

**Comments**

The FMCSA will review comments received at any time concerning a particular driver's safety record and determine if the continuation of the exemption is consistent with the requirements at 49 U.S.C. 31315 and 31136(e). However, the FMCSA requests that interested parties with specific data concerning the safety records of these drivers submit comments by December 4, 2002.

In the past FMCSA has received comments from Advocates for Highway and Auto Safety (Advocates) expressing continued opposition to the FMCSA's procedures for renewing exemptions from the vision requirement in 49 CFR 391.41(b)(10). Specifically, Advocates objects to the agency's extension of the exemptions without any opportunity for public comment prior to the decision to renew and reliance on a summary statement of evidence to make its decision to extend the exemption of each driver.

The issues raised by Advocates were addressed at length in 66 FR 17994 (April 4, 2001). The FMCSA continues to find its exemption process appropriate to the statutory and regulatory requirements.

Issued on October 29, 2002.

**Brian M. McLaughlin,**

*Associate Administrator, Policy and Program Development.*

[FR Doc. 02-27992 Filed 11-1-02; 8:45 am]

**BILLING CODE 4910-EX-M**

**DEPARTMENT OF TRANSPORTATION**

**Federal Transit Administration**

**Job Access and Reverse Commute Program Announcement of Project Selection**

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

**ACTION:** Notice.

**SUMMARY:** The U.S. Department of Transportation (DOT) Federal Transit Administration (FTA) announces the selection of projects to be funded under

Fiscal Year 2002 appropriations for the Job Access and Reverse Commute (JARC) Program, authorized by Section 3037 of the Transportation Equity Act for the 21st Century (TEA-21). A total of \$125 million was available for the JARC Program in FY 2002, the guaranteed funding level under TEA-21. In the Congressional conference committee report language accompanying the appropriations bill, \$109.3 million was designated for projects in specific areas. However, the General Accounting Office, in a December 2001 report to Congress, concluded that FTA could only select and fund projects through a national competition as specified in the JARC legislation. Accordingly, FTA required all applicants for FY 2002 JARC funding, including those designated in Congressional report language, to submit a project proposal application to be evaluated, scored, and ranked against all others. Subsequently, however, in the FY 2003 Supplemental Appropriations Act (H.R. 4775), signed into law on August 2, 2002, Congress authorized and instructed FTA to fund all projects designated in the report language upon receipt of an application. A number of applications for projects in congressionally-designated areas were submitted in FY 2002 and FTA has obligated \$13 million for those projects. The list of congressionally-designated areas was included in FTA's 2002 Annual Apportionment Notice, published in the **Federal Register** on January 2, 2002. That notice can be found at: <http://www.fta.dot.gov/library/legal/federalregister/2002/fr1202a.pdf>.

Because FTA solicited applications for both 2002 and 2003 funding, we will be prepared to announce projects selected for FY 2003 funds as soon as these funds become available.

Local agencies and authorities and private non-profit organizations are eligible to apply for JARC Program funds. Local agencies and authorities include states, local governments, metropolitan planning organizations, public transit agencies and tribal organizations. A Job Access project is

one that provides new or expanded transportation service designed to fill gaps that exist for welfare recipients and other low-income individuals to and from jobs and other employment-related services. A Reverse Commute project facilitates the provision of new or expanded public mass transportation services for the general public from urban, suburban, and rural areas to suburban work sites. Capital and operating costs for such projects are eligible.

**FOR FURTHER INFORMATION CONTACT:** The appropriate FTA Regional Administrator for grant-specific issues; or Sue Masselink, Office of Program Management, 202-366-2053 for general information about the JARC Program.

**SUPPLEMENTARY INFORMATION:** After setting aside the \$109.3 million for Congressional earmarks, a total of \$15.7 million was available for allocation by FTA. In FY 2002, the total amount requested from applicants other than those with Congressional earmarks was \$43 million. Among these applicants, 49 requested \$23 million for 108 continuation projects and 39 requested \$20 million for 77 new projects. In order to encourage the creation of partnerships at the local level and afford a reasonable period in which to establish and sustain service, FTA announced in the solicitation notice that it would give funding priority to continuation projects. Because of the limited funding available for competitive allocation by FTA, only 76 of the 108 proposed continuation projects were selected for funding, and none of the 77 proposed new projects were funded. The 76 projects selected were submitted by 39 applicants, and are being funded at a total of \$16,765,367. The \$15.7 million in available FY 2002 funds, together with a small balance of unobligated and uncommitted funds from prior years, will be used to fund the selected projects. The following continuation projects rated most meritorious in the evaluation process have been selected for funding:

Region	State	Agency	Amount
I	MA	Massachusetts Office of Transportation and Construction .....	\$1,064,223
	MA	Massachusetts Bay Transportation Authority .....	803,810
	MA	Pioneer Valley Transportation Authority .....	300,000
	NH	City of Nashua .....	149,302
II	NY	New York Metropolitan Transportation Council .....	396,941
	NY	Central NY Regional Transportation Authority .....	104,167
	NY	Capital District Transportation Authority .....	232,250
III	PA	Southeastern PA Transit Authority (SEPTA) .....	116,300
IV	FL	Jacksonville Transportation Authority .....	1,569,750
	GA	Georgia Department of Transportation .....	200,000
	NC	North Carolina Department of Transportation .....	122,000

Region	State	Agency	Amount
V	IL	Chicago Transit Authority .....	1,128,000
	IL	Metra Commuter Rail Board .....	75,000
	IL	Regional Transportation Authority .....	100,000
	IL	Sparta-Monroe Randolph Co. Transit Consortium .....	113,000
	IN	Muncie Public Transit Corporation .....	106,722
	MI	City of Detroit Employment and Training Dept. ....	1,436,482
	MI	Michigan Department of Transportation .....	814,408
	OH	Lorain County Transit .....	114,475
VI	OH	Western Reserve Transit Authority .....	750,000
	LA	Louisiana Dept. of Transportation & Development .....	1,234,492
	TX	City of Abilene—CityLink .....	100,000
	TX	City of El Paso Mass Transit Dept. (Sun Metro) .....	250,000
	TX	City of Lubbock/Citibus .....	460,000
VII	TX	Fort Worth Transportation Authority .....	200,000
	IL	Rock Island County Metropolitan Transit District .....	184,625
	MO	City Utilities of Springfield (CUS) .....	643,000
	MO	East-West Gateway Coordinating Council .....	305,197
VIII	MO	Missouri Department of Transportation .....	750,000
	CO	City of Loveland .....	97,355
	CO	City of Ft. Collins .....	130,981
	CO	Mesa County .....	200,000
	CO	Archuleta County Department of Social Services .....	85,887
	ND	Standing Rock Public Transportation .....	63,500
IX	AZ	Maricopa Association of Governments (MAG) .....	1,500,000
	CA	Mendocino Transit Authority .....	80,000
	CA	Metropolitan Transit Development Board .....	388,500
	CA	Napa County TPA .....	20,000
	CA	San Luis Obispo Council of Governments .....	25,000
X	OR	Central Oregon Commuter Network .....	350,000

### Pre-Award Authority

JARC costs may be incurred for eligible projects before grants are made without prejudice to possible Federal participation in the cost of the project(s). However, in exercising pre-award authority, applicants must comply with all Federal requirements. Failure to do so will render a project ineligible for FTA financial assistance. Applicants must consult the appropriate FTA regional office regarding the eligibility of the project for future FTA funds or the applicability of the conditions and Federal requirements. Pre-award spending authority is provided effective December 18, 2001, the date on which the Department of Transportation (DOT) and Related Agencies Appropriations Act for Fiscal Year 2002 was signed into law by President Bush.

### Certifications and Assurances

In accordance with 49 U.S.C. 5323(n), certifications and assurances have been compiled for the various FTA programs. Before FTA may award a Federal grant, each successful applicant must provide to FTA all certifications and assurances required by Federal laws and regulations applicable to itself and its project. A state providing certifications and assurances on behalf of its prospective subrecipients should obtain sufficient documentation from those

subrecipients needed to provide informed certifications and assurances.

The signature page accompanying the Certifications and Assurances contains the current fiscal year's certifications assurances and, when properly attested to and submitted to FTA, assures FTA that the applicant intends to comply with the requirements for the specific program involved. FTA will not award any federal assistance until the successful applicant provides assurance of compliance by selecting Category I on the signature page and all other categories applicable to itself and its project.

FTA's (FY) 2003 Certifications and Assurances Notice is expected to be published in the **Federal Register** soon. The document is already available on the opening page of the TEAM Website. Copies may also be obtained from FTA regional offices. Applicants that need further assistance should contact the appropriate FTA regional office (see Appendix A) for further information.

### U.S. Department of Labor Certification

As a condition of release of Federal funds for this program, Federal Transit law requires that applicants must comply with 49 U.S.C. 5333(b), administered under the Department of Labor's (DOL) Mass Transit Employee Protection Program. These employee protections include the preservation of rights, privileges, and benefits under existing collective bargaining

agreements, the continuation of collective bargaining rights, the protection of individual employees against a worsening of their positions related to employment, assurances of employment to employees of acquired mass transportation systems, priority of reemployment, and paid training or retraining. Generally, DOL processes the employee protection certification required under Section 5333(b) in accordance with the procedural guidelines published at 29 CFR 215.3. However, for the Job Access and Reverse Commute Grants program, DOL has proposed to apply appropriate protections without referral for Job Access and Reverse Commute Grant applications serving populations under 200,000 and to utilize the guidelines for Job Access and Reverse Commute Grant applications serving populations of 200,000 or more. FTA will submit the grant application to DOL for certification. Grant funds will NOT be released without DOL certification. Where there are questions regarding the DOL certification process and/or information needed by DOL to obtain a labor certification, successful applicants must contact the appropriate FTA regional office (*See Appendix A*). Additional guidance is provided on the World Wide Web at <http://www.fta.dot.gov/wtw/labor.htm>.

## Completed Applications

All successful applicants must now proceed to complete their grant application by fully documenting all the Job Access and Reverse Commute Grant program requirements that were not fully documented when the original grant proposal was submitted. In a few cases, not all projects in the applicant's proposal were selected. FTA regional offices will advise applicants by letter of any conditions relative to the selection or remaining outstanding items, as well as stipulations specific to the Job Access and Reverse Commute Grant projects that need to be addressed and/or fully documented prior to grant approval. Successful applicants will be notified in writing by the FTA regional offices with further guidance.

Issued on October 23, 2002.

**Jennifer L. Dorn,**  
Administrator.

## Appendix A—FTA Regional Offices

### Region I

Maine, New Hampshire, Vermont, Connecticut, Rhode Island, and Massachusetts. Richard Doyle, FTA Regional Administrator, Volpe National Transportation Systems Center, Kendall Square, 55 Broadway, Suite 920, Cambridge, MA 02142-1093, (617) 494-2055.

### Region II

New York, New Jersey, and Virgin Islands. Letitia Thompson, FTA Regional Administrator, One Bowling Green, Room 429, New York, NY 10004-1415, (212) 668-2170.

### Region III

Pennsylvania, Delaware, Maryland, Virginia, West Virginia, and District of Columbia. Susan Schruth, FTA Regional Administrator, 1760 Market Street, Suite 500, Philadelphia, PA 19103-4124, (215) 656-7100.

### Region IV

Kentucky, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Tennessee, and Puerto Rico. Jerry Franklin, FTA Regional Administrator, 61 Forsyth Street, SW., Suite 17T50, Atlanta, GA 30303, (404) 562-3500.

### Region V

Minnesota, Wisconsin, Michigan, Illinois, Indiana, and Ohio. Joel Ettinger, FTA Regional Administrator, 200 West Adams Street, Suite 2410, Chicago, IL 60606-5232, (312) 353-2789.

### Region VI

Arkansas, Louisiana, Oklahoma, Texas, and New Mexico. Robert Patrick, FTA Regional Administrator, 819 Taylor Street, Room 8A36, Ft. Worth, TX 76102, (817) 978-0550.

### Region VII

Missouri, Iowa, Kansas, and Nebraska. Mokhtee Ahmad, FTA Regional Administrator, 901 Locust Street, Suite 404, Kansas City, MO 64106, (816) 329-3920.

### Region VIII

Colorado, Utah, Wyoming, Montana, North Dakota, South Dakota. Lee Waddleton, FTA Regional Administrator, Columbine Place, 216 16th Street, Suite 650, Denver, CO 80202-5120, (303) 844-3242.

### Region IX

California, Hawaii, Guam, Arizona, Nevada, American Samoa, and the Northern Mariana Islands. Leslie Rogers, FTA Regional Administrator, 201 Mission Street, Suite 2210, San Francisco, CA 94105-1839, (415) 744-3133.

### Region X

Idaho, Oregon, Washington, and Alaska. Richard F. Krochalis, FTA Regional Administrator, Jackson Federal Building, 915 Second Avenue, Suite 3142, Seattle, WA 98174-1002, (206) 220-7954.

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 34265]

### Blackwell & Northern Railway Company, Inc.—Operation Exemption—Oklahoma Department of Transportation and Blackwell Industrial Authority

Blackwell & Northern Railway Company, Inc. (BNRC), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to operate 35.26 miles of rail line owned by the State of Oklahoma by and through the Oklahoma Department of Transportation and Blackwell Industries Authority. The rail line extends: (1) Between milepost 34.3 at Blackwell, OK, and milepost 18+1712.9 feet at the Oklahoma/Kansas State line near Hun Newell, KS; (2) between milepost 35+1848 feet, west of Blackwell and milepost 34.3 at Blackwell; and (3) between milepost 18+1712.9 feet at the Oklahoma/Kansas

State line near Hun Newell and milepost 0+466.3 feet, at Wellington, KS. BNRC will replace South Kansas and Oklahoma Railroad, Inc., which has been operating over the line, and will become a Class III rail carrier.<sup>1</sup> BNRC certifies that its projected revenues as a result of this transaction will not exceed those that would qualify it as a Class III carrier and that such revenues would not exceed \$5 million.

The transaction was scheduled to be consummated no earlier than October 17, 2002, the effective date of the exemption (7 days after the exemption was filed).

If the verified notice contains false or misleading information, the exemption is void *ab initio*. Petitions to reopen the proceeding to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34265, must be filed with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001. In addition, one copy of each pleading must be served on Thomas F. McFarland, Thomas F. McFarland, P.C., 208 South LaSalle Street, Suite 1890, Chicago, IL 60604-1194.

Board decisions and notices are available on our Web site at <http://www.stb.dot.gov>.

Decided: October 28, 2002.

By the Board, David M. Konschnik,  
Director, Office of Proceedings.

**Vernon A. Williams,**  
Secretary.

[FR Doc. 02-27881 Filed 11-4-02; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Docket No. AB-565 (Sub-No. 11X, AB-55 (Sub-No. 617X)]

### New York Central Lines, LLC—Abandonment Exemption—in Lake County, OH; CSX Transportation, Inc.—Discontinuance of Service Exemption—in Lake County, OH

On October 15, 2002, New York Central Lines, LLC (NYC) and CSX Transportation, Inc. (CSXT), jointly filed with the Surface Transportation Board (Board) a petition under 49 U.S.C. 10502 for exemption from the provisions of 49

<sup>1</sup> See *South Kansas and Oklahoma Railroad, Inc.—Operation Exemption—Oklahoma Department of Transportation and Blackwell Industrial Authority*, STB Docket No. 33494 (STB served Oct. 31, 1997).