

was published in the **Federal Register** on December 29, 2009.

The Kissimmee Gateway Airport study contains a proposed Noise Compatibility Program Update comprised of actions designed for phased implementation by airport management and adjacent jurisdictions from September 23, 2011 to the year 2014. It was requested that FAA evaluate and approve this material as a Noise Compatibility Program as described in Section 47504 of the Act. The FAA began its review of the Program on April 1, 2011, and was required by a provision of the Act to approve or disapprove the Program within 180-days (other than the use of new or modified flight procedures for noise control). Failure to approve or disapprove such Program within the 180-day period shall be deemed to be an approval of such Program.

The submitted Program contained a total of nineteen (19) elements, four (4) of which were FAA and/or airport operator actionable measures for noise mitigation on and off the airport. The FAA completed its review and determined that the procedural and substantive requirements of the Act and 14 CFR part 150 have been satisfied. The overall Program, therefore, was approved by the FAA effective September 23, 2011.

Outright approval was granted for two (2) of the specific program elements. In addition, two (2) of the program elements were disapproved by the FAA. Operational Measure #2 was disapproved for purposes of part 150 because it did not provide any quantifiable reduction in noise impacts to non-compatible land uses. Land Use Measure #16 was disapproved for purposes of part 150 because the local municipal jurisdictions have not yet adopted a lower local standard which defines incompatible land uses below DNL 65 dBA. The other fifteen (15) program elements were elements from the original Noise Compatibility Program completed by the City of Kissimmee and approved by the FAA in 1994, which were requested to be rescinded by the airport operator in the current Program. At the airport operators request, the FAA has withdrawn its 1994 approval of these 15 elements in accordance with 14 CFR part 150.35(d)(5).

These determinations are set forth in detail in a Record of Approval signed by the FAA on September 23, 2011. The Record of Approval, as well as other evaluation materials and the documents comprising the submittal, are available for review at the FAA office listed above and at the administrative office of the

City of Kissimmee. The Record of Approval also will be available on-line at: [http://www.faa.gov/airports\\_airtraffic/airports/environmental/airport\\_noise/part\\_150/states/](http://www.faa.gov/airports_airtraffic/airports/environmental/airport_noise/part_150/states/).

Issued in Orlando, Florida on September 23, 2011.

**W. Dean Stringer,**

*Manager, Orlando Airports District Office.*

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**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Noise Exposure Map Update for Buffalo Niagara International Airport, Buffalo, NY

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice.

**SUMMARY:** The Federal Aviation Administration (FAA) announces its determination that the updated noise exposure maps submitted by the Niagara Frontier Transportation Authority (NFTA), for Buffalo Niagara International Airport, under the provisions of 49 U.S.C. 47501 *et seq.* (Aviation Safety and Noise Abatement Act) and 14 CFR Part 150 are in compliance with applicable requirements.

**DATES:** *Effective Date:* The effective date of the FAA's determination on the noise exposure maps is September 20, 2011.

**FOR FURTHER INFORMATION CONTACT:** Ms. Suki Gill, Environmental Protection Specialist, Federal Aviation Administration, New York Airports District Office, 600 Old Country Road, Suite 446, Garden City, NY 11530, Telephone (516) 227-3815.

**SUPPLEMENTARY INFORMATION:** This notice announces that the FAA finds that the updated noise exposure maps submitted for Buffalo Niagara International Airport are in compliance with applicable requirements of 14 Code of Federal Regulations (CFR) part 150 (hereinafter referred to as "part 150"), effective September 20, 2011. Under 49 U.S.C. section 47503 of the Aviation Safety and Noise Abatement Act (hereinafter referred to as "the Act"), an airport operator may submit to the FAA noise exposure maps which meet applicable regulations and which depict non-compatible land uses as of the date of submission of such maps, a description of projected aircraft operations, and the ways in which such operations will affect such maps. The

Act requires such maps to be developed in consultation with interested and affected parties in the local community, government agencies, and persons using the airport. An airport operator who has submitted noise exposure maps that are found by FAA to be in compliance with the requirements of part 150, promulgated pursuant to the Act, may submit a noise compatibility program for FAA approval which sets forth the measures the operator has taken or proposes to take to reduce existing non-compatible uses and prevent the introduction of additional non-compatible uses.

The FAA has completed its review of the noise exposure maps and accompanying documentation submitted by the NFTA. The documentation that constitutes the "Noise Exposure Maps" as defined in section 150.7 of part 150 includes: Figure 6 "2008 Noise Exposure Map with Land Use" and Figure 9 "2013 Noise Exposure Map & Affected Land Uses." The FAA has determined that these noise exposure maps and accompanying documentation are in compliance with applicable requirements. This determination is effective on September 20, 2011.

FAA's determination on an airport operator's noise exposure maps is limited to a finding that the maps were developed in accordance with the procedures contained in Appendix A of part 150. Such determination does not constitute approval of the applicant's data, information or plans, or a commitment to approve a noise compatibility program or to fund the implementation of that program. If questions arise concerning the precise relationship of specific properties to noise exposure contours depicted on a noise exposure map submitted under section 47503 of the Act, it should be noted that the FAA is not involved in any way in determining the relative locations of specific properties with regard to the depicted noise contours, or in interpreting the noise exposure maps to resolve questions concerning, for example, which properties should be covered by the provisions of section 47506 of the Act. These functions are inseparable from the ultimate land use control and planning responsibilities of local government. These local responsibilities are not changed in any way under part 150 or through FAA's review of noise exposure maps. Therefore, the responsibility for the detailed overlaying of noise exposure contours onto the map depicting properties on the surface rests exclusively with the airport operator that submitted those maps, or with

those public agencies and planning agencies with which consultation is required under section 47503 of the Act. The FAA has relied on the certification

by the airport operator, under section 150.21 of Part 150, that the statutorily required consultation has been accomplished.

Copies of the full noise exposure map documentation and of the FAA's evaluation of the maps are available for examination at the following locations:

Federal Aviation Administration, New York Airports District Office, 600 Old Country Road, Suite 446, Garden City, NY 11530. Monday–Friday—9 a.m.–4 p.m.

Niagara Frontier Transportation Authority, Buffalo Niagara International Airport, 4200 Genesee Street, Buffalo, NY 14225, (716) 630–6000, Available upon request <http://www.nfta.com>.

BNIA Noise Demonstration Home, 68 Cayuga Road, Buffalo, NY 14225. Monday–Friday—9 a.m.–4 p.m. (716) 632–3506.

Questions may be directed to the individual named above under the heading **FOR FURTHER INFORMATION CONTACT**.

Issued in Jamaica, New York, on September 21, 2011.

**Tom Felix,**

*Manager, Planning & Programming, AEA–610, Eastern Region.*

[FR Doc. 2011–25154 Filed 9–29–11; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

#### Notice of Limitation on Claims Against Proposed Public Transportation Projects

**AGENCY:** Federal Transit Administration (FTA), DOT.

**ACTION:** Notice of limitation on claims.

**SUMMARY:** This notice announces final environmental actions taken by the Federal Transit Administration (FTA) for the following projects: (1) Middletown Train Station Relocation, Pennsylvania Department of Transportation, Middletown Borough and Lower Swatara Township, PA; (2) Union Station to Oak Cliff Dallas Streetcar, North Central Texas Council of Governments, Dallas, TX; (3) Wilshire Bus Rapid Transit Project, Los Angeles County Metropolitan Transportation Authority, Los Angeles, CA; (4) Cedar Avenue Bus Rapid Transit Station-to-Station Service, Minnesota Valley Transit Authority and Metropolitan Council, Cities of Lakeville, Apple Valley, Eagan, and Bloomington, MN; and (5) Albany Multimodal Transit Center, City of Albany and Georgia Department of Transportation, City of Albany, Dougherty County, GA. The purpose of this notice is to announce publicly the environmental decisions by FTA on the subject projects and to activate the limitation on any claims that may challenge these final environmental actions.

**DATES:** By this notice, FTA is advising the public of final agency actions

subject to Section 139(l) of Title 23, United States Code (U.S.C.). A claim seeking judicial review of the FTA actions announced herein for the listed public transportation project will be barred unless the claim is filed on or before March 28, 2012.

**FOR FURTHER INFORMATION CONTACT:** Carl Bausch, Director, Office of Human and Natural Environment, (202) 366–1626, or Christopher Van Wyk, Attorney-Advisor, Office of Chief Counsel, (202) 366–1733. FTA is located at 1200 New Jersey Avenue, SE., Washington, DC 20590. Office hours are from 9 a.m. to 5:30 p.m., EST, Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that FTA has taken final agency actions by issuing certain approvals for the public transportation projects listed below. The actions on these projects, as well as the laws under which such actions were taken, are described in the documentation issued in connection with the project to comply with the National Environmental Policy Act (NEPA) and in other documents in the FTA administrative record for the projects. Interested parties may contact either the project sponsor or the relevant FTA Regional Office for more information on the project. Contact information for FTA's Regional Offices may be found at <http://www.fta.dot.gov>.

This notice applies to all FTA 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, NEPA [42 U.S.C. 4321–4375], Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303], Section 106 of the National Historic Preservation Act [16 U.S.C. 470f], and the Clean Air Act [42 U.S.C. 7401–7671q]. This notice does not, however, alter or extend the limitation period of 180 days for challenges of project decisions subject to previous notices published in the **Federal Register**. The projects and actions that are the subject of this notice are:

1. *Project name and location:* Middletown Train Station Relocation, Middletown Borough and Lower Swatara Township, PA. *Project sponsor:* Pennsylvania Department of Transportation. *Project description:* The project will relocate the Middletown Train Station in from Mill Street to Ann Street/Airport Drive (State Road 441). The project would require acquisition of land from Abbco Real Properties at the proposed Westporte Retail Center (on the AP Green site) for the proposed parking lot at 350 West Main Street (Route 230). The proposed Train Station platforms would be located just west of 350 West Main Street in Middletown. *Final agency actions:* Section 4(f) determination; Section 106 finding of no adverse effect; regional and project-level air quality conformity; and a Finding of No Significant Impact (FONSI), dated August 2011. *Supporting documentation:* Environmental Assessment, dated June 2011.

2. *Project name and location:* Union Station to Oak Cliff Dallas Streetcar, Dallas, TX. *Project sponsor:* North Central Texas Council of Governments. *Project description:* The project consists of an approximately 1.6-mile streetcar alignment operating on an at-grade track in a dedicated, bi-directional streetcar lane. The project includes four proposed stops, all located within the roadway right-of-way. To maintain and store the streetcar vehicles, the project will rely on the Dallas Area Rapid Transit's Central Rail Operating Facility. *Final agency actions:* Section 4(f) *de minimis* impact determination; Section 106 finding of no adverse effect; regional and project-level air quality conformity; and a Finding of No Significant Impact (FONSI), dated July 2011. *Supporting documentation:* Environmental Assessment, dated May 2011.

3. *Project name and location:* Wilshire Bus Rapid Transit Project, Los Angeles, CA. *Project sponsor:* Los Angeles County Metropolitan Transportation Authority. *Project description:* The project involves construction of 9.7 miles of dedicated bus lanes from Valencia Street to San Vicente Boulevard (6.1 miles), the western