

**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 FHWA and other Federal agencies.

**SUMMARY:** This notice announces actions taken by the FHWA and other Federal agencies that are final within the meaning of 23 U.S.C. 139(l)(1). The actions relate to the proposed U.S. 395 Independence Roadway Improvement Project in the vicinity of the town of Independence from 4.3 kilometers (2.7 miles) south of Mazourka Canyon Road to 0.6 kilometer (0.4 mile) north of Shabbell Lane in Inyo County, State of California. 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 February 19, 2008. 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:** Dominic Hoang, Project Development Engineer, FHWA, 650 Capitol Mall, #4-100, Sacramento, CA 95814; weekdays 7 a.m. to 4 p.m. (Pacific time); telephone (916) 498-5002; e-mail: [dominic.hoang@fhwa.dot.gov](mailto:dominic.hoang@fhwa.dot.gov). Juergen Vespermann, Senior Environmental Planner, California Department of Transportation (Caltrans), 2015 E. Shields Avenue, #100, Fresno, CA 93726; weekdays 7 a.m. to 4 p.m. (Pacific time); telephone (559) 243-8157; e-mail: [juergen-vespermann@dot.ca.gov](mailto:juergen-vespermann@dot.ca.gov).

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that the FHWA and other Federal agencies have taken final agency actions by issuing approvals for the following highway project in the State of California. The Independence Roadway Improvement Project would increase capacity to meet present and future traffic demands, improve safety and the flow of traffic, and provide route continuity. This would be accomplished by widening U.S. 395 from a two-lane highway to a four-lane controlled access expressway (except through Independence) from KP 113.1 to 122.5 (PM 70.3/76.1) in the vicinity

of the town of Independence in Inyo County. The actions by the Federal agencies and the laws under which such actions were taken are described in the Environmental Assessment (EA)/ Finding of No Significant Impact (FONSI) for the project, approved on June 22, 2004, and in other documents in the FHWA administrative record. The EA/FONSI and other documents are available by contacting FHWA or Caltrans at the addresses provided above. The FHWA EA/FONSI can be viewed and downloaded from the project Web site at: [http://www.dot.ca.gov/dist9/projmgmt/Inyo\\_projects/21480/IndependenceFED.pdf](http://www.dot.ca.gov/dist9/projmgmt/Inyo_projects/21480/IndependenceFED.pdf).

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]; and Federal-Aid Highway Act [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: Landscape and Scenic Enhancement (Wildflowers) [23 U.S.C. 319].

4. Wetlands and Water Resources: Clean Water Act, 33 U.S.C. 1251-1377 (Section 404, section 401, Section 319); Wetlands Mitigation [23 U.S.C. 103(b)(6)(m) and 133(b)(11)]; Land and Water Conservation Fund (LWCF), 16 U.S.C. 4601-4604; Flood Disaster Protection Act, 42 U.S.C. 4001-4128; and Safe Drinking Water Act [42 U.S.C. 300(f)-300(j)(6)].

5. Wildlife: Endangered Species Act [16 U.S.C. 1531-1544 and section 1536]; Fish and Wildlife Coordination Act [16 U.S.C. 661-667(d)]; and Migratory Bird Treaty Act [16 U.S.C. 703-712].

6. Historic and Cultural Resources: Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470(f) *et seq.*]; Archaeological and Historic Preservation Act [16 U.S.C. 469-469c]; Archaeological Resources Protection Act of 1979 [16 U.S.C. 470 *et seq.*]; and Native American Graves Protection and Repatriation Act [25 U.S.C. 3001-3013].

7. Social and Economic: Civil Rights Act of 1964 [42 U.S.C. 2000(d)-2000(d)(1)]; Farmland Protection Policy Act [7 U.S.C. 4201-4209]; American Indian Religious Freedom Act [42 U.S.C. 1996]; and The Uniform Relocation Assistance and Real Property Acquisition Act of 1970, as amended.

8. Hazardous Materials: Comprehensive Environmental Response, Compensation, and Liability Act [42 U.S.C. 9601-9675]; Superfund

Amendments and Reauthorization Act of 1986; and Resource Conservation and Recovery Act [42 U.S.C. 6901-6992(k)].

9. Executive Orders: E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 12898 Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations; E.O. 11593 Protection and Enhancement of the Cultural Environment; E.O. 13007 Indian Sacred Sites; E.O. 13287 Preserve America; 13175 Consultation and Coordination with Indian Tribal Governments; E.O. 11514 Protection and Enhancement of Environmental Quality; and E.O. 13112 Invasive Species.

(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: August 16, 2007.

**Maiser Khaled,**

*Director, Project Development & Environment, Sacramento, California.*

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**BILLING CODE 4910-RY-P**

**DEPARTMENT OF TRANSPORTATION****Federal Railroad Administration****Proposed Agency Information Collection Activities; Comment Request**

**AGENCY:** Federal Railroad Administration, DOT.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 and its implementing regulations, the Federal Railroad Administration (FRA) hereby announces that it is seeking approval of the following information collection activities. Before submitting these information collection requirements for clearance by the Office of Management and Budget (OMB), FRA is soliciting public comment on specific aspects of the activities identified below.

**DATES:** Comments must be received no later than October 22, 2007.

**ADDRESSES:** Submit written comments on any or all of the following proposed activities by mail to either: Mr. Robert Brogan, Office of Safety, Planning and Evaluation Division, RRS-21, Federal Railroad Administration, 1120 Vermont Ave., NW., Mail Stop 17, Washington, DC 20590, or Ms. Gina Christodoulou,

Office of Support Systems Staff, RAD-43, Federal Railroad Administration, 1120 Vermont Ave., NW., Mail Stop 35, Washington, DC 20590. Commenters requesting FRA to acknowledge receipt of their respective comments must include a self-addressed stamped postcard stating, "Comments on OMB control number 2130-New." Alternatively, comments may be transmitted via facsimile to (202) 493-6230 or (202) 493-6170, or via e-mail to Mr. Brogan at [robert.brogan@dot.gov](mailto:robert.brogan@dot.gov), or to Ms. Christodoulou at [gina.christodoulou@dot.gov](mailto:gina.christodoulou@dot.gov). Please refer to the assigned OMB control number or collection title in any correspondence submitted. FRA will summarize comments received in response to this notice in a subsequent notice and include them in its information collection submission to OMB for approval.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert Brogan, Office of Planning and Evaluation Division, RRS-21, Federal Railroad Administration, 1120 Vermont Ave., NW., Mail Stop 17, Washington, DC 20590 (telephone: (202) 493-6292) or Ms. Gina Christodoulou, Office of Support Systems Staff, RAD-43, Federal Railroad Administration, 1120 Vermont Ave., NW., Mail Stop 35, Washington, DC 20590 (telephone: (202) 493-6139). (These telephone numbers are not toll-free.)

**SUPPLEMENTARY INFORMATION:** The Paperwork Reduction Act of 1995 (PRA), Public Law 104-13, section 2, 109 Stat. 163 (1995) (codified as revised at 44 U.S.C. 3501-3520), and its implementing regulations, 5 CFR Part 1320, require Federal agencies to provide 60-days notice to the public for comment on information collection activities before seeking approval by OMB. 44 U.S.C. 3506(c)(2)(A); 5 CFR 1320.8(d)(1), 1320.10(e)(1), 1320.12(a). Specifically, FRA invites interested respondents to comment on the following summary of proposed information collection activities regarding (i) whether the information collection activities are necessary for FRA to properly execute its functions, including whether the activities will have practical utility; (ii) the accuracy of

FRA's estimates of the burden of the information collection activities, including the validity of the methodology and assumptions used to determine the estimates; (iii) ways for FRA to enhance the quality, utility, and clarity of the information being collected; and (iv) ways for FRA to minimize the burden of information collection activities on the public by automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (e.g., permitting electronic submission of responses). See 44 U.S.C. 3506(c)(2)(A)(i)-(iv); 5 CFR 1320.8(d)(1)(i)-(iv). FRA believes that soliciting public comment will promote its efforts to reduce the administrative and paperwork burdens associated with the collection of information mandated by Federal regulations. In summary, FRA reasons that comments received will advance three objectives: (i) Reduce reporting burdens; (ii) ensure that it organizes information collection requirements in a "user friendly" format to improve the use of such information; and (iii) accurately assess the resources expended to retrieve and produce information requested. See 44 U.S.C. 3501.

Below is a brief summary of proposed new information collection activities that FRA will submit for clearance by OMB as required under the PRA:

*Title:* Work Schedules and Sleep Patterns of Train and Engine Service Employees

*OMB Control Number:* 2130-New.  
*Abstract:* In a continuing effort to improve rail safety and to reduce the number of injuries and fatalities to rail workers, the issue of fatigue has received considerable attention from both FRA and the railroad industry. One of FRA's fatigue-related activities has been a series of studies designed to document and characterize the work/rest schedules and sleep patterns in signalmen, maintenance-of-way workers, and dispatchers. These studies used the methodology approved by the Office of Management and Budget (OMB), including random selection of participants to ensure a representative sample of each group. FRA has not yet collected data from two critically

important labor crafts whose work schedules are regulated by FRA, locomotive engineers and conductors.

FRA is proposing a study that will focus on train and engine service employees, which consists of locomotive engineers, conductors, remote control operators, and switchmen. FRA seeks to develop an understanding of the work schedule-related fatigue issues that affect these operating crafts. The project will be very similar in both method and scope to the recently completed studies of railroad signalmen, maintenance of way employees, and dispatchers. The FRA proposes to undertake this study to develop an understanding of the work schedule-related fatigue issues for train and engine service employees.

The proposed study has two primary purposes:

- To document and characterize the work/rest schedules and sleep patterns of train and engine service employees.
- To examine the relationship between these schedules and level of alertness/fatigue for the individuals who work these schedules.

The intent is to report results in aggregate, not by railroad.

Subjective ratings from participants of their alertness/sleepiness on both work and non-work days will be an integral part of this study. The data will be collected through the use of a daily diary or log, as well as a brief background questionnaire for each participant. Analysis of the diary data will allow the FRA to assess the extent of any work-related fatigue issues for train and engine service employees. The proposed study will provide a defensible and definitive estimate of the work/rest cycle parameters and fatigue in train and engine service employees that will inform future FRA regulatory policy and action.

*Form Number(s):* FRA F 6180.127; FRA F 6180.128.

*Affected Public:* Railroad Workers.

*Respondent Universe:* 340 Train and Engine Service Employees.

*Frequency of Submission:* On occasion.

*Reporting Burden:*

Form No.	Respondent universe	Total annual responses	Average time per response (in minutes)	Total annual burden hours	Total annual burden cost
Form FRA F 6180.127—Surveys.	340 Train & Engine Service Employees.	340 surveys .....	15	85	\$3,570
Form FRA F 6180.128—Daily Log.	340 Train & Engine Service Employees.	4,760 Log Entries .....	10	793	33,306

*Estimated Annual Burden:* 878 hours.  
*Status:* Regular review.

Pursuant to 44 U.S.C. 3507(a) and 5 CFR 1320.5(b), 1320.8(b)(3)(vi), FRA informs all interested parties that it may not conduct or sponsor, and a

respondent is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

**Authority:** 44 U.S.C. 3501–3520.

Issued in Washington, DC on August 17, 2007.

**D.J. Stadler,**

*Director, Office of Financial Management,  
Federal Railroad Administration.*

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