

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. Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU);
4. Department of Transportation Act of 1966;
5. Federal Aid Highway Act of 1970;
6. Clean Air Act Amendments of 1990;
7. Clean Water Act of 1977 and 1987;
8. Endangered Species Act of 1973;
9. Migratory Bird Treaty Act;
10. Title VI of the Civil Rights Act of 1964;
11. Uniform Relocation Assistance and Real Property Acquisition Act of 1970;
12. National Historic Preservation Act of 1966;
13. Historic Sites Act of 1935;
14. Executive Order 11990, Protection of Wetlands
15. Executive Order 13112, Invasive Species;
16. Executive Order 11988, Floodplain Management; and,
17. Executive Order 12898, Environmental Justice.

(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: July 7, 2011.

**Maiser Khaled,**

*Acting Director, State Programs, Federal Highway Administration, Sacramento, California.*

[FR Doc. 2011-17702 Filed 7-13-11; 8:45 am]

**BILLING CODE 4910-RY-P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Railroad Administration**

**Tupelo, Mississippi Railroad Relocation Project**

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

**ACTION:** Notice of Availability of the Draft Environmental Impact Statement and public hearing for the Tupelo, Mississippi Railroad Relocation Project (Project).

**SUMMARY:** The Federal Railroad Administration announces the availability of the Tupelo, Mississippi Railroad Relocation Project Draft Environmental Impact Statement (DEIS) for public review and comment.

**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 began with EPA's publication of the NOA on June 24, 2011. Because of the anticipated interest in the Project, the comment period will continue until September 12, 2011. Written and oral comments will be given equal weight, and FRA and MDOT will consider all comments received or postmarked by that date in preparing the Final EIS. Comments received or postmarked after that date will be considered to the extent practicable.

The public hearing on the DEIS will be held on Thursday, August 11, 2011, from 4 to 7 p.m. at the BancorpSouth Arena located at 375 East Main Street, Tupelo, Mississippi 38804. The hearing will be held in meeting rooms 3, 4 and 5 and attendees are encouraged to park on the west side of the building as that is more convenient to the meeting rooms.

**ADDRESSES:** Comments may be submitted at the public hearings both verbally and in writing. Written comments may be submitted until September 12, 2011. Comment sheets are available on the project Web site at <http://www.gomdot.com/Home/Projects/Studies/Northern/TupeloRailroadRelocation/Home.aspx>. The comment sheets may be submitted by FAX to 601-359-7355 or mailed to MDOT at Mississippi Department of Transportation, Environmental Division (87-01), P.O. Box 1850, Jackson, MS 39215-9947. Comments may also be submitted by e-mail at <http://www.gomdot.com/Home/AboutMDOT/EmailUs.aspx?Topic=Environmental>.

**FOR FURTHER INFORMATION CONTACT:** For further information regarding the DEIS or the Project, please contact: Ms. Kim Thurman, Environmental Division Manager, Mississippi Department of Transportation, P.O. Box 1850, Jackson, MS 39215 (telephone 601 359-7920); or by e-mail at [Kthurman@mdot.state.ms.us](mailto:Kthurman@mdot.state.ms.us) with "Tupelo Railroad Relocation Project" 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 "Tupelo Railroad Relocation Project" in the subject heading.

**SUPPLEMENTARY INFORMATION:** 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 procedures, 64 FR 28545 (May 26, 1999). FRA is the lead Federal agency and the Mississippi Department of Transportation (MDOT) is the lead State agency. The Environmental Protection Agency (EPA) included the DEIS in the Notice of Availability (NOA) published on June 24, 2011.

The DEIS evaluates the environmental impacts of the Tupelo, Mississippi Railroad Relocation Project, through which MDOT proposes to relocate an existing BNSF Railway Company (BNSF) main line. Currently, the BNSF line runs at grade and through several busy intersections in the City of Tupelo. The purpose of the Project is to improve mobility and safety by reducing roadway congestion caused by the operation of BNSF trains through the City, particularly at the intersection of Main Street (US 278/MS 6) and Gloster Street (MS 145). The build alternatives considered included operational improvements, alternative corridors, and in-town options such as railroad and highway grade separations. Through the alternatives development process, an elevated rail viaduct with a relocated interchange yard was considered to be the only reasonable build alternative and, therefore, was brought forward for detailed study.

Potential environmental impacts of the No-Build Alternative include noise, safety and mobility impacts, while the primary impacts of the Build Alternative include high construction costs, and impacts to farmlands, cultural and historic resources, streams, floodplains and utilities. Mitigation strategies are described to avoid or minimize potential impacts. Such strategies would be further refined in subsequent environmental review.

**Availability of the DEIS**

MDOT has placed copies of the Draft EIS and appendices at the following locations:

- Tupelo City Hall, 71 East Troy Street, Tupelo, MS 38804.
- Lee County Public Library, 219 N. Madison Street, Tupelo, MS 38801.
- Lee County Chancery Clerk, 200 W. Jefferson Street, Tupelo, MS 38804.

Mississippi Department of Transportation, Environmental Division, 401 North West Street, Jackson, MS 39201.

Mississippi Department of Transportation, First District Headquarters, 1901 N. Gloster Street, Tupelo, MS 38803.

Federal Railroad Administration, Region 3, 61 Forsyth Street—Suite 16T20, Atlanta, GA 30303–3104.

In addition, electronic versions of the Draft EIS and appendices are available through FRA's Web site at <http://www.fra.dot.gov/rpd/freight/3002.shtml> and the MDOT Web site at <http://www.gomdot.com/Home/Projects/Studies/Northern/TupeloRailroadRelocation/Home.aspx>.

Issued in Washington, DC, on July 8, 2011.

**Mark E. Yachmetz,**

*Associate Administrator for Railroad Policy & Development.*

[FR Doc. 2011–17684 Filed 7–13–11; 8:45 am]

**BILLING CODE 4910–06–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket Number FRA–2011–0052]

#### Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 of the Code of Federal Regulations (CFR), this document provides the public notice that by a document dated June 14, 2011, the Norfolk Southern Railway Corporation (NS) has petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR Part 236. FRA assigned the petition Docket Number FRA–2011–0052.

NS seeks a waiver from compliance with cab signal system requirements found in 49 CFR 236.566 *Locomotive of each train operating in train stop, train control, or cab signal territory; equipped*. Specifically, NS seeks relief to operate non-equipped locomotives in the following locations:

- Operations on the Pittsburgh Line, Harrisburg Division from control point (CP) Cannon at milepost (MP)–PT 118.9 near Duncannon, Pennsylvania to CP Harrisburg at MP–PT 105.1 near Harrisburg, PA.

- Operations on the Pittsburgh Line, Pittsburgh Division from CP Cannon at MP–PT 118.9 near Duncannon, PA to CP Solomon at MP–PT 352.5 near Pittsburgh, PA, with the condition that an absolute block be established in advance of each movement of foreign

trains and engines between CP Bloom at MP–PT 351.6 near Pittsburg, PA and CP Solomon.

- Operations on the Fort Wayne Line, Pittsburgh Division from CP Rochester at MP–PC 29.5, near East Rochester, PA to CP Alliance at MP–PC 83.2.

- Operations on the Conemaugh Line, Pittsburgh Division from CP Conpit at MP–LC 0.0, near Bolivar, PA to CP Kiski at MP–LC 47.8, near Freeport, PA.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at <http://www.regulations.gov> and in person at the Department of Transportation's Docket Operations Facility, 1200 New Jersey Ave., SE., W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

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 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 by August 29, 2011 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

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 comment (or signing the comment, 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; Pages 19477–78) or

online at <http://www.dot.gov/privacy.html>.

Issued in Washington, DC on July 7, 2011.

**Robert C. Lauby,**

*Deputy Associate Administrator for Regulatory & Legislative Operations.*

[FR Doc. 2011–17681 Filed 7–13–11; 8:45 am]

**BILLING CODE 4910–06–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket Number FRA–2009–0052]

#### Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 of the Code of Federal Regulations (CFR), this document provides the public notice that by a document dated June 3, 2011, the Norfolk Southern Corporation (NS) has petitioned the Federal Railroad Administration (FRA) for an extension of the relief previously granted under Docket Number FRA–2009–0052. The original request granted conditional approval on September 29, 2009, for relief from requirements of the Rules, Standards and Instructions, Title 49 CFR Part 236, 236.586—Daily or after trip test.

NS requested a waiver from compliance with § 236.586 Daily or after trip test in its entirety for locomotives equipped with UltraCab equipment.

Applicant's justification for the extension: Over the past 19 months, NS has not seen any notable increase or decrease in locomotive shoppings as a result of not performing a daily or after-trip test while operating locomotives in cab signal territory.

NS further request that they be allowed to conduct the currently required quarterly performance review on a semi-annual basis, with all other conditions of the September 29, 2009, letter to be abided with.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at <http://www.regulations.gov> and in person at the Department of Transportation's Docket Operations Facility, 1200 New Jersey Ave., SE., W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

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