

3. *Mail*: U.S. Department of Transportation, 1200 New Jersey Avenue, S.E., 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, S.E., 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*: You must include the agency name and docket number for this notice at the beginning of your comments. Submit two copies of your comments if you submit them by mail. For confirmation that FTA has received your comments, include a self-addressed stamped postcard. Note that all comments received, including any personal information, will be posted and will be available to Internet users, without change, at <http://www.regulations.gov>. You may review DOT's complete Privacy Act Statement in the **Federal Register** published April 11, 2000, (65 FR 19477), or you may visit <http://www.regulations.gov>.

*Docket*: For access to the docket to read background documents and comments received, go to <http://www.regulations.gov> at any time. Background documents and comments received may also be viewed at the U.S. Department of Transportation, 1200 New Jersey Avenue S.E., 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.

**FOR FURTHER INFORMATION CONTACT**: Ms. Lorna Wilson, Office of Program Management, (202) 366-0893, or e-mail: [lorna.wilson@dot.gov](mailto:lorna.wilson@dot.gov).

**SUPPLEMENTARY INFORMATION**: Interested parties are invited to send comments regarding any aspect of this information collection, including: (1) The necessity and utility of the information collection for the proper performance of the functions of the FTA; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the collected information; and (4) ways to minimize the collection burden without reducing the quality of the collected information. Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection.

*Title*: Tribal Transit Program (OMB Number: 2132-0567).

*Background*: FTA's Tribal Transit Program provides financial assistance to federally recognized Indian tribes for

public transportation services on and around Indian reservations located in rural areas. Eligibility is based on the statutory provisions of 49 U.S.C. 5311—Nonurbanized Area Formula Program. The provisions of the American Recovery and Reinvestment Act of 2009, Title 49 U.S.C. 5311, 49 CFR Part 18—Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments (the Common Grant Rule), and prudent administration of federal grant funds dictate that grantor agencies review applications for federal assistance to assure eligibility and other criteria, as appropriate, and monitor approved projects to ensure timely expenditure of federal funds by grant recipients. Information collected under this program is structured to comply with federal mandates. The reporting requirements are submitted by recipients in two stages: The application stage and the project management stage.

The American Recovery and Reinvestment Act of 2009 (ARRA) established funding for the Tribal Transit Program. This program is a \$17,000,000 discretionary grant program to support capital investments for public transit services that serve Indian tribes and Alaska Native villages.

To meet the requirements of the ARRA, FTA requested an emergency approval from OMB for the Tribal Transit Program. OMB approved FTA's emergency request on March 17, 2009. FTA published a **Federal Register** notice on March 23, 2009, for Public Transportation on Indian Reservations Program; Tribal Transit Program Under the American Recovery and Reinvestment Act of 2009.

*Respondents*: State and local governments, tribal governments, businesses or other for-profit institutions, non-profit institutions and small business organizations.

*Estimated Annual Burden on Respondents*: Approximately 45 hours for each of the 71 respondents.

*Estimated Total Annual Burden*: 3,195 hours.

*Frequency*: Annual.

Issued: May 7, 2009.

**Ann M. Linnertz,**

*Associate Administrator for Administration.*  
[FR Doc. E9-11142 Filed 5-12-09; 8:45 am]

**BILLING CODE 4910-57-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Docket No. AB-290 (Sub-No. 316X); STB Docket No. AB-866 (Sub-No. 2X)]

#### **Norfolk Southern Railway Company—Discontinuance of Service Exemption—in Mecklenberg County, VA, and Granville County, NC; North Carolina & Virginia Railroad Co., Inc., Virginia Southern Railroad Division—Discontinuance of Service Exemption—in Mecklenberg County, VA, and Granville County, NC**

Norfolk Southern Railway Company (NSR) and North Carolina & Virginia Railroad Co., Inc., Virginia Southern Railroad Division (NCVA) (collectively, applicants), have jointly filed a verified notice of exemption under 49 CFR Part 1152 Subpart F—*Exempt Abandonments and Discontinuances of Service* to discontinue service over a 15.25 mile line of railroad between milepost D-37.9, south of Clarksville, VA, and milepost D-53.15, at O&H Junction, near Oxford, NC, in Mecklenberg County, VA, and Granville County, NC (the line).<sup>1</sup> The line traverses United States Postal Service Zip Codes 23927, 27507 and 27565.

Applicants have certified that: (1) No local traffic has moved over the line for at least 2 years; (2) any overhead traffic can be rerouted over other lines; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Board or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to these exemptions, any employee adversely affected by the discontinuance of service shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial

<sup>1</sup> NCVA was authorized to lease the line and a connecting portion of a line between milepost D-0.0 and milepost D-37.9 (northern portion) from NSR. NSR has agreed to lease the northern portion to the Buckingham Branch Railroad Company (BBRR), and NCVA has assigned its common carrier obligation over that portion of the line north of Clarksville to BBRR. See *Buckingham Branch Railroad Company—Change in Operators Exemption—Rail Line in Nottoway, Lunenburg, Charlotte, and Mecklenberg Counties, VA*, STB Finance Docket No. 35226 (STB served May 7, 2009).

revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on June 12, 2009, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues and formal expressions of intent to file an OFA for continued rail service under 49 CFR 1152.27(c)(2),<sup>2</sup> must be filed by May 26, 2009.<sup>3</sup> Petitions to reopen must be filed by June 2, 2009, with: Surface Transportation Board, 395 E Street, SW., Washington, DC 20423-0001.

A copy of any petition filed with the Board should be sent to NSR's representative: John M. Scheib, General Attorney, Norfolk Southern Railway Company, Three Commercial Place, Norfolk, VA 23510; and NCVA's representative: Louis E. Gitomer, Law Offices of Louis E. Gitomer, 600 Baltimore Avenue, Suite 301, Towson, MD 21204.

If the verified notice contains false or misleading information, the exemption is void *ab initio*.

Board decisions and notices are available on our Web site at <http://www.stb.dot.gov>.

Decided: May 7, 2009.

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

**Jeffrey Herzig,**  
Clearance Clerk.

[FR Doc. E9-11061 Filed 5-12-09; 8:45 am]

BILLING CODE 4915-01-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.

**SUMMARY:** The FHWA, on behalf of Caltrans, is issuing this notice to announce actions taken by Caltrans and other Federal agencies that are final within the meaning of 23 U.S.C. 139(l)(1). The actions relate to a

proposed Avenue 416 Widening Project in the County of Tulare and County of Fresno, State of California. Those actions grant 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(l)(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 November 9, 2009. If the Federal law that authorizes judicial review of a claim provides a time period of less than 180 days for filing such claim, then that shorter time period still applies.

**FOR FURTHER INFORMATION CONTACT:** Kelly Hobbs, Senior Environmental Planner, California Department of Transportation (Caltrans), 2015 E. Shields Avenue #100, Fresno, CA 93726; weekdays 8 a.m. to 5 p.m. (Pacific Time); telephone (559) 243-8222; e-mail [kelly\\_hobbs@dot.ca.gov](mailto:kelly_hobbs@dot.ca.gov).

**SUPPLEMENTARY INFORMATION:** Effective July 1, 2007, the FHWA assigned, and the California Department of Transportation (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(l)(1) by issuing approvals for the following highway project in the State of California. The County of Tulare along with Fresno County and the City of Dinuba, in cooperation with the California Department of Transportation (Caltrans), propose to improve approximately 12 miles of Mountain View Avenue/Avenue 416/El Monte Way by widening from a two-lane to a four-lane roadway and constructing a median and/or median lane. The limits are from Bethel Avenue in Fresno County east to Road 92 in the City of Dinuba in Tulare County. The replacement of the Kings River Bridge in Tulare County with a four-lane structure is also proposed. The project would improve traffic operations and improve regional transportation and circulation. The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Final Environmental Assessment (EA)/Finding of No Significant Impact (FONSI) for the project, approved on April 28, 2009, and in other documents in the FHWA administrative records. The EA/FONSI and other documents are available by contacting FHWA or Caltrans at the addresses provided above. The FHWA EA/FONSI can be viewed at public locations in the project area: Tulare County Resource Management Agency at 5961 South Mooney Boulevard, Visalia, CA 93277;

the City of Dinuba City Hall, 405 East El Monte Way, Dinuba, CA 93618; the Dinuba Branch Library, 150 S I St, Dinuba, CA 93618; the Windsor Christian Academy, 5018 Avenue 416, Reedley, CA 93654; or the Fresno Central Library, 2420 Mariposa St, Fresno, CA 93721.

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:* Clean Water Act, 33 U.S.C. 1251-1377 (Section 404, Section 401, Section 319); Wetlands Mitigation [23 U.S.C. 103(b)(6)(m) and 133(b)(11)]; Land and Water Conservation Fund (LWCF), 16 U.S.C. 4601-4604; Flood Disaster Protection Act, 42 U.S.C. 4001-4128; and Safe Drinking Water Act [42 U.S.C. 300(f)-300(j)(6)].

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. 470 *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]; American Indian Religious Freedom Act [42 U.S.C. 1996]; 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

<sup>2</sup> Each OFA must be accompanied by the filing fee, which currently is set at \$1,500. See 49 CFR 1002.2(f)(25).

<sup>3</sup> Because this is a discontinuance proceeding and not an abandonment, trail use/rail banking and public use conditions are not appropriate. Likewise, no environmental or historical documentation is required here under 49 CFR 1105.6(c) and 1105.8(b), respectively.