

Noise Compatibility Program.” It was requested that the FAA review this material as the noise exposure maps, as described in section 47503 of the Act, and that the noise mitigation measures, to be implemented jointly by the airport and surrounding communities, be approved as a noise compatibility program under section 47504 of the Act.

The FAA has completed its review of the noise exposure maps and related descriptions submitted by the Kansas City Aviation Department. The specific documentation determined to constitute the noise exposure maps includes: Current Noise Exposure Map (2008) as shown on Exhibit NEM-1, Future Noise Exposure Map/Noise Compatibility Program Map (2013) as shown on Exhibit NEM-2, and the associated supporting report, “2008 Update to 14 CFR Part 150 Noise Exposure Maps and Noise Compatibility Program”, which contains all other narrative, graphic, or tabular representations of the data as required by section 150.101 of Part 150, and sections 47503 and 47506 of the Act. The FAA has determined that these maps for the Kansas City International Airport are in compliance with applicable requirements. This determination is effective on March 20, 2009. FAA’s determination on an airport operator’s noise exposure maps is limited to a finding that the maps were developed in accordance with the procedures contained in appendix A of FAR part 150. Such determination does not constitute approval of the applicant’s data, information or plans, or constitute a commitment to approve a noise compatibility program or to fund the implementation of that program.

If questions arise concerning the precise relationship of specific properties to noise exposure contours depicted on a noise exposure map submitted under section 47503 of the Act, it should be noted that the FAA is not involved in any way in determining the relative locations of specific properties with regard to the depicted noise contours, or in interpreting the noise exposure maps to resolve questions concerning, for example, which properties should be covered by the provisions of section 47506 of the Act. These functions are inseparable from the ultimate land use control and planning responsibilities of local government. These local responsibilities are not changed in any way under Part 150 or through FAA’s review of noise exposure maps. Therefore, the responsibility for the detailed overlaying of noise exposure contours onto the map depicting properties on the surface rests exclusively with the airport operator that submitted those

maps, or with those public agencies and planning agencies with which consultation is required under section 47503 of the Act. The FAA has relied on the certification by the airport operator, under section 150.21 of Part 150, that the statutorily required consultation has been accomplished.

The FAA has formally received the noise compatibility program for the Kansas City International Airport, also effective on March 20, 2009. Preliminary review of the submitted material indicates that it conforms to the requirements for the submittal of noise compatibility programs, but that further review will be necessary prior to approval or disapproval of the program. The formal review period, limited by law to a maximum of 180 days, will be completed on or before September 16, 2009.

The FAA’s detailed evaluation will be conducted under the provisions of section 150.33 of Part 150. The primary considerations in the evaluation process are whether the proposed measures may reduce the level of aviation safety, create an undue burden on interstate or foreign commerce, or be reasonably consistent with obtaining the goal of reducing existing non compatible land uses and preventing the introduction of additional non-compatible land uses.

Interested persons are invited to comment on the proposed program with specific reference to these factors. All relevant comments, other than those properly addressed to local land use authorities, will be considered by the FAA to the extent practicable. Copies of the noise exposure maps, the FAA’s evaluation of the maps, and the proposed noise compatibility program are available for examination at the following locations:

Federal Aviation Administration, Central Region Airports Division, Room 335, 901 Locust, Kansas City, Missouri 64106–2325, from 7:30 a.m. to 4 p.m.

Lapondzia Jones, Kansas City Aviation Department, Kansas City International Airport, 601 Brasilia Avenue, Kansas City, Missouri 64153–2054, from 8 a.m. to 5 p.m.

Questions may be directed to the individual named above under the heading, **FOR FURTHER INFORMATION CONTACT**.

Issued in Kansas City, Missouri, March 20, 2009.

Jim A. Johnson,

Manager, Central Region Airports Division.

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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), DOT.

ACTION: Notice of Limitation on Claims for Judicial Review of Actions by the California Department of Transportation (Caltrans), pursuant to 23 U.S.C. 327.

SUMMARY: The FHWA, on behalf of Caltrans, is issuing this notice to announce actions taken by Caltrans and other Federal agencies that are final within the meaning of 23 U.S.C. 139(I)(1). The actions relate to a proposed highway project, State Route 76 (SR–76) from Melrose Drive in Oceanside to South Mission Avenue in Bonsall [KP 11.7/21.1 (PM 7.3/13.1)] in the county of San Diego, 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(I)(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 September 28, 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 the shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: Susanne Glasgow, Deputy District Director, Division of Environmental Analysis, California Department of Transportation, 4050 Taylor Street, San Diego, CA 92110, Regular Office Hours 8 a.m. to 5 p.m., Telephone number 619–688–0100, e-mail Susanne.Glasgow@dot.ca.gov.

SUPPLEMENTARY INFORMATION: Effective July 1, 2007, the 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 Caltrans has taken final agency actions subject to 23 U.S.C. 139(I)(1) by issuing licenses, permits, and approvals for the following highway project in the State of California: The project is located in northern San Diego County on SR–76 from Melrose Drive in the City of Oceanside, to South Mission Road in the unincorporated community of Bonsall, covering a distance of approximately 9.4-kilometers (5.8-miles). The project would construct SR–76 as a four-lane conventional highway

with right-of-way and grading to accommodate future widening, if justified. The project would require channelization lanes in some locations and would be constructed to accommodate six-lanes in response to the channelization need. The Existing Alignment Alternative has been selected as the Preferred Alternative and the Least Environmentally Damaging Practicable Alternative (LEDPA). The FHWA project reference number is FHWA-CA-EIS-07-01-F. The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Final Environmental Impact Statement (FEIS) for the project, approved on November 26, 2008, in the FHWA Record of Decision (ROD) issued on March 3, 2009, and in other documents in the FHWA project records. The FEIS, ROD, and other project records are available by contacting Caltrans at the addresses provided above. The Caltrans FEIS and ROD can be viewed and downloaded from the project Web site at <http://www.keepsandiegomoving.com/sr-76.html>. Pending federal actions include:

- 401 Water Quality Certification from the Regional Water Quality Control Board, under Section 401 of the Clean Water Act.
- 404 Permit pursuant to the *Memorandum of Understanding Among the FHWA, Caltrans, USACE, U.S. Fish and Wildlife Service and the National Marine Fisheries Service for the National Environmental Policy Act and the Clean Water Act Section 404 Integration Process for Federal Aid Surface Transportation Projects in California* (NEPA/404 MOU).

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. Council on Environmental Quality regulations;
2. National Environmental Policy Act (NEPA);
3. Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU);
4. Department of Transportation Act of 1966;
5. Federal Aid Highway Act of 1970;
6. Clean Air Act Amendments of 1990;
7. Clean Water Act of 1977 and 1987;
8. Endangered Species Act of 1973;
9. Migratory Bird Treaty Act;
10. Farmland Protection Policy Act of 1981;
11. Title VI of the Civil Rights Act of 1964;

12. Uniform Relocation Assistance and Real Property Acquisition Act of 1970;

13. National Historic Preservation Act of 1966;

14. Historic Sites Act of 1935;

15. Executive Order 11990, Protection of Wetlands;

16. Executive Order 13112, Invasive Species;

17. Executive Order 11988, Floodplain Management; and,

18. Executive Order 12898, Environmental Justice.

(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(j)(1)

Issued on: March 25, 2009.

Cindy Vigue,

Director, State Programs, Federal Highway Administration, Sacramento, California.

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Notice of Informational Filing To Test a Processor-Based Signal and Train Control System and a Request for Waiver of Compliance

In accordance with Part 211 of Title 49 of the 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 Federal railroad safety regulations. 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.

CSX Transportation, Inc.

(Docket Number FRA-2006-25057)

On June 11, 2007, FRA authorized CSX Transportation, Inc. (CSXT) to conduct limited field testing of its Communications Based Train Management (CBTM) system. CBTM is a non-vital safety-critical overlay designed to supplement the existing method of operation to protect against the consequence of human error. As part of this authorization, FRA granted CSXT temporary conditional relief from certain requirements of the Federal railroad safety regulations, including specific sections of the following Parts

of Title 49 of the CFR: 216 (Special notice and emergency order procedures: Railroad track, locomotive and equipment), 217 (Railroad operating rules), 218 (Railroad operating practices), 229 (Railroad locomotive safety standards), 233 (Signal systems reporting requirements), 235 (Instructions governing applications for approval or a discontinuance or material modification of a signal system or relief from the requirements of part 236), 236 (Rules, standards, and instructions governing the installation, inspection, maintenance, and repair of signal and train control systems, devices, and appliances), and 240 (Qualification and certification of locomotive engineers). Details of the exact relief granted are found in FRA's June 11, 2007, letter (document number FRA-2006-25057-0008).

The CBTM test territory authorized was 144.9 miles of CSXT trackage on the Blue Ridge Subdivision of the Huntington Division West, and 128.1 miles of CSXT trackage on two subdivisions, the Spartanburg and McCormick subdivisions of the Florence Division.

In association with the continued development and implementation testing of the CBTM system, by letter dated August 13, 2008, CSXT submitted an amended informational filing and waiver petition seeking to modify the terms of FRA's June 11, 2007, approval. In its August 13, 2008, waiver petition, CSXT asserts that because of increased traffic in the approved test territories, recent signal system upgrades have been completed that limit its ability to properly conduct CBTM field tests in the previously approved territory. Accordingly, CSXT requests that FRA amend its original approval and waiver to apply to new test territories on the railroad's Aberdeen and Andrews's subdivisions. Specifically, CSXT requests authority to test its CBTM system consistent with the conditions outlined in FRA's June 11, 2007, approval on 86.9 miles of CSXT trackage on the Aberdeen subdivision and 156.6 miles of CSXT trackage on the Andrews subdivision. Both the Aberdeen and Andrews subdivision are part of CSXT's Florence Division.

For information purposes only, FRA is also providing notice that pursuant to 49 CFR 236.913(j), CSXT has submitted an amended informational filing pertaining to enhancements that have been made to the CBTM system. FRA will accept comments on the amended informational filing only as far as that document requires waivers from regulatory requirements.