

11400 South, and widening 10600 South to six lanes from just west of River Front Parkway to Jordan Gateway. Selection of the Preferred Alternative was based on a comparison of all the alternatives advanced for detailed study in terms of mobility improvements, and environmental, social, economic and Section 4(f) impacts. In addition, the project team considered public and resource agency input and city council recommendations or resolutions regarding the project.

This project requires Federal approval of a proposed new Interstate access and may involve Federal Highway Administration funding as authorized by Title 23 of the United States Code. Consequently, pursuant to the National Environmental Policy Act (NEPA) (42 U.S.C. 4321 *et seq.*), the Federal Highway Administration (FHWA) in coordination with the Utah Department of Transportation (UDOT), prepared an Environmental Impact Statement (EIS) for the project's impact on the human environment. The Final EIS (FEIS) was issued on June 3, 2005.

Pursuant to Section 6002 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (23 U.S.C. 139(l)) any person or entity wishing to file a claim for judicial review challenging this decision must do so within 180 days of the publication of this notice.

**FOR FURTHER INFORMATION CONTACT:**

Jeffrey Berna, Environmental Specialist, Federal Highway Administration, 2520 West 4700 South, Suite 9A, Salt Lake City, Utah 84118, Telephone: (801) 963-0078 ext. 235; or Joe Kammerer, Project Manager, Utah Department of Transportation, Region 2, 2010 South 2760 West, Salt Lake City, UT 84104-4592, Telephone: (801) 887-3435. Copies of the FEIS and ROD are available for review at the addresses mentioned above and can be viewed and downloaded from the project Web site <http://www.udot.utah.gov/11400south/>.

Comments or questions concerning this proposed action and the ROD should be directed to the FHWA or UDOT at the addresses provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations impending Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program)

Issued on: October 13, 2005.

**Jeffrey Berna,**

*Environmental Specialist, Salt Lake City, Utah.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

**[Docket Number FRA-2005-21015]**

#### Notice of Request for Reduction in Scope of Application for Approval of Discontinuance or Modification of a Railroad Signal System and Extension of Comment Period

The Central New York Railroad Corporation, Norfolk Southern Corporation, and New York, Susquehanna and Western Railway Corporation have jointly petitioned the Federal Railroad Administration (FRA) requesting a reduction in scope of their original block signal application identified as Docket Number FRA-2005-21015. The joint application is now seeking approval of the proposed discontinuance and removal of the automatic block signal systems, on the two main tracks, between CP Coles, milepost 209.5 and CP BD, milepost 213.0, near Binghamton, New York, a distance of approximately 3.5 miles.

FRA has conducted its own investigation and held a public hearing on September 28, 2005. At this public hearing the involved railroads requested a reduction in scope of the application. In an effort to allow interested parties an opportunity to comment on this reduction in scope of the original application, FRA is extending the comment period in this matter to November 9, 2005.

FRA expects to be able to determine this matter without further oral hearings. FRA may conduct additional oral hearings if a specific request is received. However, any such request for an oral hearing must be accompanied by specific documentation establishing that the party is unable to adequately present his or her position by written statements.

All communications concerning this proceeding should be identified by the docket number (FRA-2005-21015) and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, Room PL-401 (Plaza Level), 400 7th Street, SW., Washington, DC 20590-0001. Communications received within 45 days of the date of this notice will be considered by the 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://dms.dot.gov>.

FRA wishes to inform all potential commenters that anyone is able to search the electronic form of all 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) or you may visit <http://dms.dot.gov>.

Issued in Washington, DC on October 6, 2005.

**Grady C. Cothen, Jr.,**

*Deputy Associate Administrator for Safety, Standards and Program Development.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System or Relief From the Requirements of Title 49 Code of Federal Regulations Part 236

Pursuant to Title 49 Code of Federal Regulations (CFR) Part 235 and 49 U.S.C. 20502(a), the following railroad has petitioned the Federal Railroad Administration (FRA) seeking approval for the discontinuance or modification of the signal system or relief from the requirements of 49 CFR part 236 as detailed below.

#### Docket Number FRA-2005-22133

*Applicant:* Saginaw Bay Southern Railway, Mr. Wilford G. Gamble, Vice President—Operations, 23 Newman Street, P.O. Box 232, East Tawas, Michigan 48730.

CSX Transportation, Incorporated, Mr. N. Michael Choat, Chief Engineer, Communications and Signal, 4901 Belfort Road, Suite 130, Jacksonville, Florida 32256.

The Saginaw Bay Southern Railway (SBS) and CSX Transportation, Incorporated (CSXT) jointly seek approval of the proposed discontinuance and removal of the traffic control system, on the single

main track and sidings, between Saginaw Terminal, milepost CC 0.0, near Saginaw, Michigan and Mount Morris, Michigan, milepost CC 26.2, on the CSXT Chicago Division, Saginaw Subdivision. The proposal is that the uses of the existing signal system be waived upon startup by SBS. The signal aspects are to be covered and all power-operated switches disconnected and converted to hand operation; the wayside signals will be subsequently retired and removed as soon as possible after the acquisition by SBS. The proposed method of operation is by TrackAccess, Track Warrant Control, with a maximum authorized speed of 25 mph; all highway-rail grade crossing warning systems will be retained.

The reason given for the proposed changes is that the current traffic density and SBS operating method do not warrant retention of the signal system.

Any interested party desiring to protest the granting of an application shall set forth specifically the grounds upon which the protest is made, and include a concise statement of the interest of the party in the proceeding. Additionally, one copy of the protest shall be furnished to the applicant at the address listed above.

All communications concerning this proceeding should be identified by the docket number and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, Room PL-401 (Plaza Level), 400 7th Street, SW., Washington, DC 20590-0001. Communications received within 45 days of the date of this notice will be considered by the 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://dms.dot.gov>.

FRA wishes to inform all potential commenters that anyone is able to search the electronic form of all 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) or you may visit <http://dms.dot.gov>.

FRA expects to be able to determine these matters without an oral hearing.

However, if a specific request for an oral hearing is accompanied by a showing that the party is unable to adequately present his or her position by written statements, an application may be set for public hearing.

Issued in Washington, DC on October 6, 2005.

**Grady C. Cothen, Jr.,**

*Deputy Associate Administrator for Safety, Standards and Program Development.*

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Docket No. AB-33 (Sub-No. 232X)]

#### Union Pacific Railroad Company— Abandonment Exemption—in Orange County, CA

Union Pacific Railroad Company (UP) has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments and Discontinuances of Service and Trackage Rights* to abandon a 1.46-mile line of railroad known as the Tustin Industrial Lead from milepost 514.84 to milepost 516.10 and from milepost 514.70 to 514.90 in the City of Orange, Orange County, CA. The line traverses United States Postal Service Zip Code 92867.

UP has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line; (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 over the line either is pending with the Board or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 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 abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 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.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on

November 17, 2005, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,<sup>1</sup> formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),<sup>2</sup> and trail use/rail banking requests under 49 CFR 1152.29 must be filed by October 28, 2005. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by November 7, 2005, with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001.

A copy of any petition filed with the Board should be sent to UP's representative: Mack H. Shumate, Jr., Senior General Attorney, Union Pacific Railroad Company, 101 North Wacker Dr., Room 1920, Chicago, IL 60606.

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

UP has filed an environmental report which addresses the effects, if any, of the abandonment on the environment and historic resources. SEA will issue an environmental assessment (EA) by October 21, 2005. Interested persons may obtain a copy of the EA by writing to SEA (Room 500, Surface Transportation Board, Washington, DC 20423-0001) or by calling SEA, at (202) 565-1539. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339.] Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), UP shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by UP's filing of a notice of consummation by October 18, 2006, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

<sup>1</sup> The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis (SEA) in its independent investigation) cannot be made before the exemption's effective date. See *Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

<sup>2</sup> Each offer of financial assistance must be accompanied by the filing fee, which currently is set at \$1,200. See 49 CFR 1002.2(f)(25).