

Boulevard and would terminate north of Orangewood Avenue. The Fixed-Guideway facility would be completely elevated. Four station locations and one transit center/station, as well as four alternative maintenance facility sites, will be evaluated for this alternative. The technology to be used would be some form of automated guideway technology. A specific technology would be selected only if the Elevated Fixed-Guideway Alternative is approved after completion of the environmental evaluation. The Elevated Fixed-Guideway Alternative has two alignment variations to the north of Disney Way in the segment between Anaheim Boulevard and Harbor Boulevard. Four pedestrian connectors linking stations to activity centers are also proposed as part of the project: from the station at Gene Autry Way and State College Boulevard eastward to the Angel Stadium of Anaheim, from the station on Disney Way or north of Disney Way southward to The Shops at Anaheim GardenWalk, from this same station westward to the Disney theme park entrance on Harbor Boulevard, and from the station at Harbor Boulevard and Convention Way westward along Convention Way to the Anaheim Convention Center entrance.

Station/stop locations for both build alternatives are proposed to serve major activity centers in the study area, including the ARTIC transportation hub, Angel Stadium of Anaheim, the Platinum Triangle, the residential area west of the Interstate 5 Freeway, and attractions in The Anaheim Resort district including The Shops at Anaheim GardenWalk, Disney theme parks, and the Anaheim Convention Center.

*The EIS Process and the Role of Participating Agencies and the Public:* The purpose of the EIS process is to explore in a public setting the potentially significant effects of implementing the proposed action and alternatives on the physical, human, and natural environment. Areas of investigation include, but are not limited to, land use, environmental justice, cultural resources (including historical, archaeological, and paleontological resources), visual and aesthetic qualities, air quality, noise and vibration, energy use, traffic, safety and security, wetlands, threatened and endangered species, and hazardous materials. Regulations implementing NEPA, as well as provisions of SAFETEA-LU, call for public involvement in the EIS process. Section 6002 of SAFETEA-LU requires that FTA, OCTA, and the City of Anaheim do the following: (1) Extend an

invitation to other Federal and non-Federal agencies and Native American Tribes that may have an interest in the proposed project to become "participating agencies"; (2) Provide an opportunity for involvement by participating agencies and the public in helping to define the purpose and need for a proposed project, as well as the range of alternatives for consideration in the impact statement, and (3) Establish a plan for coordinating public and agency participation in and comment on the environmental review process. An invitation to become a participating agency, with the scoping information packet appended, will be extended to other Federal and non-Federal agencies and Native American Tribes that may have an interest in the proposed project. It is possible that we may not be able to identify all Federal and non-Federal agencies and Native American Tribes that may have such an interest. Any Federal or non-Federal agency or Native American Tribe interested in the proposed project that does not receive an invitation to become a participating agency should notify the City of Anaheim Transit Manager identified above under **ADDRESSES**, at the earliest opportunity, but no later than 30 days following this notice.

A comprehensive public involvement program has been developed. A technical advisory committee called the Project Development Team, consisting of representatives of state, regional and local agencies, is in place. The program also includes a two-part public scoping process consisting of a combined California Environmental Quality Act (CEQA)/early NEPA scoping process with a meeting held July 29, 2009 and a NEPA scoping process, noticed herein; a public review/comment period and public hearing on the Draft Environmental Impact Statement; development and distribution of project newsletters; and posting of information on the project website. We invite the public and participating agencies to consider the preliminary statement of purpose and need for the proposed project, as well as the alternatives proposed for consideration. Comments on potential significant environmental impacts that may be associated with the proposed project are also welcomed. All comments and suggestions will be given serious consideration. In accordance with 23 CFR 771.105(a) and 771.133, FTA will comply with all Federal environmental laws, regulations and executive orders applicable to the proposed project during the environmental review process to the maximum extent practicable. These

requirements include, but are not limited to, the regulations of the Council on Environmental Quality implementing NEPA (40 CFR parts 1500-1508 and 23 CFR part 771), the project-level air quality conformity regulation of the U.S. Environmental Protection Agency (EPA) (40 CFR Part 93), Section 404(b)(1) guidelines of EPA (40 CFR Part 230), Executive Orders 11988, 11990 and 12898 regarding floodplains, wetlands, and environmental justice, respectively, Section 106 of the National Historic Preservation Act (36 CFR Part 800), Section 7 of the Endangered Species Act (50 CFR Part 402), and Section 4(f) of the Department of Transportation Act (23 CFR 771.135).

**Edward Carranza, Jr.,**

*Regional Administrator, FTA, Region 9.*

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**BILLING CODE 4910-57-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Notice of Final Federal Agency Actions on an Operational Improvement Project in Santa Cruz 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(J)(1). The actions relate to the Highway 1 Soquel to Morrissey Auxiliary Lanes Project in the City of Santa Cruz, and Santa Cruz County, California. The project would include the following: Adding auxiliary lanes to Highway 1 between the interchanges of Soquel Avenue and Morrissey Boulevard for a distance of less than one mile; replacing the La Fonda overcrossing while providing wider sidewalks and new bike lanes; providing sidewalk improvements at Rooney Street and Morrissey Boulevard west of Pacheco Avenue; and installing a raised crosswalk at the south end of the La Fonda Bridge near the entrance to Harbor High School.

**DATES:** By this notice, the FHWA is advising the public of final agency actions subject to 23 U.S.C. 139(J)(1). A claim seeking judicial review of the Federal agency actions on the project will be barred unless the claim is filed on or before April 26, 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: Sheila Masters, Transportation Engineer, 650 Capitol Mall, Suite 4-100, Sacramento, California, 95814; phone: (916) 498-5043; fax (916) 498-5008; e-mail [sheila.masters@dot.gov](mailto:sheila.masters@dot.gov); regular office hours 8 AM to 5 PM. For Caltrans: G. William "Trais" Norris, III Senior Environmental Planner, 2015 E. Shields Ave., Suite 100, Fresno, CA 93726-5428; phone: (559) 243-8178; e-mail: [trais\\_norris@dot.ca.gov](mailto:trais_norris@dot.ca.gov) or fax: (559) 243-8215; regular office hours 8 a.m. to 5 p.m., closed the first, second, and third Fridays of each month.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that the Federal Highway Administration (FHWA) has taken final agency actions subject to 23 U.S.C. 139(I)(1) by issuing licenses, permits, and approvals for the following project in the State of California. The purpose of the Soquel to Morrissey Auxiliary Lanes Project is to improve traffic conditions for lane changes and merges on Highway 1 between Soquel Avenue and Morrissey Boulevard and improve pedestrian and bicycle access and safety. This project is subject to federal and state environmental review requirements because state and federal funds are proposed for use in this project. Project documentation, therefore, was prepared in compliance with both the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA). The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Final Environmental Assessment (EA)/ Finding of No Significant Impact (FONSI) for the project, approved on September 18, 2009, and in other documents in the FHWA administrative records. 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 online at <http://www.dot.ca.gov/dist05/projects/soquel/index.htm> and at these public locations in the project area: Central Library, 224 Church Street, Santa Cruz, CA 95060; Branciforte Library, 230 Gault Street, Santa Cruz, CA 95062; Live Oak Library, 2380 Portola Drive, Santa Cruz, CA 95062; Santa Cruz County Regional Transportation Commission office at 1523 Pacific Avenue, Santa Cruz, CA 95060.

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. Title VI of the Civil Rights Act of 1964
10. Uniform Relocation Assistance and Real Property Acquisition Act of 1970
11. National Historic Preservation Act of 1966
12. Historic Sites Act of 1935
13. Executive Order 11990, Protection of Wetlands
14. Executive Order 13112, Invasive Species
15. Executive Order 11988, Floodplain Management
16. Executive Order 12898, Environmental Justice

**Authority:** 23 U.S.C. 139(I)(1).

Issued on: October 21, 2009.

**Karen Bobo,**

*Director, Local Agency Programs, Federal Highway Administration, Sacramento, California.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

[Summary Notice No. PE-2009-49]

#### Petition for Exemption; Summary of Petition Received

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of petition for exemption received.

**SUMMARY:** This notice contains a summary of a petition seeking relief from specified requirements of 14 CFR. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

**DATES:** Comments on this petition must identify the petition docket number involved and must be received on or before November 16, 2009.

**ADDRESSES:** You may send comments identified by Docket Number FAA-

2009-0665 using any of the following methods:

- *Government-wide rulemaking Web site:* Go to <http://www.regulations.gov> and follow the instructions for sending your comments electronically.

- *Mail:* Send comments to the Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12-140, Washington, DC 20590.

- *Fax:* Fax comments to the Docket Management Facility at 202-493-2251.

- *Hand Delivery:* Bring comments to the Docket Management Facility in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

*Privacy:* We will post all comments we receive, without change, to <http://www.regulations.gov>, including any personal information you provide. Using the search function of our docket Web site, anyone can find and read the comments received into any of our dockets, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78).

*Docket:* To read background documents or comments received, go to <http://www.regulations.gov> at any time or to the Docket Management Facility in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Katherine Haley, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 493-5708, facsimile (202) 267-5075; e-mail: [katherine.l.haley@faa.gov](mailto:katherine.l.haley@faa.gov).

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on October 21, 2009.

**Pamela Hamilton-Powell,**  
*Director, Office of Rulemaking.*

#### Petition for Exemption

*Docket No.:* FAA-2009-0665.

*Petitioner:* Airbus.

*Section of 14 CFR Affected:* Sections 25.1457(a)(6); 91.609(i)(1); and 121.359(j)(1).

*Description of Relief Sought:* Airbus seeks relief on behalf of U.S.-registered operators taking delivery of new Airbus