

Four Alternatives for the proposed Klingle Valley Multi-Use Trail, including the No Action Alternative, were developed in accordance with the project objectives established to meet the project purpose and need and are analyzed in detail in the EA. The proposed trail alignment for all Action Alternatives (Alternatives 2, 3, and 4) lies within the existing DDOT right-of-way. The EA examines and evaluates the existing environmental conditions within the project area along with the environmental consequences and cumulative impacts of several alternatives for the proposed improvement.

**DATES:** The public hearing will be held on June 23, 2010 at the National Zoological Park, Visitor Center Auditorium, 3001 Connecticut Avenue, NW., Washington, DC 20008. The Public Hearing will consist of an open house from 6 p.m. to 6:30 p.m. followed by a formal presentation and opportunity to comment from 6:30 p.m. to 8 p.m. *Comments on the EA must be received on or before July 6, 2010.*

**ADDRESSES:** In addition to attending the Public Hearing, you may submit comments or requests for copies of the EA by any of the following methods:

- *Project Web Site:* <http://www.klingletrail.com>. Follow the instructions for submitting comments on the Web site.
- *E-mail:* [comments@klingletrail.com](mailto:comments@klingletrail.com).
- *Mail:* Austina Casey, Project Manager, Planning, Policy and Sustainability Administration, District Department of Transportation, 2000 14th Street, NW., 7th Floor, Washington, DC 20009.

Electronic copies may be downloaded for review from the project Web site and hard copies of the EA may also be viewed at the following locations:

District Department of Transportation, Planning, Policy, and Sustainability Administration, 2000 14th Street, NW., 7th Floor, Washington, DC 20009;

National Capital Planning Commission Library, 401 9th Street, NW., North Lobby, Suite 500, Washington, DC 20004;

Martin Luther King, Jr. Memorial Library, 901 G Street, NW., Washington, DC 20001;

Cleveland Park Branch Library, 3310 Connecticut Avenue, NW., Washington, DC 20008;

Mount Pleasant Library, 3162 Mt. Pleasant Street, NW., Washington, DC 20010.

Issued: May 27, 2010.

**Joseph C. Lawson,**

*Division Administrator, Federal Highway Administration, District of Columbia Division.*

[FR Doc. 2010-13485 Filed 6-4-10; 8:45 am]

**BILLING CODE 4910-22-P**

## DEPARTMENT OF TRANSPORTATION

### FEDERAL HIGHWAY ADMINISTRATION

[FHWA-DC-2010-01-D]

#### Notice of Withdrawal of the Notice of Intent for Klingle Road Environmental Impact Statement; Washington, DC

**AGENCIES:** Federal Highway Administration, District of Columbia Division; and District Department of Transportation.

**ACTION:** Notice of Withdrawal of the Notice of Intent to prepare an Environmental Impact Statement for Klingle Road.

**SUMMARY:** The U.S. Federal Highway Administration (FHWA) is issuing this notice to advise the public that, effective immediately, the Notice of Intent (NOI) (**Federal Register** Vol. 69, No 52; FR Doc 04-6027) to prepare an Environmental Impact Statement (EIS) for the proposed reopening of Klingle Road, NW., to vehicular access in Washington, DC, is being withdrawn. The NOI for the EIS was announced on March 18, 2004.

**FOR FURTHER INFORMATION CONTACT:** Federal Highway Administration, District of Columbia Division: Mr. Michael Hicks, Environmental/Urban Engineer, 1990 K Street, NW., Suite 510, Washington, DC 20006-1103, (202) 219-3536; or District Department of Transportation: Austina Casey, Project Manager, Planning, Policy and Sustainability Administration, 2000 14th Street, NW., 7th Floor, Washington, DC 20009, (202) 671-2740.

**SUPPLEMENTARY INFORMATION:** In June 2008, the District of Columbia Council passed legislation called the Klingle Road Sustainable Development Amendment Act of 2008 (DC Law 17-219; DC Official Code § 9-115.11). This legislation ended studies to reopen the barricaded segment of Klingle Road to vehicular traffic, and specifies that District Department of Transportation (DDOT) shall allocate and use Federal aid highway funds for the environmental remediation of Klingle Valley and the construction of a pedestrian and bicycle trail along the barricaded portion of Klingle Road, between Porter Street, NW., and Cortland Place, NW. Based on this

legislation, the NOI to prepare an EIS will be withdrawn.

FHWA in conjunction with DDOT have determined that an Environmental Assessment (EA) will instead be prepared to evaluate a range of alternatives and impacts for the construction of a multi-use trail facility within the 0.7 mile barricaded portion of Klingle Road; including the restoration of Klingle Creek, in cooperation with the National Park Service (NPS). The proposed multi-use trail facility will be constructed using context sensitive design, to provide safe non-motorized transportation and recreational opportunities to the residents and visitors of the District of Columbia.

Issued: May 27, 2010.

**Joseph C. Lawson,**

*Division Administrator, Federal Highway Administration, District of Columbia Division.*

[FR Doc. 2010-13490 Filed 6-4-10; 8:45 am]

**BILLING CODE 4910-22-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### Draft Tier II Environmental Impact Statement: Southeast High Speed Rail Corridor-Richmond, VA (Main Street Station) to Raleigh, NC (Boylan Wye)

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

**ACTION:** Notice of Availability of the Tier II Draft Environmental Impact Statement and public hearings for the Southeast High Speed Rail, Richmond, VA to Raleigh, NC Project (Project).

**SUMMARY:** The Federal Railroad Administration announces the availability of the Southeast High Speed Rail, Richmond, VA to Raleigh, NC Project Draft Tier II Environmental Impact Statement (DEIS) for public review and comment. The DEIS was prepared pursuant to the National Environmental Policy Act of 1969 (NEPA), as amended, 42 U.S.C. 4321 *et seq.*, the Council on Environmental Quality NEPA implementing regulations, 40 CFR parts 1500-1508, and the FRA NEPA guidance, 64 FR 28545 (May 26, 1999). FRA is the lead Federal agency; the Federal Highway Administration, United States Coast Guard, United States Army Corps of Engineers, United States Environmental Protection Agency, and the United States Fish and Wildlife Service are cooperating Federal agencies. The North Carolina Department of Transportation Rail Division (NCDOT) and the Virginia

Department of Rail and Public Transportation (DRPT) are co-lead State agencies. The Environmental Protection Agency included the DEIS in the Notice of Availability published on June 4, 2010.

**DATES:** FRA invites interested Members of Congress, state and local governments, other Federal agencies, Native American tribal governments, organizations, and members of the public to provide comments on the DEIS. The public comment period opened on May 28, 2010, and will continue until August 30, 2010. Written and oral comments will be given equal weight, and FRA will consider all comments received or postmarked by that date in the preparing the Final EIS. Comments received or postmarked after that date will be considered to the extent practicable. Dates and locations for the public hearings are listed below. "Open House" information sessions will be held from 5–7 p.m. followed by public hearings at 7 p.m. Eastern Standard Time:

1. Norlina, NC: July 13, 2010, Northside Elementary School, 164 Elementary Avenue, Norlina, NC 27563.
2. Alberta, VA: July 15, 2010, Southside Virginia Community College, Christanna Campus, 109 Campus Drive, Alberta, VA 23821.
3. Richmond, VA: July 20, 2010, Virginia Department of Motor Vehicles Cafeteria, 2300 West Broad Street, 1st floor, Richmond, VA 23269.
4. Petersburg, VA: July 21, 2010, Union Station, 103 River Street, Petersburg, VA 23804.
5. McKenney, VA: July 22, 2010, Sunnyside Elementary School, 10203 Sunnyside Road, McKenney, VA 23872.
6. Raleigh, NC: July 26, 2010, Raleigh Convention Center, 500 South Salisbury Street, Raleigh, NC 27601.
7. Henderson, NC: July 27, 2010, Aycock Elementary School, 305 Carey Chapel Road, Franklin County, NC 27537.
8. Franklinton, NC: July 29, 2010, Franklinton High School Gym, 6948 N. Cheatham Street, Franklinton, NC 27525.

**ADDRESSES:** Comments may be submitted at the public hearings both verbally and in writing. Written comments may be submitted electronically via the project Web site at <http://www.sehsr.org> or mailed to SEHSR Comments, NCDOT Rail Division, 1553 Mail Service Center, Raleigh, NC 27699–1553, or SEHSR Comments, Virginia Department of Rail and Public Transportation, 600 East Main Street, Suite 2102, Richmond, VA 23219.

**FOR FURTHER INFORMATION CONTACT:** For further information regarding the environmental review, please contact one of the following three individuals: Mr. Patrick Simmons, NCDOT Rail Division, 1553 Mail Service Center, Raleigh, NC 27699–1553 (telephone 919–733–7245), or by e-mail at [pbsimmons@ncdot.gov](mailto:pbsimmons@ncdot.gov), with "SEHSR Richmond to Raleigh," in the subject heading; or Ms. Christine Fix, Virginia Department of Rail & Public Transportation, 600 East Main Street, Suite 2102, Richmond, VA 23219 (telephone 804–786–1052) or by e-mail at [christine.fix@drpt.virginia.gov](mailto:christine.fix@drpt.virginia.gov), with "SEHSR Richmond to Raleigh" in the subject heading; or Mr. John Winkle, Transportation Industry Analyst, Office of Passenger Programs, Federal Railroad Administration, 1200 New Jersey Ave., SE., Room W38–311, Washington, DC 20590 (telephone 202 493–6067), or by e-mail at [John.Winkle@DOT.Gov](mailto:John.Winkle@DOT.Gov) with "SEHSR Richmond to Raleigh" in the subject heading.

**SUPPLEMENTARY INFORMATION:** The Tier II DEIS evaluates alternatives and the environmental impacts for proposed high speed passenger rail service with a maximum authorized speed of 110 miles per hour within the preferred corridor described in the Tier I Record of Decision for the SEHSR Corridor from Washington, DC to Charlotte, NC. This Tier II DEIS is focused on the approximately 162 mile portion of the corridor between Main Street Station in Richmond, VA and the Boylan Wye in Raleigh, NC. The project corridor generally follows the CSX S-line from Main Street Station, Richmond, VA, to Centralia, VA, then the CSX A-line to Collier Yard, Petersburg, VA. South of Collier Yard the corridor follows the Burgess Connector rail line to Burgess, VA, and the former Seaboard Air Line (S-line) to Norlina, NC, where the S-line returns to an active freight railroad. In Raleigh, NC, the study corridor includes two alternatives: the western branch follows the existing Norfolk Southern (NS) NS-line; the eastern branch continues to follow the CSX S-line. The two branches rejoin before the terminus of the project at the Boylan Wye. Included in the project are nearly 100 new bridges/overpasses that, when combined with existing bridges/overpasses, will create a fully grade-separated system to ensure the safety of both passengers and the surrounding community.

For engineering purposes and discussions of impacts, the project corridor is divided into 26 sections. There are three alternatives in each section, and each rail alternative

includes an associated set of highway improvements. In many areas, the alternatives are concurrent. The endpoints of each of the 26 sections are in locations where the alternative alignments are in a common location. The alternatives are evaluated section by section, allowing a "best-fit" preferred alternative to be developed for the entire study corridor. The Tier I EIS established the purpose and need for the project; and evaluated nine build alternatives, as well as a No-Build Alternative; therefore, a no-build alternative was not evaluated in this Tier II document. Potential environmental impacts of the alternatives include increased noise and vibration, local traffic impacts associated with consolidation of existing at-grade crossings to new or existing bridges and underpasses, impacts on historic properties and archeological sites, impacts on parks and recreation resources, impacts on sensitive biological resources and wetlands, and use of energy. Potential mitigation strategies are described to avoid or minimize potential impacts. Such strategies would be further refined when the preferred alternative is selected, and discussed in the Final Environmental Impact Statement.

#### Availability of the DEIS

Copies of the Draft EIS and appendices are available for review at the following locations:

- Richmond Main Public Library, 101 East Franklin Street, Richmond, VA.
- Richmond Regional Planning District Commission, 9211 Forest Hill Avenue, Suite 200, Richmond, VA.
- Chesterfield County Central Public Library, 9501 Lori Road, Chester, VA.
- Colonial Heights Public Library, 1000 Yacht Basin Drive, Colonial Heights, VA.
- Petersburg Central Public Library, 137 S. Sycamore Street, Petersburg, VA.
- Crater District Planning Commission, 1964 Wakefield Street, Petersburg, VA.
- Dinwiddie County Planning Department, 14016 Boydton Plank Road, Dinwiddie, VA.
- Southside Virginia Community College Library, Christiana Campus, 109 Campus Drive, Alberta, VA.
- Southside Planning District Commission, 200 S. Mecklenburg Avenue, South Hill, VA.
- Norlina Town Hall, 101 Main Street, Norlina, NC.
- NCDOT District 3 Office, 321 Gillburg Road, Henderson, NC.
- Franklinton Branch Public Library, 9 West Mason Street, Franklinton, NC.

• NCDOT District 1 Office, 4009 District Drive, Raleigh, NC.

The project Web site <http://www.sehsr.org> includes a complete list of locations and addresses. The document is also available at the Virginia Department of Rail and Public Transportation Office at 600 East Main Street, Suite 2102, Richmond, VA; and the North Carolina Department of Transportation Rail Division at 1 South Wilmington Street, Raleigh, NC. In addition, electronic versions of the Draft Tier II EIS and appendices are available through FRA's Web site at [www.fra.dot.gov](http://www.fra.dot.gov), on the DRPT Web site at <http://www.drpt.virginia.gov> and on the project Web site at [www.sehsr.org](http://www.sehsr.org).

Issued in Washington, DC, on June 2, 2010.

**Mark E. Yachmetz,**

Associate Administrator for Policy and Development.

[FR Doc. 2010-13587 Filed 6-4-10; 8:45 am]

**BILLING CODE 4910-06-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[FMCSA Docket No. FMCSA-2010-0149]

#### Rules of Practice

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Notice of suspension of informal hearing procedure; request for comments.

**SUMMARY:** The FMCSA announces that it is re-evaluating the appropriateness and effectiveness of the informal hearing procedure authorized under the Agency's Rules of Practice. Although proceedings where an informal hearing has already been requested will continue to be processed under the Rules of Practice, the Agency will not entertain any new requests for informal hearings pending its re-evaluation of the procedure.

**DATES:** Effective June 7, 2010. Comments must be received by August 6, 2010.

**ADDRESSES:** You may submit comments identified by the Federal Docket Management System Docket Number, FMCSA-2010-0149, by any of the following methods. Do not submit the same comments by more than one method. However, to allow effective public participation before the comment period deadline, the Agency encourages use of the Web site, which is listed first. It will provide the most efficient and timely method of receiving and processing your comments.

• *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.

• *Fax:* 1-202-493-2251.

• *Mail:* Docket Management Unit; U.S. Department of Transportation, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

• *Hand Delivery:* Ground floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

*Instructions:* All submissions must include the Agency name and docket number for this regulatory action. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. The Department of Transportation's (DOT) complete Privacy Act Statement was published in the **Federal Register** on April 11, 2000 (65 FR 19476), and can be viewed at <http://docketsinfo.dot.gov>.

*Public Participation:* The regulations.gov system is generally available 24 hours each day, 365 days each year. You can find electronic submission and retrieval help and guidelines under the "help" section of the Web site. For notification that FMCSA received the comments, please include a self-addressed, stamped envelope or postcard, or print the acknowledgement page that appears after submitting comments on line. Copies or abstracts of all documents referenced in this notice are in the docket: FMCSA-2010-0149. For access to the docket to read background documents or comments received, go to <http://www.regulations.gov> at any time or to Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. All comments received before the close of business on the comment closing date indicated above will be considered and will be available for examination in the docket at the above address. Comments received after the closing date will be considered to the extent practicable. FMCSA may, however, issue a final determination at any time after the close of the comment period. In addition to late comments, FMCSA will also continue to file in the public docket relevant information that becomes available after the comment closing date. Interested persons should monitor the public docket for new material.

**FOR FURTHER INFORMATION CONTACT:** Michael J. Falk, Office of Chief Counsel, Adjudications Counsel (MC-CCA), FMCSA, 1200 New Jersey Avenue, SE.,

Washington, DC 20590. Tel. (202) 366-9304.

#### SUPPLEMENTARY INFORMATION:

##### Background

Under 49 U.S.C. 113(f), Congress directed FMCSA to carry out the duties and powers related to motor carriers or motor carrier safety vested in the Secretary of Transportation by chapters 5, 51, 55, 57, 59, 133 through 149, 311, 313, 315 and 317 of title 49 of the U.S. Code, except as otherwise delegated by the Secretary. Regulations implementing this statutory authority include the Federal Motor Carrier Safety Regulations (FMCSRs) (49 CFR parts 380-399), the Federal Motor Carrier Commercial Regulations (FMCCRs) (49 CFR parts 360-379), and the Federal Hazardous Materials Regulations (HMRs) (49 CFR parts 171-180).

FMCSA's enforcement powers include the general authority to conduct administrative enforcement proceedings for violations of the FMCCRs (49 U.S.C. 14701) as well as to assess civil penalties for violations related to commercial motor vehicle safety (49 U.S.C. chapter 5) and hazardous materials (49 U.S.C. chapter 51).

In accordance with this authority, the Agency promulgated regulations governing civil penalty and driver disqualification proceedings before the Agency. These regulations are known as the Rules of Practice for Motor Carrier, Intermodal Equipment Provider, Broker, Freight Forwarder, and Hazardous Materials Proceedings (Rules of Practice) and are codified at 49 CFR part 386.

In May 2005, the Agency amended the Rules of Practice to establish, among other things, an informal hearing process as an option for adjudicating administrative enforcement proceedings (see 70 FR 28467, May 18, 2005). Civil penalty proceedings are initiated by issuance of a Notice of Claim by a representative of the Agency (Claimant) pursuant to 49 CFR 386.11(c). Under 49 CFR 386.14(b)(2), the party against whom a claim is made (Respondent) must reply to the Notice of Claim by electing one of three options: (1) Paying the full amount of the claim; (2) contesting the claim by requesting administrative adjudication pursuant to section 386.14(d); or (3) seeking binding arbitration in accordance with the Agency's arbitration program. Under section 386.14(d)(1)(iii), a respondent electing administrative adjudication may request that the matter be adjudicated either through: (A) Submission of written evidence without hearing; (B) an informal hearing; or (C) a formal hearing.