

“other than labor protective conditions” that are necessary in the public interest. Further, 49 U.S.C. 10902(d) precludes the Board from imposing labor protection for Class III carriers (such as SIT) receiving authority under 49 U.S.C. 10902. Accordingly, the Board may not impose labor protective conditions here.

Conclusion

The after-the-fact construction and lease and operation of the Line will give shippers an additional freight rail option, which will support competition to meet the needs of the public, and there will be no potential for significant environmental effects. After carefully considering the transportation merits and OEA’s environmental analysis and recommendations, the Board, considering the entire record, finds that the petitions for after-the-fact exemptions for SIL’s construction of the Line and SIT’s lease and operation of the Line should be granted, subject to compliance with the environmental mitigation measure recommended in the Final EA and set forth in the Appendix to this decision.

This action, as conditioned, will not significantly impact the quality of the human environment or the conservation of energy resources.

It is ordered:

1. Under 49 U.S.C. 10502, the Board exempts SIL’s construction of the Line from the prior approval requirements of 49 U.S.C. 10901.

2. Under 49 U.S.C. 10502, the Board exempts SIT’s lease and operation of the Line from the prior approval requirements of 49 U.S.C. 10902.

3. Docket No. FD 36489 is discontinued.

4. The Board adopts the environmental mitigation measure set forth in the Appendix to this decision and imposes it as a condition to the exemptions granted here.

5. Notice will be published in the **Federal Register**.

6. Petitions for reconsideration must be filed by August 27, 2025.

7. This decision is effective September 6, 2025.

Decided: August 4, 2025.

By the Board, Board Members Fuchs, Hedlund, Primus, and Schultz. Board Member Primus concurred with a separate expression.

Board Member Primus, concurring:

I support today’s decision, which will finally allow customers, in addition to Quantix, to benefit from SIT’s common carrier service within the Facility, over five years after the Line was constructed. This long delay was the result of SIL and its parent, OmniTRAX’s, ill-fated decision to

construct the Line ostensibly as private track, despite earlier representations to OEA that the Line would be jurisdictional common carrier track. Moreover, once the Board ordered SIL and SIT to seek after-the-fact authority for the construction and acquisition of the Line, the proceedings were further delayed because SIL and SIT took six months to select a third-party contractor to assist OEA in conducting the environmental review.

OmniTRAX, a sophisticated entity with considerable experience in the rail industry, should have known that Board authority was necessary prior to commencing construction of this Line. The resulting delay has been detrimental not only to the parties involved in these proceedings, but also to potential customers interested in locating within the Facility to take advantage of the connections to the larger NSR and CSXT networks. I sincerely hope that the experience of this case will dissuade any future attempts to evade the Board’s licensing processes and the accompanying environmental review.

Appendix

Water Resources

WAT-MM-1. During rail operations, SIT shall ensure that all culverts and bridges along the previously constructed rail line are clear of debris to avoid flow blockages, flow alteration, and increased flooding. SIT shall inspect all culverts and bridges semi-annually (or more frequently, as seasonal flows dictate) for debris accumulation and shall remove and properly dispose of debris promptly.

Stefan Rice,

Clearance Clerk.

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DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed Transportation Project in State

AGENCY: Federal Highway Administration (FHWA).

ACTION: Notice of limitation on claims for judicial review.

SUMMARY: The FHWA, on behalf of the State of California Department of Transportation (Caltrans), is issuing this notice to announce actions taken by Caltrans and other Federal agencies that are final agency actions. These actions relate to the proposed project (05-1S590). The project will install All-Way-

Stop-Control at the U.S. Route 101 southbound ramp intersection at the Main Street Overcrossing in the community of Chualar. The project will also remove 11 existing at-grade median openings along U.S. Route 101, north of Chualar, and replace them with permanent concrete median barrier and three beam median barrier, where flooding concerns exist.

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(l)(1). A claim seeking judicial review of the Federal Agency actions on the listed highway project will be barred unless the claim is filed on or before January 5, 2026. 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.

ADDRESSES: The Type 2 Categorical Exclusion and additional project documents can be viewed by contacting Caltrans District 5 Office of Environmental Management, 50 Higuera Street, San Luis Obispo, CA 93401, during normal business hours are 8 a.m. to 5 p.m. (Eastern Standard Time), Monday through Friday, except State holidays.

FOR FURTHER INFORMATION CONTACT: Matt Fowler, Senior Environmental Planner; 805-779-0793; email: matt.c.fowler@dot.ca.gov.

SUPPLEMENTARY INFORMATION: Effective July 1, 2007, and as subsequently renewed on May 27, 2022, the FHWA assigned, and Caltrans assumed, environmental responsibilities for this project pursuant to 23 U.S.C. 327. Notice is hereby given that Caltrans and other Federal agencies have taken final agency actions subject to 23 U.S.C. 139(l)(1) by issuing licenses, permits, or approvals for the proposed improvement highway project. The actions by Caltrans and other Federal agencies on the project, and the laws under which such actions were taken are described in the Type 2 Categorical Exclusion approved on June 12, 2025, and in other project records for the listed project. The Type 2 Categorical Exclusion and other documents for the listed project are available by contacting Caltrans at the address provided above.

The project subject to this notice is:

Project Location: The project limits include U.S. Route 101 between the unincorporated community of Chualar (post mile 76.8) and the city of Salinas (post mile 84.7) in the State of California.

Project Actions: This notice applies to the Type 2 Categorical Exclusion and all

other Federal agency licenses, permits, or approvals for the listed project as of the issuance date of this notice including but not limited to the Section 4(f) Resource Programmatic Approval 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 *et seq.*]; Federal-Aid Highway Act (FAHA) [23 U.S.C. 109 and 23 U.S.C. 128]; 23 CFR part 771.

2. *Air*: Clean Air Act (CAA) [42 U.S.C. 7401–7671(q)], with the exception of project level conformity determinations [42 U.S.C. 7506].

3. *Noise*: Noise Control Act of 1972 [42 U.S.C. 4901–4918]; 23 CFR part 772.

4. *Land*: Section 4(f) of the Department of Transportation Act of 1966 [23 U.S.C. 138 and 49 U.S.C. 303]; 23 CFR part 774; Land and Water Conservation Fund (LWCF) [54 U.S.C. 200302–200310].

5. *Wildlife*: Endangered Species Act (ESA) [16 U.S.C. 1531–1544 and 1536]; Marine Mammal Protection Act [16 U.S.C. 1361–1423h], Anadromous Fish Conservation Act [16 U.S.C. 757(a)–757(f)]; Fish and Wildlife Coordination Act [16 U.S.C. 661–667(d)]; Migratory Bird Treaty Act (MBTA) [16 U.S.C. 703–712]; Magnuson-Stevenson Fishery Conservation and Management Act of 1976, as amended [16 U.S.C. 1801–1891d], with Essential Fish Habitat requirements [16 U.S.C. 1855(b)(2)].

6. *Historic and Cultural Resources*: Section 106 of the National Historic Preservation Act of 1966, as amended [54 U.S.C. 3006101 *et seq.*]; Archaeological Resources Protection Act of 1979 (ARPA) [16 U.S.C. 470(aa)–470(II)]; Preservation of Historical and Archaeological Data [54 U.S.C. 312501–312508]; Native American Grave Protection and Repatriation Act (NAGPRA) [25 U.S.C. 3001–3013; 18 U.S.C. 1170].

7. *Social and Economic*: Civil Rights Act of 1964 [42 U.S.C. 2000 d–2000d–1]; American Indian Religious Freedom Act [42 U.S.C. 1996]; Farmland Protection Policy Act (FPPA) [7 U.S.C. 4201–4209].

8. *Wetlands and Water Resources*: Clean Water Act (Section 319, Section 401, Section 404) [33 U.S.C. 1251–1387]; Coastal Barriers Resources Act (CBRA) [16 U.S.C. 3501–3510]; Coastal Zone Management Act (CZMA) [16 U.S.C. 1451–1466]; Safe Drinking Water Act (SDWA) [42 U.S.C. 300f–300j–26]; Rivers and Harbors Act of 1899 [33 U.S.C. 401–406]; Wild and Scenic Rivers Act [16 U.S.C. 1271–1287]; Emergency Wetlands Resources Act [16 U.S.C. 3921, 3931]; Wetlands Mitigation, [23 U.S.C. 119(g) and

133(b)(3)]; Flood Disaster Protection Act [42 U.S.C. 4001–4130].

9. *Hazardous Materials*:

Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) [42 U.S.C. 9601–9675]; Superfund Amendments and Reauthorization Act of 1986 (SARA); Resource Conservation and Recovery Act (RCRA) [42 U.S.C. 6901–6992(k)].

10. *Executive Orders*: E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 11593 Protection and Enhancement of Cultural Resources; E.O. 13007 Indian Sacred Sites; E.O. 13287 Preserve America; E.O. 11514 Protection and Enhancement of Environmental Quality; 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)).

Antonio Johnson,

Director of Planning, Environmental and Right of Way Federal Highway Administration, California Division.

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DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed Transportation Project in State

AGENCY: Federal Highway Administration (FHWA).

ACTION: Notice of limitation on claims for judicial review.

SUMMARY: The FHWA, on behalf of the State Department of Transportation (California DOT), is issuing this notice to announce actions taken by California DOT and other Federal agencies that are final agency actions. These actions relate to the proposed project to rehabilitate the Caldecott Tunnel Bores 1, 2 and 3. The project will preserve the structural integrity of the tunnel, improve ventilation performance and fire-fighting operational response, and extend its service life.

DATES: By this notice, the FHWA, on behalf of California DOT, is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal Agency actions on the listed highway project will be barred unless the claim is filed on or before January 5, 2026. 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.

ADDRESSES: The Environmental Assessment Finding of No Significant Impact (EA FONSI) and additional project documents can be viewed and downloaded from the project website at: <https://dot.ca.gov/caltrans-near-me/district-4/d4-projects/d4-caldecott-tunnel-upgrade> or by contacting California DOT Office of Environmental Analysis, see contact information below, during normal business hours 8 a.m. to 5 p.m. (Eastern Standard Time), Monday through Friday, except State holidays.

FOR FURTHER INFORMATION CONTACT:

Brycelyn Hendrix, Environmental Scientist, 510–435–4190, brycelyn.hendrix@dot.ca.gov.

SUPPLEMENTARY INFORMATION: Notice is hereby given that California DOT and other Federal agencies have taken final agency actions subject to 23 U.S.C. 139(l)(1) by issuing licenses, permits, or approvals for the proposed improvement highway project. The actions by California DOT and other Federal agencies on the project, and the laws under which such actions were taken are described in the EA FONSI approved on June 26th, 2025 and in other project records for the listed project. The EA FONSI and other documents for the listed project are available by contacting California DOT at the address provided above.

The project subject to this notice is:

Project Location: The project limits include State Route 24 between postmiles R5.80/R6.24 and R0.00/R0.60 in the cities of Oakland and Orinda in Contra Costa and Alameda Counties, State of California.

Project Actions: This notice applies to the EA FONSI and all other Federal agency licenses, permits, or approvals for the listed project as of the issuance date of this notice including but not limited to the Section 4(f) Resource Individual Approval 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 *et seq.*]; Federal-Aid Highway Act (FAHA) [23 U.S.C. 109 and 23 U.S.C. 128]; 23 CFR part 771.

2. *Air*: Clean Air Act (CAA) [42 U.S.C. 7401–7671(q)], with the exception of project level conformity determinations [42 U.S.C. 7506].

3. *Noise*: Noise Control Act of 1972 [42 U.S.C. 4901–4918]; 23 CFR part 772.

4. *Land*: Section 4(f) of the Department of Transportation Act of