

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.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (FRA-2006-25057) and may be submitted by any of the following methods:

- **Web site:** <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- **Fax:** 202-493-2251.
- **Mail:** Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., W12-140, Washington, DC 20590.
- **Hand Delivery:** 1200 New Jersey Avenue, SE., Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Communications received within 30 days of the date of this notice will be considered by 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://www.regulations.gov>.

Anyone is able to search the electronic form of any written communications and 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).

Issued in Washington, DC, on March 26, 2009.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received a request for a waiver of compliance with certain requirements of its safety standards. 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.

New River Railway Company (Docket Number FRA-2009-0005)

The New River Railway Company (NR) of Devonia, Tennessee, has petitioned for a permanent waiver of compliance for one locomotive (SOU 520) and two rail passenger coaches (NR 290 and NR 808) from the requirements of the Railroad Safety Glazing Standards, Title 49 CFR Part 223, which require certified glazing in all windows. The locomotive, as well as the two coaches, are in good condition with no defective glass.

NR operates between Huntsville and Devonia, Tennessee, a distance of approximately 32 miles, only on Saturday and Sunday. The territory is farm land, dense woodland and tall hills following NR. The operating speed is between 10 and 15 miles per hour (mph) and slowed down to 5 mph at times for passengers to view certain scenery. NR states that there is no history of vandalism involving their operations. NR also states that no one makes the safety glazing for the subject locomotive and the coaches because of the age of the equipment, and that to have the glazing specially made to FRA specifications for this equipment could cost more than the equipment would be worth to start with.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number FRA-2009-0005) and may be submitted by any of the following methods:

- **Web site:** <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- **Fax:** 202-493-2251.
- **Mail:** Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., W12-140, Washington, DC 20590.
- **Hand Delivery:** 1200 New Jersey Avenue, SE., Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Communications received within 45 days of the date of this notice will be considered by 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://www.regulations.gov>.

Anyone is able to search the electronic form of any written communications and 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).

Issued in Washington, DC, on March 26, 2009

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received a request for a waiver of compliance with certain requirements of its safety standards. 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.