

*Article 8.* The permittee shall file any applicable statements and reports that might be required by applicable federal law in connection with this project.

*Article 9.* The permittee shall take all appropriate measures to prevent or mitigate adverse environmental impacts or disruption of significant archeological resources in connection with the operation and maintenance of the U.S. facilities, including those mitigation measures set forth in the 2007 Programmatic Environmental Tier I EIR/EIS and the 2012 Tier II Final EIR/EIS.

*Article 10.* The permittee shall not begin construction until it has been informed that the Government of the United States and the Government of Mexico have exchanged diplomatic notes confirming that both governments authorized the commencement of construction of the new POE.

*Article 11.* The permittee shall provide written notice to the Department at such time as the construction authorized by this permit has begun and again at such time as construction is completed, interrupted for more than 90 days, or discontinued.

*Article 12.* This permit is not intended to, and does not, create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or in equity, by any party against the United States, its departments, agencies, instrumentalities or entities, its officers or employees, in their individual or official capacities, or any other person. The issuance of this permit does not create any obligation on the part of the permittee or the United States of America to construct, operate, maintain, fund, or accept the donation of all or any portion of the Otay Mesa East POE; provided, however, if the permittee does operate the facilities then it will do so in accordance with the terms and conditions of this permit.

*Article 13.* This permit shall expire 10 years from the date of issuance in the event that the permittee has neither issued nor caused to be issued the notice to proceed for construction activities.

*In witness whereof,* I, Under Secretary of State for Political Affairs, have hereunto set my hand this 19 day of November 2018, in the City of Washington, District of Columbia.

David Hale,

*Under Secretary of State for Political Affairs*

End of permit text.

**Colleen A. Hoey,**

*Director, Office of Mexican Affairs,  
Department of State.*

[FR Doc. 2019-01828 Filed 2-8-19; 8:45 am]

**BILLING CODE 4710-29-P**

## **SURFACE TRANSPORTATION BOARD**

**[Docket No. FD 36239]**

### **Delmarva Central Railroad Company— Modified Rail Certificate**

On November 21, 2018, Delmarva Central Railroad Company (DCR), a Class III rail carrier,<sup>1</sup> filed a notice for a modified certificate of public convenience and necessity under 49 CFR pt. 1150 subpart C—*Modified Certificate of Public Convenience and Necessity*, to operate over two lines (together, the Lines) owned by the Delaware Transit Corporation, an operating division of the Delaware Department of Transportation (the State). The first line is approximately 6.75 miles in length and is located between milepost 24.42 at Georgetown, Del., and milepost 31.17 at Harbeson, Del. (Lewes Running Track). The second line is approximately 4.92 miles in length and is located between milepost 0.00 at Ellendale, Del., and milepost 4.92 at Milton, Del. (Milton Industrial Track).<sup>2</sup>

DCR states that the Lewes Running Track previously was owned by a component of the Penn Central Transportation Company (PCTC) and abandoned pursuant to section 304 of the Regional Rail Reorganization Act of 1973, 45 U.S.C. 744. According to DCR, the Milton Industrial Track also was owned by PCTC but was transferred to Consolidated Rail Corporation (Conrail), which subsequently abandoned it as authorized in *Conrail Abandonment Between Ellendale & Milton, Del.*, AB 167 (Sub-No. 188N) (ICC served Mar. 26, 1982).<sup>3</sup> DCR indicates that the State acquired the Lines after they were abandoned, and it contracted with Delaware Coast Line Railroad Company (DCLR) to operate them under a modified certificate of public convenience and necessity. *See Del. Coast Line R.R.—Modified Rail Certificate*, FD 30035 (ICC served Sept. 22, 1982). On November 13, 2018, DCLR filed notice, pursuant to 49 CFR

<sup>1</sup> DCR operates approximately 177 miles of rail line on the Delmarva Peninsula in Delaware, Maryland, and Virginia. *See Delmarva Cent. R.R.—Change in Operator Exemption—Cassatt Mgmt., LLC*, FD 36196 (STB served June 4, 2018); *Delmarva Cent. R.R.—Lease & Operation Exemption with Interchange Commitment—Norfolk S. Ry.*, FD 36071 (STB served Dec. 2, 2016).

<sup>2</sup> DCR states that outer extensions of the Lewes Running Track and the Milton Industrial Track that were previously served by prior operators pursuant to modified certificates are no longer active and are not included in its notice for a modified certificate.

<sup>3</sup> In its notice, DCR indicates that the Interstate Commerce Commission served the abandonment authorization on April 21, 1982 and August 4, 1982; however, it appears that abandonment authorization was first served on March 26, 1982.

1150.24, of its intent to discontinue rail service over the Lines in Docket No. FD 30035.

On May 25, 2018, DCR and the State signed an operating agreement, which authorizes DCR to provide service on the Lines from January 1, 2019, to December 31, 2023, with one five-year renewal option. DCR's notice includes a copy of the operating agreement. (*See Notice Ex. B.*)

According to DCR, the sole interline connections for the Lines are with DCR, at Georgetown for the Lewes Running Track and at Ellendale for the Milton Industrial Track. DCR states that it intends to provide rail service on the Lines up to five days per week.

The Lines qualify for a modified certificate of public convenience and necessity. *See Common Carrier Status of States, State Agencies & Instrumentalities & Political Subdivisions*, FD 28990F (ICC served July 16, 1981); 49 CFR 1150.22.

DCR states that no subsidy is involved and there are no preconditions that shippers must meet to receive rail service and provides information regarding the nature and extent of its liability insurance coverage. *See* 49 CFR 1150.23(b)(4)–(5).

This notice will be served on the Association of American Railroads (Car Service Division), as agent for all railroads subscribing to the car-service and car-hire agreement, at 425 Third Street SW, Suite 1000, Washington, DC 20024; and on the American Short Line and Regional Railroad Association at 50 F Street NW, Suite 7020, Washington, DC 20001.

Board decisions and notices are available at [www.stb.gov](http://www.stb.gov).

Decided: February 6, 2019.

By the Board, Allison C. Davis, Acting Director, Office of Proceedings.

**Brendetta Jones,**  
*Clearance Clerk.*

[FR Doc. 2019-01815 Filed 2-8-19; 8:45 am]

**BILLING CODE 4915-01-P**

## **DEPARTMENT OF TRANSPORTATION**

### **Federal Highway Administration**

#### **Notice of Final Federal Agency Actions on Proposed Highways in Nevada**

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

**ACTION:** Notice of Limitation on Claims for Judicial Review of Actions by FHWA and Other Federal Agencies.

**SUMMARY:** This notice announces actions taken by FHWA and other Federal agencies that are final. The actions

relate to the Pyramid Highway/US 395 Connection Project located in Washoe County, Nevada. These actions grant licenses, permits, and approval of the project.

**DATES:** By this notice, FHWA 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 July 11, 2019. If this date falls on a Saturday, Sunday, or legal holiday, parties are advised to file their claim no later than the business day preceding this date. 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 the FHWA: Mr. Abdelmoez Abdalla, Ph.D., Environmental Program Manager, Federal Highway Administration, 705 North Plaza Street, Carson City, Nevada 89701-0602; telephone: (775) 687-1231; email: [abdelmoez.abdalla@dot.gov](mailto:abdelmoez.abdalla@dot.gov). The FHWA Nevada Division Office's regular business hours are from 7:30 a.m. to 4:00 p.m. (Pacific Standard Time). For the Nevada Department of Transportation (NDOT): Mr. Steve M. Cooke, P.E., Chief, Environmental Services Division, Nevada Department of Transportation, 1263 South Stewart Street, Carson City, Nevada 89712; telephone: (775) 888-7686; email: [scooke@dot.nv.gov](mailto:scooke@dot.nv.gov). The NDOT office's regular business hours are from 8:00 a.m. to 5:00 p.m. (Pacific Standard Time).

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that FHWA and other Federal agencies have taken final agency actions related to the Pyramid Highway/US 395 Connection Project located in Washoe County, Nevada. The FHWA, in cooperation with the Nevada Department of Transportation (NDOT), prepared a Draft Environmental Impact Statement (EIS) (FHWA-NV-EIS-12-02-D) and Final EIS (FHWA-NV-EIS-12-02-F) to improve Pyramid Highway between Queen Way and Calle de la Plata and provide a new connection between Pyramid Highway and United States (US) 395 (referred to as the US 395 Connection). The project includes arterial improvements along approximately seven miles of Pyramid Highway from Queen Way to Calle de la Plata, and a new US 395 Connection that would start near Sparks Boulevard, run west along a ridge alignment, cross Sun Valley Boulevard south of Rampion Way, and terminate at the existing US 395/Parr Boulevard interchange, which would be modified to accommodate the

new US 395 Connection. A new interchange for the US 395 Connection would be built west of Sun Valley Boulevard. The project includes improvements on Disc Drive between Pyramid Highway and Vista Boulevard, and would extend Disc Drive from Pyramid Highway west to the new US 395 Connection. Bicycle and pedestrian facility improvements would also be provided along new and improved roadways.

The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Record of Decision (ROD) issued on December 7, 2018, and in other documents in the FHWA and NDOT project records. These documents are available by contacting FHWA or NDOT at the addresses provided above. The ROD can also be downloaded electronically from the project website at: <http://www.pyramidus395connection.com> or viewed at area public libraries.

This notice applies to all Federal agency decisions on the project 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 (FAHA) [23 U.S.C. 109 as amended by the Fast Act Section 1404(a) and 23 U.S.C. 128];
2. *Air:* Clean Air Act [42 U.S.C. 7401-7671(q)] (Transportation Conformity, 40 CFR part 93).
3. *Noise:* Procedures for Abatement of Highway Traffic Noise and Construction Noise [23 U.S.C. 109(h), 109(i); 42 U.S.C. 4331, 4332; sec. 339(b), Public Law 104-59, 109 Stat. 568, 605; 49 CFR 1.48(b)].
4. *Land:* Section 4(f) of the Department of Transportation Act of 1966 [23 U.S.C. 138 and 49 U.S.C. 303] and Section 6(f) of the Land and Water Conservation Act as amended [16 U.S.C. 4601]; 23 CFR 774.
5. *Historic and Cultural Resources:* Section 106 of the National Historic Preservation Act of 1966, as amended [54 U.S.C. 306108]; Archeological and Historic Preservation Act of 1974 [16 U.S.C. 469-469(c)].
6. *Wildlife:* Endangered Species Act [16 U.S.C. 1531-1544 and Section 1536]; Fish and Wildlife Coordination Act [16 U.S.C. 661-667(e)]; Migratory Bird Treaty Act [16 U.S.C. 703-712].
7. *Social and Economic:* Civil Rights Act of 1964 [42 U.S.C. 2000 (d)-2000 (d)(1)].
8. *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 Populations; E.O. 11593, Protection and Enhancement of Cultural Resources; 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 No. 20.205, Highway Research, 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), as amended by the Moving Ahead for Progress Act, Pub. L. 112-141, section 1308, 126 Stat. 405 (2012).

Issued on: January 31, 2019.

**Susan Klekar,**

*Division Administrator, Carson City, Nevada.*

[FR Doc. 2019-01630 Filed 2-8-19; 8:45 am]

**BILLING CODE 4910-RY-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Notice of Final Federal Agency Actions on Proposed Highway in New Mexico

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

**ACTION:** Notice of Limitation on Claims for Judicial Review of Actions by FHWA.

**SUMMARY:** This notice announces actions taken by the FHWA that are final. The actions relate to a proposed highway project, Sunport Boulevard Extension and Woodward Road from Interstate 25 extending west to NM 303 (2nd Street SW), in the County of Bernalillo, State of New Mexico. Those actions grant licenses, permits, and approvals for the project.

**DATES:** By this notice, the FHWA 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 July 11, 2019. 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 FHWA, Gregory L. Heitmann, Environmental/Realty Specialist, FHWA New Mexico Division, 4001 Office Court Drive, Suite 801, Santa Fe, NM 87507, 8:30 a.m. to 4:45 p.m., Phone Number (505) 820-2027, Email [greg.heitmann@dot.gov](mailto:greg.heitmann@dot.gov). For New Mexico Department of