

**SURFACE TRANSPORTATION BOARD****[Docket No. AB 1310 (Sub-No. 1X)]****Northwestern Pacific Railroad Company—Discontinuance of Service Exemption—in Mendocino County, Cal.**

Northwestern Pacific Railroad Company (NWPCO) has filed a verified notice of exemption under 49 CFR part 1152 subpart F—*Exempt Abandonments and Discontinuances of Service* to discontinue service over an approximately 53.5-mile rail line extending between approximately milepost NWP 142.5 near Outlet Station and approximately milepost NWP 89 near the Sonoma-Mendocino County, Cal., border in Mendocino County, Cal. (the Line).<sup>1</sup> The Line traverses U.S. Postal Service Zip Codes 95490, 95470, 95482, 95449, and 95425.

NWPCO has certified that: (1) It has handled no local traffic over the Line for at least two years;<sup>2</sup> (2) it has not handled overhead traffic on the Line and there is no potential overhead traffic that would need to be rerouted; (3) no formal complaint filed by a user of rail service on the Line (or a state or local government entity acting on behalf of such user) regarding cessation of service over the Line either is pending with the Surface Transportation Board or 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.

The verified notice states that the Line “comprises the entirety of NWPCO’s remaining common carrier operating authority.”<sup>3</sup> Where, as here, the carrier is discontinuing service over its entire system, the Board does not normally impose labor protection under 49 U.S.C. 10502(g), unless the evidence indicates

the existence of: (1) a corporate affiliate that will continue substantially similar rail operations; or (2) a corporate parent that will realize substantial financial benefits over and above relief from the burden of deficit operations by its subsidiary railroad. *See Honey Creek R.R.—Aban. Exemption—in Henry Cnty., Ind.*, AB 865X (STB served Aug. 20, 2004); *Northampton & Bath R.R.—Aban. near Northampton & Bath Junction in Northampton Cnty., Pa.*, 354 I.C.C. 784 (1978); *Wellsville, Addison & Galeton R.R.—Aban. of Entire Line in Potter & Tioga Cntys., Pa.*, 354 I.C.C. 744 (1978). According to NWPCO, it does not have a corporate affiliate that has similar rail operations, and there is no corporate parent that will benefit from the proposed discontinuance. Therefore, employee protection conditions will not be imposed.

Provided no formal expression of intent to file an offer of financial assistance (OFA)<sup>4</sup> to subsidize continued rail service has been received, this exemption will be effective on September 1, 2021, 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)<sup>5</sup> must be filed by August 12, 2021.<sup>6</sup> Petitions for reconsideration must be filed by August 23, 2021.

All pleadings, referring to Docket No. AB 1310 (Sub-No. 1X) should be filed with the Surface Transportation Board via e-filing on the Board’s website. In addition, a copy of each pleading filed with the Board must be served on NWPCO’s representative, Justin J. Marks, Clark Hill PLC, 1001 Pennsylvania Avenue NW, Suite 1300 South, Washington, DC 20004.

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](http://www.stb.gov).

Decided: July 27, 2021.

<sup>4</sup> 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).

<sup>5</sup> The filing fee for OFAs can be found at 49 CFR 1002.2(f)(25).

<sup>6</sup> 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 environmental review.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

**Regena Smith-Bernard,**  
Clearance Clerk.

[FR Doc. 2021–16372 Filed 7–30–21; 8:45 am]

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**DEPARTMENT OF TRANSPORTATION****Federal Highway Administration****Notice of Final Federal Agency Actions on Proposed Highway in Washington**

**AGENCY:** Federal Highway Administration (FHWA), Department of Transportation (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 National Environmental Policy Act (NEPA) approvals for a proposed highway project, the I–405, SR 522 Vicinity to SR 527 Express Toll Lanes Improvement Project between Mileposts 21.79 and 27.06, located mostly in Bothell, Washington in the Counties of King and Snohomish, State of Washington.

**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 December 30, 2021. 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, Lindsey Handel, Area Engineer, Federal Highway Administration, 711 S Capitol Way, Suite 501, Olympia, WA 98501–1284, 360–753–9480, [lindsey.handel@dot.gov](mailto:lindsey.handel@dot.gov); or Robert Woeck, I–405/SR 167 Megaprogram Deputy Program Administrator, Washington State Department of Transportation, 600 108th Avenue NE, Suite 405, Bellevue, Washington 98004, 425–456–8585, [woeckro@wsdot.wa.gov](mailto:woeckro@wsdot.wa.gov).

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that FHWA has taken final agency action(s) subject to 23 U.S.C. 139(l)(1) by issuing National Environmental Policy Act approvals for the following highway project in the State of Washington: The I–405, SR 522 Vicinity to SR 527 Express Toll Lanes Improvement Project (Project) proposes to make roadway, structural, trail, and transit infrastructure improvements to I–405 from milepost (MP) 21.79 to MP 27.06, located mostly in Bothell,

<sup>1</sup> According to NWPCO, it holds common carrier authority to operate over the Line pursuant to a lease agreement with the North Coast Railroad Authority (NCRA). *See Nw. Pac. R.R.—Change in Operators Exemption—N. Coast R.R. Auth.*, FD 35073 (STB served Aug. 30, 2007). NCRA has filed a verified notice of exemption to abandon 175.84 miles of rail line, including an approximately three-mile segment of the Line between milepost 139.5 and milepost 142.5. *See* NCRA, Notice of Exemption 1, *N. Coast R.R.—Aban. Exemption—in Mendocino, Trinity & Humboldt Cntys., Cal.*, AB 1305X.

<sup>2</sup> NWPCO states that it has never offered service on the Line due to Emergency Order 21 issued by the Federal Railroad Administration prohibiting railroad operations since 1998.

<sup>3</sup> NWPCO states that it previously discontinued operations over a connecting rail line segment between milepost NWP 89 and milepost SP 63.4. *See Nw. Pac. R.R.—Discontinuance of Serv. Exemption—in Marin, Napa, & Sonoma Cntys., Cal.*, AB 1310X (STB served June 11, 2021).

Washington. The Project proposes to create a dual express toll lane (ETL) system by restriping existing lanes from MP 21.79 to MP 22.30 and widening I-405 to add one ETL in each direction between MP 22.30 and MP 26.30. At the SR 522 interchange, the Project would construct direct access ramps to and from the ETL, inline transit stations in the I-405 median, and three new signalized intersections on SR 522, which would change where the freeway portion of SR 522 begins and ends. Just south of the SR 527 interchange at 17th Avenue SE, the Project would construct direct access ramps to and from the ETL and inline transit stations in the I-405 median. The Project would reconstruct new bridges over the Sammamish River, build three new noise walls, construct bicycle and pedestrian facilities, reconfigure local streets, correct five fish barriers, and make stormwater improvements.

The actions by the Federal agencies, and the laws under which such actions were taken, are described in the I-405, SR 522 Vicinity to SR 527 Express Toll Lanes Improvement Project Environmental Assessment (EA) issued on July 2, 2020, Finding of No Significant Impact (FONSI) for the project published on July 29, 2021 and in other documents in the project records. The EA, FONSI, and other project records are available from FHWA and WSDOT at the addresses provided in the "For Further Information Contact" section of this notice and can be found at: <http://www.wsdot.wa.gov/Projects/i405/sr-522-sr-527/environmental-review/>.

This notice applies to all Federal agency decisions that are final 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. 7401–7671q).
3. Land: Section 4(f) of the Department of Transportation Act of 1966 (49 U.S.C. 303; 23 U.S.C. 138); Landscaping and Scenic Enhancement (Wildflowers) (23 U.S.C. 319).
4. Wildlife: Endangered Species Act (16 U.S.C. 1531–1544 and Section 1536); Marine Mammal Protection Act (16 U.S.C. 1361–1423h); Fish and Wildlife Coordination Act (16 U.S.C. 661–667d); 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. 470f); Archeological

Resources Protection Act of 1977 (16 U.S.C. 470aa–470mm); Archeological and Historic Preservation Act (16 U.S.C. 469–469c); Native American Grave Protection and Repatriation Act (NAGPRA) (25 U.S.C. 3001–3013).

6. Social and Economic: American Indian Religious Freedom Act (42 U.S.C. 1996); 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. 1251–1387); Land and Water Conservation Fund (LWCF) (16 U.S.C. 4601–4604); 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. 3901, 3921); Wetlands Mitigation (23 U.S.C. 119(g) and 133(b)(14)); Flood Disaster Protection Act, 42 U.S.C. 4012a, 4106).

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. 13007 Indian Sacred Sites; E.O. 13287 Preserve America; E.O. 13175 Consultation and Coordination with Indian Tribal Governments; 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).

Issued on: July 26, 2021.

**Melinda Roberson,**

*Acting Division Administrator, Federal Highway Administration, Olympia, Washington.*

[FR Doc. 2021–16320 Filed 7–30–21; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket No. FRA–2020–0031]

#### Petition for Approval Extension: Union Pacific Railroad

**AGENCY:** Federal Railroad Administration (FRA), Department of Transportation (DOT).

**ACTION:** Notice of petition for an extension of approval of track inspection test program.

**SUMMARY:** This document provides the public notice that on July 21, 2021, Union Pacific Railroad (UP) petitioned the Federal Railroad Administration (FRA) to extend an existing temporary suspension of some visual track inspections to allow for the continuation of a previously approved Test Program designed to test track inspection technologies (*i.e.*, an autonomous track geometry measurement system) and new operational approaches to track inspections (*i.e.*, combinations of autonomous inspection and traditional visual inspections).

**FOR FURTHER INFORMATION CONTACT:** Yu-Jiang Zhang, Staff Director, Track and Structures Division, at (202) 493–6460 or [yujiang.zhang@dot.gov](mailto:yujiang.zhang@dot.gov); or Aaron Moore, Attorney, Office of the Chief Counsel, at (202) 493–7009 or [aaron.moore@dot.gov](mailto:aaron.moore@dot.gov).

**SUPPLEMENTARY INFORMATION:** On April 28, 2020, FRA conditionally approved the Test Program and UP's petition under 49 CFR 211.51 to suspend § 213.233(c) as applied to operations under the Test Program. Accordingly, a copy of the Test Program, FRA's conditional approval of the Test Program, and a previously published **Federal Register** notice explaining FRA's rationale for approving the Test Program and related suspension are available for review in the docket.<sup>1</sup>

As approved, the Test Program includes two separate phases over 12 months, as outlined in Exhibit C of the Program.<sup>2</sup> UP began the Test Program on June 15, 2020. Accordingly, the Test Program expired on June 15, 2021. UP is requesting to renew and extend the Test Program for one year, until June 15, 2022, to complete the Program.

A copy of the petition, as well as any written communications concerning the petition, if any, are available for review online at [www.regulations.gov](http://www.regulations.gov).

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments.

All communications concerning these proceedings should identify the appropriate docket number and may be

<sup>1</sup> <https://www.regulations.gov/document/FRA-2020-0031-0001> (Test Program); <https://www.regulations.gov/document/FRA-2020-0031-0002> (FRA's approval decision); <https://www.regulations.gov/document/FRA-2020-0031-0004> (FRA's published notice of approval).

<sup>2</sup> See <https://www.regulations.gov/document/FRA-2020-0031-0001>.