

individual Biological Opinion was issued on July 25, 2013, which concluded that the Section 5 project was not likely to jeopardize the continued existence of the Indiana bat and was not likely to adversely modify the bat's designated Critical Habitat. In addition, the USFWS issued an Incidental Take Statement subject to specific terms and conditions. The USFWS also issued a Bald Eagle Take Exempted under ESA permit (NO. MB218918-0) for the incidental take of the bald eagles for all sections of the I-69 project. The permit was effective as of June 25, 2009, and is subject to the terms and conditions of the Endangered Species Act section 7 incidental take statement and the August 24, 2006, Revised Programmatic Biological Opinion. The biological opinions, Bald Eagle permit no. MB218918-0, and other project records relating to the USFWS actions, taken pursuant to the Endangered Species Act, 16 U.S.C. 1531-1544, are available by contacting the FHWA, INDOT, or USFWS at the addresses provided above. The Tier 2, section 5 Biological Opinion can be viewed and downloaded from the project Web site at <http://www.i69indyevn.org/section-5-feis/>.

On July 24, 2013, USFWS issued "Amendment 2 To the Tier 1 Revised Programmatic Biological Opinion (RPBO dated August 24, 2006, previously amended May 25, 2011) for the I-69, Evansville to Indianapolis, Indiana highway" USFWS decided to issue the Amendment to the RPBO primarily due to the identification of two new Indiana bat maternity colonies in the Section 5 project area (which begins south of Bloomington near Victor Pike in Monroe County, Indiana and terminates south of State Road 39 south of Martinsville in Morgan County, Indiana). Additionally, the project identified increases to exempt level of forest and wetland impacts based on refinement of the Tier 1 RPBO estimates. Finally additional forest impacts were revealed within and adjacent to the Section 4 (which begins east of the intersection of U.S. 231 and SR 45/SR58 in Greene County, Indiana and terminates at SR 37 near Victor Pike in Monroe County, Indiana) project right-of-way due to private landowner tree-clearing actions. In light of this new information, USFWS chose to reevaluate impacts to the Indiana bat and to update the 2006 and 2011 Tier 1 RPBO and Incidental Take Statement. The Amendment 2 to the Tier 1 RPBO contains new analysis and comment for each of the sections of the 2006 Tier 1 RPBO affected by the new information, and USFWS affirmed that all other

sections of the Tier 1 RPBO remain valid. Based on analysis of the new information, USFWS concluded that appreciable reductions in the likelihood of survival and recovery of Indiana bats due to the construction, operation, and maintenance of I-69 from Evansville to Indianapolis, Indiana are unlikely to occur, and hence, the FHWA has ensured that the proposed action is not likely to jeopardize the continued existence of the Indiana bat or destroy or adversely modify designated critical habitat. USFWS did not conduct any new analysis for either the bald eagle or eastern fanshell mussel (*Cyprogenia stegaria*), and the non-jeopardy conclusion regarding impacts to the bald eagle still stands as stated in the original Tier 1 Biological Opinion (dated December 3, 2003). The Amendment 2 To the Tier 1 Revised Programmatic Biological Opinion (RPBO dated August 24, 2006, previously amended May 25, 2011) for the I-69, Evansville to Indianapolis, Indiana highway can be found and downloaded from the project Web site at <http://www.i69indyevn.org/corridor-wide-technical-reports/>.

(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(j)(1).

**Richard J. Marquis,**  
Division Administrator, Indianapolis,  
Indiana.

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## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

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

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

**ACTION:** Notice.

**SUMMARY:** This notice announces final environmental actions taken by the Federal Transit Administration (FTA) for projects in the following locations: San Francisco, CA; Rochester, NY; Michigan City, IN; Chicago, IL; and Minneapolis, MN. 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 January 24, 2014.

**FOR FURTHER INFORMATION CONTACT:** Nancy-Ellen Zusman, Assistant Chief Counsel, Office of Chief Counsel, (312) 353-2577 or Terence Plaskon, Environmental Protection Specialist, Office of Human and Natural Environment, (202) 366-0442. FTA is located at 1200 New Jersey Avenue SE., Washington, DC 20590. Office hours are from 9:00 a.m. to 5:30 p.m., 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 the 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 for challenges of project decisions subject to previous notices published in the **Federal Register**. For example, this notice does not extend the limitation on claims announced for earlier decisions on the Central Corridor Light Rail Transit project. The projects and actions that are the subject of this notice are:

1. *Project name and location:* Mission Bay Transit Loop Project, San Francisco, CA. *Project sponsor:* San Francisco Municipal Transportation Agency (SFMTA). *Project description:* The Mission Bay Transit Loop Project would provide turn-around capabilities for the T-Third Street light rail line via a

connection of trackway from Third Street to 18th, Illinois, and 19th Streets to facilitate an increase in frequency of transit service in the Chinatown, Mission Bay, and South of Market neighborhoods. The increase in service would be achieved by allowing up to half of the trains traveling on Third Street via the Central Subway to turn around during peak hours at the Mission Bay Transit Loop and proceed back toward downtown San Francisco to Stockton and Washington Streets.

*Final agency actions:* No use determination of Section 4(f) resources; Section 106 finding of no adverse effect; project-level air quality conformity; and Finding of No Significant Impact (FONSI), dated July 30, 2013.

*Supporting documentation:* Environmental Assessment, dated May 2013.

**2. Project name and location:**

Rochester Genesee Regional Transit Authority Campus Improvement Project, Rochester, NY. *Project sponsor:* Rochester Genesee Regional Transit Authority (RGRTA). *Project description:* The proposed project will renovate and expand the operations building; construct a new maintenance warehouse building, new bus parking, a new service building, new employee parking; and includes other site improvements.

*Final agency actions:* a Section 106 Programmatic Agreement, dated July 25, 2013, and Finding of No Significant Impact (FONSI), dated July 25, 2013. *Supporting documentation:* Environmental Assessment, dated March 2013.

**3. Project name and location:**

Replacement of NICTD Bridge 31.79 Over Trail Creek, City of Michigan City, LaPorte County, IN. *Project sponsor:* Northern Indiana Commuter Transportation District (NICTD). *Project description:* The proposed project will replace NICTD Bridge 31.79 over Trail Creek in Michigan City by assembling a replacement bridge adjacent to the current bridge. During a scheduled 14-day service outage (September 3–17, 2013), the existing bridge will be removed and the new bridge will be rolled into position and rail traffic will be restored. *Final agency actions:* No use determination of Section 4(f) resources; Section 106 finding of no adverse effect; project-level air quality conformity; and Finding of No Significant Impact (FONSI), dated July 15, 2013. *Supporting documentation:* Environmental Assessment, dated June 2013.

**4. Project name and location:** 95th Street Terminal Improvement Project, City of Chicago, IL. *Project sponsor:* Chicago Transit Authority (CTA).

*Project description:* The proposed project will rehabilitate the existing terminal on the north side of 95th Street and would allow the existing terminal to be expanded to create new entrances directly on 95th Street. A new terminal on the south side of 95th Street would also be constructed to accommodate additional buses and provide a second station house. A pedestrian bridge above 95th Street would provide a connection for pedestrians to cross between each station house. *Final agency actions:* Finding of No Significant Impact (FONSI), dated April 19, 2013, and Amended FONSI, dated July 17, 2013.

*Supporting documentation:* Environmental Assessment, dated February 8, 2013; Additional Traffic and Air Quality Analysis Technical Memorandum, dated June 18, 2013; and supporting documentation submitted by the CTA for the 95th Street Terminal Improvement Project.

**5. Project name and location:** Central Corridor Light Rail Transit Project, City of Minneapolis, MN. *Project sponsor:* Metropolitan Council. *Project description:* The proposed project includes 10.9 miles of fixed guideway, including 9.7 miles of new guideway and 1.2 miles of shared guideway with the existing Hiawatha (Blue Line) LRT. There will be 23 stations along the line, including five shared stations with the Blue Line LRT. The proposed project will provide a transit connection from downtown Minneapolis to downtown St. Paul, via the University of Minnesota and State Capitol complex in the City of St. Paul. *Final agency actions:* Amended Record of Decision (ROD), dated August 13, 2013. *Supporting documentation:* Central Corridor Light Rail Transit Project Final Environmental Impact Statement and Section 4(f) Evaluation, dated June 18, 2009, and Central Corridor Light Rail Transit Supplemental Final Environmental Impact Statement Construction Related Potential Impacts on Business Revenue, dated May 24, 2013.

**Lucy Garliauskas,**

*Associate Administrator Planning and Environment.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

[Docket No. FTA–2013–0035]

#### Notice of Proposed Buy America Waiver for a Video Ready Access Device Cabinet

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

**ACTION:** Notice of proposed Buy America waiver and request for comment.

**SUMMARY:** The Charlotte Area Transit System (CATS) requested a waiver of the Federal Transit Administration (FTA) Buy America rules for a Video Ready Access Device (VRAD) cabinet. The VRAD cabinet is needed for an AT&T utility relocation associated with the LYNX Blue Line Extension project. This notice is to inform the public of the waiver request, and to seek public comment to inform FTA's decision whether to grant the request.

**DATES:** Comments must be received by September 26, 2013. Late-filed comments will be considered to the extent practicable.

**ADDRESSES:** Please submit your comments by one of the following means, identifying your submissions by docket number FTA–2013–0035:

1. *Web site:* <http://www.regulations.gov>. Follow the instructions for submitting comments on the U.S. Government electronic docket site.
2. *Fax:* (202) 493–2251.
3. *Mail:* U.S. Department of Transportation, 1200 New Jersey Avenue SE., Docket Operations, M–30, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001.
4. *Hand Delivery:* U.S. Department of Transportation, 1200 New Jersey Avenue SE., Docket Operations, M–30, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001 between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

*Instructions:* All submissions must make reference to the “Federal Transit Administration” and include docket number FTA–2013–0035. Due to the security procedures in effect since October 2011, mail received through the U.S. Postal Service may be subject to delays. Parties making submissions responsive to this notice should consider using an express mail firm to ensure the prompt filing of any submissions not filed electronically or by hand. Note that all submissions received, including any personal information therein, will be posted without change or alteration to <http://www.regulations.gov>.