

announced in a **Federal Register** notice to be published at a later date.

The Commission has determined that the effective date of the Handbook is January 23, 2003, which is the date that EDIS-II will be available for electronic filing of documents. As appropriate, the Secretary will periodically revise the Handbook. Users should consult the Commission's EDIS-II website for the latest version of the Handbook.

The Commission also has determined to waive the requirement in § 201.8(g) of the rules that an on-line cover sheet at the EDIS-II website must be completed and printed out by paper filers for submission with their paper filings. Instead, paper filers have the option of (i) completing the on-line cover sheet at the EDIS-II website and printing out the cover sheet to be submitted with the filing; (ii) printing out the cover sheet at the EDIS website and completing the cover sheet by hand before submitting the cover sheet with the filing to the Secretary; or (iii) obtaining a paper copy of the cover sheet from the Office of the Secretary and completing the cover sheet by hand to be submitted with the paper filing. The Commission, however, strongly encourages paper filers to complete and print out the on-line cover sheet at the EDIS-II website for submission to the Secretary with their paper filings.

(Authority: 19 CFR 201.4(b)).

Issued: January 17, 2003.

By Order of the Commission.

Marilyn R. Abbott,

Secretary to the Commission.

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DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 450

[FHWA Docket No. FHWA-99-5933]

FHWA RIN 2125-AE95; FTA RIN 2132-AA75

Statewide Transportation Planning; Metropolitan Transportation Planning

AGENCY: Federal Highway Administration (FHWA), DOT

ACTION: Final rule.

SUMMARY: The FHWA, after consultation with the Federal Transit Administration (FTA), amends the planning regulation regarding the development of statewide plans and programs. Specifically, this action amends the planning regulation as it relates to consultation with non-metropolitan local officials. This action

implements the provisions of the Transportation Equity Act for the 21st Century (TEA-21) regarding the consultation with non-metropolitan local officials in the statewide and metropolitan planning processes.

EFFECTIVE DATE(S): February 24, 2003.

FOR FURTHER INFORMATION CONTACT: For the FHWA: Ms. Jill Hochman, Office of Interstate and Border Planning (HEPI), (202) 366-0233, or Mr. Reid Alsop, Office of the Chief Counsel (HCC-30), (202) 366-1371. For the FTA: Mr. Paul Verchinski, Statewide Planning Division (TPL-11), (202) 366-1626, or Mr. Scott Biehl, Office of the Chief Counsel (TCC-30), (202) 366-0952. Both agencies are located at 400 Seventh Street, SW., Washington, DC 20590-0001. Office hours for the FHWA are from 7:45 a.m. to 4:15 p.m., e.t., and for the FTA are from 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

Internet users can access all comments received by the U.S. DOT Dockets, Room PL-401, by using the universal resource locator (URL): <http://dms.dot.gov>. It is available 24 hours each day, 365 days each year. Please follow the instructions online for more information and help.

An electronic copy of this document may be downloaded using a computer, modem and suitable communications software from the Government Printing Office's Electronic Bulletin Board Service at (202) 512-1661. Internet users may also reach 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

Section 1025 of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), Public Law 102-240, 105 Stat. 1914, (December 18, 1991), amended title 23, United States Code (U.S.C.), section 135 and established a requirement for Statewide Transportation Planning and stated, "The transportation needs of non-metropolitan areas should be considered through a process that includes consultation with local elected officials with jurisdiction over transportation." Section 1204 of the TEA-21, Public Law 105-178, 112 Stat. 107 (June 9, 1998), further amended 23 U.S.C. 135, while preserving the statewide planning requirement for a continuing, comprehensive and cooperative planning process. The TEA-21 required States to consult with non-metropolitan

local officials in transportation planning and programming. This consultation with non-metropolitan local officials in transportation planning and programming is the specific subject of this final rule.

The FHWA and the FTA published a joint notice of proposed rulemaking (NPRM) on May 25, 2000 (65 FR 33922), that proposed revisions to the existing planning regulations issued on October 28, 1993, at 58 FR 58040. The May 2000 Planning NPRM included provisions regarding consultation with non-metropolitan local officials, and proposed that States establish and document a process for consultation with defined non-metropolitan local officials. The NPRM also proposed to require that this process be established jointly with non-metropolitan local officials. Comments were solicited until August 23, 2000 (later extended to September 23, 2000, by a July 7, 2000, **Federal Register** notice at 65 FR 41891).

On June 19, 2002 the FHWA published a supplemental notice of proposed rulemaking (SNPRM) (67 FR 41648), which proposed another option on non-metropolitan local official consultation in addition to that proposed in the NPRM. Generally the SNPRM proposed to allow greater flexibility for States to determine who local officials are and how to consult with them, by not proposing a definition of "non-metropolitan local official," and not proposing to require that the process for consultation be cooperatively developed. Comments were solicited until August 19, 2002 (later extended to September 19, 2002, by an August 15, 2002, **Federal Register** notice at 67 FR 53326).

On September 20, 2002, the FHWA and the FTA withdrew the May 2000 NPRM at 67 FR 59219. However, this withdrawal did not impact the NPRM and SNPRM proposals for non-metropolitan local official consultation.

Input to Development of the Final Rule

During the comment period on the NPRM (May 25, 2000, through September 23, 2000), the FTA and the FHWA held seven public meetings to present information on the May 2000 Planning NPRM. A summary of questions raised at the meetings and the general responses of the FHWA and the FTA presenters is included in the docket. The FHWA and the FTA also prepared a summary of all written comments, by section, which is included in the docket. During the NPRM comment period, the Senate Environment and Public Works and House Transportation and Infrastructure Committees held hearings (September