

Dated: December 1, 2006.

C. Miller Crouch,

Principal Deputy Assistant Secretary for Educational and Cultural Affairs, Department of State.

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DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed Highway in California

AGENCY: Federal Highway Administration (FHWA), DOT.

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, U.S. Highway 101 Prunedale Improvement Project between Kilo Posts R146.8 to 161.6 (Post Miles R91.2 to 100.4) north of the City of Salinas in Monterey County, State of California. Those actions grant 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 June 11, 2007. 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: Dominic Hoang, Project Development Engineer, Federal Highway Administration, 650 Capitol Mall, #4-100, Sacramento, CA 95814; weekdays 7 a.m. to 4 p.m. (Pacific time); telephone (916) 498-5002; e-mail:

dominic.hoang@fhwa.dot.gov. Bobi Lyon-Ritter, Senior Environmental Planner, California Department of Transportation (Caltrans), 2015 E. Shields Avenue #100, Fresno, CA 93726; weekdays 7 a.m. to 4 p.m. (Pacific time); telephone (559) 243-8178; e-mail: *bobi_lyon@dot.ca.gov*.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the FHWA and other Federal agencies have taken final agency actions by issuing approvals for the following highway project in the State of California. The U.S. Highway 101 Prunedale Improvement Project would

improve safety and operations within the project limits of 9.2 miles along U.S. Highway 101 north of Salinas in Monterey County. This would be accomplished by: constructing two new interchanges; improving an existing interchange; constructing a four-lane access controlled freeway on a new alignment between 0.18 miles north of Boronda Road interchange and the intersection of Martines Road; placing median barrier at various locations; and constructing local roads including the addition of one new local-road overcrossing and one new local-road undercrossing. FHWA project reference number is PPNO 0058G. The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Environmental Assessment (EA)/Finding of No Significant Impact (FONSI) for the project, approved on March 13, 2006, and in other documents in the FHWA administrative record. The EA/FONSI, and other documents are available by contacting FHWA or Caltrans at the addresses provided above. The FHWA EA/FONSI can be viewed and downloaded from the project Web site at <http://www.dot.ca.gov/dist05/prunedale/index.htm>.

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]; and Federal-Aid Highway Act [23 U.S.C. 109 and 23 U.S.C. 128].

2. Air: Clean Air Act [42 U.S.C. 7401-7671(q)].

3. Land: Landscape and Scenic Enhancement (Wildflowers) [23 U.S.C. 319].

4. Wetlands and Water Resources: Safe Drinking Water Act [42 U.S.C. 300(f)-300(j)(6)]; and Wetlands Mitigation [23 U.S.C. 103(b)(6)(m) and 133(b)(11)].

5. Wildlife: Endangered Species Act [16 U.S.C. 1531-1544 and Section 1536]; Fish and Wildlife Coordination Act [16 U.S.C. 661-667(d)]; and Migratory Bird Treaty Act [16 U.S.C. 703-712].

6. 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 and Historic Preservation Act [16 U.S.C. 469-469c]; Archaeological Resources Protection Act of 1979 [16 U.S.C. 470aa *et seq.*]; and Native American Graves Protection and Repatriation Act [25 U.S.C. 3001-3013].

7. Social and Economic: Civil Rights Act of 1964 [42 U.S.C. 2000(d)-

2000(d)(1)]; Farmland Protection Policy Act [7 U.S.C. 4201-4209]; and The Uniform Relocation Assistance and Real Property Acquisition Act of 1970, as amended.

8. Hazardous Materials: Comprehensive Environmental Response, Compensation, and Liability Act [42 U.S.C. 9601-9675]; Superfund Amendments and Reauthorization Act of 1986; and 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 the Cultural Environment; E.O. 13007 Indian Sacred Sites; E.O. 13287 Preserve America; 13175 Consultation and Coordination with Indian Tribal Governments; E.O. 11514 Protection and Enhancement of Environmental Quality; and 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: December 4, 2006.

Maiser Khaled,

Director, Project Development & Environment, Sacramento, California.

[FR Doc. E6-20949 Filed 12-8-06; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34959]

Iowa Interstate Railroad, Ltd.— Trackage Rights Exemption—BNSF Railway Company

Pursuant to a trackage rights agreement dated November 13, 2006, between Iowa Interstate Railroad, Ltd. (IAIS) and BNSF Railway Company (BNSF), IAIS has agreed to grant BNSF overhead trackage rights on IAIS's main line between milepost 170.2, at Colona, IL, and milepost 175.4, at East Moline, IL, a distance of 5.2 miles, and over various meeting or passing tracks connecting with IAIS's main line, as IAIS may designate (the Joint Trackage).

The transaction is scheduled to be consummated on or after December 22, 2006.

The purpose of the trackage rights is to allow BNSF use of the Joint Trackage

only for overhead freight operations, involving trains, locomotives, cars and equipment operated by BNSF. Under the agreement, BNSF shall not perform any local freight service at or to any point or station located on the Joint Trackage (except for interchange with IAIS at Silvis, IL, which is covered by separate agreement). The overhead trackage rights will terminate on December 31, 2025, but the agreement will remain in effect until cancelled by either party upon 60 days' written notice.¹

As a condition to this exemption, any employee affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). If it contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34959, must be filed with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Jake P. DeBoever, BNSF Railway Company, 2500 Lou Menk Drive, 3rd Floor, Fort Worth, TX 76131-2828.

Board decisions and notices are available on our Web site at <http://www.stb.dot.gov>.

Decided: December 4, 2006.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,
Secretary.

[FR Doc. E6-20902 Filed 12-8-06; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB-290 (Sub-No. 286)]

Norfolk Southern Railway Company— Adverse Abandonment—St. Joseph County, IN

On November 21, 2006, the City of South Bend, IN (the City), the Brothers

¹ The trackage rights agreement provides for an initial term of 19 years. The parties must seek appropriate Board authority for the trackage rights to expire at the end of the period covered by the agreement.

of Holy Cross, Inc. (the Brothers), and the Sisters of the Holy Cross, Inc. (the Sisters) (collectively, applicants), filed an application under 49 U.S.C. 10903, requesting that the Surface Transportation Board authorize the third-party or adverse abandonment of approximately 3.7 miles of railroad lines (the Lines) owned by Norfolk Southern Railway Company (NSR).¹ The Lines are located between milepost UV 0.0 and milepost UV 2.8 and between milepost Z0 9.6 and milepost Z0 10.5, and include an industrial spur that extends from milepost Z0 9.6 to the University of Notre Dame (the University), all in St. Joseph County, IN. The Lines traverse United States Postal Service Zip Codes 46601, 46616, 46617, 46628, 46629, and 46556 and include no stations.

According to applicants, the Lines traverse properties owned by the Brothers and the Sisters. The Brothers' property is the site of Holy Cross College, Holy Cross Village (a retirement community), and other improvements and uses furthering the Brothers' charitable mission. The Sisters' property is the site of a motherhouse, the international headquarters of the Congregation of the Sisters of the Holy Cross, and the Inn at St. Mary's, and it is adjacent to St. Mary's College, which the Sisters sponsor.

Applicants state that there has been no rail service or requests for service on the Lines for at least 10 years and claim that there is no foreseeable need for rail service. Additionally, applicants claim that sections of the Lines have been paved over and removed at numerous locations and that the Lines are physically severed from the national rail system as a result of previous abandonments.²

Applicants state that the line between milepost UV 0.0 and milepost UV 2.8 crosses 17 streets in the City, two of which carry significant vehicular traffic, creating a public nuisance and significant safety and environmental concerns. They add that the City plans to acquire or condemn the portion of the right-of-way within its jurisdiction for

¹ The Chicago, Lake Shore and South Bend Railway Company (CLS&SB) filed a petition to reject applicants' notice of intent to file this adverse abandonment application on November 13, 2006, and applicants filed a reply on November 16, 2006. Applicants filed this adverse abandonment application on November 21, 2006, and CLS&SB filed a petition to reject the application on December 4, 2006. A ruling on the petitions to reject will be made in a separate decision.

² See *Conrail Abandonment in South Bend Between Milepost 10.5 and Milepost 11.8*, St. Joseph County, IN, Docket No. AB-167 (Sub-No. 407N) (ICC served Apr. 22, 1982) and *Conrail Abandonment in Berrien County, MI and St. Joseph County, IN*, Docket No. AB-167 (Sub-No. 672N) (ICC served Aug. 31, 1984).

public use in the form of a sewer system and a trail. Additionally, applicants claim that a portion of that line and of the line between milepost Z0 9.6 and milepost Z0 10.5 are adversely affecting the Brothers' ability to plan for the future because they run through the heart of its property. The Brothers and the Sisters also assert a claim under Indiana law to a reversionary interest in this section of the right-of-way.

In a decision served in this proceeding on October 26, 2006, applicants were granted waivers from some of the requirements of the Board's regulations at 49 CFR 1152 that were not relevant to their adverse abandonment application or that sought information not available to them. Specifically, applicants were granted a fee waiver; waivers from the notice requirements at 49 CFR 1152.20(a)(2)(i) and (2)(xii), 49 CFR 1152.20(a)(3), and 49 CFR 1152.21; waivers from the application requirements at 49 CFR 1152.10-14, 49 CFR 1152.22(a)(5), (b)-(d), and (i), and 49 CFR 1152.24(e)(1); and waivers from the offer of financial assistance (OFA) and public use procedures at 49 CFR 1152.27-28.

Based on the information in their possession, applicants state that the Lines do not contain any federally granted rights-of-way. Any documentation in applicants' possession will be made available promptly to those requesting it. Applicants state that they filed their entire case for abandonment with their application.

NSR has no employees on the Lines. Accordingly, there are no railroad employee interests that require labor protection.

Any interested person may file written comments concerning the proposed abandonment or protests (including the protestant's entire opposition case) by January 5, 2007. Applicants' reply is due on January 22, 2007. Because this is an adverse abandonment proceeding, OFA's and public use requests are not appropriate and will not be entertained.

The Board has not yet had occasion to decide whether the issuance of a certificate of interim trail use in an adverse abandonment would be consistent with the grant of such an application. Accordingly, any request for a trail use condition under 16 U.S.C. 1247(d) (49 CFR 1152.29) must be filed by January 5, 2007, and should address that issue. Each trail use request must be accompanied by a \$200 filing fee. See 49 CFR 1002.2(f)(27).

Persons opposing the proposed adverse abandonment who wish to participate actively and fully in the