

**DEPARTMENT OF TRANSPORTATION****Surface Transportation Board**

[STB Docket No. AB-303 (Sub-No. 34X)]

**Wisconsin Central Ltd.—Abandonment Exemption—in Brown County, WI**

Wisconsin Central Ltd. (WCL) has filed a verified notice of exemption under 49 CFR part 1152 subpart F—*Exempt Abandonments* to abandon a 0.25-mile line of railroad between milepost 97.50 and milepost 97.75, in Denmark, Brown County, WI.<sup>1</sup> The line traverses United States Postal Service Zip Code 54208.

*WCL has certified that:* (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line to be rerouted; (3) no formal complaint filed by 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 (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 report), 49 CFR 1105.8 (historic report), 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 offer of financial assistance (OFA) has been received, this exemption will be effective on December 23, 2009, unless stayed pending reconsideration.<sup>2</sup> Petitions to stay that do not involve environmental issues,<sup>3</sup> formal expressions of intent to

<sup>1</sup> WCL is a wholly owned subsidiary of Canadian National Railway Company.

<sup>2</sup> Pursuant to 49 CFR 1152.50(d)(2), the railroad must file a verified notice with the Board at least 50 days before the abandonment or discontinuance is to be consummated. WCL has indicated a proposed consummation date of December 22, 2009, but, because the verified notice was filed on November 3, 2009, consummation may not take place prior to December 23, 2009.

<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

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 December 3, 2009.<sup>5</sup> Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by December 14, 2009, 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 WCL's representative: Jeremy M. Berman, Fletcher & Sippel LLC, 29 N. Wacker Dr., Suite 920, Chicago, IL 60606.

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

WCL has filed a combined environmental and historic report that addresses the effects, if any, of the abandonment on the environment and historic resources. SEA will issue an environmental assessment (EA) by November 27, 2009. Interested persons may obtain a copy of the EA by writing to SEA (Room 1100, Surface Transportation Board, Washington, DC 20423-0001) or by calling SEA, at (202) 245-0305. Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), WCL shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by WCL's filing of a notice of consummation by November 23, 2010, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

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

Decided November 17, 2009.

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

<sup>5</sup> WCL states that it has entered into a contract with the Wisconsin Department of Natural Resources (WDNR) under which WDNR will purchase the right-of-way for use as a trail.

By the Board.

**Rachel D. Campbell,**

*Director, Office of Proceedings.*

**Jeffrey Herzig,**

*Clearance Clerk.*

[FR Doc. E9-28026 Filed 11-20-09; 8:45 am]

BILLING CODE 4915-01-P

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****Agency Information Collection Activity Seeking OMB Approval**

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

**ACTION:** Notice.

**SUMMARY:** The FAA invites public comments about our intention to request the Office of Management and Budget's (OMB) revision of a current information collection. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on September 8, 2009, vol. 74, no. 172, page 46292. FOQA is a voluntary program for the routine collection and analysis of digital flight data from airplane operations.

**DATES:** Please submit comments by December 23, 2009.

**FOR FURTHER INFORMATION CONTACT:** Carla Mauney at [Carla.Mauney@faa.gov](mailto:Carla.Mauney@faa.gov).

**SUPPLEMENTARY INFORMATION:****Federal Aviation Administration (FAA)**

*Title:* Flight Operational Quality Assurance (FOQA) Program.

*Type of Request:* Extension without change of a currently approved collection.

*OMB Control Number:* 2 120-0660. *Forms(s)* There are no FAA forms associated with this collection.

*Affected Public:* An estimated 30 Respondents.

*Frequency:* This information is collected on occasion.

*Estimated Average Burden Per Response:* Approximately 1 hour per response.

*Estimated Annual Burden Hours:* An estimated 360 hours annually.

*Abstract:* FOQA is a voluntary program for the routine collection and analysis of digital flight data from airplane operations. The purpose is to enable early corrective action for potential threats to safety. 14 CFR 13.401 codifies protection from punitive enforcement action based on FOQA information and requires operators with FAA approved FOQA programs to provide aggregate FOQA data to the FAA. Aggregate FOQA information

provided to the FAA is protected from public release under 14 CFR part 193.

**ADDRESSES:** Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/FAA, and sent via electronic mail to [oir\\_submission@omb.eop.gov](mailto:oir_submission@omb.eop.gov), or faxed to (202) 395-6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street, NW., Washington, DC 20503.

*Comments are invited on:* Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimates of the burden of the proposed information collection, ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Issued in Washington, DC, on November 16, 2009.

**Carla Mauney,**

FAA Information Collection Clearance Officer, IT Enterprises Business Services Division, AES-200.

[FR Doc. E9-27942 Filed 11-20-09; 8:45 am]

**BILLING CODE 4910-13-M**

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Notice of Final Federal Agency Actions on Proposed Highway in California

**AGENCY:** Federal Highway Administration (FHWA), U.S. 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). These actions relate to a proposed highway project known as the Marin Sonoma Narrows High Occupancy Vehicle (HOV) Widening project on US 101 from south of the Route 37 Interchange in the City of Novato, Marin County, to north of the Corona Road Overcrossing in the City of Petaluma, Sonoma County, State of California. Those actions grant

licenses, permits, and 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 May 24, 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:** Lanh Phan, Transportation Engineer, Federal Highway Administration, 650 Capitol Mall, Suite 4-100, Sacramento, CA 95814, weekdays between 7 a.m. and 4 p.m., telephone 916-498-5046, [lanh.phan@dot.gov](mailto:lanh.phan@dot.gov). For California Department of Transportation: Melanie Brent, Office Chief, Caltrans Environmental Analysis, P.O. Box 23660, Oakland, CA 94623-0660, weekdays between 7:30 a.m. and 4:30 p.m., telephone 510-286-5231, [melanie\\_brent@dot.ca.gov](mailto:melanie_brent@dot.ca.gov).

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that the FHWA and other Federal agencies have taken final agency actions subject to 23 U.S.C. 139(l)(1) by issuing licenses, permits, and approvals for the following highway project in the State of California: The Marin Sonoma Narrows HOV Widening Project in Marin and Sonoma Counties. The project consists of the addition of continuous northbound and southbound HOV lanes along the above-defined 16-mile stretch of US 101. As the principal route in the coastal northwest region between the San Francisco Bay Area and Oregon, US 101 provides a continuous north/south route through Marin and Sonoma Counties for long distance, intercity, and intracity traffic. The project is needed to reduce recurring traffic congestion and improve mobility, and address physical and operational deficiencies of the roadway. The continuous northbound and southbound HOV lanes would be accomplished within the existing median of the US 101 facility, with minor outside widening in the southern and northern segments of the project. However, in the more rural middle segment, the project will replace the existing four-lane expressway, with open medians and direct access driveways, with a six-lane, access-controlled freeway to standardize horizontal and vertical curves, lane widths, and the construction of one new interchange.

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 July 21, 2009, and in the FHWA Record of Decision (ROD), issued on October 29, 2009, and in other documents in the FHWA project records. The FEIS, ROD, and other project records are available by contacting Caltrans at the address provided above. The FHWA FEIS and ROD can be viewed and downloaded from the Caltrans project Web site at <http://www.dot.ca.gov/dist4/msn/> or from the Caltrans District 4 Web site at [http://www.dot.ca.gov/dist4/msn/msn\\_feir\\_s/msn\\_feir.htm](http://www.dot.ca.gov/dist4/msn/msn_feir_s/msn_feir.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]; Federal-Aid Highway Act [23 U.S.C. 109].
- 2. Air:** Clean Air Act, 42 U.S.C. 7401-7671(q).
- 3. Paleontology:** Antiquities Act of 1906 [12 U.S.C. 431-433], Federal-Aid Highway Act of 1935 [200 U.S.C. 78].
- 4. Wildlife:** Endangered Species Act [16 U.S.C. 1521-1544 and Section 1536], Fish and Wildlife Coordination Act [16 U.S.C. 661-667(d)], Migratory Bird Treaty Act [16 U.S.C. 703-712], Magnuson-Stevens Fishery 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.*]; Archeological Resources Protection Act of 1977 [16 U.S.C. 470(aa)-11]; Archeological and Historic Preservation Act [16 U.S.C. 469-469(c)]; Native American Grave Protection and Repatriation Act (NAGPRA) [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 (FPPA) [7 U.S.C. 4201-4209]; Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970, as amended.
- 7. Wetlands and Water Resources:** Clean Water Act, 33 U.S.C. 1251-1377 (Section 404, Section 401, Section 319); Flood Disaster Protection Act, 42 U.S.C. 4001-4128; Rivers and Harbors Act of 1899, 33 U.S.C. 401-406.
- 8. Hazardous Materials:** Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9601-9675; Superfund Amendments and