

of private roads open to public travel can minimize any impact of this signal timing requirement by adopting a policy that determines durations of yellow change and red clearance intervals that is based on engineering practices and then by applying that policy whenever an existing individual signal location or system of interconnected locations is being checked or adjusted for any reason, such as investigation of citizen complaints or routine maintenance.

#### **Pedestrian Intervals and Signal Phases (Section 4E.06)**

The 2009 MUTCD established a new requirement for pedestrian signals that the pedestrian change interval (flashing upraised orange hand) shall not extend into the red clearance interval and shall be followed by a buffer interval of at least 3 seconds. Previously, it was allowable to continue the flashing orange hand display into and through the vehicular red clearance interval, and thus there was no requirement for any pedestrian safety "buffer time" between the end of the flashing orange hand display and the start of green for conflicting traffic on the street being crossed by pedestrians. A compliance date of December 31, 2014 (5 years), or when timing adjustments are made to the individual intersection and/or corridor, whichever occurs first, was established for this new requirement.

Most highway agencies have operated their pedestrian signals so that the flashing upraised hand terminates no later than the start of the yellow change interval for parallel vehicular traffic. With this display sequence, the yellow time and any red clearance time serves as the buffer interval and would comply with the new requirement. However, there are some highway agencies that have made it a practice at some or all of their signals to extend the flashing orange hand to the end of the yellow change interval or even all the way to the end of the red clearance interval. Most such pedestrian signal displays do not provide the required minimum 3 seconds after the end of the flashing orange hand as a margin of safety that allows a pedestrian who underestimates the time needed to cross a roadway, with or without a countdown display, to better avoid a conflict with vehicles. Highway agencies that have existing pedestrian signals operated in this manner might be burdened by the need to adjust the control equipment and/or durations of timing intervals to comply with the new requirement within the 5-year compliance period.

The FHWA established the 5-year compliance date because of the demonstrated safety issues associated

with pedestrian crossings at traffic signals, the need for consistent display of signal indications for pedestrians, and the pedestrian confusion that would likely occur as a result of a long-term mixing of a variety of pedestrian signal displays associated with the pedestrian clearance interval. Traffic signals and signal control equipment have a very long service life (30 to 50 years is not uncommon) and very long intervals between signal retiming are typical at many traffic signal locations in many jurisdictions. The FHWA believes that relying on systematic upgrading, based on service life, to achieve compliance with this critical timing need would take an inordinately long time, to the detriment of pedestrian safety. The FHWA believes that State and local highway agencies and owners of private roads open to public travel can minimize any impact of this signal timing requirement by adopting a policy for timing and display of pedestrian change intervals in relation to vehicular intervals in compliance with Section 4E.06 and then by applying that policy whenever an existing individual signal location or system of interconnected locations is being checked or adjusted for any reason, such as investigation of citizen complaints or routine maintenance.

#### **Questions**

A series of seven specific questions regarding MUTCD compliance dates are listed below, for which the FHWA requests input on each, to help further examine this issue.

The seven questions are as follows:

1. What, if any, difficulties does your organization anticipate in meeting the seven MUTCD compliance dates discussed above for upgrading existing non-compliant devices in the field?
2. Are there one or more of these seven compliance dates that are more problematic than the others for your organization? If so, which ones, and why?
3. If some or all of these seven compliance dates were extended, how long do you estimate it would take to complete the necessary traffic control device upgrades?
4. What safety or other impacts would result from extending some or all of these seven compliance dates?
5. Are there other MUTCD compliance dates not described in this notice that are problematic for your organization? If yes, which ones, and why?
6. What considerations should be applied to establish new compliance dates in the MUTCD?

7. What other comments or input do you wish to provide to FHWA regarding MUTCD compliance dates for upgrading existing traffic control devices?

**Authority:** 23 U.S.C. 101(a), 104, 109(d), 114(a), 217, 315, and 402(a); 23 CFR 1.32; and, 49 CFR 1.48(b).

Issued on: November 18, 2010.

**Shailen Bhatt,**

*Acting Administrator.*

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## **DEPARTMENT OF TRANSPORTATION**

### **Federal Railroad Administration**

#### **Notice of Finding of No Significant Impact for the Washington State Portion of the Pacific Northwest Rail Corridor Upgrades Tier-1 Environmental Assessment**

**AGENCY:** Federal Railroad Administration (FRA), United States Department of Transportation (DOT).  
**ACTION:** Notice of availability.

**SUMMARY:** In accordance with the National Environmental Policy Act of 1969 (NEPA) and the FRA's Procedures for Considering Environmental Impacts (FRA Environmental Procedures) (64 FR 28545 (May 26, 1999)), the FRA and the Washington State Department of Transportation (WSDOT) prepared a Tier-1 Environmental Assessment (Tier-1 EA) that evaluates the impacts of a corridor improvements program to the Washington State portion of the Pacific Northwest Rail Corridor (PNWRC Program). This notice advises the public that FRA finds that the corridor improvement program will not have a significant impact on the quality of the human or natural environment and has issued a Finding of No Significant Impact (FONSI) supporting that determination. Copies of both the Tier-1 EA and FONSI are available on FRA's Web site at <http://www.fra.dot.gov/rpd/freight/3011.shtml>.

**FOR FURTHER INFORMATION CONTACT:** For further information regarding either the Tier-1 EA or FONSI please contact Melissa DuMond, Environmental Protection Specialist, Federal Railroad Administration, 1200 New Jersey Ave., SE., Stop 20, Washington, DC 20590, telephone: (202) 493-6366.

**SUPPLEMENTARY INFORMATION:** The purpose of the PNWRC Program in Washington State is to improve intercity passenger rail service by reducing travel times, achieving greater schedule reliability, and creating capacity for additional trip frequencies in order to accommodate growing intercity travel

demand. To achieve these goals WSDOT applied for Federal funding through the High Speed Intercity Passenger Rail Program (HSIPR Program) administered by the FRA and funded by the American Recovery and Reinvestment Act (Recovery Act). WSDOT's application under the Recovery Act was split into three Service Blocks, and identified incremental service benefits including increased service levels, improved on-time performance and schedule reliability, and reduced travel times. The FRA intends to provide funding under the HSIPR Program for projects contained in two of the three service blocks.

In order to comply with the requirements of the HSIPR Program Guidance (Interim Guidance) that described the eligibility requirements and procedures for obtaining funding under the HSIPR Program (74 FR 29901 (June 23, 2009)), WSDOT prepared a Tier-1 or "service" NEPA document that included the analysis of two alternatives; the "No Build" and the "Corridor Service Expansion Alternative." The Tier-1 EA was completed in September 2009 and was made available for comment between October 2, 2009 and October 23, 2009 on the WSDOT Web site. Thirteen agencies submitted written comments. No individual written comments were received.

Based on the analysis in the Tier-1 EA, FRA released a draft FONSI for public comment on July 8, 2010 for a period of 30 calendar days (75 FR 39325 (July 8, 2010)). FRA received six comments on the draft FONSI, including comments from one federal agency, two state agencies, and three local governments. In compliance with NEPA and the FRA's Environmental Procedures, FRA has addressed all comments on the FONSI and has determined that the PNWRC corridor improvements will not have a significant impact on the quality of the human or natural environment. Prior to release of construction funding for individual projects, WSDOT will successfully complete applicable mitigation measures detailed in the FONSI and complete appropriate project-level NEPA evaluations, documentation, and required determinations for the individual project.

Issued in Washington, DC, on November 19, 2010.

**Joseph C. Szabo,**  
Administrator.

[FR Doc. 2010-30021 Filed 11-29-10; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### Notice of Intent To Grant Buy America Waiver to Northern New England Passenger Rail Authority To Purchase 3,340 AREMA Specified Carbon Steel Standard 1½ Nominal Diameter Nuts

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

**ACTION:** Notice of intent to grant Buy America waiver.

**SUMMARY:** FRA is issuing this notice to advise the public that it intends to grant the Northern New England Passenger Rail Authority's (NNEPRA) waiver request from FRA's Buy America requirement, 49 U.S.C. 24405(a), for the purchase and use of 3,340 AREMA specified carbon steel standard 1½ nominal diameter nuts. FRA intends to grant the waiver because there are no domestic commercially available track nuts that meet the needed specifications and custom made fabricated track nuts that cannot be delivered for 10–16 weeks are not "reasonably available" under 49 U.S.C. 24405(a)(2)(B), especially given NNEPRA has mobilized for the track construction and Maine has a short construction season. In addition, NNEPRA used a competitive bidding process to procure the track nuts and no bidders came forward at that time who could comply with Buy America. Finally, FRA published public notice of the NNEPRA waiver request in the **Federal Register** on August 2, 2010. This notice also failed to identify a reasonably available domestic source. 49 U.S.C. 24405(a)(4) requires that the Secretary provide public notice of a determination that it is necessary to waive the Buy America requirement and provide a maximum fifteen day opportunity for public comment before the waiver becomes final.

**DATES:** Written comments on FRA's determination to grant NNEPRA's Buy America waiver request should be provided to the FRA on or before December 15, 2010.

**ADDRESSES:** Please submit your comments by one of the following means, identifying your submissions by docket number FRA–2010–0122. All electronic submissions must be made to the U.S. Government electronic site at <http://www.regulations.gov>. Commenters should follow the instructions below for mailed and hand-delivered comments.

(1) **Web Site:** <http://www.regulations.gov>. Follow the instructions for submitting comments

on the U.S. Government electronic docket site;

(2) **Fax:** (202) 493–2251;

(3) **Mail:** U.S. Department of Transportation, 1200 New Jersey Avenue, SE., Docket Operations, M–30, Room W12–140, Washington, DC 20590–0001; or

(4) **Hand Delivery:** Room W12–140 on the first floor of the West Building, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**Instructions:** All submissions must make reference to the "Federal Railroad Administration" and include docket number FRA–2010–0122. Due to security procedures in effect since October 2001, mail received through the U.S. Postal Service may be subject to delays. Parties making submissions responsive to this notice should consider using an express mail firm to ensure the prompt filing of any submissions not filed electronically or by hand. Note that all submissions received, including any personal information therein, will be posted without change or alteration to <http://www.regulations.gov>. For more information, you may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477), or visit <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** For questions about this notice, please contact Ms. Linda Martin, Attorney-Advisor, FRA Office of Chief Counsel, (202) 493–6062 or via e-mail at [Linda.Martin@dot.gov](mailto:Linda.Martin@dot.gov).

**SUPPLEMENTARY INFORMATION:** See waiver letter below.

Ms. Marina Douglass,  
Manager of Budget and Administration,  
Northern New England Passenger Rail Authority,  
75 West Commercial Street, Suite 104,  
Portland, ME 04101–4631,  
Re: Request for Waiver of Buy America Requirement,

Dear Ms. Douglass:

This letter is in response to your July 14, 2010, request that the Northern New England Passenger Rail Authority (NNEPRA) be granted a waiver from the Federal Railroad Administration's (FRA) Buy America provision, at 49 U.S.C. 24405(a), to permit NNEPRA to purchase 3,340 foreign-made AREMA specified carbon steel standard 1½ nominal diameter track nuts. Section 24405(a) authorizes the Secretary of Transportation to obligate certain grant funds only if the steel, iron, and manufactured goods used in the project are produced in the United States. The