

All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number FRA-2009-0082) and may be submitted by any of the following methods:

- *Web site:* <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- *Fax:* 202-493-2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., W12-140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue, SE., Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Communications received within 45 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at <http://www.regulations.gov>.

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the document (or signing the document, if submitted on behalf of 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) or at <http://www.dot.gov/privacy.html>.

Issued in Washington, DC on October 19, 2009.

**Grady C. Cothen, Jr.,**

*Deputy Associate Administrator for Safety Standards and Program Development.*

[FR Doc. E9-25605 Filed 10-23-09; 8:45 am]

**BILLING CODE 4910-06-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 35237]

#### Eastern Iowa Industrial Center Rail Project—Construction and Operation Exemption—City of Davenport, IA

**AGENCY:** Surface Transportation Board.

**ACTION:** Notice of availability of Environmental Assessment.

**SUMMARY:** In accordance with Surface Transportation Board (Board) procedures for complying with the National Environmental Policy Act (NEPA) and consistent with the regulations of the Council on Environmental Quality for implementing NEPA at 40 CFR 1506.3, the Board's Section of Environmental Analysis (SEA) is preliminarily recommending that the Board adopt an Environmental Assessment (EA) issued by the U.S. Federal Highway Administration (FHWA) and the City of Davenport. This EA is titled "Eastern Iowa Industrial Center Railroad Extension in Davenport, Eldridge, and Scott County, Iowa."

The EA concludes that the construction of an approximately 2.8-mile rail line would not significantly affect the quality of the human environment. SEA has independently reviewed the EA and agrees with its analysis and conclusions. Therefore, SEA has determined that the EA meets the standards for an adequate environmental analysis under NEPA and can be adopted, should the Board so decide.

**SUPPLEMENTARY INFORMATION:** By petition filed with the Board on July 21, 2009, the City of Davenport seeks an exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10901 to construct an approximately 2.8-mile rail line in southern Eldridge, northern Davenport, and an unincorporated area of Scott County, Iowa.<sup>1</sup> The proposed project, known as the Eastern Iowa Industrial Center Rail Project, would provide freight rail service to the Eastern Iowa Industrial Center (EIIC), an industrial park located along Interstate 80. The purpose of the proposed project is to provide a rail connection between the EIIC and the Eldridge Line of the Iowa Chicago & Eastern Railroad and to promote economic development in the area.

The City of Davenport anticipates that traffic on the proposed route would consist of two trains (one round trip) per week, and each train would have two to three rail cars. As industrial development in the area continues, train traffic would be expected to increase to a maximum of two trains (one round trip) per day for the foreseeable future. Goods to be shipped over the rail line would vary depending on the specific industries that may locate along the route but would likely consist of

agricultural equipment, manufactured parts, and corn.

The U.S. Federal Highway Administration (FHWA) and the City of Davenport conducted a streamlined environmental review of the proposed project, and on March 17, 2008, released an Environmental Assessment (EA) titled "Eastern Iowa Industrial Center Railroad Extension in Davenport, Eldridge, and Scott County, Iowa." The EA addressed the environmental impacts that may result from the proposed Eastern Iowa Industrial Center Rail Project and concluded that the proposed project will have no significant adverse social, economic or environmental impacts. Following a public comment period and a public hearing, which was held in Davenport, Iowa, on April 28, 2008, FHWA determined that the project will not have any significant impact on the human and natural environment in a "Finding of No Significant Impacts" (FONSI) dated July 8, 2008.

Pursuant to 49 U.S.C. 10901, the Board is the Federal agency responsible for granting authority for the construction and operation of new rail line facilities. In accordance with NEPA, the Board must take into account in its decision-making the environmental impacts of its actions. In its regulations implementing NEPA, the Council on Environmental Quality (CEQ) strongly encourages agencies to reduce paperwork and duplication of efforts. One of the methods identified by CEQ to accomplish these goals is adopting the environmental documents prepared by other agencies. Accordingly, pursuant to 40 CFR 1506.3, the Board may adopt the FHWA's EA as its own since the action analyzed by the FHWA is substantially the same as that being proposed by the City of Davenport.

SEA carefully reviewed the EA and conducted an independent assessment of the proposed rail project. Based on this review and assessment, SEA concludes that the EA adequately assesses the environmental impacts of the proposed action and can be adopted. SEA further concludes that the information in the record is adequate and no supplemental or additional environmental review is required. Consequently, SEA preliminarily is recommending that the Board adopt the EA.

Copies of the EA and the subsequent FONSI have been distributed to appropriate Federal, state and local agencies; tribes; and the public and will be made available to additional parties upon request. The EA and FONSI are also available for review on the Board's Web site (<http://www.stb.dot.gov>) by

<sup>1</sup> In an amendment filed on September 8, 2009, the City of Davenport clarified that it also seeks operation authority.

going to "ENVIRONMENTAL MATTERS," clicking on the "Key Cases" link, and then clicking on "Eastern Iowa Industrial Center Rail Project." In addition, the EA is available for inspection at the Main Street Library, which is located at 321 Main Street, Davenport, Iowa 52801-1490. SEA will consider all comments received in making its final recommendations to the Board. The Board will then consider SEA's final recommendations and the complete environmental record in making its final decision in this proceeding.

**FOR FURTHER INFORMATION CONTACT:** Christa Dean, Attorney and Project Manager, at (202) 245-0299; *e-mail*: [christa.dean@stb.dot.gov](mailto:christa.dean@stb.dot.gov). Federal Information Relay Service for the hearing impaired: 1-800-877-8339.

**DATES:** The EA is available for public review and comment. All comments must be submitted or post-marked by November 30, 2009.

**ADDRESSES:** Send written comments to: Christa Dean, Surface Transportation Board, 395 E Street, SW., Room 1108, Washington, DC 20423.

Please reference STB Docket No. 35237 in all correspondence.

Comments on the EA may also be filed electronically on the Board's Web site, <http://www.stb.dot.gov>, by clicking on the "E-FILING" link.

Decided: October 26, 2009.

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

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

[FR Doc. E9-25435 Filed 10-23-09; 8:45 am]

**BILLING CODE** 4915-01-P

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

[Project Number GAI-0067-01 (004)]

#### Environmental Impact Statement: Hancock and Pearl River Counties, MS

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

**ACTION:** Notice of intent.

**SUMMARY:** The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Hancock and Pearl River Counties, Mississippi. The project study area will extend a distance of approximately 30 miles from Interstate 10 south of Kiln, MS to Interstate 59 in the vicinity of Picayune, Mississippi.

**FOR FURTHER INFORMATION CONTACT:** Mr. Claiborne Barnwell, Project Development Team Leader, Federal Highway Administration, 666 North Street, Suite 105, Jackson, MS 39202-3199, Telephone: (601) 965-4217. Contact at the State level is Ms. Kim Thurman, Environmental/Location Division Administrator, Mississippi Department of Transportation, P.O. Box 1850, Jackson, MS 39215-1850, *telephone*: (601) 359-7920.

**SUPPLEMENTARY INFORMATION:** The FHWA, in cooperation with the Mississippi Department of Transportation (MDOT), will prepare an Environmental Impact Statement (EIS) for the proposed widening and/or realignment of State Route 603/43 in Hancock and Pearl River Counties, Mississippi. The proposed improvements are intended to provide a safe and effective hurricane evacuation route while alleviating high levels of congestion and travel delays presently being experienced on the southern terminus of State Route 603/43. This project was initially started in 2008 as an Environmental Assessment. However, due to the complexity of the project and a high number of sensitive wetland and water issues, it has been determined that it is appropriate to convert this project to an EIS.

A Coordination Plan for Agency and Public Involvement will be developed in accordance with Public Law 109-59, SAFETEA-LU, Title VI, Section 6002, Efficient Environmental Reviews for Project Decision Making, August 10, 2005, and will outline the process by which project information will be communicated to the lead, cooperating, participating, other agencies and organizations, and the public. This plan will also identify how input from agencies and the public will be solicited and considered. The coordination Plan is intended to be a flexible and fluid document and will be available at public and agency meetings for review. The purpose of the EIS is to address the transportation, environmental, and safety issues of such a transportation corridor. The proposed transportation project will be studied both for widening of the existing roadway and for the potential for new alignment in some areas and will provide a safer roadway and improve mobility for those traveling from Interstate 10 to Interstate 59. The proposed project will also specifically address traffic concerns in Kiln, Mississippi and how the existing congestion through the town can be best alleviated while preserving sensitive wetland resources. Alternatives under

consideration include (1) taking no action and (2) build alternatives.

The FHWA and MDOT are seeking input as a part of the scoping process to assist in determining and clarifying issues relative to this project. Letters describing the proposed action and soliciting comments will be sent to appropriate federal, state, and local agencies, Native American tribes, private organizations and citizens who have previously expressed or are known to have interest in this proposal. A formal scoping meeting with federal, state, and local agencies, and other interested parties will be held in the near future. Public involvement meetings will be held during the EIS process. The draft EIS will be available for public and agency review and comment prior to the official public hearing.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

Dated: October 19, 2009

**E. Claiborne Barnwell,**

*Project Development Team Leader, Federal Highway Administration, Mississippi Division, Jackson, Mississippi.*

[FR Doc. E9-25654 Filed 10-23-09; 8:45 am]

**BILLING CODE** P

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Ex Parte No. 552 (Sub-No. 13)]

#### Railroad Revenue Adequacy—2008 Determination

**AGENCY:** Surface Transportation Board, DOT.

**ACTION:** Notice of decision.

**SUMMARY:** On October 26, 2009, the Board served a decision announcing the 2008 revenue adequacy determinations for the Nation's Class I railroads. One carrier, Norfolk Southern Railway Company, is found to be revenue adequate.

**DATES:** *Effective Date:* This decision is effective on October 26, 2009.

**FOR FURTHER INFORMATION, CONTACT:** Paul Aguiar, (202) 245-0323. Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at: (800) 877-8339.

**SUPPLEMENTARY INFORMATION:** The Board is required to make an annual