

beneficial landscaping. [Source: Executive Order 13148.]

5. *Executive Order No. 13274, "Environmental Stewardship and Transportation Infrastructure Project Reviews."* This Executive Order was issued to enhance environmental stewardship and streamline environmental review of transportation infrastructure projects. The Executive Order establishes an interagency Transportation Infrastructure Streamlining Task Force to promote streamlining and environmental stewardship in transportation projects. [Source: Executive Order No. 13274.]

6. *Executive Order 11593, "Protection and Enhancement of the Cultural Environment."* This Executive Order tasks Federal agencies to survey all lands under their ownership or control and nominate to the National Register of Historic Places all properties that appear to qualify. It also requires agencies not to inadvertently destroy such properties prior to completing their inventories. This Order was codified as part of the 1980 amendments to the National Historic Preservation Act. [Sources: Executive Order 11593, National Historic Preservation Act 16 U.S.C. 470.]

7. *The Federal Facilities Compliance Act of 1992 (FFCA), Public Law 102-386 (106 Stat. 1505).* The FFCA amended the Solid Waste Disposal Act by making all Federal agencies subject to all substantive and procedural requirements of Federal, State and local solid and hazardous waste laws in the same manner as any private party, waiving sovereign immunity of the United States in all such cases. Moreover, while employees, officers, and agents of the United States may not be liable for civil penalties under any such law for actions committed within the scope of that person's official duties, such persons may be liable for criminal penalties. The Administrator of the EPA is authorized to commence an administrative enforcement action against any Federal agency or department in the same manner as against a private party. Finally, agencies must reimburse the EPA for the required annual inspections of agency hazardous waste facilities, and for EPA to conduct a comprehensive ground water monitoring evaluation at the first inspection of each site conducted after October 6, 1992. [Source: Pub. L. 102-386 (106 Stat. 1505).] The EPA implementing regulation may be found at 40 CFR 22.37.

8. *Executive Order 13287, "Preserve America."* This Order was issued to provide leadership in preserving America's heritage by actively advancing the protection, enhancement,

and contemporary use of the historic properties owned by the Federal Government, and promote intergovernmental cooperation and partnership for the preservation and use of historic properties. The Order directs Federal agencies to increase their knowledge of historic resources in their care and to enhance the management of these assets. The Order further encourages agencies to seek partnerships with State, tribal, and local governments and the private sector to make more efficient and informed use of their resources for economic development and other recognized public benefits. Finally, the Order directs agencies to assist in the development of local and regional nature tourism programs using the historic resources that are a significant feature of many State and local economies. [Source: Executive Order 13287.]

#### K. Land

1. *Landscaping and Scenic Enhancement (Wildflowers), 23 U.S.C. 319.* The Landscaping and Scenic Enhancement Act empowers the Secretary of Transportation to approve as a part of the construction of Federal-aid highways the costs of landscape and roadside development, including acquisition and development of publicly owned and controlled rest and recreation areas and sanitary and other facilities reasonably necessary to accommodate the traveling public, and for acquisition of interests in and improvement of strips of land necessary for the restoration, preservation, and enhancement of scenic beauty adjacent to such highways. Section 130 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 amended 23 U.S.C. 319 by adding a requirement that native wildflower seeds or seedlings or both be planted as part of any landscaping project undertaken on the Federal-aid highway system. At least one-quarter of one percent of funds expended for a landscaping project must be used to plant native wildflowers on that project. This provision requires every landscaping project to include the planting of native wildflowers unless a waiver has been granted. [Source: 23 U.S.C. 319.] Implementing regulations may be found at 23 CFR parts 650, 655, 662, and 752.

2. *Highway Beautification Act, 23 U.S.C., 131, 136, and 319.* The Highway Beautification Act's purpose is to provide effective control of outdoor advertising and junkyards, to protect the public investment, to promote the safety and recreational values of public travel

and to preserve natural beauty. The Act also provides landscapes and roadside development reasonably necessary to accommodate the traveling public. This Act applies to interstate and primary systems, as the primary system existed on June 1, 1991, and the National Highway System. [Sources: 23 U.S.C. 131, 136, and 319.] Implementing regulations may be found at 23 CFR parts 750-752.

3. *National Trails System Act, 16 U.S.C. 1241-1249.* The National Trails System Act made it Federal policy to recognize and promote trails by providing financial assistance, support of volunteers and coordination with States. As a result, 8 national scenic trails (NSTs) and 15 national historic trails (NHTs) have been established by law (and are administered by the National Park Service, the USDA Forest Service, and the Bureau of Land Management, depending on the trail); over 800 national recreation trails have been recognized by the Secretaries of Agriculture and the Interior; and 2 side-and-connecting trails have also been certified. In addition, other Federal statutes support and fund trails through programs such as FHWA's Recreational Trails Program and Transportation Enhancements programs, HUD block grants, and the NPS Rivers, Trails, and Conservation Assistance Program. [Sources: 16 U.S.C. 1241-1249.] Implementing regulations are found at 36 CFR part 251 and 43 CFR part 8350. See also the National Recreational Trails Fund of the Intermodal Surface Transportation Efficiency Act of 1991, 16 U.S.C. 1261, which established the program to allocate funds to States to provide and maintain recreational trail and trail-related projects.

Issued in Washington, DC, on April 16, 2004.

**Emil H. Frankel,**

*Assistant Secretary for Transportation Policy.*  
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## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

#### Transfer of Federally Assisted Land or Facility

**AGENCY:** Federal Transit Administration, DOT.

**ACTION:** Notice of intent to transfer Federally assisted land or facility.

**SUMMARY:** Section 5334(g) of the Federal Transit Laws, as codified, 49 U.S.C. 5301, *et. seq.*, permits the Administrator of the Federal Transit Administration

(FTA) to authorize a recipient of FTA funds to transfer land or a facility to a public body for any public purpose with no further obligation to the Federal Government if, among other things, no Federal agency is interested in acquiring the asset for Federal use. Accordingly, FTA is issuing this Notice to advise Federal agencies that the Metropolitan Council intends to transfer a parcel of property to the City of Minneapolis for the Public Housing Agency to build five public housing units. Metropolitan Council currently owns the land. The property consists of approximately 18,144 square feet of land. The property is paved with no structures on it and is located in a residential area of Minneapolis, MN.

**EFFECTIVE DATE:** Any Federal agency interested in acquiring the facility must notify the FTA Regional V Office of its interest by June 7, 2004.

**ADDRESSES:** Interested parties should notify the Regional Office by writing to Joel P. Ettinger, Regional Administrator, Federal Transit Administration, 200 West Adams, Suite 320, Chicago, IL 60606.

**FOR FURTHER INFORMATION CONTACT:** Donald Gismondi, Deputy Regional Administrator at 312/353-2789.

**SUPPLEMENTARY INFORMATION:**

**Background**

49 U.S.C. 5334(g) provides guidance on the transfer of capital assets. Specifically, if a recipient of FTA assistance decides an asset acquired under this chapter at least in part with that assistance is no longer needed for the purpose for which it was acquired, the Secretary of Transportation may authorize the recipient to transfer the asset to a local governmental authority to be used for a public purpose with no further obligation to the Government. 49 U.S.C. 5334(g)(1)

*Determinations:*

The Secretary may authorize a transfer for a public purpose other than mass transportation only if the Secretary decides:

(A) The asset will remain in public use for at least 5 years after the date the asset is transferred;

(B) There is no purpose eligible for assistance under this chapter for which the asset should be used;

(C) The overall benefit of allowing the transfer is greater than the interest of the Government in liquidation and return of the financial interest of the Government in the asset, after considering fair market value and other factors; and

(D) Through an appropriate screening or survey process, that there is no interest in acquiring the asset for

Government use if the asset is a facility or land.

**Federal Interest in Acquiring Land or Facility**

This document implements the requirements of 49 U.S.C. 5334(g)(1)(D) of the Federal Transit Laws. Accordingly, FTA hereby provides notice of the availability of the land or facility further described below. Any Federal agency interested in acquiring the affected facilities should promptly notify the FTA.

If no Federal agency is interested in acquiring the existing facility, FTA will make certain that the other requirements specified in 49 U.S.C. 5334(g)(1)(A) through (C) are met before permitting the asset to be transferred.

**Additional Description of Facility**

The property is approximately 18,144 square feet of land. The property is paved with no structures on it. The property is currently being used for parking by area businesses. The property is subject to a covenant running with the land that the property owner will not discriminate against any person on account of race, color or national origin in connection with the use, sale or transfer of the land. The property is located in a residential area of Minneapolis, MN. The street address is: 3824 West 44th Street, Minneapolis, MN.

Issued on: April 26, 2004.

**Donald Gismondi,**

*Deputy Regional Administrator.*

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**DEPARTMENT OF TRANSPORTATION**

**National Highway Traffic Safety Administration**

[Docket No. NHTSA-2004-17672]

**Notice of Receipt of Petition for Decision that Nonconforming 2003 Audi RS6 and RS6 Avant Passenger Cars Are Eligible for Importation**

**AGENCY:** National Highway Traffic Safety Administration, DOT.

**ACTION:** Notice of receipt of petition for decision that nonconforming 2003 Audi RS6 and RS6 Avant passenger cars are eligible for importation.

**SUMMARY:** This document announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that 2003 Audi RS6 and RS6 Avant passenger cars that were not originally manufactured to comply with all applicable Federal

motor vehicle safety standards are eligible for importation into the United States because (1) they are substantially similar to vehicles that were originally manufactured for importation into and sale in the United States and that were certified by their manufacturer as complying with the safety standards, and (2) they are capable of being readily altered to conform to the standards.

**DATES:** The closing date for comments on the petition is June 7, 2004.

**ADDRESSES:** Comments should refer to the docket number and notice number, and be submitted to: Docket Management, Room PL-401, 400 Seventh St., SW., Washington, DC 20590. [Docket hours are from 9 am to 5 pm]. Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477-78) or you may visit <http://dms.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:** Coleman Sachs, Office of Vehicle Safety Compliance, NHTSA (202-366-3151).

**SUPPLEMENTARY INFORMATION:**

**Background**

Under 49 U.S.C. 30141(a)(1)(A), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR Part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register**.