

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****Notice of Intent To Rule on Request To Release Airport Property at the Kearney Municipal Airport, Kearney, NE**

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

**ACTION:** Notice of request to release airport property.

**SUMMARY:** The FAA proposes to rule and invites public comment on the release of land at the Kearney Municipal Airport under the provisions of Section 125 of the Wendell H. Ford Aviation Investment Reform Act for the 21st Century (AIR 21).

**DATES:** Comments must be received on or before January 10, 2011.

**ADDRESSES:** Comments on this application may be mailed or delivered to the FAA at the following address: Federal Aviation Administration, Central Region, Airports Division, 901 Locust, Kansas City, Missouri 64106-2325. In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Michael J. Tye, City Attorney, City of Kearney, 1419 Central Avenue, P.O. Box 636, Kearney, NE, 68848-0636.

**FOR FURTHER INFORMATION CONTACT:** Nicoletta Oliver, Airports Compliance Specialist, FAA, Central Region, 901 Locust, Kansas City, MO 64106-2325, (816) 329-2642.

The request to release property may be reviewed in person at this same location.

**SUPPLEMENTARY INFORMATION:** The FAA proposes to rule and invites public comment on the request to release property at the Kearney Municipal Airport under the provisions of AIR21.

On November 4, 2010, the FAA determined that the request to release property at the Kearney Municipal Airport, submitted by the City of Kearney, met the procedural requirements of the Federal Aviation Administration. The FAA will approve or disapprove the request, in whole or in part, no later than January 7, 2011.

The following is a brief overview of the request.

The City of Kearney requests the release of approximately 170 acres of airport property.

The land is currently not being used for aeronautical purposes. The purpose of this release is to sell the land to Delux Manufacturing Co. Inc. for use as farm land and generate revenue for the airport.

Any person may inspect the request in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**.

In addition, any person may, upon request, inspect the application, notice and other documents that are relevant to the request, in person at the City of Kearney, Kearney, Nebraska.

Issued in Kansas City, Missouri, on November 16, 2010.

**Jim A. Johnson,**

*Manager, Airports Division, Central Region.*

[FR Doc. 2010-30976 Filed 12-8-10; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF TRANSPORTATION****Federal Railroad Administration****Environmental Impact Statement for the Milwaukee, WI (Milwaukee Intermodal Station) to Minneapolis, MN (Minneapolis Transportation Interchange) Rail Corridor**

**AGENCY:** Federal Railroad Administration, Department of Transportation.

**ACTION:** Notice of intent to prepare an Environmental Impact Statement.

**SUMMARY:** FRA is issuing this notice to advise the public that a Tier I Environmental Impact Statement (EIS) will be prepared for the Milwaukee, WI to Minneapolis-St. Paul, MN (Milwaukee-Twin Cities) High-Speed Rail Corridor Program. The project includes passenger stations, maintenance facilities, and the construction of a high-speed rail line between Milwaukee and the Twin Cities. This corridor is part of a larger network of high-speed passenger rail corridors in the Midwest, with a hub in Chicago, IL. The effort to develop these high-speed rail corridors and expand the passenger rail system in the Midwest is known as the Midwest Regional Rail Initiative (MWRRI). FRA is issuing this notice to solicit public and agency input into the development of the scope of the EIS and to advise the public that outreach activities conducted by FRA will be considered in the preparation of the EIS. Alternatives under consideration include taking no action (No Build), as well as several build alternatives along a variety of corridors between Milwaukee and the Twin Cities.

**DATES:** Locations, dates, and start and end times for public meetings involving the EIS are listed in the **SUPPLEMENTARY INFORMATION** section of this notice.

**FOR FURTHER INFORMATION CONTACT:** Mr. Daniel Krom, Director, Passenger Rail

Office, Minnesota Department of Transportation, 395 John Ireland Boulevard, MS 480, St. Paul, MN 55155, telephone (651)-366-3193; or Ms. Colleen Vaughn, Office of Railroad Policy and Development, Federal Railroad Administration (FRA), 1200 New Jersey Avenue, SE., MS-20/W38-303, Washington, DC 20590, telephone (202) 493-6096.

**SUPPLEMENTARY INFORMATION:** FRA, in cooperation with the Minnesota Department of Transportation (Mn/DOT), and the Wisconsin Department of Transportation (WisDOT), will prepare a Tier 1 EIS for the Milwaukee-Twin Cities High-Speed Rail Corridor Program from the Milwaukee Intermodal Station in Milwaukee, WI to the Minneapolis Transportation Interchange in Minneapolis, MN. The objective of the tiered EIS is to evaluate potential intercity passenger rail route alternatives at the corridor level and will result in the creation of a Service Development Plan for the corridor.

*Objectives:* The objectives of this MWRRI project are to meet current and future regional travel needs through significant improvements to the level and quality of passenger rail service and provide a stimulus for joint development in communities served by the system by:

- Using existing rail rights-of-way to connect rural, small urban, and major metropolitan areas;
- Improving safety, reliability and on-time performance;
- Providing a transportation choice for smaller communities which do not have or are under-served by commercial air service;
- Providing improved travel times that are competitive with the automobile mode; and
- Using modern train equipment operating at speeds up to 110 mph.

*Environmental Review Process:* The EIS will be developed in accordance with Council on Environmental Quality (CEQ) regulations (40 CFR part 1500 *et seq.*) implementing the National Environmental Policy Act (NEPA), FRA's Procedures for Considering Environmental Impacts (64 FR 28545; May 26, 1999). FRA, with Mn/DOT and WisDOT, will use a tiered process, as provided for in 40 CFR 1508.28 and in accordance with FRA guidance, in the completion of the environmental review of the Project. The Tier 1 EIS will address broad corridor-level issues and proposals. Subsequent phases or tiers will analyze, at a greater level of detail, narrower site-specific proposals based on the decisions made in Tier 1.

Tier 1: The Tier 1 EIS will result in a NEPA document with the appropriate

level of detail for corridor-level decisions and will address broad overall issues of concern, including but not limited to:

- Confirming the purpose and need for the proposed action.

- Confirming the study area appropriate to assess reasonable and feasible alternatives.

- Identifying a comprehensive set of goals and objectives for the corridor in conjunction with the project sponsors and other stakeholders. These goals and objectives will be crafted to allow comprehensive evaluation of all aspects of the project necessary to achieve the goals, including train operations, vehicles and infrastructure.

- Identifying the reasonable and feasible alternatives to be considered including a no action/no build alternative, consistent with the current and planned use of the corridor and the existing services within and adjacent to the study area.

- Developing criteria and screen alternatives to eliminate those alternatives that do not meet the purpose and need of the proposed action.

- Identifying the general alignment(s) of the reasonable and feasible alternatives.

- Identifying right-of-way requirements for the reasonable and feasible alternatives.

- Identifying the infrastructure and equipment investment requirements for the reasonable and feasible alternatives.

- Identifying the operational changes required for the reasonable and feasible alternatives.

- Describing the environmental impacts associated with proposed changes in passenger rail train frequency, speed, and on-time performance.

- Characterizing the environmental consequences of the reasonable and feasible alternatives.

- Establishing the timing and sequencing of independent actions to maintain a state of good repair and to implement the proposed action.

- Identifying a preferred alternative for route alignment.

- Selecting component projects for Tier 2 NEPA documentation.

*Alternatives:* A No-Build Alternative will be studied as the baseline for comparison with the proposed project. The No-Build Alternative represents other transportation modes such as auto, air travel, intercity bus, and existing rail and the physical characteristics and capacities as they exist at the time of the Tier 1 EIS, with planned and funded improvements that will be in place at the time the project becomes

operational. Several alternatives will be evaluated in the Tier 1 EIS including:

- *Route A1:* This alternative uses Canadian Pacific Railway (CP) right-of-way from Milwaukee, WI to Watertown, WI; right-of-way owned by the State of Wisconsin from Watertown to Junction A in Madison; Union Pacific Railroad Company (UP) right-of-way under lease to Wisconsin & Southern Railroad (WSOR) from Junction A to Johnson Street Yard in Madison, WI; CP right-of-way from Johnson Street Yard in Madison through Portage, WI and La Crosse, WI to Red Wing, MN and to Hastings, MN; CP or BNSF Railway Co. (BNSF) right-of-way from Hastings, MN to St. Paul, MN; and CP and BNSF rights-of-way from St. Paul, MN to Minneapolis, MN.

- *Route A2:* This alternative uses CP right-of-way from Milwaukee, WI to Watertown, WI, through Portage, WI and La Crosse, WI to Red Wing, MN and to Hastings, MN; CP or BNSF right-of-way from Hastings, MN to St. Paul, MN; and CP and BNSF rights-of-way from St. Paul, MN to Minneapolis, MN.

- *Route B1:* This alternative uses CP right-of-way from Milwaukee, WI to Watertown, WI; right-of-way owned by the State of Wisconsin from Watertown to Junction A in Madison, WI; UP right-of-way under lease to WSOR from Junction A to Johnson Street Yard in Madison; CP right-of-way from Johnson Street Yard in Madison through Portage, WI to Winona, MN; Dakota, Minnesota, & Eastern Railroad Co. (DM&E) right-of-way through Rochester, MN to Owatonna, MN; UP right-of-way to Northfield, MN; CP right-of-way to St. Paul, MN; and CP and BNSF rights-of-way from St. Paul to Minneapolis, MN.

- *Route B2:* This alternative uses CP right-of-way from Milwaukee, WI to Watertown, WI, through Portage, WI to Winona, MN; DM&E right-of-way through Rochester, MN to Owatonna, MN; UP right-of-way to Northfield, MN; CP right-of-way to St. Paul, MN; and CP and BNSF rights-of-way from St. Paul to Minneapolis, MN.

- *Route C1:* This alternative uses CP right-of-way from Milwaukee, WI to Watertown, WI; right-of-way owned by the State of Wisconsin from Watertown to Junction A in Madison, WI; UP right-of-way under lease to WSOR from Junction A to Johnson Street Yard in Madison; CP right-of-way from Johnson Street Yard in Madison through Portage, WI to Camp Douglas, WI; UP right-of-way through Eau Claire, WI to St. Paul, MN; and CP and BNSF rights-of-way to Minneapolis, MN.

- *Route C2:* This alternative uses CP right-of-way from Milwaukee, WI to Watertown, WI, through Portage, WI to

Camp Douglas, WI; UP right-of-way through Eau Claire, WI to St. Paul, MN; and CP and BNSF rights-of-way to Minneapolis, MN.

*Scoping and Comments:* FRA encourages broad participation in the EIS process during scoping and subsequent review of the resulting environmental documents. Comments and suggestions are invited from all interested agencies and the public at large to ensure the full range of issues related to the proposed action and all reasonable alternatives are addressed and all significant issues are identified. In particular, FRA is interested in determining whether there are areas of environmental concern where there might be the potential for significant impacts identifiable at a corridor level. Letters describing the proposed project and soliciting comments will be sent to appropriate Federal, State, and local agencies, and appropriate railroads. Public agencies with jurisdiction are requested to advise the FRA, Mn/DOT, and WisDOT of the applicable permit and environmental review requirements of each agency, and the scope and content of the environmental information that is germane to the agency's statutory responsibilities in connection with the proposed improvements.

Agency scoping meetings have been and will be held for this project at the dates and times below. These meetings have been and will be advertised locally and held at the following cities and dates:

1. St. Paul, MN on November 29, 2010 from 5 p.m.–7 p.m.
2. La Crosse, WI/La Crescent, MN on November 30, 2010 from 5 p.m.–7 p.m.
3. Eau Claire, WI on December 1, 2010 from 5 p.m.–7 p.m.
4. Fond du Lac, WI on December 2, 2010 from 5 p.m.–7 p.m.
5. Rochester, MN on December 6, 2010 from 5 p.m.–7 p.m.
6. Madison, WI on December 7, 2010 from 5 p.m.–7 p.m.
7. Milwaukee, WI at a date and location to be determined.

Scoping meetings will also take place after the publication of this Notice in the **Federal Register**. Two additional rounds of public meetings will be held in the same seven locations stated above during February 2011 and February 2012.

Letters describing the proposed action alternatives and soliciting comments will be sent to appropriate Federal, State, and local agencies in Minnesota and Wisconsin. An iterative public involvement/information program will support the process. The program will involve newsletters, a project hotline,

informational workshops, small group meetings, and other methods to solicit and incorporate public input throughout the planning process. To ensure that the full range of issues relating to the proposed action is addressed, comments and suggestions are invited from all interested parties. Comments and questions concerning the extension of the proposed action should be directed to Mn/DOT or to the FRA at the addresses provided above. Additional information can be obtained by visiting the project Web site at <http://www.dot.state.mn.us/passengerrail/mwrrri/phase7.html> or sending an email to MWRRIPhase7@state.mn.us.

Issued in Washington, DC, on December 6, 2010.

**Mark E. Yachmetz,**

*Associate Administrator for Railroad Policy and Development.*

[FR Doc. 2010-31013 Filed 12-8-10; 8:45 am]

**BILLING CODE 4910-06-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### Petition for Waiver of Compliance

In accordance with part 211 of title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) has received a request for a waiver of compliance from certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

#### Madison Railroad

[Waiver Petition Docket Number FRA-2010-0158]

The Madison Railroad (MR) of Madison, Indiana, has petitioned for a permanent waiver of compliance for Locomotive Number 2013, from the requirements of the Railroad Safety Glazing Standards, Title 49 CFR part 223, which require certified glazing in all windows and with the Railroad Safety Appliance Standards, Title 49 CFR part 231, where the vertical handholds do not meet current design requirements. In addition, Caboose CMPA 79718, a standard cupola type road caboose that was built in the late 1970's, originally used by MR as their offices. MR desires to utilize this caboose to offer train rides as a community service 4 times a year. MR states all the existing glazing is safety plate glass in very good condition; however, does not comply with the

Railroad Safety Glazing Standards, Title 49 CFR part 223, which require certified glazing in all caboose windows.

MR, a division of the City of Madison Port Authority, owns and operates a 25 mile Shortline from Madison to North Vernon, Indiana, approximately 4 times a week at a speed of 10 miles per hour (mph) or less. Approximately twice per month, the railroad operates on 25 miles from North Vernon to Madison to service a customer on the Madison hilltop. The locomotive operates at 10 mph or less, moves one to three loads south, and then makes a return trip with empties. Locomotive Number 2013 would normally be used as a back-up locomotive to Locomotive Number 3634.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number FRA-2010-0158) and may be submitted by any of the following methods:

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

Communications received within 45 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.-5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at <http://www.regulations.gov>.

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the

document (or signing the document, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Page 19477) or at <http://www.dot.gov/privacy.html>.

Issued in Washington, DC on December 3, 2010.

**Robert C. Lauby,**

*Deputy Associate Administrator for Regulatory and Legislative Operations.*

[FR Doc. 2010-30910 Filed 12-8-10; 8:45 am]

**BILLING CODE 4910-06-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### Petition for Waiver of Compliance

In accordance with Title 49 Code of Federal Regulations (CFR) part 211, notice is hereby given that the Federal Railroad Administration (FRA) has received a request for a waiver of compliance from certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

#### Roger W. Stabler and Gloria J. Stabler

[Waiver Petition Docket Number FRA-2010-0153]

The owners, Mr. Roger W. Stabler and Ms. Gloria J. Stabler (the Stablers), a private partnership in Woodland in the State of California, have petitioned FRA for a permanent waiver of compliance, for one private passenger car (Two Rivers), from the requirements of 49 CFR Part 223, Safety Glazing Standards, which requires certified glazing in all windows.

The passenger car, Two Rivers, was built by Pullman Standard in 1948, and does not have glazing material that meets the provisions of 49 CFR 223.15, *Requirements for existing passenger cars*, for certified glazing in the 23 side-facing windows (including windows in the end vestibule doors). There are no end-facing windows in this car.

The Two Rivers car is interchanged with the general system of railroads, moved short distances over freight railroads for storage when not in use, and occasionally operated behind Amtrak passenger trains. Also, the Two Rivers car is occasionally used in special trains made up of similarly owned passenger cars being operated for the pleasure of the owner and affiliated members of the American Association of