

On December 12, 2008, the FMCSA published a **Federal Register** notice on this same topic and provided 60 days for public comment (73 FR 75793). The Agency received one comment from the Owner-Operator Independent Drivers Association, INC (OOIDA) in response to the notice. OOIDA expressed support for the survey and provided several suggestions on how the survey questions and methodology for collecting the data could be improved. FMCSA will consider these suggestions during the implementation of the survey.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FMCSA to perform its functions; (2) the accuracy of the estimated burden; (3) ways for the FMCSA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized without reducing the quality of the collected information.

Issued on: May 26, 2009.

David C. Anewalt,
Acting Associate Administrator, Research and Information Technology.

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board [STB Docket No. AB-337 (Sub-No. 6X)]

Dakota, Minnesota & Eastern Railroad Corporation—Discontinuance of Trackage Rights Exemption—in Worth and Cerro Gordo Counties, IA, and Freeborn County, MN

Dakota, Minnesota & Eastern Railroad Corporation (DM&E)¹ has filed a verified notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments and Discontinuances of Service* to discontinue overhead trackage rights over approximately 48.2 miles of Union Pacific Railroad Company (UP) rail lines extending from milepost 107.0 at Hartland, MN, to milepost 119.4 at Albert Lea, MN, and from milepost 251.6 at Albert Lea to milepost 192.8 at Mason City, IA, (the Hartland-Mason City Line), in Freeborn County, MN, and Worth and Cerro Gordo Counties, IA.² The line traverses

¹ DM&E is a wholly owned, indirect subsidiary of Canadian Pacific Railway Company and is a Class II rail carrier.

² DM&E acquired these overhead trackage rights from UP's predecessor, the Chicago and North

United States Postal Service Zip Codes 56042, 56007, 56036, 50459, 50448, 50456 and 50401.

DM&E has certified that: (1) no local traffic has moved via its trackage rights over the line for at least 2 years; (2) any DM&E overhead traffic can be rerouted over other lines; (3) no formal complaint filed by a user of DM&E 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 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 1105.12 (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 discontinuance of service 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 offer of financial assistance (OFA) has been received, this exemption will be effective on July 2, 2009, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues and formal expressions of intent to file an OFA for continued rail service under 49 CFR 1152.27(c)(2)³ must be filed by June 12, 2009.⁴ Petitions to reopen must be filed by June 22, 2009, with: Surface Transportation Board, 395 E Street, SW., Washington, DC 20423-0001.

A copy of any petition filed with the Board should be sent to DM&E's representative: Thomas J. Litwiler, Fletcher & Sippel LLC, 29 North Wacker Drive, Suite 920, Chicago, IL 60606.

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

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

Decided: May 26, 2009.

Western Transportation Company. See *Dakota, Minnesota & Eastern Railroad Corporation—Acquisition and Operation Exemption—Chicago and North Western Transportation*, Finance Docket No. 30889 (ICC served Sept. 8, 1986).

³ Each OFA must be accompanied by the filing fee, which currently is set at \$1,500. See 49 CFR 1002.2(f)(25).

⁴ Because this is a discontinuance proceeding and not an abandonment, rail use/rail banking and public use conditions are not appropriate. Likewise, no environmental or historical documentation is required here under 49 CFR 1105.6(c) and 1105.8(b), respectively.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Kulunie L. Cannon,
Clearance Clerk.

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DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed Highway in Texas

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 various proposed highway projects in the State of Texas. Those actions grant licenses, permits and approvals for the projects.

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 any of the listed highway projects will be barred unless the claim is filed on or before November 30, 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:
Salvador Deocampo, District Engineer, Texas Division, FHWA, J.J. Pickle Federal Building 300 East 8th Street, Room 826, Austin, Texas 78701; phone number 512-536-5950; e-mail: salvador.deocampo@fhwa.dot.gov.

FHWA Texas Division normal business hours are 8 a.m. to 5 p.m. (central time) Monday through Friday. You may also contact Ms. Dianna Noble, P.E., Director Environmental Affairs Division, Texas Department of Transportation, 118 E. Riverside, Austin, Texas, 78704; phone number 512-416-2734; e-mail: dnoble@dot.state.tx.us.

Texas Department of Transportation normal business hours are 8 a.m. to 5 p.m. (central time) Monday through Friday.

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 highway projects in the State of Texas that are listed below. The actions by the Federal agencies on the project, and the laws under which such actions were taken, are described