

**DEPARTMENT OF TRANSPORTATION****Surface Transportation Board****[STB Finance Docket No. 35330]****Rusk County Rural Rail District—  
Acquisition Exemption—Union Pacific  
Railroad Company**

Rusk County Rural Rail District (RCRRD), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire from Union Pacific Railroad Company (UP) a 15.69-mile line of railroad beginning at milepost 0.59 near Overton, TX, and ending at milepost 16.28 near Henderson, TX.<sup>1</sup>

RCRRD anticipates that the transaction will be consummated on or after December 28, 2009.

RCRRD certifies that its projected annual revenues as a result of this transaction will not exceed \$5 million and will not result in the creation of a Class II or Class I rail carrier.

This transaction is related to a concurrently filed verified notice of exemption in STB Finance Docket No. 35327, *Blacklands Railroad, Inc.—Lease and Operation Exemption—Rusk County Rural Rail District*. In that proceeding, Blacklands Railroad, Inc. (BLR) seeks to lease from RCRRD and operate the 15.69 miles of rail line that RCRRD seeks to acquire in this proceeding. According to RCRRD, on the date that RCRRD acquires the line, BLR will assume responsibility for operating the line pursuant to a lease agreement between RCRRD and BLR.

RCRRD states that it has reached an agreement with UP on the principal terms of the transaction but they have not yet finalized it. RCRRD anticipates finalizing the agreement before the effective date of the notice. RCRRD also states that the proposed acquisition of the line will not involve any provision or agreement between UP and RCRRD that would limit future interchange with a third-party connecting carrier, as the line only connects with UP at Overton, TX.

Pursuant to the Consolidated Appropriations Act, 2008, Public Law 110-161, § 193, 121 Stat. 1844 (2007), nothing in this decision authorizes the following activities at any solid waste rail transfer facility: collecting, storing, or transferring solid waste outside of its

original shipping container; or separating or processing solid waste (including baling, crushing, compacting, and shredding). The term “solid waste” is defined in section 1004 of the Solid Waste Disposal Act, 42 U.S.C. 6903.

If the verified notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Stay petitions must be filed no later than December 18, 2009 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 35330, must be filed with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423-0001. In addition, one copy of each pleading must be served on Robert A. Wimbish, Baker & Miller PLLC, 2401 Pennsylvania Ave., NW., Suite 300, Washington, DC 20037.

Board decisions and notices are available on our website at <http://www.stb.dot.gov>.

Decided: December 7, 2009.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

**Kulunie L. Cannon,**  
*Clearance Clerk.*

[FR Doc. E9-29513 Filed 12-10-09; 8:45 am]

**BILLING CODE 4915-01-P**

**DEPARTMENT OF TRANSPORTATION****Surface Transportation Board****[STB Finance Docket No. 35296]****Anthony Macrie—Continuance in  
Control Exemption—New Jersey  
Seashore Lines, Inc.**

Anthony Macrie (Macrie), a noncarrier, has filed a verified notice of exemption to continue in control of New Jersey Seashore Lines, Inc. (NJSL), upon NJSL's becoming a Class III rail carrier.

This transaction is related to a concurrently filed verified notice of exemption for NJSL to operate approximately 13 miles of rail line owned by Clayton Sand Company, between milepost 66.0 at Lakehurst, Borough of Lakehurst, in Ocean County, NJ, and milepost 79.0 at Woodmansie, Woodland Township, in Burlington County, NJ.<sup>1</sup> See STB Finance Docket No. 35297, *New Jersey Seashore Lines,*

*Inc.—Operation Exemption—Clayton Sand Company.*<sup>2</sup>

The parties may consummate the transaction on or after December 24, 2009.

Macrie owns 100 percent of the common stock of NJSL and also owns 100 percent of the common stock of Cape May Seashore Lines, Inc. (CMSL), an existing Class III rail carrier that obtained authority in *Cape May Seashore Lines, Inc.—Modified Rail Certificate*, STB Finance Docket No. 34112 (STB served Nov. 19, 2001).

The parties represent that: (1) The rail line to be operated by NJSL does not connect with any other railroads in the corporate family; (2) the transaction is not part of a series of anticipated transactions that would connect the rail lines with any other railroad in the corporate family;<sup>3</sup> and (3) the transaction does not involve a Class I rail carrier. Therefore, the transaction is exempt from the prior approval requirements of 49 U.S.C. 11323. See 49 CFR 1180.2(d)(2).

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. Section 11326(c), however, does not provide for labor protection for transactions under sections 11324 and 11325 that involve only Class III rail carriers. Accordingly, the Board may not impose labor protective conditions here because all of the carriers involved are Class III carriers.

If the verified notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Stay petitions must be filed no later than December 18, 2009 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 35296, must be filed with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423-0001. In addition, one copy of each pleading must be served on John D.

<sup>2</sup> By decision served on September 25, 2009, the Board held publication of this notice in abeyance because it is directly related to the notice in STB Finance Docket No. 35297 which was also held in abeyance. In a decision served today in STB Finance Docket No. 35297, the Board is publishing the notice that had been held in abeyance. Thus, this notice is also no longer being held in abeyance.

<sup>3</sup> Macrie states that, although CMSL and NJSL will both operate in the State of New Jersey, the lines of the two carriers are at least 50 miles apart at the closest point.

<sup>1</sup> UP has obtained Board authority to abandon this line of railroad in *Union Pacific Railroad Company—Abandonment—in Rusk County, TX*, STB Docket No. AB-33 (Sub-No. 275) (STB served Sept. 11, 2009), but has not consummated the abandonment. In lieu of abandonment, UP has agreed to sell the right-of-way, track, and track structures to RCRRD for continued rail service.

<sup>1</sup> Macrie states that the involved line is a segment of rail line originally known as the Central Railroad Company of New Jersey's Southern Division.

Heffner, 1750 K Street, NW., Suite 200, Washington, DC 20006.

Board decisions and notices are available on our Web site at <http://www.stb.dot.gov>.

Decided: December 7, 2009.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

**Kulunie L. Cannon,**  
Clearance Clerk.

[FR Doc. E9-29499 Filed 12-10-09; 8:45 am]

BILLING CODE 4915-01-P

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Environmental Impact Statement: Wayne and Oakland Counties, MI

**AGENCY:** Federal Highway Administration (FHWA), U.S. DOT.

**ACTION:** Notice of availability (NOA) of the Final Environmental Impact Statement (FEIS) for the Detroit Intermodal Freight Terminal (DIFT) and Section 4(f) Evaluation.

**SUMMARY:** This notice announces the availability of the Final Environmental Impact Statement (FEIS) and Section 4(f) Evaluation for the DIFT. This action is pursuant to the National Environmental Policy Act (NEPA) of 1969, 42 U.S.C. 4321 *et seq.*, as amended and the Council on Environmental Quality Regulations (40 CFR Parts 1500-1508). The FEIS identifies the Preferred Alternative to enhance the intermodal freight terminal at the Livernois-Junction Yard in Detroit, Michigan; describes the environmental impacts of the proposed project and proposed mitigation; and addresses comments received on the Draft Environmental Impact Statement and Section 4(f) Evaluation issued in April 15, 2005.

**DATES:** Any comments must be received on or before January 29, 2010. The FEIS waiting period ends 49 days after the U.S. Environmental Protection Agency publishes the DIFT's NOA in the **Federal Register** (currently scheduled to be published on December 11th).

#### ADDRESSES:

1. *Document Availability:* Copies of the FEIS are available for public inspection and review at the following locations:

- Ferndale Public Library, 222 E. Nine Mile, Ferndale, MI.
- Henry Ford Centennial Library, 16301 Michigan Ave., Dearborn, MI.
- Detroit Public Library, 5201 Woodward Ave., Detroit, MI.
- Bowen Branch of the Detroit Public Library, 3648 W. Vernor, Detroit, MI.

- MDOT Detroit Transportation Service Center, 1400 Howard St., Detroit, MI.
- MDOT Oakland Transportation Service Center, 2300 Dixie Hwy., Waterford, MI.
- MDOT Region Office, 18101 W. Nine Mile Rd., Southfield, MI.
- MDOT Bureau of Transportation Planning, 425 Ottawa St., Lansing, MI.

The document also may be viewed and commented on at [http://www.michigan.gov/mdot/0,1607,7-151-9621\\_11058\\_26215--,00.html](http://www.michigan.gov/mdot/0,1607,7-151-9621_11058_26215--,00.html).

Copies of the FEIS may be requested from Bob Parsons (Public Involvement and Hearings Officer) at the Michigan Department of Transportation, 425 W. Ottawa Street, P.O. Box 30050, Lansing, MI 48909 or by calling (517) 373-9534.

2. *Comments:* Send any comments on the FEIS to the Michigan Department of Transportation, c/o Bob Parsons (Public Involvement and Hearings Officer), 425 W. Ottawa Street, P.O. Box 30050, Lansing, MI 48909; *Fax:* (517) 373-9255; or *e-mail:* [parsonsb@michigan.gov](mailto:parsonsb@michigan.gov). Information regarding this proposed action is available in alternative formats upon request.

#### FOR FURTHER INFORMATION CONTACT:

Donald Cameron, Planning & Program Development Manager, at FHWA Michigan Division, 315 W. Allegan Street, Room 201; Lansing, MI 48933; by phone at (517) 702-1826, or e-mail at [Donald.Cameron@dot.gov](mailto:Donald.Cameron@dot.gov). David Williams, Environmental Program Manager, FHWA Michigan Division, 315 W. Allegan Street, Room 201; Lansing, MI 48933; by phone at (517) 702-1820; or e-mail at [David.Williams@dot.gov](mailto:David.Williams@dot.gov).

**SUPPLEMENTARY INFORMATION:** The DEIS for the DIFT was approved in April 2005. Since more than three years has passed since the signing of the DEIS, a re-evaluation of the DEIS was done in accordance with 23 CFR 771.129. This FEIS reflect the comments received during the public hearing process and updated data in all critical areas.

The goal of the project is to provide and/or improve regional intermodal facilities, owned and/or operated by the one or more of the DIFT Rail Related participants—Grand Trunk Western Railroad, Inc. (CN); Canadian Pacific Railway Company (CP); CSX Transportation, Inc. (CSX); Norfolk Southern Railway company (NS); and the Michigan Department of Transportation (MDOT)—with sufficient capacity and interconnectivity to provide for existing and future intermodal demand and to reduce time, monetary costs, and congestion to the support the economic competitiveness of Southeastern Michigan. This will be done by providing necessary intermodal

terminal capacity and improving the related rail and highway infrastructure within Wayne and Oakland counties.

The Detroit Intermodal Freight terminal Project Pre-Development Plan Agreement was established to further refine the understandings and intentions of the DIFT Rail Related Participants.

**Purpose and Need for the Project:** The purpose of the DIFT is to enhance intermodal operations and economic competitiveness of Southeast Michigan by improving freight transportation opportunities and efficiencies for business, industry, and the military. The need to enhance intermodal operations results from Detroit's need for greater intermodal capacity and improved connectivity.

**Preferred Alternative:** The Preferred Alternative involves consolidating intermodal operations of the CSX, NS, and CP railroads at the Livernois-Junction Yard in Southwest Detroit and improving external connectors to benefit all Class I railroads, including CN.

**Authority:** 42 U.S.C. 4321 *et seq.*, as amended and the Council on Environmental Quality Regulations (40 CFR Parts 1500-1508) 23 CFR 771.117; and 23 U.S.C. 139(1)(1).

Issued on: December 1, 2009.

**James J. Steele,**

*Division Administrator, Lansing, Michigan.*

[FR Doc. E9-29189 Filed 12-10-09; 8:45 am]

BILLING CODE 4910-22-P

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Tier 1 Final Environmental Impact Statement (FEIS) for the Placer Parkway Corridor Preservation Project

December 2009.

**AGENCY:** United States Department of Transportation, Federal Highway Administration.

**ACTION:** Notice of Availability (NOA) of the Tier 1 Final Environmental Impact Statement (FEIS) for the Placer Parkway Corridor Preservation Project and a Section 4(f) Evaluation.

**SUMMARY:** The Federal Highway Administration (FHWA) is issuing this notice to advise the public of the availability of a Tier 1 FEIS and Section 4(f) Evaluation for the Placer Parkway Corridor Preservation Project, a proposed transportation corridor in western Placer and eastern Sutter Counties, California. This action is pursuant to the National Environmental Policy Act (NEPA) of 1969, 42 U.S.C. 4321 *et seq.*, as amended and the