

Conservation and Management Act of 1976, as amended [16 U.S.C. 1801 *et seq.*].

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.*]; Archaeological Resources Protection Act of 1977 [16 U.S.C. 470(aa)–11]; Archaeological and Historic Preservation Act [16 U.S.C. 469–469(c)]; Native American Grave Protection and Repatriation Act [25 U.S.C. 3001–3013].

6. Social and Economic: Civil Rights Act of 1964 [42 U.S.C. 2000(d)–2000(d)(1)]; American Indian Religious Freedom Act [42 U.S.C. 1996]; Farmland Protection Policy Act [7 U.S.C. 4201–4209]; the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended [42 U.S.C. 61].

7. Wetlands and Water Resources: Clean Water Act, 33 U.S.C. 1251–1377 (Section 404, Section 401, Section 319); Coastal Zone Management Act [16 U.S.C. 1451–1465]; Land and Water Conservation Fund [16 U.S.C. 4601–4604]; Safe Drinking Water Act [42 U.S.C. 300(f)–300(j)(6)]; Rivers and Harbors Act of 1899 [33 U.S.C. 401–406]; TEA–21 Wetlands Mitigation [23 U.S.C. 103(b)(6)(m), 133(b)(11)]; Flood Disaster Protection Act [42 U.S.C. 4001–4128].

8. Hazardous Materials: Comprehensive Environmental Response, Compensation, and Liability Act [42 U.S.C. 9601–9675]; Superfund Amendments and Reauthorization Act of 1986 [Pub. L. 99–499]; Resource Conservation and Recovery Act [42 U.S.C. 6901–6992(k)].

9. Executive Orders: E.O. 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. 13007 Indian Sacred Sites; E.O. 13287 Preserve America; 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: September 22, 2008.

**Peter A. Jilek,**  
*Urban Area Engineer, Olympia, Washington.*  
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**BILLING CODE 4910–22–P**

## 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: Fort Collins, Colorado; Belle Glade, Florida; Gustavus, Alaska; Dallas, Texas; West Covina, California; and Andover, New Jersey. 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 March 25, 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., e.t., 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 the project to comply with the National Environmental Policy Act (NEPA), and in other documents in the FTA administrative record for the 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 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 National Environmental Policy Act (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].

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

1. *Project name and location:* The Mason Corridor MAX Bus Rapid Transit (BRT) Project, Fort Collins, Colorado. *Project sponsor:* City of Fort Collins. *Project description:* The FTA and City of Fort Collins have completed an Environmental Assessment (EA) for a five-mile, north-south BRT system that will be located in the central area of Fort Collins. The BRT system that extends from Cherry Street to south of Harmony Road will involve 3.6 miles of exclusive guideway with 1.4 miles of mixed street traffic. The project will also include a transit center, two-way conversion of N. Mason Street and Howes Street, and several park-n-ride lots and BRT stations. *Final Agency Actions:* FONSI signed on September 9, 2008. Section 106 Memorandum of Agreement signed on August 1, 2008; Project-level Air Conformity Determination; and Section 4(f) de minimis impact finding. *Supporting documentation:* Mason Corridor Mason Express Bus Rapid Transit Environmental Assessment signed May 27, 2008.

2. *Project name and location:* Palm Tran Satellite Bus Facility, Belle Glade, Florida. *Project sponsor:* Palm Tran. *Project description:* The project involves the construction of a satellite bus facility with a 7,600-square-foot maintenance and bus storage building, and a bus parking area. The satellite bus facility will be near Belle Glade, Florida and built as a joint project with the West County Government Center and Correctional Facilities. *Final agency actions:* FONSI signed on August 11, 2008; Project-level Air Conformity Determination; Section 106 Finding of No Historic Properties Affected. *Supporting documentation:* Palm Tran

Satellite Bus Facility Environmental Assessment released on June 15, 2008.

3. *Project name and location:* Gustavus Causeway Replacement, Gustavus, Alaska. *Project sponsor:* State of Alaska Department of Transportation and Public Facilities (Alaska DOT&PF). *Project description:* Alaska DOT&PF intends to replace a dock facility in Gustavus, Alaska that supports freight movement, bulk fuel transfer, and marine passenger vessels. The replacement dock will include a wider trestle to allow two-way traffic, a securable staging area for passenger vehicles and freight, and an upgraded fuel-transfer pipeline. *Final agency actions:* FONSI signed on August 14, 2008. *Supporting documentation:* Environmental Assessment for the Gustavus Causeway Replacement Project issued in May 2008.

4. *Project name and location:* Northwest Corridor to Irving/Dallas-Fort Worth Light Rail Transit Line, Dallas, Texas. *Project sponsor:* Dallas Area Rapid Transit (DART). *Project description:* DART is proposing to construct a 9.3-mile light rail transit extension from the existing Northwest Corridor line to the Dallas/Forth Worth Airport Property. The project will involve the construction of six light rail transit stations and seven traction power substations and the purchase of ten light rail vehicles. DART would defer construction of two proposed light rail stations until they are warranted by development. *Final agency actions:* ROD signed on September 5, 2008; Section 106 Finding of No Historic Properties Affected; Section 4(f) finding, and Project-level Air Conformity Determination. *Supporting documentation:* Northwest Corridor to Irving/Dallas-Fort Worth Light Rail Transit Line Environmental Impact Statement signed on July 17, 2008.

5. *Project name and location:* Foothill Transit Park-and-Ride, West Covina, California. *Project sponsor:* Foothill Transit. *Project description:* The project involves the construction of a six-level parking structure on an existing surface parking lot in West Covina, California. *Final agency actions:* FONSI signed on July 10, 2008; Project-level Air Conformity Determination; Section 106 Finding of No Historic Properties Affected. *Supporting documentation:* Environmental Assessment for the Foothill Transit Park-and-Ride signed on May 23, 2008.

6. *Project name and location:* Lackawanna Cut-Off Rail Restoration Project, Minimal Operable Segment, Andover, New Jersey. *Project sponsor:* New Jersey Transit (NJT). *Project description:* The project involves the

construction of one station and parking facility with 65 spaces in Andover, New Jersey, construction of 7.3 miles of new railroad infrastructure (track, signals, communications, and grade crossing improvements) on existing right-of-way in New Jersey, and rehabilitation of the Roseville Tunnel. The service will operate out to Andover, New Jersey from Hoboken, New Jersey, extending from the existing NJT Morris & Essex and Montclair-Boonton Line trains. *Final agency actions:* FONSI signed on September 12, 2008; Section 106 Finding of No Adverse Effect.

*Supporting documentation:* Environmental Assessment on the Lackawanna Cut-Off Rail Restoration Project issued on July 1, 2008.

Issued on: September 17, 2008.

**Susan Borinsky,**

*Associate Administrator for Planning and Environment, Washington, DC.*

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Docket No. AB-6 (Sub-No. 464X)]

#### BNSF Railway Company— Abandonment Exemption—in King County, WA

BNSF Railway Company (BNSF) has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon a 5.60-mile rail line<sup>1</sup> between milepost 5.00, at Kennydale, and milepost 10.60 at Wilburton, in King County, WA.<sup>2</sup> The line traverses United States Postal Service Zip Codes 98004, 98005, 98006, and 98056.

BNSF has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) all overhead traffic on the line has been rerouted over other lines; (3) no formal complaint filed by

<sup>1</sup> The rail line at issue in this proceeding is part of a larger BNSF segment in King County that is the subject of two pending proceedings before the Board. For information regarding these proceedings see: *BNSF Railway Company—Abandonment Exemption—in King County, WA*, STB Docket No. AB-6 (Sub-No. 465X) (STB served Aug. 29, 2008), and *The Port of Seattle—Acquisition Exemption—Certain Assets of BNSF Railway Company*, STB Finance Docket No. 35128 (STB served June 20, 2008). An abandonment proposal involving a connecting BNSF branch line is also pending in *BNSF Railway Company—Abandonment Exemption—in King County, WA*, STB Docket No. AB-6 (Sub-No. 463X) (STB served Sept. 26, 2008).

<sup>2</sup> By petition for exemption filed on September 8, 2008, BNSF is also seeking an exemption from the offer of financial assistance (OFA) requirements of 49 U.S.C. 10904. The merits of the petition will be addressed in a separate decision.

a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an OFA has been received, this exemption will be effective on October 28, 2008, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,<sup>3</sup> formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),<sup>4</sup> and trail use/rail banking requests under 49 CFR 1152.29 must be filed by October 6, 2008. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by October 16, 2008, with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423-0001.

A copy of any petition filed with the Board should be sent to BNSF's representative: Kristy D. Clark, BNSF Railway Company, 2500 Lou Menk Drive, AOB-3, Fort Worth, TX 76131.

If the verified notice contains false or misleading information, the exemption is void *ab initio*.

BNSF has filed both an environmental report and a historic report that address the effects, if any, of the abandonment on the environment and historic resources. SEA will issue an environmental assessment (EA) by

<sup>3</sup> The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis (SEA) in its independent investigation) cannot be made before the exemption's effective date. See *Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

<sup>4</sup> Effective July 18, 2008, the filing fee for an OFA increased to \$1,500. See *Regulations Governing Fees for Services Performed in Connection With Licensing and Related Services—2008 update*, STB Ex Parte No. 542 (Sub-No. 15) (STB served June 18, 2008).