

**DEPARTMENT OF TRANSPORTATION****Federal Highway Administration****Notice of Final Federal Agency Actions on Proposed Shared-Use Path in New York State**

**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 the FHWA, USACE, and other Federal agencies that are final within the meaning of 23 U.S.C. 139(j)(1). The actions relate to a proposed Shared-Use Path Construction Project: PIN 4760.35 Auburn Trail Extension, Town of Victor, Ontario County, New York State. 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(j)(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 180 days after publication of this notice in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** For FHWA: Mr. Jeffrey W. Kolb, Division Administrator, Federal Highway Administration, Leo W. O'Brien Building, Suite 719, Clinton Avenue and North Pearl Street, Albany, New York 12207; telephone: (518) 431-4121; e-mail: [NewYork.fhwa@dot.gov](mailto:NewYork.fhwa@dot.gov). The FHWA New York Division Office's normal business hours are 7:45 a.m. to 4:15 p.m. (eastern time). For New York State Department of Transportation, Mr. Robert Traver, Acting Regional Director, 1530 Jefferson Road, Rochester New York, 14623; telephone: (585) 272-3310. For the Town of Victor, Jack Marren, Supervisor, Town of Victor Town Hall, 85 East Main Street, New York 14564; telephone: (585) 924-3311.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that the FHWA has taken final agency actions subject to 23 U.S.C. 139(j)(1) by issuing a Finding of No Significant Impact (FONSI) for the following trail project in the State of New York: PIN 4760.35 Auburn Trail Extension, Town of Victor, Ontario County. The project is a portion of the Auburn Trail located in the northwest quadrant of the Town of Victor, Ontario County with a small portion in the Towns of Perinton and Pittsford, Monroe County. The project begins at Main Street in the Hamlet of Fischers and extends northerly to Woolston Road in Monroe County for a total length

including the connection to Powder Mills Park of 2.5 miles. The project primarily provides for the construction of an 8-foot wide Two-Way Shared-Use Path with 2-foot wide graded grass shoulders on either side and is further described under Alternative #5 in the June 2010 Final Design Report/Environmental Assessment. The proposed Shared-Use Path will be built on an old railroad embankment currently under permanent easement by the Town of Victor. The actions by the Federal Highway Administration, and the laws under which such action was taken, are described in the Final Design Report/Environmental Assessment for the project, approved on July 26, 2010 and in the FHWA Finding of No Significant Impact (FONSI) issued on September 22, 2010 and published in the **Federal Register**. The FONSI, and other project records are available by contacting the FHWA, the New York State Department of Transportation or the Town of Victor at the addresses provided above. The FHWA FONSI can be viewed and downloaded from the project Web site at <http://www.victorny.org> or viewed at public libraries in the project area.

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 and 23 U.S.C. 128].

2. *Air:* Clean Air Act [42 U.S.C. 7401-7671(q)].

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

4. *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].

5. *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)-470(ll)]; 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].

6. *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].

7. *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.

8. *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(j)(1)

Issued on: September 22, 2010.

**Jeffery W. Kolb,**

*New York Division Administrator, Albany.*

[FR Doc. 2010-24249 Filed 9-28-10; 8:45 am]

**BILLING CODE 4910-RY-P**

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration**

[Summary Notice No. PE-2010-42]

**Petition for Exemption; Summary of Petition Received**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of petition for exemption received.

**SUMMARY:** This notice contains a summary of a petition seeking relief from specified requirements of Title 14, Code of Federal Regulations (CFR) part 25. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication

of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

**DATE:** Comments on this petition must identify the petition docket number involved and must be received on or before October 19, 2010.

**ADDRESSES:** You may send comments identified by Docket Number FAA-2010-0446 using any of the following methods:

- *Government-wide rulemaking Web site:* Go to <http://www.regulations.gov> and follow the instructions for sending your comments electronically.

- *Mail:* Send comments to the Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12-140, Washington, DC 20590.

- *Fax:* Fax comments to the Docket Management Facility at 202-493-2251.

- *Hand Delivery:* Bring comments to the Docket Management Facility in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

*Privacy:* We will post all comments we receive, without change, to <http://www.regulations.gov>, including any personal information you provide. Using the search function of our docket Web site, anyone can find and read the comments received into any of our dockets, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78).

*Docket:* To read background documents or comments received, go to <http://www.regulations.gov> at any time or to the Docket Management Facility in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Michael Menkin, ANM-113, Federal Aviation Administration, Transport Airplane Directorate, 1601 Lind Ave., SW, Renton, WA 98057; 425-227-2793; or Katherine Haley, ARM-203, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue, SW.; Washington, DC 20591; (202) 493-5708.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on September 24, 2010.

**Pamela Hamilton-Powell,**

*Director, Office of Rulemaking.*

#### **Petition for Exemption**

*Docket No.:* FAA-2010-0446.

*Petitioner:* Gulfstream Aerospace Corporation (GAC).

*Section of 14 CFR Affected:* 14 CFR 25.813(e).

*Description of Relief Sought:* To allow the installation of doors between passenger seats, occupiable for taxi, take off and landing, and a passenger emergency exit for the Gulfstream GVI airplane. GAC intends to operate the airplane under part 135.

[FR Doc. 2010-24368 Filed 9-28-10; 8:45 am]

**BILLING CODE 4910-13-P**

## **DEPARTMENT OF TRANSPORTATION**

### **Federal Railroad Administration**

#### **Notice Regarding Consideration and Processing of Applications for Financial Assistance Under the Railroad Rehabilitation and Improvement Financing (RRIF) Program**

**AGENCY:** Federal Railroad Administration (FRA), Department of Transportation (DOT).

**ACTION:** Notice of priorities for consideration of applications.

**SUMMARY:** Under this notice, FRA is providing the basis for its consideration of potential applications for financial assistance under the RRIF Program authorized by 45 U.S.C. 821 *et seq.*

**DATES:** This notice is effective for all applications received by FRA after October 29, 2010.

**FOR FURTHER INFORMATION CONTACT:**

Barbara Amani, Chief of the Credit Programs Division, Office of Railroad Development, Federal Railroad Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590 (*telephone:* (202) 493-6051; *fax:* (202) 493-6333; and *e-mail:*

*Barbara.Amani@dot.gov*); or Casey Symington, Attorney Advisor, Office of Chief Counsel, Federal Railroad Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590 (*telephone:* (202) 493-6349; *fax:* (202) 493-6068; and *e-mail:* *Casey.Symington@dot.gov*).

**SUPPLEMENTARY INFORMATION:** Title V of the Railroad Revitalization and Regulatory Reform Act of 1976, Public Law 94-210 (1976), authorized a program of financial assistance necessary to furnish assistance to

railroads for facilities maintenance, rehabilitation, improvements and acquisitions. FRA used this financial assistance program to provide financial assistance to portions of the then-fiscally challenged rail industry. The program was most active during the four years following the enactment of the statute. The improving financial condition of the rail industry subsequent to enactment of the Staggers Rail Act of 1980 and the partial economic deregulation of the rail industry helped improve the larger railroads' access to private capital, reducing interest in the program.

The Federal Credit Reform Act of 1990 resulted in fundamental changes in all federal credit programs, by requiring that the subsidy cost of any federal credit assistance be reserved prior to the credit assistance being made available. Although the subsidy cost required an appropriation, FRA's subsequent annual appropriations acts contained a specific prohibition on the use of FRA's funds for this purpose. As a result, use of the Title V program was limited to projects specifically authorized by Congress.

A secondary impact of the Staggers Rail Act of 1980 was a more liberalized approach to restructuring railroads, which led to the growth in the number and importance of short line and regional railroads (also known as Class III and Class II railroads). A number of studies conducted during the 1980s and 1990s concluded that significant portions of the short line and regional railroad industry were challenged by deferred maintenance and a lack of access to the private capital markets at rates and terms comparable to debt financing opportunities available to the larger, Class I railroads.

In 1998, Title V of the Railroad Revitalization and Regulatory Reform Act of 1976 was amended by the Transportation Equity Act for the 21st Century of 1998, Public Law 105-178 (1998) (TEA-21) to establish the RRIF Program. TEA-21 authorized a program of financial assistance to the rail industry in the form of loans and loan guarantees and other financial instruments. The program was subsequently amended and expanded in the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, Public Law 109-59 (2005) (SAFETEA-LU) and the Rail Safety Improvement Act of 2008 (RSIA), Division A of Public Law 110-432.

TEA-21 addressed capital needs by providing a program of loans and loan guarantees for rail investment purposes. A combined total of \$3.5 billion in direct loans and loan guarantees was