

**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, that involves reconstruction of an interchange and related transportation improvements centered on the New York State Route 17 Exit 122 interchange within the Town of Wallkill, Orange County, in the State of New York. 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 July 27, 2009. If the Federal law that authorizes judicial review of a claim provides a time period of less than 180 days for filing such claim, then that shorter time period still applies.

**FOR FURTHER INFORMATION CONTACT:** Jeffrey W. Kolb, P.E., Division Administrator, Federal Highway Administration, New York Division, Leo W. O'Brien Federal Building, 7th Floor, Clinton Avenue and North Pearl Street, Albany, New York 12207, Telephone: (518) 431-4127 or Joan Dupont, P.E., Regional Director, NYSDOT Region 8; 4 Burnett Boulevard, Poughkeepsie, New York 12603, Telephone: (845) 431-5750.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that the FHWA, and other Federal agencies have taken final agency actions subject to 23 U.S.C. 139(l)(1) by issuing licenses, permits, and approvals for the following transportation project in the State of New York: New York Route 17 Exit 122 in the Town of Wallkill, Orange County. The project will reconstruct and rehabilitate the existing Exit 122 interchange ramp configuration to provide for new loop and directional ramps connected to relocated sections of East Main Street and Crystal Run Road to improve safety and operation and bring it up to current Federal standards for an Urban Principal Arterial Interstate. Crystal Run Road will be realigned to connect to East Main Street. The East Main Street extension will not be constructed, but the project could accommodate future roadway construction of an East Main Street extension if planned and approved through the local government planning process and built by others. The Crystal Run Road Bridge over NYS Route 17 will be removed and replaced

in a location closer to the Wallkill River. Auxiliary ramps will be provided between Exits 122 and 121 to separate weaving maneuvers from the mainline NYS Route 17. The project will also include reasonable measures to minimize environmental impacts, and other landscape and aesthetic enhancements within the project limits. 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 July 21, 2008 and in the FHWA Record of Decision (ROD) issued on December 18, 2008. The FEIS, ROD, and other project records are available by contacting the FHWA or the New York State Department of Transportation at the addresses provided above.

This notice applies to all Federal agency decisions related to the New York Route 17 Exit 122 project as of the issuance date of this notice and all laws under which such actions were taken, include but are not limited to:

1. National Environmental Policy Act [42 U.S.C. 4321-4351].
2. Federal-Aid Highway Act [23 U.S.C. 109 and 23 U.S.C. 128].
3. Clean Air Act [42 U.S.C. 7401-7671(q)].
4. Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303].
5. Endangered Species Act [16 U.S.C. 1531-1544 and Section 1536].
6. Fish and Wildlife Coordination Act [16 U.S.C. 661-667(d)].
7. Migratory Bird Treaty Act [16 U.S.C. 703-712].
8. Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470(f) *et seq.*].
9. Civil Rights Act of 1964 [42 U.S.C. 2000(d)-2000(d)(1)].
10. Farmland Protection Policy Act [7 U.S.C. 4201-4209].
11. Wetlands and Water Resources: Clean Water Act (Section 404, Section 401, Section 319) [33 U.S.C. 1251-1377].
12. Land and Water Conservation Fund [16 U.S.C. 4601-4604].
13. Rivers and Harbors Act of 1899 [33 U.S.C. 401-406].
14. Executive Order 11990 Protection of Wetlands.
15. Executive Order 11988 Floodplain Management.
16. Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations 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: January 6, 2009.

**Jeffrey W. Kolb,**

*Division Administrator, Federal Highway Administration, Albany, New York.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

[Docket Number: FTA-2009-0005]

#### Notice of Availability of Discussion Paper on the Evaluation of Economic Development

**AGENCY:** Federal Transit Administration (FTA), DOT.

**ACTION:** Notice of availability; request for comments.

**SUMMARY:** This notice announces the availability of the Federal Transit Administration's (FTA) discussion paper on the Evaluation of Economic Development and requests your comments on it. The paper describes one possible approach that could be used to evaluate economic development impacts of projects seeking New Starts funding. Economic development is one of the criteria that FTA uses to assess project justification, which, along with local financial commitment, informs FTA funding decisions for New Starts projects.

**DATES:** Comments must be received within 60 days after publication in the **Federal Register**. Late filed comments will be considered to the extent practicable.

**ADDRESSES:** You may submit comments [identified by the Docket Number FTA-2008-0053] by any of the following methods:

*Web site:* <http://regulations.gov>.

Follow the instructions for submitting comments on the DOT electronic docket site.

*Fax:* 202-493-2251.

*Mail:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Ave., SE., Washington, DC 20590.

*Hand Delivery:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Ave., SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

*Instructions:* You must include the agency name (Federal Transit Administration) and the docket number (FTA-2009-0005). You should submit two copies of your comments if you submit them by mail. If you wish to receive confirmation that FTA received your comments, you must include a self-addressed stamped postcard. Note that all comments received will be posted without change to the federal government Web site located at <http://regulations.gov>. This means that if your comment includes any personal identifying information, such information will be made available to users of Web site.

**FOR FURTHER INFORMATION CONTACT:** Ron Fisher, Office of Planning and Environment, telephone (202) 366-4033. FTA is located at 1200 New Jersey Ave., SE., East Building, Washington, DC 20590. Office hours are from 9 a.m. to 5:30 p.m., Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:** Although the discussion paper is reasonably detailed, FTA invites comments that may address broader areas of the evaluation of economic development as well as comments that address the level of detail described. Comments made on the discussion paper will be considered by FTA in its development of proposed policy guidance some time in the future on the approach for evaluation of economic development. That proposed policy guidance will also be published for notice and comment prior to being finalized.

FTA is departing from its usual approach of simply issuing proposed guidance and then final because no formal FTA approach to evaluation of this criterion exists, there is a broad diversity of views on the definition of economic development, and the state-of-the-practice for its evaluation is far behind that for more traditional measures of mobility improvements. FTA requests comments on the evaluation of economic development and specifically on the discussion paper, which is available in DOT's electronic docket at <http://regulations.gov> and on FTA's Web site at [http://www.fta.dot.gov/planning/newstarts/planning\\_environment\\_5615.html](http://www.fta.dot.gov/planning/newstarts/planning_environment_5615.html).

Issued on: January 16, 2009.

**Sherry E. Little,**

*Acting Administrator.*

[FR Doc. E9-1545 Filed 1-23-09; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

#### Notice of Limitation on Claims Against Proposed Public Transportation Projects

**AGENCY:** Federal Transit Administration (FTA), DOT.

**ACTION:** Notice of Limitation on Claims.

**SUMMARY:** This notice announces final environmental actions taken by the Federal Transit Administration (FTA) for public transportation projects in the following areas: San Francisco, California; Miami, Florida; Sacramento, California; and Hudson County, New Jersey and New York, New York. The purpose of this notice is to announce publicly the environmental decisions by FTA on the subject projects and to activate the limitation on any claims that may challenge these final environmental actions.

**DATES:** By this notice, FTA is advising the public of final agency actions subject to Title 23, United States Code (U.S.C.), section 139(l). A claim seeking judicial review of the FTA actions announced herein for the listed public transportation projects will be barred unless the claim is filed on or before July 27, 2009.

**FOR FURTHER INFORMATION CONTACT:** Elizabeth Zelasko, Environmental Protection Specialist, Office of Planning and Environment, 202-366-0244, or Christopher Van Wyk, Attorney-Advisor, Office of Chief Counsel, 202-366-1733. FTA is located at 1200 New Jersey Avenue, SE., Washington, DC 20590. Office hours are from 9 a.m. to 5:30 p.m. EST, Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that FTA has taken final agency actions by issuing certain approvals for the public transportation projects listed below. The actions on these projects, as well as the laws under which such actions were taken, are described in the documentation issued in connection with each project to comply with the National Environmental Policy Act (NEPA), and in other documents in the FTA administrative record for the corresponding project. The final agency environmental decision documents—Records of Decision (ROD) or Findings of No Significant Impact (FONSI)—for the listed projects are available online at [http://www.fta.dot.gov/planning/environment/planning\\_environment\\_documents.html](http://www.fta.dot.gov/planning/environment/planning_environment_documents.html) or may be obtained by contacting the corresponding FTA Regional Office for

the metropolitan area where the project is located. Contact information for the FTA Regional Offices may be found at <http://www.fta.dot.gov>.

This notice applies to all FTA decisions on the listed projects as of the issuance date of this notice and all laws under which such actions were taken, including, but not limited to, the NEPA [42 U.S.C. 4321-4375], Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303], Section 106 of the National Historic Preservation Act [16 U.S.C. 470f], and the Clean Air Act [42 U.S.C. 7401-7671q]. This notice does not, however, alter or extend the limitation period of 180 days for challenges of project decisions subject to previous notices published in the **Federal Register** (e.g., this notice does not extend the limitation on claims announced in the **Federal Register** on November 2, 2007, for the ROD issued for the Miami-Dade Orange Line Phase 2 Project).

The projects and actions that are the subject of this notice are:

1. *Project name and location:* Central Subway Project, San Francisco, California.

*Project sponsor:* San Francisco Municipal Transportation Authority (SFMTA).

*Project description:* The FTA and SFMTA have completed a Final Supplemental Environmental Impact Statement (FSEIS) and Final Supplemental Environmental Impact Report (FSEIR) for the Central Subway Project, an extension of the Third Street Light Rail Project. SFMTA will build a 1.7-mile extension along Fourth and Stockton Streets from the existing Third Street Light Rail Station at Fourth and King Streets to a new terminus in Chinatown at Stockton and Jackson Streets. The light rail transit will transition to subway operation at a portal under the I-80 Freeway and continue along Fourth Street in a twin-tunnel configuration. The Central Subway project includes one surface station between Brannan and Bryant Streets and three subway stations: Moscone, Union Square/Market Street, and Chinatown. A temporary construction tunnel would extend beyond the Chinatown Station under Stockton Street to Columbus Avenue near Washington Square. *Final Agency Actions:* ROD signed on November 26, 2008; Section 106 Memorandum of Agreement signed on November 5, 2008; Project-level Air Quality Conformity determination; and Section 4(f) *de minimis* impact finding. *Supporting documentation:* Central Subway Project Supplemental Final Environmental Impact Statement/Environmental