

1980.¹ The City explains that CIRY was authorized to operate over the Kellar Branch in *Central Illinois Railroad—Operation Exemption—Rail Line of the City of Peoria & the Village of Peoria Heights in Peoria & Peoria Heights, Peoria County, Ill.*, FD 34518, et al. (STB served July 28, 2004). According to the City, CIRY ceased operations in 2010 and was involuntarily dissolved in 2011. In addition, the City asserts that CIRY's prior owners cannot be located and CIRY has failed to abide by its operating, maintenance, and other responsibilities under its prior operating lease with the City, which has been terminated.

The City states that the only customer on the Line, O'Brien Steel Service Co. (O'Brien Steel), has been without rail service since 2010 following the cessation of CIRY's operations.² The City explains that, after discontinuance, it intends to transfer approximately 550 feet of right-of-way and track located at the south end of the Line to O'Brien Steel, which plans to use the track as a private industrial spur to connect to the Tazewell & Peoria Railroad.³ The City attached to its petition a letter from O'Brien Steel supporting the City's petition.

The City states that, based on information in its possession, the Line does not contain any federally granted rights-of-way and that any documentation in its possession will be made available to those requesting it.

As a condition to this exemption, any employee adversely affected by the discontinuance of service shall be protected under *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho*, 360 I.C.C. 91 (1979).

¹ The Board has found that the Kellar Branch was fully abandoned when the City acquired it. *Pioneer Indus. Ry.—Discontinuance of Serv. Exemption—Line in Peoria Cnty., Ill.*, AB 1066 (Sub-No. 1X) et al., slip op at 5 (STB served Apr. 16, 2010); *City of Peoria—Adverse Discontinuance—Pioneer Indus. Ry.*, ABA 878, slip op. at 1 (STB served Nov. 19, 2007).

² According to the City, Pioneer Industrial Railway (PIRY) obtained non-exclusive local trackage rights over the Line in 2010, see *Pioneer Indus. Ry. Co.—Trackage Rights Exemption—Central Illinois R.R.*, FD 35341 (STB served Jan. 14, 2010), but has not used them since CIRY's dissolution in 2011. PIRY recently filed a verified notice of exemption for discontinuance of those trackage rights. (Notice, Feb. 13, 2023, *Pioneer Indus. Ry.—Discontinuance of Trackage Rts. Exemption—in Peoria Cnty., Ill.*, AB 1056 (Sub-No. 1X).)

³ The City asserts that under *Common Carrier Status of States, State Agencies & Instrumentalities & Political Subdivisions*, 363 I.C.C. 132 (1980), abandonment authority is not necessary here because the Line was previously authorized for abandonment and the City has never held itself out as a common carrier.

Because the Line has already been abandoned, trail use/rail banking and public use conditions are not appropriate, and no environmental review is necessary.

By issuance of this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b).

A final decision will be issued by June 5, 2023. Any offer of financial assistance (OFA) under 49 CFR 1152.27(b)(2) to subsidize continued rail service will be due no later than 120 days after the filing of the petition for exemption, or 10 days after service of a decision granting the petition for exemption, whichever occurs sooner.⁴ The filing fee for OFAs can be found at 49 CFR 1002.2(f)(25).

Any interested party may file a response to this notice. All pleadings, referring to Docket No. AB 1066 (Sub-No. 3X), must be filed with the Surface Transportation Board either via e-filing on the Board's website or in writing addressed to 395 E Street SW, Washington, DC 20423-0001. In addition, a copy of each pleading must be served on the City's representative, Peter A. Pfohl, Slover & Loftus LLP, 1224 17th Street NW, Washington, DC 20036. Replies to the petition are due on or before March 27, 2023.

Persons seeking further information concerning discontinuance procedures may contact the Board's Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245-0238 or refer to the full abandonment and discontinuance regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Office of Environmental Analysis at (202) 245-0294. If you require an accommodation under the Americans with Disabilities Act, please call (202) 245-0245.

Board decisions and notices are available at www.stb.gov.

Decided: March 2, 2023.

By the Board, Mai T. Dinh, Director, Office of Proceedings.

Brendetta Jones,
Clearance Clerk.

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⁴ The City has requested an exemption from the OFA procedures at 49 U.S.C. 10904 and waiver of the related Board regulations at 49 CFR 1152.27.

SURFACE TRANSPORTATION BOARD

[Docket No. AB 1056 (Sub-No. 1X)]

Pioneer Industrial Railway Co. LLC—Discontinuance of Trackage Rights Exemption—in Peoria County, Ill.

Pioneer Industrial Railway Co. LLC (PIRY) has filed a verified notice of exemption under 49 CFR part 1152 subpart F—*Exempt Abandonments and Discontinuances of Service* to discontinue trackage rights over approximately 1.07 miles of rail line located between milepost 1.71 and milepost 2.78 in the City of Peoria, Peoria County, Ill. (the Line).¹ The Line traverses U.S. Postal Service Zip Code 61603.

PIRY has certified that: (1) it has moved no local traffic over the Line for at least two years; (2) because the Line is stub-ended, there is no overhead traffic on the Line to be rerouted; (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 on the Line is either pending with the Surface Transportation Board or with any U.S. District Court or has been decided in favor of a complainant within the two-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 this exemption, any employee adversely affected by the discontinuance of service shall be protected under *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

¹ PIRY's discontinuance of trackage rights exemption is related to a concurrently filed petition by the City of Peoria, Ill. (the City), for an exemption "permitting the City, on behalf of the no longer extant Central Illinois Railroad Company ('CIRY'), to discontinue service" over the Line. (Pet. 1, Feb. 15, 2023, *City of Peoria, Ill.—Discontinuance of Serv. Exemption—in Peoria, Ill.*, AB 1066 (Sub-No. 3X) (footnote omitted).) In its petition, the City requests that the Board exempt both the discontinuance of service in that docket and PIRY's discontinuance of trackage rights in this docket from the Board's offer of financial assistance (OFA) provisions at 49 U.S.C. 10904. (*Id.* at 14–16.) In its verified notice here, PIRY states that it supports the City's request for exemption from the OFA provisions and, "to ensure uniform application of the requested exemption, PIRY hereby incorporates herein by reference the City's case for OFA relief." (Notice 6.) PIRY's request will be addressed by separate decision.

Provided no formal expression of intent to file an OFA² to subsidize continued rail service has been received, this exemption will be effective on April 6, 2023, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues and formal expressions of intent to file an OFA to subsidize continued rail service under 49 CFR 1152.27(c)(2)³ must be filed by March 17, 2023.⁴ Petitions to reopen must be filed by March 27, 2023.

All pleadings, referring to Docket No. AB 1056 (Sub-No. 1X), must be filed with the Surface Transportation Board either via e-filing on the Board's website or in writing addressed to 395 E Street SW, Washington, DC 20423-0001. In addition, a copy of each pleading must be served on PIRY's representative, Robert A. Wimbish, Fletcher & Sippel LLC, 29 North Wacker Drive, Suite 800, Chicago, IL 60606-3208.

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

Board decisions and notices are available at www.stb.gov.

Decided: February 28, 2023.

By the Board, Mai T. Dinh, Director, Office of Proceedings.

Aretha Laws-Byrum,
Clearance Clerk.

[FR Doc. 2023-04584 Filed 3-6-23; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed Highway in California

AGENCY: Federal Highway Administration (FHWA), Department of Transportation (DOT).

ACTION: Notice of limitation on claims for judicial review of actions by the California Department of Transportation (Caltrans).

SUMMARY: The FHWA, on behalf of Caltrans, is issuing this notice to announce actions taken by Caltrans that

are final. The actions relate to a proposed highway project, on State Route 99 from post mile 21.2 to 24.4 in the County of Fresno, 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 4, 2023. 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 Caltrans: Trais Norris, Senior Environmental Planner, 2015 East Shields Avenue, Suite 100, Fresno, California 93726; phone: 209-601-3521; or email: trais.norris@dot.ca.gov.

SUPPLEMENTARY INFORMATION: Effective July 1, 2007, the Federal Highway Administration (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 the Caltrans, 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 California: Caltrans proposes to rehabilitate State Route 99 between 0.2 mile south of the El Dorado Street Overcrossing and the Clinton Avenue Overcrossing within the City of Fresno in Fresno County. The proposed work includes lengthening and/or widening seven structures and replacing three overcrossings and one railroad underpass, which would provide standard vertical clearances and longer structure spans that would accommodate required horizontal and vertical clearances. The purpose of the project is to provide a long-term solution to the deteriorating pavement within the project limits that reduces maintenance crew exposure and long-term maintenance expenditures.

The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Final Environmental Assessment/Finding of No Significant Impact (FONSI) for the project, approved on February 8, 2023, and in other documents in the FHWA project records. The FEA, FONSI, and other project records are available by contacting Caltrans at the addresses provided above. The Caltrans FEA and FONSI can be viewed and downloaded from the project website at <https://>

dot.ca.gov/caltrans-near-me/district-6/district-6-projects/06-0w800, or viewed at public libraries in the project area: the Gillis Branch Library at 629 West Dakota Avenue, Fresno, California 93705; and the Fresno County Public Library at 2420 Mariposa Street, Fresno, California 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. 4321-4335].

2. *Land:* Section 4(f) of the Department of Transportation Act of 1966 [23 U.S.C. 138 and 49 U.S.C. 303].

3. *Wildlife:* Federal Endangered Species Act [16 U.S.C. 1531-1543]; Fish and Wildlife Coordination Act [16 U.S.C. 661-666(C)]; Migratory Bird Treaty Act [16 U.S.C. 760c-760g].

4. *Historic and Cultural Resources:* Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470(f) *et seq.*].

5. *Wetlands and Water Resources:* Clean Water Act [33 U.S.C. 1344].

6. *Hazardous Waste:* Comprehensive Environmental Response, Compensation and Liability Act [42 U.S.C. 103]; Resource Conservation and Recovery Act of 1976 [42 U.S.C. 6901 *et seq.*].

7. Title VI of the Civil Rights Act of 1964, as amended.

8. Executive Order 12898, Federal Actions to Address Environmental Justice and Low Income Populations.

(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))

Dated: March 1, 2023.

Antonio Johnson,
Director, Environment, Right-of-Way, Federal Highway Administration, California Division.

[FR Doc. 2023-04563 Filed 3-6-23; 8:45 am]

BILLING CODE 4910-RY-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2023-0050]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: DOUBLE DOWN (Motor); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

² Persons interested in submitting an OFA to subsidize continued rail service must first file a formal expression of intent to file an offer, indicating the intent to file an OFA for subsidy and demonstrating that they are preliminarily financially responsible. See 49 CFR 1152.27(c)(2)(i).

³ The filing fee for OFAs can be found at 49 CFR 1002.2(f)(25).

⁴ Because this is a discontinuance proceeding and not an abandonment, interim trail use/rail banking and public use conditions are not appropriate. Because there will be an environmental review during abandonment, this discontinuance does not require an environmental review.