

by FTA and FHWA. These conformity findings and approval actions constitute the determination that Sates are complying with the requirements of 23 U.S.C. 235 and 49 U.S.C. Sections 5303 and 5304 as a condition of eligibility for federal-aid funding. Without these documents, approvals and findings, capital and/or operating assistance cannot be provided.

*Respondents:* State Departments of Transportation (DOTs) and MPOs.

*Estimated Annual Burden on Respondents:* 621 hours for each of the 436 respondents.

*Estimated Total Annual Burden:* 270,756 hours.

*Frequency:* Annual.

Issued: October 6, 2010.

**Ann M. Linnertz,**

*Associate Administrator for Administration.*

[FR Doc. 2010-25656 Filed 10-12-10; 8:45 am]

**BILLING CODE 4910-57-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Notice of Final Federal Agency Actions on Proposed Highway in Vermont

**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 a proposed highway project, the Southern Connector/Champlain Parkway in the City of Burlington, Chittenden County, Vermont. Those actions grant 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 April 11, 2011. 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:** For FHWA: Mr. Kenneth R. Sikora, Jr., Environmental Program Manager, Federal Highway Administration, P.O. Box 568, Montpelier, Vermont 05601-0568; telephone: (802) 828-4573; e-mail: [Kenneth.Sikora@dot.gov](mailto:Kenneth.Sikora@dot.gov). The FHWA Vermont Division Office's normal business hours are 8 a.m. to 4:30 p.m. (eastern time). For the Vermont Agency of Transportation: Mr. Wayne Davis,

Project Supervisor, Vermont Agency of Transportation, One National Life Drive, Montpelier, Vermont 05633; telephone: (808) 828-5609; e-mail: [Wayne.Davis@state.vt.us](mailto:Wayne.Davis@state.vt.us). The Vermont Agency of Transportation's normal business hours are 7:45 a.m. to 4:30 p.m. (eastern time).

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that the FHWA, 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 Vermont: the Southern Connector/Champlain Parkway, Federal-aid Project Number MEGC-M5000(1), in the City of Burlington, Chittenden County. The project will consist of approximately 2.3 miles of a two-lane roadway with turning lanes on both new location and existing roadways. The project will begin at the western terminus of I-189 at Shelburne Street (U.S. Route 7) and will extend westerly and then northerly to the City Center District (CCD) at the intersection of Pine Street and Main Street. The general purposes of the project are to improve access from the vicinity of the interchange of I-189 and U.S. Route 7 to the Burlington CCD and the downtown waterfront area; and to improve circulation, reduce congestion, and improve safety on the local roadways in the project study area. The project includes a section of previously constructed roadway that has never been opened to traffic, new alignment from the end of the previously constructed section to Lakeside Avenue, and existing roadway along Lakeside Avenue and Pine Street. The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Final Supplemental Environmental Impact Statement (FSEIS) for the project, approved on September 22, 2009, in the FHWA Record of Decision (ROD) issued on January 13, 2010, and in other documents in the FHWA project files. The FSEIS, ROD, and other project records are available by contacting the FHWA or the Vermont Agency of Transportation at the addresses provided above. The FHWA FSEIS and ROD can also be viewed and downloaded from the project Web site at <http://www.aot.state.vt.us/progdev/Sections/LTF/SouthernConnectorSEIS/SouthernConnectorFSEIS.htm>.

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

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

4. *Executive Orders:* E.O. 11990 Protection of Wetlands; E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations 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).

Issued on: October 6, 2010.

**Kenneth R. Sikora, Jr.,**

*Environmental Program Manager, Montpelier, Vermont.*

[FR Doc. 2010-25696 Filed 10-12-10; 8:45 am]

**BILLING CODE 4910-RY-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Notice of Final Federal Agency Actions on the Route 250 Bypass Interchange at McIntire Road Project in Virginia

**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 Route 250 Bypass Interchange at McIntire Road project in the City of Charlottesville, Virginia. 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 project will be barred unless the claim is filed on or before April 11, 2011.

Notwithstanding any other provision of law, a claim arising under Federal law seeking judicial review of a permit, license, or approval issued by a Federal agency for a highway or public transportation capital project shall be barred unless it is filed within 180 days after publication of a notice in the **Federal Register** announcing that the permit, license, or approval is final

pursuant to the law under which the agency action is taken, unless a shorter time is specified in the Federal law pursuant to which judicial review is allowed.

**FOR FURTHER INFORMATION CONTACT:** Mr. John Simkins, Senior Environmental Specialist, Federal Highway Administration, 400 North 8th Street, Richmond, Virginia 23219; telephone: (804) 775-3342; e-mail: [John.Simkins@dot.gov](mailto:John.Simkins@dot.gov). The FHWA Virginia Division Office's normal business hours are 7 a.m. to 5 p.m. (eastern time). For the City of Charlottesville (the project sponsor): Ms. Angela Tucker, Development Services Manager, P.O. Box 911, Charlottesville, Virginia 22902; telephone: (434) 970-3993; e-mail: [tuckera@charlottesville.org](mailto:tuckera@charlottesville.org). The City of Charlottesville's normal business hours are 8 a.m. to 5 p.m. (eastern time).

**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 project in the State of Virginia: Route 250 Bypass Interchange at McIntire Road. The project would involve construction of a grade-separated interchange at the existing intersection of Route 250 Bypass and McIntire Road. The project would reduce traffic congestion and improve community mobility. The actions taken by FHWA, and the laws under which such actions were taken, are described in the Revised Environmental Assessment, the letter finalizing the Environmental Assessment process and requesting a Finding of No Significant Impact (FONSI), the FONSI that was issued on September 29, 2010, the Final Section 4(f) Evaluation that was approved on September 29, 2010, and in other documents in the FHWA project records. The Revised Environmental Assessment, the letter finalizing the Environmental Assessment process and requesting a FONSI, the FONSI, and the Final Section 4(f) Evaluation can be viewed on the project's internet Web site at <http://www.250interchange.org>. These documents and other project records are also available by contacting FHWA or the City of Charlottesville at the phone numbers and addresses provided 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 [49 U.S.C. 303].

4. *Wildlife:* Endangered Species Act [16 U.S.C. 1531-1544 and Section 1536].

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:* Farmland Protection Policy Act [7 U.S.C. 4201-4209].

(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: October 6, 2010.

**John Simkins,**

*Senior Environmental Specialist.*

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**BILLING CODE 4910-RY-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[Docket No. FD 35383]

#### Eastern Berks Gateway Railroad Company—Modified Rail Certificate—in Berks County, PA

On September 13, 2010, Eastern Berks Gateway Railroad Company (EBGR), a noncarrier, filed a notice for a modified certificate of convenience and necessity under 49 CFR pt. 1150 subpart C—*Modified Certificate of Public Convenience and Necessity* to lease and operate an approximately 8.6-mile line of railroad between milepost 0.0 at Pottstown and milepost 8.6 at Boyertown in Berks County, Pa. (Colebrookdale Line).

The Colebrookdale Line was authorized for abandonment by the Board in *East Penn Railroad—Abandonment Exemption—In Berks and Montgomery Counties, Pa.*, Docket No. AB 1020X (STB served Nov. 18, 2008). Although authorized for abandonment, the line was subsequently acquired by Berks County, Pa. (the County), pursuant to 49 CFR 1150.22.<sup>1</sup>

<sup>1</sup> The County originally filed an offer of financial assistance (OFA) to acquire the Colebrookdale Line. The Board subsequently set the terms and conditions for the acquisition via OFA. *See E. Penn R.R.—Abandon. Exemption—In Berks and*

Pursuant to a Lease and Operating Agreement, EBGR, as lessee, and the County, as owner, have agreed that EBGR will commence freight rail operation on or about September 15, 2010, for a term of 5 years, which may be extended up to 1 additional 5-year term. Under the Lease and Operating Agreement, the County is responsible for restoring the Colebrookdale Line to Federal Railroad Administration Class 2 condition prior to EBGR's commencement of operations, and will retain responsibility for the cost of certain bridge and grade crossing rehabilitation. As operator of the Colebrookdale Line, EBGR will provide rail freight service to the only interline connection, Norfolk Southern Railway Company, at milepost 0.0, at Pottstown. EBGR intends to provide rail service twice weekly or on an as-needed basis.

This transaction is related to the verified notice of exemption filed in *US Rail Partners, Ltd. and Blackwell Northern Gateway Railroad—Continuance in Control Exemption—Eastern Berks Gateway Railroad*, Docket No. FD 35384 (STB served July 15, 2010), wherein US Rail Partners, Ltd. (USRP), and Blackwell Northern Gateway Railroad Company (BNGR) seeks to continue in control of EBGR, upon EBGR becoming a Class III rail carrier.

The rail segment qualifies for a modified certificate of public convenience and necessity. *See Common Carrier Status of States, State Agencies and Instrumentalities and Political Subdivisions*, Docket No. FD 28990F (ICC served July 16, 1981).

EBGR states that no subsidy is involved and that there are no preconditions for shippers to meet in order to receive rail service. EBGR also states that the Lease and Operating Agreement requires it to obtain liability insurance coverage.

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 on our Web site at <http://www.stb.dot.gov>.

*Montgomery Counties, Pa.*, Docket No. AB 1020X (STB served Jan. 28, 2009). However, the County acquired the Colebrookdale Line under 49 CFR 1150.22 rather than under the OFA process. *See E. Penn R.R.—Abandon. Exemption—In Berks and Montgomery Counties, Pa.*, AB 1020X (STB served Apr. 9, 2009).