

2201 C Street, NW., Washington, DC 20520-1238.

Dated: July 18, 2006.

Henrietta H. Fore,

*Under Secretary for Management,
Department of State.*

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DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on State Highway 45SE in Texas

AGENCY: Federal Highway Administration (FHWA), Texas Department of Transportation (TxDOT).

ACTION: Notice of Limitation on claims for Judicial Review of Actions by FHWA and Other Federal Agencies.

SUMMARY: This notice announces actions taken by the FHWA and other Federal agencies that are final within the meaning of 23 U.S.C. 139(l)(1). The actions relate to a proposed highway project, State Highway 45 Southeast (SH 45SE), south of Austin, beginning at I-35 and heading east to SH 130/US 183 in Travis and Hays Counties in the State of Texas. Those actions grant licenses, permits, and approvals for the project.

DATES: By this notice, the FHWA 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 January 24, 2007. If the Federal law that authorizes judicial review of a claim provides a time period for less than 180 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: Mr. Salvador Deocampo, District Engineer, Federal Highway Administration, 300 E. 8th Street, Rm. 826, Austin, Texas 78701; telephone: (512) 536-5950; e-mail salvador.deocampo@fhwa.dot.gov. The FHWA Texas Division Office's normal business hours are 7:45 a.m. to 4:15 p.m. You may also contact Ms. Dianna Noble, Texas Department of Transportation, 125 E. 11th Street, Austin, Texas 78701; telephone (512) 416-2734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the FHWA and other Federal agencies have taken final agency actions by issuing licenses, permits, and approvals for the following highway project in the State of Texas: State Highway 45 Southeast (SH 45SE), south of Austin beginning at I-35 and heading

east to SH 130/US 183; in Travis and Hays Counties in the State of Texas. The project will be an approximately seven-mile long, six-lane tollway with grade separations at all intersecting roadways and no frontage roads (i.e. a fully access-controlled facility). The proposed highway will be on new alignment. The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Final Environmental Impact statement (FEIS) for the project, approved on December 8, 2003, in the FHWA Record of Decision (ROD) issued on February 5, 2004, in the revised ROD issued on June 26, 2006, and in other documents in the FHWA administrative record. The FEIS, ROD, and other documents in the FHWA administrative record file are available by contacting the FHWA or the Texas Department of Transportation at the addresses provided above. 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. *General:* National Environmental Policy Act (NEPA) [42 U.S.C. 4321-4351]; Federal-Aid Highway Act [23 U.S.C. 109].
2. *Air Clean Air Act*, 42 U.S.C. 7401-7671(q).
3. *Land Section 4(f)* of the Department of Transportation Act of 1966 [49 U.S.C. 303].
4. *Wildlife:* Endangered Species Act [16 U.S.C. 1531-1544 and section 1536], Migratory Bird Treaty Act [16 U.S.C. 703-712].
5. *Historic and Cultural Resources:* Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470(f) et seq.]; Archeological Resources Protection Act of 1977 [16 U.S.C. 470(aa)-11]; Archeological and Historic Preservation Act [16 U.S.C. 469-469(c)].
6. *Social and Economic:* Civil Rights Act of 1964 [42 U.S.C. 2000(d)-2000(d)(1)]; Farmland Protection Policy Act (FPPA) [7 U.S.C. 4201-4209].
7. *Wetlands and Water Resources:* Clean Water Act, 33 U.S.C. 1251-1377 (section 404, section 401, section 319).
8. *Executive Orders:* 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations; E.O. 11593 Protection and Enhancement of Cultural Resources; E.O. 13175 Consultation and Coordination with Indian Tribal Governments; E.O. 11514 Protection and Enhancement of Environmental Quality; E.O. 13112 Invasive Species.

(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 July 17, 2006.

Salvador Deocampo,

District Engineer, Austin, Texas.

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34904]

Dakota, Missouri Valley and Western Railroad, Inc.—Lease and Operation Exemption—Soo Line Railroad Company

Dakota, Missouri Valley and Western Railroad, Inc. (DMVW), a Class III rail carrier, has filed a verified notice of exemption under 49 CR 1150.41, *et seq.*, to extend, renew and supplement the arrangement governing its lease and operation of certain lines of railroad owned by Soo Line Railroad Company, d/b/a Canadian Pacific Railway Company (CPR) and currently operated by DMVW. These lines run between Hankinson, ND, and Moffit, ND; Bismarck, ND and Max, ND; and Flaxton, ND and Whitetail, MT. Specifically, DMVW will continue to lease and operate: (1) Between approximately milepost 205.96 in Hankinson and approximately milepost 391.38 near Moffit; (2) between approximately mileposts 391.27 and 393.33 at Moffit; (3) between approximately milepost 560.5 in Bismarck and approximately mileposts 467.61 and 467.06 on the legs of the wye in Max; (4) between approximately milepost 541.0 at Flaxton and approximately milepost 549.64 at Rival, ND; (5) between approximately milepost 582.3 at Crosby, ND, and approximately milepost 676.83 at Whitetail, (6) between approximately mileposts 581.19 and 582.35 near Crosby; and (7) between approximately mileposts 557.68 and 558.31 at Columbus, ND (collectively, the Subject Lines), a total distance of approximately 386 miles of rail line.

DMVW currently operates the Subject Lines pursuant to a lease agreement with CPR. DMVW and CPR have agreed to enter into a Renewed Lease Agreement that will extend the terms of DMVW's lease and operation of the Subject Lines through June 30, 2026,