

DEPARTMENT OF TRANSPORTATION**Federal Highway Administration****Environmental Impact Statement: Cook County, IL**

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Intent.

SUMMARY: The FHWA is issuing this Notice to advise the public that an Environmental Impact Statement (EIS) will be prepared for the 75th Street Corridor Improvement Project, which involves construction of new railroad main tracks, two new rail flyover bridges, and a new rail/roadway grade separation structure within existing rail corridors in the cities of Chicago and Hometown, Cook County, Illinois.

FOR FURTHER INFORMATION CONTACT: Norman R. Stoner, P.E., Division Administrator, Federal Highway Administration, Springfield, Illinois 62703, Phone: (217) 492-4600. George Weber, Chief, Bureau of Railroads, Illinois Department of Transportation, 100 W Randolph Street, Suite 6-600, Chicago, Illinois 60601-3229, Phone: (312) 793-4222.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Illinois Department of Transportation, Bureau of Railroads, will prepare an EIS on a proposal to reconfigure freight and passenger rail tracks within an existing approximately 12-mile corridor generally centered along 75th Street in south Chicago. The proposed project comprises several elements of the overall Chicago Region Environmental and Transportation Efficiency Program (CREATE), a joint effort of the Illinois Department of Transportation, the Chicago Department of Transportation, and the Association of American Railroads to restructure, modernize, and expand freight and passenger rail facilities and highway grade separations in the Chicago metropolitan area. Alternative configurations of rail flyovers and track realignments will be considered and refined. The no-action alternative will also be evaluated. A preferred alternative will be presented at a public hearing. Preliminary measures to minimize harm, construction cost estimates, and estimated right-of-way and relocation requirements will also be developed.

The proposed action will reduce rail congestion and delays by eliminating conflicts between four freight railroads and two passenger railroads operating in the corridor, improve roadway safety by eliminating an existing at-grade roadway crossing, and allow passenger

rail access from the Metra Southwest Service to the LaSalle Street Station, thereby reducing congestion at Union Station. The project area consists of urban residential and industrial land uses, so no natural resource impacts are anticipated. Potential impacts may include residential relocations, effects on community cohesion and travel patterns, impacts to publicly-owned parks, and impacts to properties potentially eligible for listing on the National Register of Historic Places. There is also the potential for noise and air quality impacts.

To ensure that the full range of issues related to this proposed action are addressed, and all substantive issues are identified, this project is being developed using the principles of Context Sensitive Solutions per the Illinois Department of Transportation's Policies and Procedures. A Stakeholder Involvement Plan (SIP) will be developed that will detail the public involvement activities that will be conducted as part of this study, and will address the Coordination Plan requirements of 23 U.S.C. 139(g) within the context of the NEPA process. Under the SIP, an interdisciplinary Project Study Group will be formed to develop the project, and a Community Advisory Group will be formed to provide input to the study process. As part of the EIS process, a scoping meeting for obtaining input from Resource Agencies will be held on June 11, 2010. Public informational meetings, focus meetings with stakeholders, a public hearing, newsletters, a project Web site and interest group meetings will provide opportunities for public involvement. The project's Draft EIS will be available for public and agency review prior to the public hearing. The time and location of the public hearing will be announced in local newspapers. Comments or questions concerning this proposed action and the Draft EIS should be directed to FHWA or the Illinois Department of Transportation at the addresses provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation of Federal program and activities apply to this program.)

Issued on: April 28, 2010.

Norman R. Stoner,
Division Administrator.

[FR Doc. 2010-10770 Filed 5-6-10; 8:45 am]

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DEPARTMENT OF TRANSPORTATION**Federal Highway Administration****Notice of Final Federal Agency Actions on Proposed Expanded Intermodal Freight Terminal in Michigan**

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Decision by FHWA and Notice of Limitation of Claims for Judicial Review of Actions by FHWA and Other Federal Agencies.

SUMMARY: This notice announces the availability of a Record of Decision by FHWA pursuant to the requirements of the National Environmental Protection Policy Act of 1969 (NEPA), 42 U.S.C. 4321, as amended and the Council on Environmental Quality Regulations (40 CFR Parts 1500-1508). In addition, this Notice announces actions taken by FHWA and other Federal agencies that are final within the meaning of 23 U.S.C. 139(1)(1). These actions relate to proposed improvements to the Livernois-Junction Yard, also known as the Detroit Intermodal Freight Terminal (DIFT) and associated external-to-terminal road and rail improvements in Wayne County, Michigan. These 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. 771 and 23 U.S.C. 139(1)(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 November 3rd, 2010 (180 days from May 7th). If the Federal law that authorizes that 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: Mr. David Williams, Environmental Program Manager, Federal Highway Administration Michigan Division, 315 West Allegan Street, Room 201, Lansing, MI 48933; phone: (517) 702-1820, Fax: (517) 377-1804; and e-mail: David.Williams@dot.gov. Mr. Ryan Rizzo, Major Project Manager, Federal Highway Administration Michigan Division, 315 West Allegan Street, Room 201, Lansing, MI 48933; phone: (517) 702-1833, Fax: (517) 377-1844; e-mail: Ryan.Rizzo@dot.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 expansion project in the State of Michigan: Detroit Intermodal Freight Terminal. The selected alternative will: Expand the Norfolk Southern (NS) and

CSX intermodal operations at the Livernois-Junction Yard; provide the opportunity to shift the NS Triple Crown operations from Melvindale and Willow Run in Romulus to the Livernois-Junction Yard; move the CP Oak intermodal operation to the Livernois-Junction Yard; provide for external rail improvements, with participation by all four Class I railroads in Michigan (NS, CSX, CP, and CN); make roadway and yard entry gate changes; and provide enhancements to the community. The selected alternatives are primarily between John Kronk and Livernois Avenue in Southwest Detroit and east Dearborn, in Wayne County, Michigan.

The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Final Environmental Impact Statement for the project approved on December 1, 2009; in the FHWA Record of Decision (ROD) issued on April 22, 2010; and in other project records. The FEIS, ROD, and other documents in the FHWA project file are available by contacting the FHWA. The FHWA FEIS and ROD can be viewed and downloaded from the project Web site at: http://www.michigan.gov/mdot/0,1607,7-151-9621_11058---,00.html or viewed at public libraries in the project area.

This notice applies to all Federal agency decisions on the listed projects 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 [42 U.S.C. 4321–4351]; Federal-Aid Act [23 U.S.C. 109].

2. *Air*: Clean Air Act, as amended [42 U.S.C. 7401–7671(q)].

3. *Land*: Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303]; Landscaping and Scenic Enhancement (Wildflowers) [23 U.S.C. 319].

4. *Wildlife and Plants*: Endangered Species Act [16 U.S.C. 1531–1544].

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)].

6. *Social and Economic*: Civil Rights Act of 1964 [42 U.S.C. 2000(d)–2000(d)(1)]; American Indians Religious Freedom Act [42 U.S.C. 1996]; Farmland Protection Act [7 U.S.C. 4201–4209]; the Uniform Relocation Assistance and Real Property Acquisition Policies of 1970, as amended [42 U.S.C. 61].

7. *Wetlands and Water Resources*: Clean Water Act [33 U.S.C. 1251–1377

(Section 404, Section 401, Section 319)]; Coastal Zone Management Act [14 U.S.C. 1451–1465]; Land and Water Conservation Fund [16 U.S.C. 4601–4604]; Safe Drinking Water Act [42 U.S.C. 300(f)–300(j)(6)]; Rivers and Harbors Act of 1899 [42 U.S.C. 401–406]; TEA–21 Wetland Mitigation [23 U.S.C. 103(b)(6)(m), 133(b)(11)]; Flood Disaster Protection Act [42 U.S.C. 4001–4128].

8. *Hazardous Materials*: Comprehensive Environmental Response, Compensation and Liability Act [42 U.S.C. 9501–9675]; Superfund Amendments and Reauthorization Act of 1986 [PL 99–499]; Resource, Conservation and Recovery Act [42 U.S.C. 6901–6992(k)].

9. *Executive Orders*: E.O. 11990, Protection of Wetlands; E.O. 11988, Floodplains Management; E.O. 12898, Federal Actions to Address Environmental Justice in Minority and Low Income Populations; E.O. 11593, Protection and Enhancement of Cultural Resources; E.O. 13007, Indian Sacred Sites; E.O. 13112, Invasive Species; E.O. 13274, Environmental Stewardship and Transportation Infrastructure Project Reviews.

(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: April 30, 2010.

Russell L. Jorgenson,
Division Administrator, Federal Highway Administration, Lansing, Michigan.

[FR Doc. 2010–10783 Filed 5–6–10; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. FD 35374]

Port Harbor Railroad, Inc.—Lease and Operation Exemption—Line of Tri-City Regional Port District

Port Harbor Railroad, Inc. (Port Harbor), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to lease from Tri-City Regional Port District (Tri-City), and to operate, a 2.97-mile line of railroad extending between milepost 0.00 and milepost 2.97 in Madison County, Ill.

The transaction is expected to be consummated on or after June 10, 2010.

Port Harbor certifies that its projected annual revenues as a result of this

transaction will not exceed those that would qualify it as a Class III rail carrier. Port Harbor further certifies that its projected annual revenues as a result of this transaction will not exceed \$5 million.

According to Port Harbor, Tri-City is not a common carrier and has no intention of becoming one. Port Harbor states that, at the present time, the industries located on Tri-City's property receive service over the rail lines of the Terminal Railroad Association of St. Louis that end at milepost 0.00. From milepost 0.00 to milepost 2.97, service is performed by a contractor hired by Tri-City to provide switching service. Port Harbor explains that the proposed transaction will provide more coordinated service to shippers by licensing Port Harbor as a common carrier on the 2.97-mile line and through industrial track agreements with Port Harbor to provide switching service. The lease and operation agreement covers all track and railroad rights-of-way between milepost 0.00 and milepost 2.97, including all appurtenances thereto, and any bridges, culverts or other structures over which such track or tracks may be constructed. Port Harbor states that the proposed transaction will not involve any agreement that would limit future interchange traffic with a third-party connecting carrier.

If the verified notice 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 effectiveness of the exemption. Stay petitions must be filed no later than May 14, 2010 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 35374, must be filed with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423–0001. In addition, one copy of each pleading must be served on Andrew P. Goldstein, McCarthy, Sweeney & Harkaway, P.C., 1825 K Street, NW., Suite 700, Washington, DC 20006.

Board decisions and notices are available on our Web site at www.stb.dot.gov.

Decided: May 3, 2010.

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

Jeffrey Herzig,
Clearance Clerk.

[FR Doc. 2010–10788 Filed 5–6–10; 8:45 am]

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