

analysis; a description of each management system; operation and maintenance of management systems and databases; and data collection, processing, analysis, and updating. Paragraph (d) ensures that the database has a geographical reference system so that information can be geolocated. Paragraph (f) requires a periodic evaluation of the effectiveness of the management systems, preferably as part of the transportation planning process. Paragraph (g) ensures that transportation investment decisions based on management system results would be used at different levels of the NPS.

#### *Section 970.206 Funds for Establishment, Development, and Implementation of the Systems*

This section provides that the funds available for the Park Roads and Parkways program can be used for development, establishment, and implementation of the management systems in accordance with legislative provisions for the funds.

#### *Section 970.208 Federal Lands Pavement Management System (PMS)*

Paragraph (a) defines the applicability of the PMS. Paragraph (b) provides flexibility for the development of the PMS.

This section further sets forth components that must be included in a PMS. They include requirements for a basic framework composed of data collection and maintenance, network level analysis, and reporting requirements.

#### *Section 970.210 Federal Lands Bridge Management System (BMS)*

Paragraph (a) defines the applicability of the BMS. The section sets forth the components that must be included in a BMS. They consist of data collection and maintenance, network level analysis, investment analysis, and reporting requirements.

#### *Section 970.212 Federal Lands Safety Management System (SMS)*

Paragraph (a) defines the applicability of the SMS. Because of the strong emphasis the TEA-21 has on safety, paragraph (b) requires the SMS to be used to ensure that safety is considered and implemented as appropriate in all phases of transportation planning, programming and project implementation.

Section (c) sets forth the components that must be included in a SMS. They include data collection, maintenance and reporting; identification and correction of potential safety problems; and communications.

To provide flexibility, paragraph (d) states that the extent of SMS requirements set forth in this proposed rule for low volume roads may be tailored to be consistent with the functional classification of the roads, and the number and types of transit and other vehicles operated by the NPS. However, each functional classification should include adequate requirements to ensure effective safety decisionmaking.

#### *Section 970.214 Federal Lands Congestion Management System (CMS)*

This section defines congestion and requires the NPS to develop criteria for determining when a CMS is to be implemented for a specific transportation system, and have coverage for all systems meeting the criteria. In addition, it requires the NPS to consider the results of the CMS in selecting strategies to address congestion and, further, that strategies be considered that reduce private automobile travel and improve existing transportation system efficiency. Paragraphs (c)(1), (2), and (3) address CMS coverage for portions of the NPS transportation systems inside and outside the boundaries of transportation management areas (TMAs).

Paragraph (c)(4) further sets forth components to be included in a CMS. They include the following: identification and documentation of measures for congestion; identification of the causes of congestion; development of evaluation processes; identification of benefits; determination of methods to monitor and evaluate performance of the overall transportation system after strategies are implemented; and consideration of example strategies provided in the proposed rule.

#### **Rulemaking Analyses and Notices**

All comments received before the close of business on the comment closing date indicated above will be considered and will be available for examination using the docket number appearing at the top of this document in the docket room at the above address. The FHWA will file comments received after the comment closing date in the docket and will consider late comments to the extent practicable. In addition to late comments, the FHWA will also continue to file in the docket relevant information becoming available after the comment closing date, and interested persons should continue to examine the docket for new material. A final rule may be published at any time after the close of the comment period.

#### **Executive Order 12866 (Regulatory Planning and Review) and U.S. DOT Regulatory Policies and Procedures**

The FHWA has determined preliminarily that the proposed rule would be a significant regulatory action within the meaning of Executive Order 12866, and under the regulatory policies and procedures of the U.S. Department of Transportation, because of the substantial public interest anticipated in the transportation facilities of the National Parks. The FHWA anticipates that the economic impact of any action taken in this rulemaking process will be minimal. The FHWA anticipates that the proposed rule will not adversely affect any sector of the economy in a material way. Though the proposed action here will impact the NPS, it will not likely interfere with any action taken or planned by the NPS or another agency, or materially alter the budgetary impact of any entitlement, grants, user fees, or loan programs.

Based upon the information received in response to this proposed action, the FHWA intends to carefully consider the costs and benefits associated with this rulemaking. Accordingly, comments, information, and data are solicited on the economic impact of the proposal described in this document or any alternative proposal submitted.

#### **Regulatory Flexibility Act**

In compliance with the Regulatory Flexibility Act (5 U.S.C. 601-612), the FHWA has evaluated the effects of this proposed action on small entities and has determined that the proposed action would not have a significant economic impact on a substantial number of small entities. Commenters are encouraged to evaluate any options addressed here with regard to the potential for impact.

#### **Unfunded Mandates Reform Act of 1995**

This proposed rule would not impose a mandate that requires further analysis under the Unfunded Mandates Reform Act of 1995 (Public Law 104-4, March 22, 1995; 109 Stat. 48). This proposed rule will not result in the expenditure by State, local and Tribal Governments, in the aggregate, or by the private sector, of \$100 million or more in any one year (2 U.S.C. 1532). This rulemaking proposes to provide for the development and implementation of pavement, bridge, safety, and congestion management systems for roads under the NPS jurisdiction. These roads are funded under the FLHP; therefore the proposed rule is not considered an unfunded mandate. Further, in compliance with the Unfunded