Instructions for Submitting Notice of Statute of Limitations (SOL) to the Federal Register

FHWA California Division

November 15, 2018

This brief paper outlies the required information to submit Notices of Statute of Limitations (SOL) to the Federal Register (FR), FHWA's submittal and review process, and identifies individuals responsible for the different reviews/actions.

I. Documents Needed for Submittal to the Federal Register:

1. Three (3) original hardcopies of the SOL individually signed and dated. (For guidance refer to FHWA Technical Advisory 6640.8A and attached example). Note: Cannot sign "for" someone else.
2. One Compact Disk (CD) with the SOL and cover letter in MSWORD format (SOL's signature line/block must be the same as that for the hardcopy SOLs, but MSWORD file is not signed/dated (see #4 below)).
3. One Transmittal Cover Letter addressed to:

   Mr. Oliver Potts, Director
   Office of the Federal Register
   7 G Street NW, Suite A-734
   Washington, DC 20401

   The Transmittal Cover Letter must provide copies to:

   - Caltrans POC on the SOL but should include an FHWA contact in case the submittal is rejected)
   - FHWA District Transportation Engineer
   - FHWA Environmental Specialist
   - FHWA Director(s)
4. The Transmittal Cover Letter to the FR must include a statement that the CD is a true and accurate representation of the actual SOL hard copies (see attached example letter).
5. All submittals to FR should be mailed as overnight delivery.

II. Submittal and Review Process:

1. Caltrans drafts SOL and submits it to FHWA Environmental Specialist (Larry Vinzant at larry.vinzant@dot.gov) for review.
2. FHWA Environmental Specialist reviews and obtains any revisions from Caltrans. Once the SOL is finalized, the Environmental Specialist prepares a draft Transmittal Cover Letter and send both, the SOL and the draft Transmittal Cover Letter to the FHWA Environmental Team Leader (Shawn Oliver) for review prior to profiling.

3. Once the Environmental Team Leader has completed their review, will forward the SOL and Transmittal Cover Letter to the Director of Planning and Environment (Tashia Clemons) for approval.
4. Once approved by the Director of Planning and Environment, a portfolio is developed by the Environmental Specialist which is then forwarded to the FHWA Administrative Assistant for final processing and transmit. (Note that the Director of Planning and Environment signs ALL SOLs. The Director of Project Delivery (Matt Schmitz) is the back-up signatory. In the event that neither Director is available, respective Team Leaders can sign the SOL.)
5. Based on California having NEPA Assignment and by agreement, Caltrans CAN submit the documents directly to the FR, however, the documents still MUST be signed by FHWA.

III. Things to Consider when Reviewing the SOL:

1. Typically, only minor editing and formatting are needed. One thing to look out for is Caltrans may indicate that the administrative files are at FHWA, which is not the case with any assigned project. Also, note that there should not be a header at the top of the SOL; since this is redundant.
2. The billing code 4910-RY should be on the first line ("DEPARTMENT OF TRANSPORTATION") near the right margin.
3. Note that there was a recent change instituted by the FR in that the citation 23 CFR 139(*l*)(1) should not be in the SUMMARY.
4. The sentence identifying the 150-day deadline for legal action is filled in by the FR. Put in the statement: *"...the claim is filed on or before* ***[insert date 150 days after publication in the FR]****."*
5. Remember that the signature block on the SOL must be the same as the signatory. The signature also needs to be dated. The FR prefers signatures in blue ink.

IV. Timeframes

The notice can be published on any regular work day Monday through Friday. It is suggested that you allow 5 working days for publication. Regardless of our typical request in the Transmittal Cover Letter to be notified of publication date, about the only time we are aware of the SOL status is when it is rejected by the FR. The FR sends it back to our FHWA FR Liaison in our HQs office (Jennifer Outhouse or Joshua Boudreau).

If there is any need to coordinate with FHWA, please contact Larry Vinzant, FHWA Environmental Specialist by email at larry.vinzant@dot.gov or by phone at (916) 498-5040.

U.S. Department of Transportation
Federal Highway Administration

Federal Highway Administration
California Division

650 Capitol Mall, Suite 4-100
Sacramento, CA 95814
(916) 498-5001
(916) 498-5008 (fax)

October 25, 2018

IN REPLY REFER TO
HDA-CA

Mr. Oliver Potts, Director
Office of the Federal Register
7 G Street NW, Suite A-734
Washington, DC 20401

Dear Mr. Potts:

SUBJECT: NOTICE OF LIMITATION ON CLAIMS

Enclosed are three signed original copies of the Notice of Limitation on Claims (Notice) for the State Route 70 Corridor Improvement Project in Butte County, California. Also included is one CD which we certify contains a true and accurate copy of the three signed paper copies of the Notice. Please publish this Notice in the Federal Register, and notify us with the date of publication. The billing code is identified on the Notice.

If you have any questions, please contact Kelly McNally of Caltrans at (530) 741-4134 or email kelly.mcnally@dot.ca.gov or Larry Vinzant of FHWA at (916) 498-5040 or email larry.vinzant@dot.gov.

Sincerely,

For
Vincent Mammano
Division Administrator
Federal Highway Administration

Enclosures

Copy furnished:
Kelly McNally@dot.ca.gov
Rajpreet.bihala@gmail.com
Scott McHenry
Larry Vinzant
Shawn Oliver
Matt Schmitz

DEPARTMENT OF TRANSPORTATION **[4910-RY]**

Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed Highway in California

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

ACTION: Notice of Limitation on Claims for Judicial Review of Actions by the California Department of Transportation (Caltrans).

SUMMARY: The FHWA, on behalf of Caltrans, is issuing this notice to announce actions taken by Caltrans, that are final. The actions relate to a proposed highway project, widening of State Route 70 in the County of Butte, State of California. Those actions grant licenses, permits, and approvals for the project.

DATES: By this notice, the FHWA, on behalf of Caltrans, 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 [Insert date 150 days after publication in the Federal Register]. 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 applies.

FOR FURTHER INFORMATION CONTACT: For Caltrans: Kelly McNally, Branch Chief, Caltrans Office of Environmental Management, M-2

California Department of Transportation-District 3, 703 B Street, Marysville, CA 95901

Office Hours: 8:00 am – 5:00 pm, Pacific Standard Time, telephone (530) 741-4134 or email kelly.mcnally@dot.ca.gov. For FHWA, contact Larry Vinzant at (916) 498-5040 or email larry.vinzant@dot.gov.

SUPPLEMENTARY INFORMATION: Effective July 1, 2007, FHWA assigned, and Caltrans assumed, environmental responsibilities for this project pursuant to 23 U.S.C. 327. Notice is hereby given that the Caltrans has taken final agency actions subject to 23 U.S.C. 139(*l*)(1) by issuing licenses, permits, and approvals for the following highway project in the State of California.

Caltrans proposes to widen a 6.1-mile portion of State Route 70 (SR70) from Cox Lane to Ophir Lane in Butte County. The State Route 70 Corridor Improvements Project would provide continuous passing opportunities thereby increasing safety and decreasing travel times between the cities of Marysville and Oroville. The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Final Environmental Assessment (FEA)/Finding of No Significant Impact (FONSI) for the project, issued October 10, 2018, and in other documents in Caltrans' project records. The FEA, FONSI and other project records are available by contacting Caltrans at the addresses provided above. The Caltrans FEA, FONSI and other project records can be viewed and downloaded from the project web site at

http://www.bcag.org/documents/SR70_IS-EA_Final_signed_101518.pdf

This notice applies to all 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:

1. Council on Environmental Quality Regulations
2. National Environmental Policy Act of 1969, as amended, 42 U.S.C. 4321 et seq.
3. Federal-Aid Highway Act of 1970, 23 U.S.C 109
4. MAP-21, the Moving Ahead for Progress in the 21st Century Act (P.L. 112-141)
5. Clean Air Act Amendments of 1990 (CAAA)

6. Clean Water Act of 1977 and 1987
7. Federal Water Pollution Control Act of 1972 (see Clean Water Act of 1977 & 1987)
8. Federal Land Policy and Management Act of 1976 (Paleontological Resources)
9. Noise Control Act of 1972
10. Safe Drinking Water Act of 1944, as amended
11. Endangered Species Act of 1973
12. Executive Order 11990, Protection of Wetlands
13. Executive Order 13112, Invasive Species
14. Executive Order 13186, Migratory Birds
15. Fish and Wildlife Coordination Act of 1934, as amended
16. Migratory Bird Treaty Act
17. Water Bank Act Wetlands Mitigation Banks, ISTEA 1991, Sections 1006-1007
18. Wildflowers, Surface Transportation and Uniform Relocation Act of 1987 Section 130
19. Coastal Zone Management Act of 1972
20. Coastal Zone Management Act Reauthorization Amendments Of 1990
21. Executive Order 11988, Floodplain Management
22. Department of Transportation (DOT) Executive Order 5650.2 - Floodplain Management and Protection (April 23, 1979)
23. Rivers and Harbors Appropriation Act of 1899, Sections 9 and 10
24. Title VI of the Civil Rights Act of 1964, as amended
25. Executive Order 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)

Date:

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Tashia J. Clemons, Director

Planning and Environment

Federal Highway Administration

Sacramento, California