

to receive so that such an applicant may use that portion of the TIGER Discretionary Grant funds for eligible pre-construction activities, delaying the balance of the obligation of funds until all pre-construction requirements have been completed.

The guidelines below provide additional details about some of these pre-construction steps if a project element is for pre-construction activities, or requirements before the total award is obligated (including, but not limited to, planning requirements, environmental approvals, right-of-way acquisitions, and design completion) and suggests milestones each project should aim to achieve in order to obligate the full amount of awarded TIGER Discretionary Grant funds, in advance of the obligation deadline of September 30, 2013. Applicants should demonstrate that they can reasonably expect to complete all of these pre-construction steps if a project element is for pre-construction activities, or requirements before the total award is obligated no later than June 30, 2013, so that all the TIGER Discretionary Grant funds are obligated in advance of or by the September 30, 2013, statutory deadline, and that any unexpected delays will not put TIGER Discretionary Grant funds at risk of expiring before they can be fully obligated. DOT may reallocate unobligated TIGER Discretionary Grant funds towards projects that are ready to use TIGER Discretionary Grant funds if a project is not ready for DOT to obligate all TIGER Discretionary Grant funds before the September 30, 2013, statutory deadline. Applicants that are unfamiliar with, or have questions about, the requirements that a proposed project or projects may need to complete in order for the operating administration to obligate TIGER Discretionary Grant funds may contact [TIGERGrants@dot.gov](mailto:TIGERGrants@dot.gov) with questions. The below information is not an exhaustive list of the requirements that a project may need to comply with in order for TIGER Discretionary Grant funds to be obligated by the operating administration that is administering the TIGER Discretionary Grant.

**State and Local Planning:** Project activities that are focused on refining scope and completing Federal environmental reviews are eligible capital expenses under the TIGER Discretionary Grants Program and are an essential part of project development. A project that receives TIGER Discretionary Grant funds may be required to be approved by the Metropolitan Planning Organization or State in the Long Range Plans and Transportation Improvement Program (TIP)/Statewide Transportation Improvement Program (STIP). Applicants should take steps to ensure that the project will be included in the relevant plan if the project is required to be included in such planning documents before an operating administration may obligate funds to the project.

If the project is not included in the relevant planning documents at the time the TIGER application is submitted, applicants should submit a certification from the appropriate planning agency that actions are underway at the time of application to include the project in the relevant planning document. If the obligation of TIGER Discretionary Grant

funds for construction or other activities is contingent on the project being included in the relevant planning documents, applicants should demonstrate they can reasonably expect to have the project included in such planning documents by March 30, 2013. DOT is using the March 30 milestone since applicants should demonstrate in their project schedule that all additional, necessary pre-construction steps if a project element is for pre-construction activities, or requirements before the total award is obligated will be complete on or before June 30, 2013, and planning must be complete before other pre-construction or other activities can be completed. The applicant should provide a schedule demonstrating when the project will be added to the relevant planning documents.

**Environmental Approvals:** Projects should have received all environmental approvals, including satisfaction of all Federal, State and local requirements and completion of the National Environmental Policy Act ("NEPA") process at the time the application is submitted or should demonstrate, through their project schedule and narrative, that receipt of NEPA approval, and all additional, necessary pre-construction steps if a project element is for pre-construction activities, or other approvals can occur by June 30, 2013.

If the obligation of TIGER Discretionary Grant funds for construction or other activities is contingent on completion of other approvals that can only take place after the environmental approvals process, the applicant should demonstrate, through their project schedule and narrative, that they can reasonably expect to obtain all environmental approvals by March 30, 2013, or other date sufficiently in advance of June 30, 2013. Like planning, the environmental approvals must be obtained prior to completing other pre-construction steps if a project element is for pre-construction activities, or other activities.

To demonstrate that this suggested milestone is achievable, applicants should provide information about the anticipated class of action, the budget for completing NEPA, including hiring a consultant if necessary, and a schedule that demonstrates when NEPA will be complete. The schedule should show how the suggested milestones described in this section will be complied with, and include any anticipated coordination with Federal and State regulatory agencies for permits and approvals. The budget should demonstrate how costs to complete NEPA factor into the overall cost to complete the project. The budget and schedule for completing NEPA should be reasonable and be comparable to a budget and schedule of a typical project of the same type. The applicant should provide evidence of support based on input during the NEPA process from State and local elected officials as well as the public. Additionally, the applicant should provide environmental studies or other documents (preferably by way of a Web site link) that describe in detail known potential project impacts and possible mitigation for these impacts. The applicant should supply sufficient documentation for DOT to adequately review the project's NEPA status.

**Right-of-Way and Design:** If the obligation of TIGER Discretionary Grant funds for

construction or other activities by an operating administration may be contingent on completion of right-of-way acquisition and final design approval, and/or additional approvals contingent on completion of right-of-way acquisition and design, applicants should demonstrate, through their project schedule, that they reasonably expect to have right-of-way and design completed, and completion of any other needed pre-construction steps if a project element is for pre-construction activities, or other approvals by June 30, 2013. Applicants should submit a reasonable schedule of when right-of-way (if applicable), design, and any other required approvals are expected to be obtained. Applicants may expect that DOT may obligate TIGER funds for right-of-way and design completion only after planning and environmental approvals are obtained.

**Completion of Obligation:** Applicants should plan to have all necessary pre-construction or other approvals and activities completed by June 30, 2013. In some instances, DOT may not obligate for construction or other activities until all planning and environmental approvals are obtained and right-of-way and final design are complete. If a project is selected for a TIGER Discretionary Grant and the TIGER Discretionary Grant funding will be used to complete all of these activities, DOT may obligate the funding in phases, in accordance with the laws, regulations, and policies of the operating administration that is administering the grant.

Issued on: January 25, 2012.

**Ray LaHood,**  
*Secretary.*

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**BILLING CODE 4910-9X-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

[FHWA Docket No. FHWA-2011-0122]

### Revision of Form FHWA-1273

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

**ACTION:** Notice; request for comments.

**SUMMARY:** The FHWA is requesting comments on a proposed revision of form FHWA-1273—"Required Contract Provisions Federal-Aid Construction Contracts." This form includes certain contract provisions that are required on all Federal-aid construction projects. The revisions are necessary to provide consistency with the current policies of the FHWA and other Federal agencies.

**DATES:** Comments must be received on or before March 1, 2012.

**ADDRESSES:** Mail or hand deliver comments to the U.S. Department of Transportation, Dockets Management Facility, 1200 New Jersey Avenue SE., Washington, DC 20590, or submit electronically at [www.regulations.gov](http://www.regulations.gov) or

fax comments to (202) 493-2251. All comments should include the docket number that appears in the heading of this document. All comments received will be available for examination and copying at the above address from 9 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard or may print the acknowledgment page that appears after submitting comments electronically. 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, Page 19477-78) or you may visit <http://dms.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:** Gerald Yakowenko, Office of Program Administration, (202) 366-1562, [gerald.yakowenko@dot.gov](mailto:gerald.yakowenko@dot.gov) or Michael Harkins, Office of the Chief Counsel, (202) 366-4928, [michael.harkins@dot.gov](mailto:michael.harkins@dot.gov). Office hours for the FHWA are from 8 a.m. to 4:30 p.m., e.t., Monday through Friday, except Federal holidays.

#### **SUPPLEMENTARY INFORMATION:**

##### **Electronic Access and Filing**

You may submit or retrieve comments online through the Federal eRulemaking portal at: [www.regulations.gov](http://www.regulations.gov). Electronic submission and retrieval help and guidelines are available under the help section of the Web site. It is available 24 hours each day, 365 days each year. Please follow the instructions. An electronic copy of this document may also be downloaded from the Office of the Federal Register's home page at: <http://www.archives.gov> and the Government Printing Office's Web page at: <http://www.access.gpo.gov/nara>.

##### **Background**

As provided in 23 CFR 633.103, Form FHWA-1273 includes contract provisions and proposal notices that are required by regulations promulgated by the FHWA or other Federal agencies. The provisions include non-discrimination, prevailing wage rates, subcontracting, job-site safety and other important requirements that must be included in every Federal-aid construction project. According to 23 CFR 633.104(a), the FHWA will update the form as regulatory revisions occur.

Since the form was last revised on March 10, 1994, a number of regulatory revisions have occurred. The revisions that are being proposed by FHWA to form FHWA-1273 will bring the form up to date with current regulatory requirements.

While the revisions proposed by the FHWA are not significant; several revisions are necessary to bring the provisions into conformance with the current policies of FHWA and other Federal agencies. For example, the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, issued a final rule titled: "Protecting the Privacy of Workers: Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction" on December 19, 2008. This rule revised the Wage and Hour Division's regulatory policy to better protect the personal privacy of laborers and mechanics employed on covered construction contracts. The rule changed the reporting requirements concerning the use of full social security numbers and home addresses on weekly payroll statements. While the rule became effective on January 18, 2009, the FHWA did not revise form FHWA-1273 at that time and Federal-aid recipients were encouraged to implement the change through supplemental contract provisions.

The proposed revision to form FHWA-1273 will incorporate the changes noted above as well as other important changes to the required contract provisions. A list of the proposed changes and a marked-up version of the changes are available at the following Web site: <http://www.fhwa.dot.gov/programadmin/contracts/1273/>. A marked-up version of the revised form is also available for download and public inspection under the docket number noted above at the Federal eRulemaking portal at: <http://www.regulations.gov>.

The FHWA anticipates issuing a second notice responding to the comments received and requiring the use of the revised form no later than 45 days after the publication date of the second notice.

**Authority:** 23 U.S.C. 112; 23 CFR 633

Issued on: January 12, 2012.

**Victor M. Mendez,**  
Administrator.

[FR Doc. 2012-1992 Filed 1-30-12; 8:45 am]

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## **DEPARTMENT OF TRANSPORTATION**

### **Federal Motor Carrier Safety Administration**

[Docket No. FMCSA-2008-0078]

#### **Commercial Driver's license (CDL) Standards; Rotel North American Tours, LLC; Application for Renewal of Exemption; Request for Comments**

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Notice of application for renewal of exemption; request for comments.

**SUMMARY:** FMCSA announces that Rotel North American Tours, LLC (Rotel), has applied for renewal of its current exemption permitting 22 drivers employed by Rotel and possessing German CDLs, to operate commercial motor vehicles in the United States without a CDL issued by one of the States. Of the 22 named drivers, five drivers are new and will be replacing five drivers who are no longer employed by Rotel. Like the other 17 Rotel drivers operating under the current exemption, the five new drivers are non-residents of the U.S. and holders of German CDLs. Rotel asks that the current exemption, due to expire July 30, 2012, be renewed subject to the terms and conditions of the current exemption for an additional period of 2 years. The five new Rotel drivers would be subject to all the terms and conditions of the renewed exemption. FMCSA requests public comments on Rotel's application.

**DATES:** If approved, this exemption would be effective from July 31, 2012 through July 30, 2014. Comments must be received on or before March 1, 2012.

**ADDRESSES:** You may submit comments identified by Federal Docket Management System Number FMCSA-2008-0078 by any of the following methods:

- **Federal eRulemaking Portal:** Go to [www.regulations.gov](http://www.regulations.gov). In the ENTER KEYWORD OR ID box enter FMCSA-2008-0078 and click on the tab labeled SEARCH. On the ensuing page, click on any tab labeled SUBMIT A COMMENT on the extreme right of the page and a page should open that is titled "Submit a Comment." You may identify yourself under section 1, ENTER INFORMATION, or you may skip section 1 and remain anonymous. You enter your comments in section 2, TYPE COMMENT & UPLOAD FILE. When you are ready to submit your comments, click on the tab labeled SUBMIT. Your comment is then submitted to the docket; and you will receive a tracking number.