

**DEPARTMENT OF TRANSPORTATION****Federal Highway Administration****Notice of Final Federal Agency Actions on Proposed Highway in California**

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

**ACTION:** Notice of limitation on claims for judicial review of actions by the California Department of Transportation (Caltrans).

**SUMMARY:** The FHWA, on behalf of Caltrans, is issuing this notice to announce actions taken by Caltrans, that are final. The actions relate to a proposed highway project, on State Route 12 between postmiles 20.57 and 26.41 near the town of Rio Vista in the County of Solano, 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 May 14, 2020. 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: Zach Gifford, Senior Environmental Planner, California Department of Transportation, 111 Grand Avenue, Oakland, CA 94612. Office hours: Monday through Friday 8:00 a.m.–4:30 p.m. Contact information: [zachary.gifford@dot.ca.gov](mailto:zachary.gifford@dot.ca.gov), 510–286–5610. For FHWA, contact David Tedrick at (916) 498–5024 or email [david.tedrick@dot.gov](mailto:david.tedrick@dot.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: Caltrans proposes to rehabilitate State Route 12 from postmile 20.57 to 26.41 in Solano County near the town of Rio Vista. Anticipated work includes repairing roadway pavement cracking and upgrading non-standard shoulders, travel lanes, vertical sight distances, cross slopes, and drainage systems. Additionally, the project will address flooding issues and upgrade the American with Disabilities (ADA)

facilities. All work will improve ride quality, enhance safety, and extend the service life of the pavement. The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Final Environmental Assessment (FEA) and Finding of No Significant Impact (FONSI) for the project, approved on October 4, 2019, and in other documents in the Caltrans' project records. The FEA, FONSI, and other project records are available by contacting Caltrans at the addresses provided above. The Caltrans FEA and FONSI can be viewed and downloaded from the project website at <https://dot.ca.gov/caltrans-near-me/district-4/d4-popular-links/d4-environmental-docs>.

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]; 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. *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)]; Migratory Bird Treaty Act [16 U.S.C. 703–712].

4. *Historic and Cultural Resources:* Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470(f) *et seq.*]; Historic Sites Act of 1935 [16 U.S.C. 461–467].

5. *Wetlands and Water Resources:* Clean Water Act (Section 404 and Section 401) [33 U.S.C. 1251–1377]; Safe Drinking Water Act (SDWA) [42 U.S.C. 300(f)–300(j)(6)].

6. *Social and Economic:* Civil Rights Act of 1964 [42 U.S.C. 2000(d)–2000(d)(1)].

7. *Health:* Resource Conservation and Recovery Act [42 U.S.C. 6901 *et seq.*]; Comprehensive Environmental Response, Compensation, and Liability Act [42 U.S.C. 9601 *et seq.*]; Atomic Energy Act [42 U.S.C. 2011–2259]; Toxic Substance Control Act [15 U.S.C. 2601–2629]; Community Environmental Response Facilitation Act; Occupational Safety and Health Act [29 U.S.C. 651]; Federal Insecticide, Fungicide, and Rodenticide Act [7 U.S.C. 136].

8. *Executive Orders:* E.O. 12088 Federal Compliance with Pollution Control Standards; E.O. 12898 Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations; E.O. 13112 Invasive Species; E.O. 11988 Floodplain Management.

(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).

Issued on: December 9, 2019.

**Tashia J. Clemons,**

*Director, Planning and Environment, Federal Highway Administration, California Division.*

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**DEPARTMENT OF TRANSPORTATION****Federal Highway Administration****Environmental Impact Statement (EIS): Erie County**

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

**ACTION:** Rescinded notice of intent (NOI).

**SUMMARY:** The FHWA is issuing this rescinded notice to advise the public that FHWA will not be preparing and issuing an Environmental Impact Statement (EIS) on a proposal to replace the former South Michigan Avenue Bridge in the City of Buffalo, Erie County, New York [New York State Department of Transportation (NYSDOT) Project Identification Number (PIN) 5758.17]. The NOI to prepare an EIS was published in the **Federal Register** on April 13, 2009.

**FOR FURTHER INFORMATION CONTACT:** Frank Cirillo, Regional Director, New York State Department of Transportation, 100 Seneca Street, Buffalo, New York 14203, Telephone: (716) 847–3238; or Richard Marquis, Division Administrator, Federal Highway Administration, New York Division, Leo W. O'Brien Federal Building, 7th Floor, 11A Clinton Avenue, Albany, New York 12207, Telephone: (518) 431–8897.

**SUPPLEMENTARY INFORMATION:** The FHWA, in cooperation with the NYSDOT and the Erie Canal Harbor Development Corporation (ECHDC), previously intended to prepare an EIS to evaluate the effects of a proposal to replace the former South Michigan Avenue Bridge in the City of Buffalo, Erie County, New York. The proposed improvements involved constructing a transportation facility that would provide a direct link from the inner harbor to the outer harbor area while maintaining adequate waterway access for recreational and commercial watercrafts. The Final Scoping Report (March 2010) states “the purpose of this project is to directly and efficiently connect the New Downtown and the Outer Harbor area with a multi-modal (pedestrian, bicyclist, and motorized traffic) transportation facility over the Buffalo River and/or City Ship Canal in the City of Buffalo.” As stated in the

original NOI, alternatives under consideration included: (1) Taking no action; (2) replacing the South Michigan Avenue Bridge on existing alignment; and (3) constructing a new bridge on new alignment across the Buffalo River and/or City Ship Canal. Several potential locations for the facility were considered within a 1.5-mile corridor extending from the mouth of the Buffalo River (in the vicinity of the Erie Basin Marina) to the southern navigation limit of the City Ship Canal (west of the existing Ohio Street Bridge).

Subsequent to publication of the March 2010 Final Scoping Report and upon progression of preliminary design and environmental review, it has been determined that sufficient funding is not available to progress a project that would meet the stated project purpose and address identified needs. Due to funding constraints, the Project cannot progress as originally envisioned. Thus, it has been determined that the Project must be terminated. Termination of this project does not preclude such work from being conducted in the future as an independent project, or as part of a larger independent action. Should the State or locality seek to undertake similar work in the future, work will be viewed and deemed as an independent action from that described above and will be required to undergo appropriate Federal and/or state environmental review.

Comments and questions concerning the proposed action should be directed to the FHWA contact person at the address provided above.

**Richard Marquis,**

*New York Division Administrator, Albany, New York.*

[FR Doc. 2019-27020 Filed 12-13-19; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket No. FRA-2019-0004-N-21]

#### Proposed Agency Information Collection Activities; Comment Request

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

**ACTION:** Notice of information collection; request for comment.

**SUMMARY:** Under the Paperwork Reduction Act of 1995 (PRA) and its implementing regulations, this notice announces that FRA is forwarding the Information Collection Requests (ICRs)

abstracted below to the Office of Management and Budget (OMB) for review and comment. The ICRs describe the information collections and their expected burden. On October 2, 2019, FRA published a notice providing a 60-day period for public comment on the ICRs.

**DATES:** Interested persons are invited to submit comments on or before January 15, 2020.

**ADDRESSES:** Submit written comments on the ICRs to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503, Attention: FRA Desk Officer. Comments may also be sent via email to OMB at the following address: [oir\\_submissions@omb.eop.gov](mailto:oir-submissions@omb.eop.gov).

**FOR FURTHER INFORMATION CONTACT:** Ms. Hodan Wells, Information Collection Clearance Officer, Office of Railroad Safety, Federal Railroad Administration, 1200 New Jersey Avenue SE, Washington, DC 20590 (telephone: (202) 493-0440) or Ms. Kim Toone, Information Collection Clearance Officer, Office of Information Technology, Federal Railroad Administration, 1200 New Jersey Avenue SE, Washington, DC 20590 (telephone: (202) 493-6132).

**SUPPLEMENTARY INFORMATION:** The PRA, 44 U.S.C. 3501-3520, and its implementing regulations, 5 CFR part 1320, require Federal agencies to issue two notices seeking public comment on information collection activities before OMB may approve paperwork packages. See 44 U.S.C. 3506, 3507; 5 CFR 1320.8 through 1320.12. On October 2, 2019, FRA published a 60-day notice in the **Federal Register** soliciting public comment on the ICRs for which it is now seeking OMB approval. See 84 FR 52588. FRA received one comment from the Brotherhood of Railroad Signalmen (BRS), the collective bargaining representative for approximately 10,000 signal employees. BRS supports the information collection activities of both ICRs, considering them necessary to FRA's regulatory duties and public safety responsibilities. BRS urges FRA to continue to collect this information, noting that the information provided from these activities can help guide FRA in solving issues related to warning system failures at crossings and highway-rail grade crossing accidents.

Before OMB decides whether to approve these proposed collections of information, it must provide 30-days' notice for public comment. Federal law requires OMB to approve or disapprove paperwork packages between 30 and 60 days after the 30-day notice is

published. 44 U.S.C. 3507(b)-(c); 5 CFR 1320.10(b) and 1320.12(d); see also 60 FR 44978, 44983, Aug. 29, 1995. OMB believes the 30-day notice informs the regulated community to file relevant comments and affords the agency adequate time to digest public comments before it renders a decision. 60 FR 44983, Aug. 29, 1995. Therefore, respondents should submit their respective comments to OMB within 30 days of publication to best ensure having their full effect.

Comments are invited on the following ICRs regarding: (1) Whether the information collection activities are necessary for FRA to properly execute its functions, including whether the information will have practical utility; (2) the accuracy of FRA's estimates of the burden of the information collection activities, including the validity of the methodology and assumptions used to determine the estimates; (3) ways for FRA to enhance the quality, utility, and clarity of the information being collected; and (4) ways to minimize the burden of information collection activities on the public, including the use of automated collection techniques or other forms of information technology.

The summaries below describe the ICRs that FRA will submit for OMB clearance as the PRA requires:

**Title:** Grade Crossing Signal System Safety Regulations.

**OMB Control Number:** 2130-0534.

**Abstract:** FRA believes that highway-rail grade crossing (grade crossing) accidents resulting from warning system failures can be reduced. Accordingly, FRA's regulations require railroads to take specific responses in the event of an activation failure. An activation failure is defined as when a grade crossing warning system fails to indicate the approach of a train at least 20 seconds prior to the train's arrival at the crossing or to indicate the presence of a train occupying the crossing. Specifically, railroads must report to FRA every impact between on-track railroad equipment and an automobile, bus, truck, motorcycle, bicycle, farm vehicle, or pedestrian at a highway-rail grade crossing involving a crossing warning system activation failure. Notification must be provided to the National Response Center within 24 hours of occurrence at the stipulated toll-free telephone number. Additionally, railroads must report to FRA within 15 days of each activation failure of a highway-rail grade warning system. Form FRA F 6180.83, "Highway-Rail Grade Crossing Warning