

submitted by the Jacksonville Port Authority was substantially complete within the requirements of section 158.25 of Part 158. The FAA will approve or disapprove the application, in whole or in part, no later than April 8, 2000.

The following is a brief overview of the application.

PFC Application No.: 00-05-C-00-JAX.

Level of the proposed PFC: \$3.00.

Proposed charge effective date: March 1, 2000.

Proposed charge expiration date: March 1, 2002.

Total estimated PFC revenue: \$13,936,065.

Brief description of proposed project(s): Land Acquisition Parcel No. 1; JIA Master Plan and ALP Update; Land Acquisition Parcel Nos. 2, 3, 4, 5, and 7.

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: Air taxi/commercial operators (ATCC) filing FAA Form 1800-31.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Jacksonville Port Authority.

Issued in Orlando, Florida on December 21, 1999.

W. Dean Stringer,

Manager, Orlando Airports District Office, Southern Region.

[FR Doc. 99-33791 Filed 12-28-99; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Transportation Equity Act for the 21st Century (TEA-21); Final Implementation Guidance for Transportation Enhancement Activities

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of availability of final guidance.

SUMMARY: This document provides notice of the availability of final implementation guidance on the transportation enhancements (TE) provisions of the Federal-aid program administered by the FHWA. This guidance provides information and assistance to the States and local agencies in the delivery of the TE

program, and includes amendments made by the Transportation Equity Act for the 21st Century (TEA-21).

FOR FURTHER INFORMATION CONTACT: Mr. Harold Peaks, Community Impacts and Transportation Enhancements Team Leader, HEPH, (202) 366-1598; or Mr. S. Reid Alsop, Office of the Chief Counsel, HCC-31, (202) 366-1371, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

An electronic copy of this document may be downloaded by using a computer, modem and suitable communications software from the Government Printing Office's Electronic Bulletin Board Service at (202) 512-1661. Internet users may reach the Office of the Federal Register's home page at: <http://www.nara.gov/fedreg> and the Government Printing Office's database at: <http://www.access.gpo.gov/nara>.

Availability of Final Guidance

A copy of the final TE guidance may be obtained by calling (202) 366-0106 or may be viewed at the FHWA's web page as follows: http://www.fhwa.dot.gov/environment/te_final.htm

Background

On June 9, 1998, President Clinton signed into law the TEA-21, Public Law 105-178, 112 Stat. 107. The legislation includes improvements and changes to the TE program administered by the FHWA.

The interim guidance on TE was issued on June 17, 1999. To obtain a copy of this guidance, please contact the FHWA, Office of Human Environment, at 202-366-0106. We have not received many substantive comments on the interim guidance. However, a number of general comments were obtained through participants' discussions at the National Transportation Enhancements Coordinators meeting, held in Pittsburgh on June 22-23, 1999. The comments include topics such as user fees, linkage to scenic or historic sites, value of donations, local match, and military transport. The comments received are reflected in the questions and answers developed and made a part of the final TE guidance. The list of questions and answers assist in clarifying specific sections where issues have been brought to the attention of the FHWA. These questions and answers are among the more common questions raised by enhancement coordinators,

project proponents, and interest groups. The expectation is that the list of questions and answers will remain fluid, and additional questions and answers will be added to the list as appropriate.

The final guidance, issued on December 17, 1999, supersedes two guidance memorandums issued by the FHWA: "Transportation Enhancement Activities," dated April 24, 1992, and "Eligibility of Historic Preservation Work for Transportation Enhancement Funding," dated June 6, 1995.

The final guidance does not attempt to address all the possible questions that have been or could be raised concerning transportation enhancements. The guidance, however, provides further information concerning the process of determining whether or not activities qualify for TE set-aside funds.

Much of this final guidance focuses particularly on the provisions related to TE activities added or amended by the TEA-21. It also provides brief summaries of relevant information detailed in other related guidance memoranda. It does not seek to replace these memoranda where they remain current and the information valid.

Among the key changes reflected in this final implementation guidance are the following:

1. Congress provided that TE activities must "relate to surface transportation." This makes clear that TE projects are to have a relationship to surface transportation;
2. New categories of TE activities added by the TEA-21 are discussed; and
3. Innovative financing opportunities are provided by the TEA-21 and their program implications are discussed.

The TEA-21 continued the provision in 23 U.S.C. 133(d)(2) requiring 10 percent of the Surface Transportation Program (STP) funds be set-aside and be available only for TE activities. The specific language reads:

(2) For transportation enhancement activities.—10 percent of the funds apportioned to a State under section 104(b)(3) for a fiscal year shall only be available for transportation enhancement activities.

Section 1201 of the TEA-21 amends 23 U.S.C. 101(a)(35) which defines TE activities. Also, the TEA-21 amends 23 U.S.C. 134(h) and 23 U.S.C. 135(f); but continues to specify in 23 U.S.C. 135(f)(2)(G) that the statewide transportation improvement program shall reflect the priorities for programming and expenditure of funds, including transportation enhancements. This document provides guidance concerning the interpretation of the TE provisions and their implementation.

The list of qualifying TE activities provided in 23 U.S.C. 101(a)(35) of the TEA-21 is intended to be exclusive, not illustrative. That is, *only* those activities listed therein are eligible as TE activities. They are listed below (*Items listed in italics are those added by TEA-21*):

TE Activities Defined—

1. Provision of facilities for pedestrians and bicycles.
2. *Provision of safety and educational activities for pedestrians and bicyclists.*
3. Acquisition of scenic easements and scenic or historic sites.
4. Scenic or historic highway programs (*including the provision of tourist and welcome center facilities*).
5. Landscaping and other scenic beautification.
6. Historic preservation.
7. Rehabilitation and operation of historic transportation buildings, structures, or facilities (including historic railroad facilities and canals).
8. Preservation of abandoned railway corridors (including the conversion and use thereof for pedestrian or bicycle trails).
9. Control and removal of outdoor advertising.
10. Archaeological planning and research.
11. *Environmental mitigation to address water pollution due to highway runoff or reduce vehicle-caused wildlife mortality while maintaining habitat connectivity.*
12. *Establishment of transportation museums.*

Many projects are a mix of elements, some on the list and some not. Only those project elements which are on the list may be counted as TE activities. For example, a rest area might include a historic site purchased and developed as an interpretive site illustrating local history. The historic site purchase and development could qualify as a transportation enhancement activity.

Activities which are not explicitly on the list may qualify if they are an integral part of a larger qualifying activity. For example, if the rehabilitation of a historic railroad station required the construction of new drainage facilities, the entire project could be considered for TE funding. Similarly, environmental analysis, project planning, design, land acquisition, and construction enhancement activities are eligible for funding.

The funded activities must be accessible to the general public or targeted to a broad segment of the general public.

Authority: 23 U.S.C. 315; and 49 CFR 1.48.

Issued on: December 22, 1999.

Kenneth R. Wykle,

Federal Highway Administrator.

[FR Doc. 99-33807 Filed 12-28-99; 8:45 am]

BILLING CODE 4910-22-P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Programmatic Environmental Impact Statement for the Maglev Deployment Program

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

ACTION: Notice of intent to prepare an Environmental Impact Statement.

SUMMARY: FRA is issuing this notice to advise the public that FRA will prepare a programmatic environmental impact statement (PEIS) for the Maglev Deployment Program, to solicit public and agency input into the development of the scope of that PEIS, and to advise the public that outreach activities conducted by the program participants will be considered in the preparation of the PEIS.

FOR FURTHER INFORMATION CONTACT: For further information regarding the programmatic environmental review, please contact: David Valenstein, Environmental Program Manager, Office of Passenger Programs, Federal Railroad Administration (RDV 10), 400 Seventh Street, SW (Mail Stop 20), Washington, D.C. 20590, (telephone 202 493-6368). For information regarding the Maglev Deployment Program, please contact: Arnold Kupferman, Maglev Program Manager, Office of Railroad Development, Federal Railroad Administration (RDV-2), 400 Seventh Street, SW (Mail Stop 20), Washington, D.C. 20590, (telephone 202 493-6370). For further information regarding any of the individual projects, please contact the applicant representatives identified below under the Alternative Sites heading.

SUPPLEMENTARY INFORMATION:

Background

Section 1218 of the Transportation Equity Act for the 21st Century (TEA 21) added section 322 to title 23 of the United States Code. Section 322 provides a total of \$55 million for Fiscal Years 1999 through 2001 for transportation systems employing magnetic levitation ("Maglev") and an authorization of appropriations for an additional \$950 million over Fiscal Years 2000 through 2003. Responsibility for implementing the program has been

delegated by the Secretary of Transportation to the Federal Railroad Administrator. Section 322 requires FRA to establish project selection criteria, to solicit applications for funding, to select one or more projects to receive financial assistance for preconstruction planning activities, and, after completion of such activities, to provide financial assistance for final design, engineering, and construction activities leading to the implementation of a maglev deployment project.

FRA has determined that implementing the maglev deployment program is a major Federal action with the potential to significantly impact the human environment. As a consequence, FRA is initiating the preparation of an EIS as required under the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*) and the regulations of the President's Council on Environmental Quality implementing NEPA (40 CFR 1500 *et seq.*). FRA intends to prepare a programmatic EIS (PEIS) to address the selection process and the potential for significant environmental impact from the maglev deployment program. The agency will prepare additional site specific environmental reviews, as appropriate, as the program progresses.

The Environmental Review Process

As provided for in 23 U.S.C. 322, FRA has initiated a competition to select a project for the purpose of demonstrating the use of maglev technology to the American public. Using criteria specified in section 322, FRA has selected seven projects, sponsored by States or their designated agencies, to receive preconstruction planning grants. As a part of the preconstruction planning effort, FRA has required the seven applicants to prepare environmental assessments and conduct public involvement and scoping activities for their respective project proposals. FRA will use these individual project environmental assessments and records of agency and public comment and participation in preparing the PEIS, which will be made available to the public for comment. FRA anticipates issuing a draft EIS in the summer of 2000. After reviewing comments on the draft PEIS, FRA will prepare a final PEIS that addresses these comments and incorporates any additional analyses and material deemed necessary. The final PEIS will be made available for public review for not less than 30 days before FRA takes any final action on the program.