systems industry; and
  - (G) One member of a national safety organization; and

(2) At least one, and not more than two, motorcyclists who are traffic system design engineers or State transportation department officials."

To carry out this requirement, the FHWA published a notice of intent to form an advisory committee in the **Federal Register** on December 23, 2005 (70 FR 76353). This notice, consistent with the requirements of the Federal Advisory Committee Act (FACA), announced the establishment of the Council and invited comments and nominations for membership. The FHWA announced the ten members selected to the Council in the **Federal**

**Register** on October 5, 2006 (71 FR 58903). An electronic copy of this document and the previous **Federal Register** notices associated with the MAC-FHWA can be downloaded through the Federal eRulemaking Portal at: <http://www.regulations.gov> and the Office of the Federal Register's home page at: [http://www.archives.gov/federal\\_register](http://www.archives.gov/federal_register).

This notice also serves to identify a change in the MAC-FHWA membership due to a change in the relationship between Mr. Steven Zimmer, one of the original members of the MAC-FHWA, and ABATE of Ohio, making him ineligible for the position for which he was nominated. Mr. James D. "Doc" Reichenbach II, from ABATE of Florida, will replace Mr. Zimmer on the Council.

The FHWA anticipates that the MAC-FHWA will meet at least once a year, with meetings held in the Washington, DC, metropolitan area, and the FHWA will publish notices in the **Federal Register** to announce the times, dates, and locations of these meetings. Meetings of the Council are open to the public, and time will be provided in each meeting's schedule for comments by members of the public. Attendance will necessarily be limited by the size of the meeting room. Members of the public may present oral or written comments at the meeting or may present written materials by providing copies to Ms. Fran Bents, Westat, 1650 Research Boulevard, Rockville, MD 20850-3195, (240) 314-7557, 10 days prior to the meeting.

The agenda topics for the meetings will include a discussion of the following issues: (1) Barrier design; (2) road design, construction, and maintenance practices; and (3) the architecture and implementation of intelligent transportation system technologies.

## Conclusion

The fifth meeting of the Motorcyclist Advisory Council to the Federal Highway Administration will be held on November 13, 2008, at the Crystal City Marriott, 1999 Jefferson Davis Highway, Arlington, VA 22202 from 9 a.m. until 5 p.m.

**Authority:** Section 1914 of Pub. L. 109-59; Pub. L. 92-463, 5 U.S.C., App. II § 1.

Issued on: October 09, 2008.

**Thomas J. Madison, Jr.,**  
Federal Highway Administrator.

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### Notice of Funding Availability and Solicitation of Applications for the SAFETEA-LU Magnetic Levitation Project Selection

**AGENCY:** Federal Railroad Administration (FRA), Department of Transportation (DOT).

**ACTION:** Notice of funding availability; solicitation for applications.

**SUMMARY:** Under this Notice, the FRA announces that \$45 million authorized by the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) for grants to existing magnetic levitation (maglev) projects located east of the Mississippi River has been appropriated and that project proponents (States or State designated authorities) for the three eligible projects may submit applications for grants to fund such projects. The three eligible projects are the Pittsburgh project, the Baltimore-Washington project, and the Atlanta-Chattanooga project. Funds awarded under this section can be used for preconstruction planning activities and capital costs of the fixed guideway infrastructure of a maglev project. This Notice of Funding Availability does not apply to the \$45 million appropriated specifically for the Nevada Department of Transportation to fund the existing proposed maglev project between Las Vegas and Primm, Nevada (*see* section 102 of the SAFETEA-LU Technical Corrections Act of 2008, Pub. L. 110-244 (June 6, 2008)).

**DATES:** To be considered, applications must be received by February 13, 2009. FRA will begin accepting grant applications on Monday, October 20, 2008.

**ADDRESSES:** Applications must be submitted electronically to <http://www.grants.gov> ("Grants.Gov"). Grants.Gov allows organizations electronically to find and apply for competitive grant opportunities from all Federal grant-making agencies. An eligible applicant wishing to submit an application pursuant to this notice should immediately initiate the process of registering with Grants.Gov at <http://www.grants.gov>. To confirm successful registration on Grants.Gov send an e-mail to [paxrail@dot.gov](mailto:paxrail@dot.gov).

For application materials that an applicant is unable to submit via Grants.Gov (such as oversized engineering drawings), applicants may submit an original and two (2) copies to the Federal Railroad Administration at