

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

SUMMARY: This notice announces actions taken by the California Department of Transportation (Caltrans) pursuant to its assigned responsibilities under 23 U.S.C. 327 that are final within the meaning of 23 U.S.C. 139(l)(1). These actions relate to a proposed highway project, the Ventura/Santa Barbara U.S.101 HOV Project between Mobil Pier Undercrossing in Ventura County and Casitas Pass Road in Santa Barbara County, 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(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 August 3, 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:

Carlos Montez, Caltrans District 7, Division of Environmental Planning, 100 S. Main Street, Los Angeles, CA 90012, during normal business hours from 9 a.m. to 5 p.m. telephone (213) 897-9116, e-mail Carlos_Montez@dot.ca.gov.

SUPPLEMENTARY INFORMATION: Notice is hereby given that Caltrans, pursuant to its assigned responsibilities under U.S.C. 327, and certain other Federal agencies have taken final agency actions subject to 23 U.S.C. 139(l)(1) by approving the Ventura/Santa Barbara U.S.101 HOV Project in the State of California. When completed, the project will widen the U.S. 101 from four lanes to six lanes three northbound and three southbound by constructing an HOV lane in the existing median between Mobil Pier Undercrossing in Ventura County and Casitas Pass Road in Santa Barbara County. The purpose of the project is to relieve congestion, improve operations, safety and pedestrian and bicycle access. The project length is 6 miles. The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Initial Study with Mitigated Negative Declaration/Environmental Assessment for the project, approved on December 12, 2008 and the Finding of No Significant Impact (FONSI) issued on December 12, 2008, and in other documents in the project records. The Initial Study with Mitigated Negative

Declaration/Environmental Assessment, FONSI, and other project records are available by contacting the California Department of Transportation at the address provided above. The FONSI can be viewed and downloaded from the project Web site at <http://www.dot.ca.gov/dist07/resources/envdocs/>.

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. *Land:* Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303].

4. *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].

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.].

6. *Social and Economic:* Civil Rights Act of 1964 [42 U.S.C. 2000(d)-2000(d)(1)]; Farmland Protection Policy Act (FPPA) [7 U.S.C. 4201-4209].

7. *Wetlands and Water Resources:* Clean Water Act (Section 404, Section 401, Section 319) [33 U.S.C. 1251-1377]; Safe Drinking Water Act (SDWA) [42 U.S.C. 300(f)-300(j)(6)].

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. 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).

Issued on: January 29, 2009.

Cindy Vigue,

Director, State Programs.

[FR Doc. E9-2314 Filed 2-3-09; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on the U.S. Highway 12 in Sauk County, WI

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 within the meaning of 23 U.S.C. 139(l)(1). The actions relate to the improvements on U.S. Highway 12 from I-90/94 to Terrytown Road in Sauk County, Wisconsin. 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 August 3, 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: Mr.

Johnny Gerbitz, Federal Highway Administration, 525 Junction Road Suite 8000, Madison, Wisconsin 53717; telephone: (608) 829-7511, e-mail: Johnny.Gerbitz@fhwa.dot.gov. The FHWA Wisconsin Division's normal office hours are 7 a.m. to 4 p.m. (central time). For the Wisconsin Department of Transportation: Mr. Jim Rohe, Wisconsin Department of Transportation, 3550 Mormon Coulee Road, La Crosse, Wisconsin 54601; telephone: 608-785-9038, e-mail: james.rohe@dot.state.wi.us.

SUPPLEMENTARY INFORMATION: Notice is hereby given that FHWA has taken final agency actions subject to 23 U.S.C. 139(l)(1) by issuing licenses, permits, and approvals for the following highway project in the State of Wisconsin: U.S. 12 in Sauk County, WI, from I-90/94 to Terrytown Road in Baraboo, WI. Due to design changes affecting property outside of the original footprint specified in the FEIS (FHWA-WI-EIS-96-02-F) and ROD (approved February 10, 2004), additional analysis of the area impacted by the design changes was conducted. A Revised Record of Decision (ROD) was issued on October 29, 2008 and approves the design changes and updates the findings for the project. The actions taken by FHWA, and the laws under which such actions

were taken, are described in the Final Environmental Impact Statement for the project, and in other documents in the FHWA or WisDOT project records. The FEIS, Revised ROD, and other project records are available by contacting FHWA or WisDOT at the addresses provided above. The FHWA FEIS and Revised ROD can also be viewed at the Wisconsin DOT's La Crosse office at the address noted above. 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 (FAHA) [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*: 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].
4. *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)].
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)–470(ll)]; Archeological and Historic Preservation Act [16 U.S.C. 469–469(c)]; Native American Grave Protection and Repatriation Act [25 U.S.C. 3001–3013].
6. *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].
7. *Executive Orders*: E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Population; E.O. 13007, Indian Sacred Sites.

(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: January 29, 2009.

Allen Radliff,

Division Administrator, Wisconsin Division.
[FR Doc. E9–2317 Filed 2–3–09; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received a request for a waiver of compliance with certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

BNSF Railway Company

(*Waiver Petition Docket Number FRA–2008–0157*)

The BNSF Railway Company (BNSF) seeks a waiver of compliance with the Locomotive Safety Standards, 49 CFR 229.23 (requiring a periodic inspection at least every 92 days) and 229.25 (requiring specific tests at every periodic inspection) for BNSF General Electric *Evolution* series and Electro-Motive Diesel *ACe* series locomotives.

BNSF states in their request that each of the subject locomotives are equipped with new self-diagnostic technology and advanced computer control, and that the locomotives were designed by the manufacturer to be maintained at a 6 month interval. BNSF further indicates that if the waiver is granted, the required 92 day periodic inspection will be performed at 184 day intervals on the subject locomotives, and that qualified mechanical forces will perform at least one of the required daily inspections every 31 days. FRA non-complying conditions discovered on locomotives en-route or during any daily inspection will be moved to a mechanical facility capable of making required repairs.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (*e.g.*, Waiver Petition Docket Number FRA–2008–0157) and may be submitted by any of the following methods:

- *Web site:* <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue, SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received within 45 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at <http://www.regulations.gov>.

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78).

Issued in Washington, DC on January 29, 2009.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. E9–2329 Filed 2–3–09; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received a request for a waiver of compliance from certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.