

filed no later than September 20, 2023 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 36720, should be filed with the Surface Transportation Board via e-filing on the Board's website or in writing addressed to 395 E Street SW, Washington, DC 20423-0001. In addition, a copy of each pleading must be served on MIP GP's representative, Terence M. Hynes, Sidley Austin LLP, 1501 K Street NW, Washington, DC 20005.

According to MIP GP, this action is categorically excluded from environmental review under 49 CFR 1105.6(c) and from historic preservation reporting requirements under 49 CFR 1105.8(b).

Board decisions and notices are available at [www.stb.gov](http://www.stb.gov).

Decided: September 7, 2023.

By the Board, Mai T. Dinh, Director, Office of Proceedings.

**Regena Smith-Bernard,**  
*Clearance Clerk.*

[FR Doc. 2023-19777 Filed 9-12-23; 8:45 am]

**BILLING CODE 4915-01-P**

## **SURFACE TRANSPORTATION BOARD**

[Docket No. FD 36704]

### **The Warren & Trumbull Railroad Company—Acquisition and Operation Exemption—Economic Development Rail II Corporation**

The Warren & Trumbull Railroad Company (WTRC), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to acquire from Economic Development Rail II Corporation (EDR-II), and to operate approximately 8.97 miles of rail line and associated right-of-way including: (1) the property known as North Warren Railroad located along the 2.78 miles of track between milepost 91.60 near the North Warren Station in Warren, Ohio and milepost 94.38 at North Warren in North Trumbull, Ohio; (2) the property known as a portion of Conrail's Freedom Secondary Railroad between milepost 164.52 and milepost 160.60 in Warren, Ohio, and the K-Mart Lead extending from its connection with the Freedom Secondary at milepost 81.00 up to and including milepost 81.70; (3) the K-Mart Lead from milepost 81.70 up to and including milepost 82.90; and (4) the section of track beginning at milepost 82.90 up to and including track to the east R.O.W. of Park Avenue being 1435.61 feet ± (the Lines).

According to the verified notice, WTRC has operated over the Lines pursuant to an agreement between WTRC and EDR-II, and now WTRC seeks authority to acquire ownership of the Lines from EDR II.

The verified notice states that the parties entered into a Purchase and Sale Agreement for WTRC to acquire and operate the Lines. WTRC states that the transaction will proceed as of the effective date of this notice of exemption.

WTRC certifies that the proposed acquisition of the Lines does not involve any interchange commitments. WTRC further certifies that its projected revenues as a result of this transaction will not exceed those that would qualify it as a Class III carrier and will not exceed \$5 million.

The transaction may be consummated on or after September 27, 2023, the effective date of the exemption (30 days after the verified notice was filed).

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. Petitions for stay must be filed no later than September 20, 2023.

All pleadings, referring to Docket No. FD 36704, must be filed with the Surface Transportation Board either via e-filing on the Board's website or in writing addressed to 395 E Street SW, Washington, DC 20423-0001. In addition, one copy of each pleading must be served on WTRC's representative, Eric M. Hocky, Clark Hill PLC, Two Commerce Square, 2001 Market Street, Suite 2620, Philadelphia, PA 19103.

According to WTRC, this action is categorically excluded from environmental review under 49 CFR 1105.6(c) and from historic reporting requirements under 49 CFR 1105.8(b).

Board decisions and notices are available at [www.stb.gov](http://www.stb.gov).

Decided: September 8, 2023.

By the Board, Mai T. Dinh, Director, Office of Proceedings.

**Raina White,**  
*Clearance Clerk.*

[FR Doc. 2023-19788 Filed 9-12-23; 8:45 am]

**BILLING CODE 4915-01-P**

## **SURFACE TRANSPORTATION BOARD**

[Docket No. FD 36705]

### **Youngstown & Austintown Railroad, Inc.—Acquisition and Operation Exemption—Economic Development Rail Corporation**

Youngstown & Austintown Railroad, Inc. (YARR), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to acquire from Economic Development Rail Corporation (EDRC) and to operate approximately 2.74 miles of rail line known as the Y and A Branch (Line Code 6556) (Austintown Industrial Track) from approximately milepost 0.76 (at a point south of the clearance point of the switch connection with CSX Transportation, Inc.) to approximately milepost 3.50 (at the northerly right-of-way line of Oakwood Avenue) in Youngstown, Mahoning County, Ohio (the Line). According to the verified notice, YARR is the current operator of the Line, having operated over the Line pursuant to an operating agreement between YARR and EDRC for over 30 years.

The verified notice states that YARR has entered into a Purchase and Sale Agreement to acquire the Line from EDRC so that YARR can become the owner of the Line, as well as the operator.

YARR certifies that the proposed acquisition of the Line does not involve any interchange commitments. YARR further certifies that its projected revenues as a result of this transaction will not exceed those that would qualify it as a Class III carrier and that its projected annual revenue will not exceed \$5 million.

The transaction may be consummated on or after September 27, 2023, the effective date of the exemption (30 days after the verified notice was filed).

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. Petitions for stay must be filed no later than September 20, 2023.

All pleadings referring to Docket No. FD 36705, should be filed with the Surface Transportation Board either via e-filing on the Board's website or in writing addressed to 395 E Street SW, Washington, DC 20423-0001. In addition, one copy of each pleading must be served on YARR's representative, Eric M Hocky, Clark Hill PLC, Two Commerce Square, 2001

Market St., Suite 2620, Philadelphia, PA 19103.

According to YARR, this action is categorically excluded from environmental review under 49 CFR 1105.6(c) and from historic reporting requirements under 49 CFR 1105.8(b).

Board decisions and notices are available at [www.stb.gov](http://www.stb.gov).

Decided: September 7, 2023.

By the Board, Mai T. Dinh, Director, Office of Proceedings.

**Eden Besera,**

*Clearance Clerk.*

[FR Doc. 2023-19752 Filed 9-12-23; 8:45 am]

**BILLING CODE 4915-01-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

[FHWA Docket No. FHWA-2021-0010]

#### Surface Transportation Project Delivery Program; Utah Department of Transportation Audit Report

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

**ACTION:** Notice.

**SUMMARY:** The Moving Ahead for Progress in the 21st Century Act (MAP-21) established the Surface Transportation Project Delivery Program that allows a State to assume FHWA's responsibilities for environmental review, consultation, and compliance under the National Environmental Policy Act (NEPA) for Federal highway projects. When a State assumes these Federal responsibilities, the State becomes solely responsible and liable for carrying out the responsibilities it has assumed in lieu of FHWA. The program mandates annual audits during each of the first 4 years of State participation to ensure compliance with program requirements. This notice finalizes the findings of the fourth and final audit report for the Utah Department of Transportation (UDOT).

**FOR FURTHER INFORMATION CONTACT:** Mr. David Cohen, Office of Project Development and Environmental Review, (202) 366-8531, [David.Cohen@dot.gov](mailto:David.Cohen@dot.gov), or Ms. Diane Mobley, Office of the Chief Counsel, (202) 366-1366, [Diane.Mobley@dot.gov](mailto:Diane.Mobley@dot.gov), Federal Highway Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590. Office hours are from 8:00 a.m. to 4:30 p.m., e.t., Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:**

#### Electronic Access

An electronic copy of this notice may be downloaded from the specific docket page at [www.regulations.gov](http://www.regulations.gov).

#### Background

The Surface Transportation Project Delivery Program, codified at 23 United States Code (U.S.C.) 327, commonly known as the NEPA Assignment Program, allows a State to assume FHWA's environmental responsibilities for review, consultation, and compliance for Federal highway projects. When a State assumes these Federal responsibilities, the State becomes solely liable for carrying out the responsibilities in lieu of FHWA. The UDOT published its application for NEPA assumption on October 9, 2015, and made it available for public comment for 30 days. After considering public comments, UDOT submitted its application to FHWA on December 1, 2015. The application served as the basis for developing a memorandum of understanding (MOU) that identifies the responsibilities and obligations that UDOT would assume. The FHWA published a notice of the draft MOU in the **Federal Register** on November 16, 2016 (81 FR 80710), with a 30-day comment period to solicit the views of the public and Federal agencies. After the end of the comment period, FHWA and UDOT considered comments and proceeded to execute the MOU. Effective January 17, 2017, UDOT assumed FHWA's responsibilities under NEPA, and the responsibilities for other Federal environmental laws described in the MOU. On May 26, 2022, FHWA and UDOT renewed the MOU for another 5-year term.

Section 327(g) of Title 23, U.S.C., requires the Secretary to conduct annual audits during each of the first 4 years of State participation. After the fourth year, the Secretary shall monitor the State's compliance with the written agreement. The FHWA must make the results of each audit available for public comment. This notice finalizes the findings of the fourth audit report for UDOT participation in the NEPA Assignment Program. The FHWA published a draft version of this report in the **Federal Register** on June 23, 2022 (87 FR 37547), and made it available for public review and comment for 30 days in accordance with 23 U.S.C. 327(g). The FHWA received three responses to the **Federal Register** notice during the public comment period for the draft report, and FHWA responds to these comments in the final report, pursuant to 23 U.S.C. 327(g)(2). The FHWA also determined that the comments required

no changes to the draft audit report. This notice finalizes the fourth and final NEPA Assignment audit report in Utah.

*Authority:* Section 1313 of Public Law 112-141; Section 6005 of Public Law 109-59; 23 U.S.C. 327; 23 CFR 773.

**Shailen P. Bhatt,**

*Administrator, Federal Highway Administration.*

#### Surface Transportation Project Delivery Program, FHWA Audit of the Utah Department of Transportation—Final Report, July 1, 2019–June 30, 2020

#### Executive Summary

This report summarizes the results of the Federal Highway Administration's (FHWA) fourth and final audit of the Utah Department of Transportation's (UDOT) National Environmental Policy Act (NEPA) review responsibilities and obligations that FHWA assigned and UDOT assumed pursuant to 23 United States Code (U.S.C.) 327. Throughout this report, FHWA uses the term "NEPA Assignment Program" to refer to the program codified at 23 U.S.C. 327. Pursuant to 23 U.S.C. 327, UDOT and FHWA executed a memorandum of understanding (MOU) on January 17, 2017, to memorialize UDOT's NEPA responsibilities and obligations for Federal-aid highway projects and certain other FHWA actions in Utah. The FHWA and UDOT recently renewed the MOU on May 26, 2022, for another 5-year term. The section 327 MOU covers environmental review responsibilities for projects that require the preparation of environmental assessments (EA), environmental impact statements (EIS), and non-designated documented categorical exclusions (DCE). A separate MOU, pursuant to 23 U.S.C. 326, authorizes UDOT's environmental review responsibilities for other categorical exclusions (CE), commonly known as CE Program Assignment. The scope of this audit did not include the CE Program Assignment responsibilities and projects.

As part of FHWA's review responsibilities under 23 U.S.C. 327, FHWA formed a team (the "Audit Team") in August 2020 to plan and conduct an audit of NEPA responsibilities UDOT assumed. Due to COVID-19-related travel restrictions, the Audit Team conducted a virtual audit during the period from November 9, 2020, to December 2, 2020. Prior to the virtual audit, the Audit Team reviewed UDOT's NEPA project files, UDOT's response to FHWA's pre-audit information request (PAIR), UDOT's NEPA Assignment Self-Assessment Report, UDOT's NEPA Quality Assurance/Quality Control (QA/QC)