

CSX intermodal operations at the Livernois-Junction Yard; provide the opportunity to shift the NS Triple Crown operations from Melvindale and Willow Run in Romulus to the Livernois-Junction Yard; move the CP Oak intermodal operation to the Livernois-Junction Yard; provide for external rail improvements, with participation by all four Class I railroads in Michigan (NS, CSX, CP, and CN); make roadway and yard entry gate changes; and provide enhancements to the community. The selected alternatives are primarily between John Kronk and Livernois Avenue in Southwest Detroit and east Dearborn, in Wayne County, Michigan.

The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Final Environmental Impact Statement for the project approved on December 1, 2009; in the FHWA Record of Decision (ROD) issued on April 22, 2010; and in other project records. The FEIS, ROD, and other documents in the FHWA project file are available by contacting the FHWA. The FHWA FEIS and ROD can be viewed and downloaded from the project Web site at: [http://www.michigan.gov/mdot/0,1607,7-151-9621\\_11058---,00.html](http://www.michigan.gov/mdot/0,1607,7-151-9621_11058---,00.html) or viewed at public libraries in the project area.

This notice applies to all Federal agency 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:

1. *General*: National Environmental Policy Act [42 U.S.C. 4321–4351]; Federal-Aid Act [23 U.S.C. 109].

2. *Air*: Clean Air Act, as amended [42 U.S.C. 7401–7671(q)].

3. *Land*: Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303]; Landscaping and Scenic Enhancement (Wildflowers) [23 U.S.C. 319].

4. *Wildlife and Plants*: Endangered Species Act [16 U.S.C. 1531–1544].

5. *Historic and Cultural Resources*: Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470(f) *et seq.*]; Archeological Resources Protection Act of 1977 [16 U.S.C. 470(aa)–11]; Archeological and Historic Preservation Act [16 U.S.C. 469–469(c)].

6. *Social and Economic*: Civil Rights Act of 1964 [42 U.S.C. 2000(d)–2000(d)(1)]; American Indians Religious Freedom Act [42 U.S.C. 1996]; Farmland Protection Act [7 U.S.C. 4201–4209]; the Uniform Relocation Assistance and Real Property Acquisition Policies of 1970, as amended [42 U.S.C. 61].

7. *Wetlands and Water Resources*: Clean Water Act [33 U.S.C. 1251–1377

(Section 404, Section 401, Section 319)]; Coastal Zone Management Act [14 U.S.C. 1451–1465]; Land and Water Conservation Fund [16 U.S.C. 4601–4604]; Safe Drinking Water Act [42 U.S.C. 300(f)–300(j)(6)]; Rivers and Harbors Act of 1899 [42 U.S.C. 401–406]; TEA–21 Wetland Mitigation [23 U.S.C. 103(b)(6)(m), 133(b)(11)]; Flood Disaster Protection Act [42 U.S.C. 4001–4128].

8. *Hazardous Materials*: Comprehensive Environmental Response, Compensation and Liability Act [42 U.S.C. 9501–9675]; Superfund Amendments and Reauthorization Act of 1986 [PL 99–499]; Resource, Conservation and Recovery Act [42 U.S.C. 6901–6992(k)].

9. *Executive Orders*: E.O. 11990, Protection of Wetlands; E.O. 11988, Floodplains Management; E.O. 12898, Federal Actions to Address Environmental Justice in Minority and Low Income Populations; E.O. 11593, Protection and Enhancement of Cultural Resources; E.O. 13007, Indian Sacred Sites; E.O. 13112, Invasive Species; E.O. 13274, Environmental Stewardship and Transportation Infrastructure Project Reviews.

(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: April 30, 2010.

**Russell L. Jorgenson**,  
Division Administrator, Federal Highway Administration, Lansing, Michigan.

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[Docket No. FD 35374]

#### Port Harbor Railroad, Inc.—Lease and Operation Exemption—Line of Tri-City Regional Port District

Port Harbor Railroad, Inc. (Port Harbor), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to lease from Tri-City Regional Port District (Tri-City), and to operate, a 2.97-mile line of railroad extending between milepost 0.00 and milepost 2.97 in Madison County, Ill.

The transaction is expected to be consummated on or after June 10, 2010.

Port Harbor certifies that its projected annual revenues as a result of this

transaction will not exceed those that would qualify it as a Class III rail carrier. Port Harbor further certifies that its projected annual revenues as a result of this transaction will not exceed \$5 million.

According to Port Harbor, Tri-City is not a common carrier and has no intention of becoming one. Port Harbor states that, at the present time, the industries located on Tri-City's property receive service over the rail lines of the Terminal Railroad Association of St. Louis that end at milepost 0.00. From milepost 0.00 to milepost 2.97, service is performed by a contractor hired by Tri-City to provide switching service. Port Harbor explains that the proposed transaction will provide more coordinated service to shippers by licensing Port Harbor as a common carrier on the 2.97-mile line and through industrial track agreements with Port Harbor to provide switching service. The lease and operation agreement covers all track and railroad rights-of-way between milepost 0.00 and milepost 2.97, including all appurtenances thereto, and any bridges, culverts or other structures over which such track or tracks may be constructed. Port Harbor states that the proposed transaction will not involve any agreement that would limit future interchange traffic with a third-party connecting carrier.

If the verified notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Stay petitions must be filed no later than May 14, 2010 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 35374, must be filed with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423–0001. In addition, one copy of each pleading must be served on Andrew P. Goldstein, McCarthy, Sweeney & Harkaway, P.C., 1825 K Street, NW., Suite 700, Washington, DC 20006.

Board decisions and notices are available on our Web site at [www.stb.dot.gov](http://www.stb.dot.gov).

Decided: May 3, 2010.

By the Board, Rachel D. Campbell,  
Director, Office of Proceedings.

**Jeffrey Herzig**,  
Clearance Clerk.

[FR Doc. 2010–10788 Filed 5–6–10; 8:45 am]

**BILLING CODE 4915–01–P**