

monitoring of TTX Company (TTX) and the preparation of a monitoring report at the end of year 5 of the 10-year term authorized by the Board for TTX's pooling agreement. To facilitate preparation of the report and preparation of comments by interested parties, the Board is directing TTX and its members to provide certain operational information and then is seeking comments from interested parties on whether any of TTX's activities require any action or particular oversight by the Board at this time.

DATES: The information being sought from TTX and its members is due by November 16, 2009. Comments from interested parties are due by December 31, 2009.

ADDRESSES: Comments may be submitted either via the Board's e-filing format or in traditional paper format. Any person using e-filing should attach a document and otherwise comply with the instructions at the E-FILING link on the Board's Web site at <http://www.stb.dot.gov>. Any person submitting a filing in the traditional paper format should send an original and 10 copies referring to STB Finance Docket No. 27590 (Sub-No. 3) to: Surface Transportation Board, 395 E Street, SW., Washington, DC 20423-0001.

FOR FURTHER INFORMATION CONTACT: Larry C. Herzig, (202) 245-0282. Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339.

SUPPLEMENTARY INFORMATION: TTX owns and manages for the benefit of its participating Class I and Class II railroads an extensive fleet of specialized flatcars that are used in rail transportation of containers, truck trailers, automobiles, lumber, extra-dimensional loads, and other commodities. TTX was authorized to own and to manage these cars pursuant to a pooling agreement established under 49 U.S.C. 11322. Under 49 U.S.C. 11321, such authorization exempts TTX and the railroad participants in their pooling agreement from "the antitrust laws and from all other law" as necessary to allow the agreement to be carried out. In its August 2004 decision approving a 10-year extension of TTX's pooling authority,¹ the Board authorized TTX's to extend its pooling agreement for an additional 10-year term and clarified the authorized scope of TTX's

agreement. For further details, see the Board's August 2004 decision.

The Board's August 2004 decision also required what was then the agency's Office of Compliance and Enforcement, now the Office of Public Assistance, Governmental Affairs, and Compliance (OPAGAC), to monitor TTX's operations and to prepare a monitoring report at the end of year 5 of the 10-year term that began on October 1, 2004. To carry out the monitoring process required in the August 2004 decision, we are first asking TTX and its members provide certain operational information described in the Board's full decision in this matter being served today. TTX's submission will be posted on the Board's web site.

Thereafter, shippers or other interested parties may comment on TTX's submission and whether any of TTX's activities require any action or particular oversight by this agency at this time. Any commenter wishing to express a concern about any of TTX's activities should fully describe the activity, the concern, and the type of Board action that the commenter believes is appropriate. The information filed by TTX and its members and any public comments will be reviewed as part of the monitoring process, and the agency will determine whether any further action is appropriate.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The Board is commencing the monitoring report process discussed in its August 2004 Decision.
2. TTX and its members must provide the requested information by November 16, 2009.
3. Shippers and other interested parties may file comments with the Board on whether any of TTX's activities pursuant to the Board-approved pooling agreement require any action or particular oversight by the Board at this time. Comments are due by December 31, 2009.
4. This notice will be published in the **Federal Register**.
5. This notice and the accompanying decision will be served on all parties appearing on the service list in STB Finance Docket No. 27590 (Sub-No. 3).
6. This decision is effective on September 25, 2009.

By the Board, Chairman Elliott, Vice Chairman Nottingham, and Commissioner Mulvey.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. E9-23511 Filed 9-29-09; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed Rail Grade Separation Project in Orange County, CA

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Limitation on Claims for Judicial Review of Actions by FHWA, pursuant to 23 U.S.C. 327.

SUMMARY: The FHWA is issuing this notice to announce actions taken by FHWA and other Federal agencies that are final within the meaning of 23 U.S.C. Section 139(l)(1). The actions relate to the proposed Orange County Gateway rail grade separation project in the Cities of Placentia (local project proponent) and Anaheim, Orange County, California.

DATES: By this notice, the FHWA is advising the public of final agency actions subject to 23 U.S.C. Section 139(l)(1). A claim seeking judicial review of the Federal agency actions on the rail crossing will be barred unless the claim is filed on or before March 29, 2010. 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: For FHWA: Scott K. McHenry, Senior Transportation Engineer, 650 Capital Mall, Suite 4-100, Sacramento, California 95814; phone: (916) 498-5854; fax (916) 498-5008; e-mail Scott.mchenry@dot.gov; regular office hours 8 a.m. to 5 p.m. For the City of Placentia, Michael McConaha, Senior Administrative Analyst, City of Placentia, 401 East Chapman Avenue, Placentia, California 92870; phone: (714) 993-8245; fax: (714) 961-0283; e-mail mmcconaha@placentia.org; regular office hours 8 a.m. to 5 p.m.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Federal Highway Administration (FHWA) has taken final agency actions subject to 23 U.S.C. 139(l)(1) by issuing licenses, permits, and approvals for the following rail grade separation project in the State of California. The purpose of the Orange County Gateway (OCG) project is to

¹ See *TTX Company, et al.—Application for Approval of Pooling of Car Service with Respect to Flat Cars*, STB Finance Docket No. 27590 (Sub-No. 3) (STB served Aug. 31, 2004).

alleviate current and potential environmental impacts and hazards associated with traffic congestion at existing at-grade crossings along an approximately 5-mile long segment of the Burlington Northern Santa Fe (BNSF) railroad tracks in the Cities of Placentia and Anaheim and unincorporated Orange County, in Orange County, California. The OCG project will provide grade separations on eight local arterials at their crossings with the BNSF tracks. The OCG project is subject to federal, as well as City of Placentia and State, environmental review requirements because the City proposes the use of federal funds from FHWA. Project documentation, therefore, was prepared in compliance with both the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA). The FHWA project reference number is FHWA-EIS-CA21. 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 June 30, 2009 in the FHWA Record of Decision (ROD) issued on September 23, 2009, and in other documents in the FHWA project records. The FEIS, ROD, and other project records are available by contacting FHWA or the City of Placentia at the addresses provided above. Pending federal actions for the project are:

- United States Army Corps of Engineers 404 permit under the Federal Clean Water Act (CWA).
- 401 Water Quality Certification from the Regional Water Quality Control Board under Section 401 permit of the Federal CWA.

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. Council on Environmental Quality regulations.
2. National Environmental Policy Act (NEPA).
3. Department of Transportation Act of 1966.
4. Federal Aid Highway Act of 1970.
5. Clean Air Act Amendments of 1990.
6. Clean Water Acts of 1977 and 1987.
7. Endangered Species Act of 1973.
8. Migratory Bird Treaty Act.
9. Farmland Protection Policy Act of 1981.
10. Title VI of the Civil Rights Act of 1964.
11. Uniform Relocation Assistance and Real Property Acquisition Act of 1970.

12. National Historic Preservation Act of 1966.
13. Historic Sites Act of 1935.
14. Executive Order 11990, Protection of Wetlands.
15. Executive Order 13112, Invasive Species.
16. Executive Order 11988, Floodplain Management.
17. Executive Order 12898, Environmental Justice.

Authority: 23 U.S.C. Section 139(l)(1).

Issued on: September 24, 2009.

Walter C. Waidelich, Jr.,

Division Administrator, Federal Highway Administration, Sacramento, California.

[FR Doc. E9-23566 Filed 9-29-09; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. 2009-0095, Notice No. 1]

RIN: 2130-AB90

High-Speed Passenger Rail Safety Strategy; Highway-Rail Grade Crossing Guidelines for High-Speed Passenger Rail: Creation of Docket

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: On June 17, 2009, FRA issued a Notice of Funding Availability and Interim Program Guidance detailing the application requirements for obtaining funding for high-speed rail projects under the American Recovery and Reinvestment Act of 2009 and the Department of Transportation Appropriations Acts for fiscal year (FY) 2008 and FY 2009. The Notice and Interim Guidance was published in the **Federal Register** on June 23, 2009. FRA is currently evaluating grant applications submitted in the first round of the application process, in accordance with evaluation criteria included in the Interim Guidance. FRA will also develop high-speed passenger rail (HSPR) safety strategy and highway-rail grade crossing guidelines for HSPR as part of a plan to address the Nation's transportation challenges by investing in an efficient, high-speed passenger rail network of 100-mile to 600-mile intercity corridors that connect communities across America.

To date, FRA has received more than 30 comments on its HSPR Safety Strategy and Grade Crossing Guidelines, and FRA anticipates that the current high level of interest in high-speed rail projects will continue. For this reason,

FRA is creating a combined docket for comments on the HSPR Safety Strategy and Grade Crossing Guidelines. FRA will place previously published documents and previously received comments in this docket to make these materials available to the public. This docket will be kept open indefinitely, since FRA is interested in receiving comments from all interested parties. Comments filed as soon as practicable will be of the greatest use.

ADDRESSES: Comments related to this docket, FRA-2009-0095, may be submitted by any of the following methods:

- **Web site:** <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- **Mail:** Docket Management Facility, U.S. Department of Transportation, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590.
- **Hand Delivery:** Docket Management Facility, U.S. Department of Transportation, West Building, Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.
- **Fax:** 202-493-2251.

Instructions: All submissions must include the agency name and docket number or Regulatory Identification Number (RIN) for this rulemaking. Please note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of DOT's dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc). You may review DOT's complete Privacy Act Statement published in the **Federal Register** on April 11, 2000 (Volume 65, Number 70, Pages 19477-78), or you may visit <http://DocketsInfo.dot.gov>.

Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov> or go to the street address listed above between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays. Follow the online instructions for accessing the dockets.

FOR FURTHER INFORMATION CONTACT: Mr. Larry Woolverton, Railroad Safety Advisory Committee Coordinator, Office of Railroad Safety, W35-340, Federal Railroad Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590, 202-493-6212.