

Operating Authorization at its discretion. Such temporary allocations will not be entitled to historical status for the next applicable scheduling season under paragraph 9.

11. If the FAA determines that an involuntary reduction in the number of allocated Operating Authorizations is required to meet operational needs, such as reduced airport capacity, the FAA will conduct a weighted lottery to withdraw Operating Authorizations to meet a reduced hourly or half-hourly limit for scheduled operations. The FAA will provide at least 45 days' notice unless otherwise required by operational needs. Any Operating Authorization that is withdrawn or temporarily suspended will, if reallocated, be reallocated to the carrier from which it was taken, provided that the carrier continues to operate scheduled service at EWR.

12. The FAA will enforce this Order through an enforcement action seeking a civil penalty under 49 U.S.C. 46301(a). A carrier that is not a small business as defined in the Small Business Act, 15 U.S.C. 632, will be liable for a civil penalty of up to \$25,000 for every day that it violates the limits set forth in this Order. A carrier that is a small business as defined in the Small Business Act will be liable for a civil penalty of up to \$10,000 for every day that it violates the limits set forth in this Order. The FAA also could file a civil action in U.S. District Court, under 49 U.S.C. 46106, 46107, seeking to enjoin any air carrier from violating the terms of this Order.

13. The FAA may modify or withdraw any provision in this Order on its own or on application by any carrier for good cause shown.

Issued in Washington, DC, on May 9, 2013.

**Marc L. Warren,**

*Acting Chief Counsel.*

[FR Doc. 2013-11489 Filed 5-13-13; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Notice of Final Federal Agency Actions on Proposed Highway in California

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice of Limitation on Claims for Judicial Review of Actions by the California Department of Transportation (Caltrans), pursuant to 23 U.S.C. 327, U.S. Army Corps of Engineers (USACE), and U.S. Fish and Wildlife Service (USFWS).

**SUMMARY:** The FHWA, on behalf of Caltrans, is issuing this notice to announce actions taken by Caltrans, USACE and USFWS that are final within the meaning of 23 U.S.C. 139(J)(1). The actions relate to a proposed State Route 41 Madera Passing Lanes project 0.3 miles north of Road 208 to 2.2 miles north of Road 208 in Madera County, in the State of California. Those actions grant licenses, permits, and approvals for the project.

**DATES:** By this notice, the FHWA, on behalf of Caltrans, is advising the public of final agency actions subject to 23 U.S.C. 139(J)(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 October 11, 2013. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

**FOR FURTHER INFORMATION CONTACT:** For Caltrans: G. William "Trais" Norris, III, Senior Environmental Planner, California Department of Transportation (Caltrans), 855 "M" Street, Suite 200, Fresno, CA 93721; weekdays 8:00 a.m. to 5:00 p.m. (Pacific time); telephone (559) 445-6447, email: [trais.norris@dot.ca.gov](mailto:trais.norris@dot.ca.gov).

**SUPPLEMENTARY INFORMATION:** Effective July 1, 2007, the FHWA assigned, and Caltrans assumed environmental responsibilities for this project pursuant to 23 U.S.C. 327. Notice is hereby given that Caltrans has taken final agency actions subject to 23 U.S.C. 139(J)(1) by issuing licenses, permits, and approvals for the following highway project in the State of California: The State Route 41 Madera Passing Lanes project in Madera County, California. The purpose of the project would reduce delay and avoid traffic backup on State Route 41 by improving traffic operations, reducing traffic congestion, and improving safety on State Route 41. This would be accomplished by adding passing lanes to State Route 41 within the project limits, constructing 8-foot-wide outside shoulders, a 4-foot-wide soft median barrier, and rumble strips on the outside shoulders and the median.

The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Environmental Assessment (EA)/ Finding of No Significant Impact (FONSI) for the project, approved on *March 5, 2013*. The EA/FONSI and other documents are available by contacting Caltrans at the address provided above. The Caltrans EA/FONSI can be viewed and downloaded from the project Web site at: <http://www.dot.ca.gov/dist6/environmental/envdocs/d6/>.

[www.dot.ca.gov/dist6/environmental/envdocs/d6/](http://www.dot.ca.gov/dist6/environmental/envdocs/d6/).

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. General: National Environmental Policy Act (NEPA) [42 U.S.C. 4321-4351]; and Federal-Aid Highway Act [23 U.S.C. 109 and 23 U.S.C. 128].
2. Air: Clean Air Act [42 U.S.C. 7401-7671(q)].
3. Land: Landscape and Scenic Enhancement (Wildflowers) [23 U.S.C. 319].
4. Wetlands and Water Resources: Safe Drinking Water Act [42 U.S.C. 300(f)-300(j)(6)]; and Wetlands Mitigation [23 U.S.C. 103(b)(6)(m) and 133(b)(11)].
5. Wildlife: Endangered Species Act [16 U.S.C. 1531-1544 and Section 1536]; Fish and Wildlife Coordination Act [16 U.S.C. 661-667(d)]; and Migratory Bird Treaty Act [16 U.S.C. 703-712].
6. Historic and Cultural Resources: Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470(f) et seq.]; Archaeological and Historic Preservation Act [16 U.S.C. 469-469c]; Archaeological Resources Protection Act of 1979 [16 U.S.C. 470aa et seq.]; and Native American Graves Protection and Repatriation Act [25 U.S.C. 3001-3013].
7. Social and Economic: Civil Rights Act of 1964 [42 U.S.C. 2000(d)-2000(d)(1)]; Farmland Protection Policy Act [7 U.S.C. 4201-4209]; and The Uniform Relocation Assistance and Real Property Acquisition Act of 1970, as amended.
8. Hazardous Materials: Comprehensive Environmental Response, Compensation, and Liability Act [42 U.S.C. 9601-9675]; Superfund Amendments and Reauthorization Act of 1986; and Resource Conservation and Recovery Act [42 U.S.C. 6901-6992(k)].
9. Executive Orders: E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 12898 Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations; E.O. 11593 Protection and Enhancement of the Cultural Environment; E.O. 13007 Indian Sacred Sites; E.O. 13287 Preserve America; 13175 Consultation and Coordination with Indian Tribal Governments; E.O. 11514 Protection and Enhancement of Environmental Quality; and E.O. 13112 Invasive Species.

(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: May 7, 2013.

**Steve Pyburn,**

*North Team Leader, State Programs, Federal Highway Administration Sacramento, California.*

[FR Doc. 2013-11379 Filed 5-13-13; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket Number FRA-2013-0006]

#### Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that by a document dated January 8, 2013, the Pickens Railway Company (PICK) 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 223, Safety Glazing Standards—Locomotives, Passenger Cars and Caboose. FRA assigned the petition Docket Number FRA-2013-0006.

PICK seeks the subject relief for its 80-ton GE Switcher/Locomotive (PICK #10), which was manufactured in 1955. Prior to PICK's acquisition of PICK #10, the engine was used only in private industry where FRA-certified glazing was not required. PICK #10 is currently equipped only with safety glass. PICK now intends to operate PICK #10 on its shortline railway in Anderson, SC, for maintenance-of-way purposes, and plans to put the engine in service in the near future upon the approval of the subject relief.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at [www.regulations.gov](http://www.regulations.gov) and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Avenue 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 June 28, 2013 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as is 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 document, if submitted on behalf of an association, business, labor union, etc.). See <http://www.regulations.gov/#/privacyNotice> for the privacy notice of regulations.gov or interested parties may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477).

Issued in Washington, DC, on May 8, 2013.

**Robert C. Lauby,**

*Deputy Associate Administrator for Regulatory and Legislative Operations.*

[FR Doc. 2013-11437 Filed 5-13-13; 8:45 am]

**BILLING CODE 4910-06-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket Number FRA-2013-0031]

#### Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that by an undated document, which was received by the Federal Railroad Administration (FRA) on March 26, 2013, the North Shore Railroad Company (NSHR) has petitioned FRA for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 215, Railroad

Freight Car Safety Standards. FRA assigned the petition Docket Number FRA-2013-0031.

Specifically, NSHR seeks exemption from the requirements for stenciling of restricted cars described in 49 CFR 215.203(a) that are set forth in 49 CFR 215.303 for its caboose, Car Number NSHR 61312 (NSHR 61312).

NSHR states that stenciling the caboose to meet the requirements of Part 215 would detract from the historical and educational impression that this car is intended to preserve. NSHR further states that NSHR 61312 was built in 1952 and has Type 1 FRA glazing at all window locations with a sound car body, including ABDX service and ABDX emergency airbrakes. NSHR 61312 also has 5½ x 10 roller bearings with 33-inch wheels.

NSHR plans to operate NSHR 61312 in excursion, VIP, and shipper service on approximately 170 miles of track that is owned by the Susquehanna Economic Development Authority-Council of Governments' (SEDA-COG) Joint Rail Authority. Rail lines of the SEDA-COG Joint Rail Authority over which NSHR 61312 will operate include the Nittany & Bald Eagle Railroad (72 miles), the Lycoming Valley Railroad (34 miles), the North Shore Railroad (38 miles), and the Shamokin Valley Railroad (25 miles). NSHR will also operate NSHR 61312 in excursion, VIP, and shipper service on approximately 15 miles of track on the Union County Industrial Railroad. The West Shore Railroad Corporation owns approximately 5 miles on the Milton Branch and the Lewisburg & Buffalo Creek Railroad owns approximately 10 miles on the Winfield Branch.

NSHR 61312 will be operated at a maximum timetable track speed authorized by all of the railroads listed above, not to exceed 50 mph.

As information, NSHR also requests a Special Approval to continue NSHR 61312 in service in accordance with 49 CFR 205.203(c).

A copy of the petition, as well as any written communications concerning the petition, is available for review online at [www.regulations.gov](http://www.regulations.gov) and in person at the U.S. Department of Transportation's Docket Operations Facility, 1200 New Jersey Avenue 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