

Twin), of Twin America, LLC (Twin America) once that carrier obtains motor carrier authority,<sup>1</sup> in *Stagecoach Group PLC and Coach USA, Inc., et al.—Acquisition of Control—Twin America, LLC*, STB Docket No. MC–F–21035 (STB served Sept. 18, 2009).<sup>2</sup> Persons wishing to oppose this application must follow the rules at 49 CFR 1182.5 and 1182.8. The Board has tentatively approved the transaction, and, if no opposing comments are timely filed, this notice will be the final Board action.

**DATES:** Comments must be filed by November 30, 2009. Applicants may file a reply by December 15, 2009. If no comments are filed by November 30, 2009, this notice is effective on that date.

**ADDRESSES:** Send an original and 10 copies of any comments referring to STB Docket No. MC–F–21036 to: Surface Transportation Board, 395 E Street, SW., Washington, DC 20423–0001. In addition, send one copy of comments to Applicant's representative: David H. Coburn, Steptoe & Johnson LLP, 1330 Connecticut Ave., NW., Washington, DC 20036.

**FOR FURTHER INFORMATION CONTACT:** Julia Farr, (202) 245–0359 [Federal Information Relay (FIRS) for the hearing impaired: 1–800–877–8339].

**SUPPLEMENTARY INFORMATION:** Applicant is an individual who attained control of RW Express in 2003 when he attained a 48% interest in its stock. Applicant's sister owns a 3% share and a corporate entity, Continental Air Transport Company I, owns a 49% share. Applicant states that he serves as the president of RW Express, directs the day-to-day operations, and is engaged in major managerial decisions. According to Applicant, RW Express operates a fleet of 65 vehicles and drivers and provides charter service within New York and between New York and points in nearby states.

Applicant is also the sole member and owner of City Sights Twin, a noncarrier formed for the purpose of owning an interest in Twin America. Applicant, along with City Sights Twin, Stagecoach Group PLC, its intermediate subsidiaries, Coach USA, Inc., and International Bus Services, seek control of Twin America in *Stagecoach Group PLC and Coach USA, Inc., et al.—Acquisition of Control—Twin America,*

*LLC*, STB Docket No. MC–F–21035, served and published in the **Federal Register** on September 18, 2009 (74 FR 47985–86). The Board did not grant tentative authority in that proceeding, but instead instituted a proceeding to address matters raised by the application.

According to Mr. Marmurstein, he was previously unaware that under 49 U.S.C. 14303(a)(5), Board approval is required for the acquisition of control of a carrier by a person that is not a motor passenger carrier, but that controls any number of such carriers. Accordingly, he is filing this application in anticipation of Board approval in STB Docket No. MC–F–21035. If the filing in STB Docket No. MC–F–21035 is not approved, this request is moot.

Under 49 U.S.C. 14303(b), the Board must approve and authorize a transaction found to be consistent with the public interest, taking into consideration at least: (1) The effect of the transaction on the adequacy of transportation to the public; (2) the total fixed charges that result; and (3) the interest of the affected carrier employees.

Applicant has submitted the information required by 49 CFR 1182.2, and submitted a statement that the 12-month aggregate gross operating revenues of RW Express exceed the \$2 million jurisdictional threshold of 49 U.S.C. 14303(g). Applicant states that the proposed transaction will not affect the adequacy of transportation services available to the public because the charter/tour bus segment is competitive, the proposed transaction will not adversely impact competition, and this agency's prior finding regarding low entry barriers in this segment continues to be accurate. Applicant states that the proposed transaction will not adversely impact fixed charges because RW Express will continue to be controlled by Mr. Marmurstein as it was prior to this application. According to Applicant, the employees of RW Express will not be adversely affected. Additional information, including a copy of the application, may be obtained from Applicant's representative.

On the basis of the application, we find that the proposed acquisition is consistent with the public interest and should be authorized. If any opposing comments are timely filed, this finding will be deemed vacated, and unless a final decision can be made on the record as developed, a procedural schedule will be adopted to reconsider the application. See 49 CFR 1182.6(c). If no opposing comments are filed by the expiration of the comment period, this

notice will take effect automatically and will be the final Board action.

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

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

*It is ordered:*

1. The proposed finance transaction is approved and authorized, subject to the filing of opposing comments.

2. If timely opposing comments are filed, the findings made in this notice will be deemed as having been vacated.

3. This notice will be effective November 30, 2009, unless timely opposing comments are filed.

4. A copy of this decision will be served on: (1) The U.S. Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590; (2) the U.S. Department of Justice, Antitrust Division, 950 Pennsylvania Avenue, NW., Washington, DC 20530; and (3) the U.S. Department of Transportation, Office of the General Counsel, 1200 New Jersey Avenue, SE., Washington, DC 20590.

Decided: October 13, 2009.

By the Board, Chairman Elliott, Vice Chairman Nottingham, and Commissioner Mulvey.

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

[FR Doc. E9–24931 Filed 10–15–09; 8:45 am]

**BILLING CODE 4915–01–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Notice of Final Federal Agency Actions on Proposed Highway in Ohio

**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 a proposed highway project, the Cleveland Innerbelt Project, within the City of Cleveland, Cuyahoga County, Ohio. Those actions grant licenses, permits, and 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

<sup>1</sup> Twin America is in the process of applying with the Federal Motor Carrier Safety Administration (FMCSA) to be a registered motor passenger carrier. It holds USDOT number 1924173 and has been assigned docket number MC–688284 by FMCSA.

<sup>2</sup> In that proceeding, the Board published notice of the application but did not grant tentative authority under 49 CFR 1182.4(b).

project will be barred unless the claim is filed on or before April 14, 2010. 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:** Mr. Herman Rodrigo, Office Director, Office of Engineering and Operations, Federal Highway Administration, 200 North High Street, Room 328, Columbus, Ohio 43215; telephone: (614) 280-6896; e-mail: [ohio.fhwa@dot.gov](mailto:ohio.fhwa@dot.gov); FHWA Ohio Division Office's normal business hours are 8 a.m. to 4:30 p.m. (eastern time). You may also contact Mr. Craig K. Hebebrand, PE, Project Manager, Ohio Department of Transportation (ODOT), District 12, 5500 Transportation Blvd., Garfield Heights, Ohio 44125; telephone: (216) 584-2113; e-mail: [Craig.Hebebrand@dot.state.oh.us](mailto:Craig.Hebebrand@dot.state.oh.us); ODOT District 12's normal business hours are 8 a.m. to 4:30 p.m. (eastern time).

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that the FHWA and other Federal agencies have taken final agency actions subject to 23 U.S.C. 139(l)(1) by issuing licenses, permits, and approvals for the following major highway improvement project in the State of Ohio: The Cleveland Innerbelt Project provides for the major reconstruction and reconfiguration of Interstates 71 and 90, the I-90/I-77 interchange, the intersecting and overlapping local roadways, intersections, and interchanges, and the transitional connections to adjoining radial freeways and roadways. The Cleveland Innerbelt is routed across the Cuyahoga River valley and around the south and east sides of downtown Cleveland, Ohio. The Project length is approximately 3.24 miles. The Project's three main termini are located approximately at: (1) The merge/diverge point of State Route 176, (the Jennings Freeway) and Interstate 71 southwest of downtown, (2) the Pershing Avenue interchange on Interstate 77 south of downtown, and; (3) east of the Interstate 90/State Route 2 interchange east of downtown along the shore of Lake Erie and adjacent to the Burke Lakefront Airport. The current estimated Project cost to implement Alternative A, the approved environmentally preferred alternative, is \$2.7 to \$3.5 billion, based upon expected year of expenditure. Implementation is expected to occur in phases over the period from 2010 to 2033. The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Cleveland Innerbelt Project,

CUY—71/90—16.79/14.90, PID 77510, Conceptual Alternatives Study, dated and accepted on August 11, 2006, the Draft Environmental Impact Statement/Section 4(f) Evaluation, approved on March 3, 2009, the March 2009 Interchange Justification Study, the Final Environmental Impact Statement/Section 4(f) Evaluation, approved on July 22, 2009, and the Record of Decision, Section 4(f) Approval, and Interchange Justification Study Approval issued on September 18, 2009, and in other documents specifically incorporated into the listed documents by reference or by extension which in total constitute the Project environmental record. The Project environmental record and other Project records reside within the FHWA and ODOT administrative record/Project files. Project records are available for review by contacting either the FHWA or the ODOT at the addresses provided above. All of the above records as expressly listed are available for review on, and for downloading from, the Project's Web site as maintained by the ODOT District 12 Office in Garfield Heights, Ohio which is located within the City of Cleveland metro area. The Project Web site address is as follows: <http://www.dot.state.oh.us/projects/ClevelandUrbanCoreProjects/Innerbelt/Pages/default.aspx>.

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]; Federal-Aid Highway Act [23 U.S.C. 109, 23 U.S.C. 128 and 23 U.S.C. 139].

2. Design: Federal-Aid Highway Act [23 U.S.C. 101 and 23 U.S.C. 109] FHWA, February 11, 1998 Interstate Access Policy: Additional Interchanges to the Interstate System.

3. Air: Clean Air Act, 42 U.S.C. 7401-7671(q).

4. Land: Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303]; Federal-Aid Highway Act [23 U.S.C. 138]; Landscaping and Scenic Enhancement (Wildflowers) [23 U.S.C. 319].

5. Wildlife: Endangered Species Act [16 U.S.C. 1531-1544 and Section 1536]; Marine Mammal Protection Act [16 U.S.C. 1361]; Fish and Wildlife Coordination Act [16 U.S.C. 661-667(d)]; 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.*]; Archeological

Resources Protection Act of 1977 [16 U.S.C. 470(aa)-(11)]; Archeological and Historic Preservation Act [16 U.S.C. 469-469(c)]; Native American Grave Protection and Repatriation Act (NAGPRA) [25 U.S.C. 3001-3013].

7. Social and Economic: Civil Rights Act of 1964 [42 U.S.C. 2000(d)-2000(d)(1)]; American Indian Religious Freedom Act [42 U.S.C. 1996]; Farmland Protection Policy Act (FPPA) [7 U.S.C. 4201-4209].

8. Wetlands and Water Resources: Clean Water Act (Section 404, Section 401, Section 319) [33 U.S.C. 1251-1377]; Land and Water Conservation Fund (LWCF) [16 U.S.C. 4601-4604]; Safe Drinking Water Act (SDWA) [42 U.S.C. 300(f)-300(j)(6)]; Rivers and Harbors Act of 1899 [33 U.S.C. 401-406]; Wild and Scenic Rivers Act [16 U.S.C. 1271-1287]; Emergency Wetlands Resources Act [16 U.S.C. 3921, 3931]; Wetlands Mitigation [23 U.S.C. 103(b)(6)(M) and 133(b)(11)]; Flood Disaster Protection Act [42 U.S.C. 4001-4128].

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 Cultural Resources; E.O. 13007 Indian Sacred Sites; E.O. 13287 Preserve America; E.O. 13175 Consultation and Coordination with Indian Tribal Governments; E.O. 11514 Protection and Enhancement of Environmental Quality; 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: October 1, 2009.

**Patrick A. Bauer,**

*Acting Division Administrator, Columbus, Ohio.*

[FR Doc. E9-24321 Filed 10-15-09; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Saint Lawrence Seaway Development Corporation Advisory Board

#### Notice of Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I), notice is hereby given of a meeting of the