

from approximate milepost (MP) 142.1 to MP 136, in the Counties of Summit and Salt Lake, State of Utah. Those actions grant licenses, permits and approvals for the project.

**DATES:** By this notice, the FHWA, on behalf of UDOT, is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before March 5, 2018. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

**FOR FURTHER INFORMATION CONTACT:** For UDOT: Brandon Weston, Director of Environmental Services, UDOT Environmental Services, P.O. Box 148380, Salt Lake City, UT 84114; telephone: (801) 965-4603; email: [brandonweston@utah.gov](mailto:brandonweston@utah.gov). UDOT's normal business hours are 8:00 a.m. to 5:00 p.m. (Mountain Standard Time), Monday through Friday, except State and Federal holidays.

**SUPPLEMENTARY INFORMATION:** Effective July 1, 2008 and renewed on July 1, 2011, June 30, 2014, and June 23, 2017, FHWA assigned, and UDOT assumed, all environmental responsibilities for this project pursuant to 23 U.S.C. 326 Categorical Exclusion Assignment Memorandum of Understanding. Notice is hereby given that UDOT has taken final agency actions subject to 23 U.S.C. 139(l)(1) by issuing licenses, permits, and approvals for the I-80; Parleys Summit to Jeremy Ranch Westbound Truck Lane project in the State of Utah. This project proposes to improve I-80 from approximate MP 136 to approximate MP 142.1 to address safety issues associated with semi-truck congestion, reduce the potential for wildlife/motorists incidents, and address deficient pavement conditions located in the counties of Salt Lake and Summit, Utah. The project consists of the following elements: (1) Add an additional westbound truck climbing lane from approximate MP 138.3 to 141.8; (2) constructing a wildlife bridge over I-80 at approximate MP 139 and installing exclusionary wildlife fencing and escape ramps through the project; and (3) pavement rehabilitation along all east- and westbound lanes throughout the corridor. These improvements were identified in the Categorical Exclusion for the project. The actions by UDOT and the Federal agencies, and the laws under which such actions were taken, are described in the Categorical Exclusion (CE) for the project (I-80; Parleys Summit to Jeremy

Ranch Westbound Truck Lane in Salt Lake and Summit Counties, Utah, Project No. F-180-4(151)139, approved on June 26, 2017, and in other documents in the UDOT project records. The CE and other project records are available by contacting UDOT at the address provided above.

This notice applies to the CE, the Section 4(f) Determination, the NHPA Section 106 Review, the ESA Section 7 Effects Determination, the Noise Assessment, and all other UDOT and 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 the following laws (including their implementing regulations):

1. *General:* National Environmental Policy Act (NEPA), 42 U.S.C. 4321-4370; Federal-Aid Highway Act, 23 U.S.C. 109.

2. *Air:* Clean Air Act, 42 U.S.C. 7401-7671q.

3. *Land:* Section 4(f) of the Department of Transportation Act of 1966, 49 U.S.C. 303; 23 U.S.C. 138; Landscaping and Scenic Enhancement (Wildflowers), 23 U.S.C. 319.

4. *Wildlife:* Endangered Species Act, 16 U.S.C. 1531-1544 and Section 1536; Fish and Wildlife Coordination Act, 16 U.S.C. 661-667d; Migratory Bird Treaty Act, 16 U.S.C. 703-712.

5. *Water:* Section 404 of the Clean Water Act, 33 U.S.C. 1344; E.O. 11990, Protection of Wetlands.

6. *Historic and Cultural Resources:* Section 106 of the National Historic Preservation Act of 1966, 16 U.S.C. 470f; Archeological Resources Protection Act of 1977, 16 U.S.C. 470aa-470mm; Archeological and Historic Preservation Act, 16 U.S.C. 469-469c.

7. *Noise:* Federal-Aid Highway Act of 1970, Public Law 91-605, 84 Stat. 1713.

8. *Executive Orders:* E.O. 11593 Protection and Enhancement of Cultural Resources; E.O. 13287 Preserve America; E.O. 12898, Federal Actions to Address Environmental Justice and Low-Income Populations.

(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(l)(1)

Issued on: September 28, 2017.

**Ivan Marrero,**  
Division Administrator, Federal Highway Administration, Salt Lake City, Utah.

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**BILLING CODE 4910-RY-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Notice of Final Federal Agency Actions on the West Davis Corridor Project, Davis and Weber County, Utah

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

**ACTION:** Notice of Limitation on Claims for Judicial Review of Actions by FHWA.

**SUMMARY:** This notice announces actions taken by the FHWA. The actions relate to a proposed highway project, West Davis Corridor (Project S-0067(14)0) starting in Centerville, Utah and ending in West Point, Utah in Davis County, Utah. Those actions grant licenses, permits, and approvals for the project.

**DATES:** By this notice, the FHWA is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before March 5, 2018. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

**FOR FURTHER INFORMATION CONTACT:** For FHWA contact Paul Ziman, Area Manager, Federal Highway Administration, 2520 West 4700 South, Suite 9A, Salt Lake City, UT 84118, Telephone: (801) 955-3525, Email: [Paul.Ziman@dot.gov](mailto:Paul.Ziman@dot.gov). The Utah Department of Transportation (UDOT) contact is Randy Jefferies, Project Manager, 166 Southwell Street Ogden, UT 84404, Telephone: (801) 620-1690, Email: [rjefferies@utah.gov](mailto:rjefferies@utah.gov).

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that FHWA has taken final agency action subject to 23 U.S.C. 139(l)(1) by issuing an approval for the following highway project in the State of Utah. The primary purposes of the West Davis Corridor project are to reduce delay and congestion in western Davis and Weber Counties. As proposed the project is about 19 miles and would be a four-lane divided highway with a 250-foot right-of-way width from I-15 in Farmington to Antelope Drive in Davis County. From Antelope Drive to 1800 North in West Point, the B Alternatives would be a 146-foot-wide, limited-access, two-lane highway. The action of approval by FHWA and the laws under which such actions were taken, are described in the Final Environmental Impact Statement (FEIS) for the project, approved on June 23, 2017, in the FHWA Record of Decision (ROD) issued

on September 29, 2017, and in other documents in the project records. The FEIS and ROD and other project records are available by contacting FHWA and UDOT at the addresses provided above. The FEIS and ROD can be viewed and downloaded from the project Web site at <http://www.udot.utah.gov/westdavis/>, or obtained from any contact listed above.

This notice applies to all Federal agency decisions that are final 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 and 23 U.S.C. 128].

2. *Air*: Clean Air Act [42 U.S.C. 7401–7671q].

3. *Land*: Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303; 23 U.S.C. 138].

4. *Wildlife*: Endangered Species Act [16 U.S.C. 1531–1544 and Section 1536]; Marine Mammal Protection Act [16 U.S.C. 1361–1423h]; Fish and Wildlife Coordination Act [16 U.S.C. 661–667d]; Migratory Bird Treaty Act [16 U.S.C. 703–712].

5. *Historic and Cultural Resources*: Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470f]; Archeological Resources Protection Act of 1977 [16 U.S.C. 470aa–470mm]; Archeological and Historic Preservation Act [16 U.S.C. 469–469c]; Native American Grave Protection and Repatriation Act (NAGPRA) [25 U.S.C. 3001–3013].

6. *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].

7. *Wetlands and Water Resources*: Land and Water Conservation Fund (LWCF) [16 U.S.C. 4601–4604]; Safe Drinking Water Act (SDWA) [42 U.S.C. 300f–300j–26]; Wild and Scenic Rivers Act [16 U.S.C. 1271–1287].

8. *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)].

9. *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(l)(1).

Issued on: October 2, 2017.

**Ivan Marrero**,

*Division Administrator, Federal Highway Administration, Salt Lake City, Utah.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Buy America Waiver Notification

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

**ACTION**: Notice.

**SUMMARY**: This notice provides information regarding FHWA's finding that a Buy America waiver is appropriate for the obligation of Federal-aid funds for 4 California projects involving the acquisition of vehicles under the Congestion Mitigation and Air Quality Improvement program on the condition that they be assembled in the U.S., on the basis that there are no domestic manufacturers that produce the vehicles identified in this notice in such a way that all their steel and iron elements are manufactured domestically.

**DATES**: The effective date of the waiver is October 10, 2017.

**FOR FURTHER INFORMATION CONTACT**: For questions about this notice, please contact Mr. Gerald Yakowenko, FHWA Office of Program Administration, 202–366–1562, or via email at [Gerald.Yakowenko@dot.gov](mailto:Gerald.Yakowenko@dot.gov). For legal questions, please contact Mr. Jomar Maldonado, FHWA Office of the Chief Counsel, 202–366–1373, or via email at [Jomar.Maldonado@dot.gov](mailto:Jomar.Maldonado@dot.gov). Office hours for the FHWA are from 8:00 a.m. to 4:30 p.m., e.t., 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](http://www.archives.gov) and the Government Publishing Office's database.

#### Background

This notice provides information regarding FHWA's finding that a Buy America waiver is appropriate for the obligation of Federal-aid funds for 4 California projects involving the acquisition of vehicles under the Congestion Mitigation and Air Quality Improvement (CMAQ) program. The waiver would apply to approximately 29 vehicle acquisitions on the condition that they be assembled in the United States. These involve 17 compressed natural gas solid waste trucks for the City of Visalia (CMLNI–5044(117)), 1 propane powered school bus for the City of Visalia (CMLNI–5044(119)), 6 diesel refuse trucks for the City of Tulare (CMLNI–5072(061)), and 5 compressed natural gas refuse trucks for the City of Porterville (CMLNI–5122(086)).

Title 23, Code of Federal Regulations (CFR), section 635.410 requires that steel or iron materials (including protective coatings) that will be permanently incorporated in a Federal-aid project must be domestically manufactured. For FHWA, this means that all the processes that modified the chemical content, physical shape or size, or final finish of the material (from initial melting and mixing, continuing through the bending and coating) occurred in the United States. The statute and regulations create a process for granting waivers from the Buy America requirements when its application would be inconsistent with the public interest or when satisfactory quality domestic steel and iron products are not sufficiently available. In 1983, FHWA determined that it was both in the public interest and consistent with the legislative intent to waive Buy America for manufactured products other than steel manufactured products. However, FHWA's national waiver for manufactured products does not apply to the requests in this notice because they involve predominately steel and iron manufactured products. The FHWA's Buy America requirements do not have special provisions for applying Buy America to "rolling stock" such as vehicles or vehicle components (see 49 U.S.C. 5323(j)(2)(C), 49 CFR 661.11, and 49 U.S.C. 24405(a)(2)(C) for examples of Buy America rolling stock provisions for other DOT agencies).

Based on all the information available to the agency, FHWA concludes that there are no manufacturers that produce the vehicles identified in this notice in such a way that all their steel and iron elements are manufactured domestically. The FHWA's Buy America