

**DEPARTMENT OF TRANSPORTATION****Surface Transportation Board****[Docket No. FD 35141]****U S Rail Corporation—Construction and Operation Exemption—Brookhaven Rail Terminal**

On August 7, 2008, U S Rail Corporation (U S Rail), an existing class III short line common carrier in Toledo, OH, filed a petition for exemption with the Surface Transportation Board (Board) under 49 U.S.C. 10502 seeking authority to construct and operate approximately 18,000 feet (3.4 miles) of new rail line at a 28-acre site (the Brookhaven Rail Terminal or BRT) located in the Town of Brookhaven, Suffolk County, NY. In addition to the construction and operation of the approximately 18,000 feet of rail line, U S Rail also proposes to construct various facilities on the BRT site. These facilities include a rail switch (which would allow the new rail line to connect with the existing Long Island Rail Road (LIRR mainline), 200 feet of lead track, and crushed stone aggregate (aggregate) handling and storage facilities consisting of an aggregate storage area, an intermodal freight storage area, and a transload area with truck scales.

The proposed rail line would allow U S Rail to provide an efficient means for delivering aggregate via rail from sources in upper New York State to its primary customer, the Sills Group, located on Long Island, NY. If approved, the project would reduce the Sills Group's reliance on truck transport of aggregate through the New York City metropolitan region and allow Sills Group to deliver up to 500,000 tons of aggregate annually for use in road and building construction on Long Island. The Sills Group would use 250,000 tons of the aggregate for its construction facilities on Long Island (the Scatt Materials plant and the Empire Asphalt plant) and would make the remaining 250,000 tons of aggregate available to currently unidentified customers.

Rail operations would consist of an average of six trains per week; three inbound trains, each consisting of approximately 40 to 50 railcars of aggregate delivered to the BRT, and three outbound trains per week consisting of 40 to 50 empty railcars. New York & Atlantic Railway would deliver the aggregate to the BRT over the LIRR, which would hand the rail cars to U S Rail for rail movements on the BRT site.

SEA is seeking public review and comment during a 15-day comment period, which is shorter than the time

SEA usually affords for review and comment of its Environmental Assessments. SEA believes that 15 days for review and comment is appropriate here because the Town of Brookhaven's Division of Environmental Protection has already conducted an environmental review of the BRT site, the site is an industrial area and is already highly disturbed, and the Town of Brookhaven and U S Rail have entered into a Stipulation of Settlement regarding this proposal. Please send comments on this Draft EA postmarked no later than August 10, 2010 to: Troy Brady, Environmental Protection Specialist, Surface Transportation Board, Section of Environmental Analysis, Suite 1100, 395 E Street, SW., Washington, DC 20423-0001, *Attn:* Docket No. 35141.

Comments may be filed electronically on the Board's website, <http://www.stb.dot.gov> by clicking on the "E-Filing" link. Please refer to Finance Docket No. 35141 in correspondence, including e-filing, addressed to the Board. If you have questions regarding this Draft EA, please contact Troy Brady by phone at (202) 245-0301, by fax at (202) 245-0454, or by e-mail at [troy.brady@stb.dot.gov](mailto:troy.brady@stb.dot.gov).

Decided: July 21, 2010.

By the Board, Victoria Rutson, Chief, Section of Environmental Analysis.

**Jeffrey Herzig,**  
*Clearance Clerk.*

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**DEPARTMENT OF TRANSPORTATION****Federal Highway Administration****Notice of Final Federal Agency Actions on Proposed Highway in Washington**

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

**ACTION:** Notice of limitation on claims for judicial review of actions by FHWA.

**SUMMARY:** This notice announces actions taken by FHWA that are final within the meaning of 23 U.S.C. 139(l)(1). The actions relate to a proposed highway project, the SR 502 Corridor Widening Project, in the State of Washington. Those actions grant approval for the project. The project will widen the existing two-lane roadway to four travel lanes with a median for a 5-mile segment of SR 502 between NE 15th Avenue and NE 102nd Avenue in Clark County, Washington. Specific actions include acquiring additional right-of-way, signaling three intersections, upgrading one existing signalized

intersection, constructing new travel lanes, constructing a median with a median treatment, constructing pedestrian and bicycle facilities, replacing four culverts, removing and placing fill, removing vegetation, and providing stormwater treatment for both new impervious surfaces and some existing surfaces. The project also includes extensive mitigation and restoration actions which are compatible with land use plans.

**DATES:** By this notice, 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 within 180 days of publication of this **Federal Register** notice. 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:** Yamilee Volcy, Area Engineer, Federal Highway Administration, 711 S. Capitol Way, Suite 501, Olympia, WA 98501; telephone: (360) 753-9552; and e-mail: [Yamilee.Volcy@dot.gov](mailto:Yamilee.Volcy@dot.gov). The FHWA Washington Division's Area Engineer's regular office hours are between 6 a.m. and 4 p.m. (Pacific Time). You may also contact Barbara Aberle, Project Environmental Manager, WSDOT Southwest Region Office, 11018 NE 51st Circle, Vancouver, WA 98682; telephone: (360) 905-2186; and e-mail: [AberleB@wa.wsdot.gov](mailto:AberleB@wa.wsdot.gov). The WSDOT Southwest Region Office regular office hours are between 8 a.m. and 5 p.m. (Pacific Time).

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that FHWA has taken final agency actions by issuing approval for the following highway project: SR 502 Corridor Widening Project. The purpose of the project is to improve safety and mobility along the SR 502 corridor between NE 15th Avenue and NE 102nd Avenue, and to improve regional connectivity between Battle Ground, north Clark County, and Interstate 5 (I-5). The project is located in Clark County, Washington. The actions by FHWA on this project, and the laws under which such actions were taken, are described in the March 2010 Final Environmental Impact Statement (EIS), June 2010 Record of Decision (ROD), and in other documents in the FHWA administrative record for the project. The EIS, ROD, and other documents in the FHWA administrative record are available by contacting FHWA or the Washington State Department of Transportation at the addresses provided above. The EIS and ROD can