



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 the proposed Better Market Street Project (Federal-aid project number BUILDL-5934(180)) in the City of San Francisco, County of San Francisco, 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: Tom Holstein, Senior Environmental Planner, Caltrans District 4 Office of Local Assistance, 12th Floor, 111 Grand Avenue, Oakland, CA 94623

Office Hours: 8:00 am – 5:00 pm, Pacific Standard Time, telephone (510) 286-6371 or email tom.holstein@dot.ca.gov. For FHWA, contact David Tedrick at (916) 498-5024 or email david.tedrick@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.

San Francisco Public Works, in coordination with the Citywide Planning Division of the San Francisco Planning Department, the San Francisco Municipal Transportation Agency, the San Francisco Public Utilities Commission, and the San Francisco County Transportation Authority, proposes to make Market Street safer and more efficient for all modes of transportation by reducing conflicts between transit, paratransit, taxis, commercial vehicles, cyclists, and pedestrians. The project includes changes to and replacement / modification of: roadway configuration; traffic signals; surface transit; bicycle and pedestrian facilities; commercial and passenger loading; vehicular parking; and utilities. The project corridor consists primarily of the 2.2 miles of Market Street between Octavia Boulevard and the Embarcadero in the City and County of San Francisco. The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Final Environmental Assessment with Finding of No Significant Impact and Final Section 4(f) Evaluation for the project, issued September 11, 2020, and in other documents in Caltrans' project records. The FEA, FONSI, Final Section 4(f) Evaluation, and other project records are available by contacting Caltrans at

the addresses provided above. The FEA, FONSI, Final Section 4(f) Evaluation, and other project records can be viewed and downloaded from the project website at <http://www.bettermarketstreetsf.org/your-part-environmental-review.html>.

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 and 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, Section 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)

Issued on: October 13, 2020.

Rodney Whitfield,
Director,
Financial Services,
Federal Highway Administration,
California Division.