

responsibility for the incidents on the acts or omissions of any person or entity.

Two railroad employees, while each riding the side of rolling equipment to protect a shoving movement, were fatally injured (in separate incidents) when the equipment they were riding struck other equipment that was left out to foul. A common factor in both accidents was that the equipment was left in a location where it fouled an adjacent track by the very employees who were involved in the incidents.

The first incident occurred on September 2, 2010, in Bridgeport, New Jersey, when a conventional two-person switching crew was shoving rolling equipment into an industrial facility. The locomotive engineer was in the locomotive control compartment and the conductor was positioned on the leading end of a tank car directing the shoving move. The conductor had one foot on the end platform and the other on the side ladder tread as he began to pass a tank car that he had spotted at that location the previous day. Unfortunately, the car had been left in the foul of the adjacent track and the cars struck each other; the conductor sustained fatal injuries.

The second incident occurred on February 8, 2011, in Kankakee, Illinois. A conventional switching crew that consisted of a conductor, engineer, and a conductor-in-training was switching cars on a switching lead track and using various other yard tracks. The crew had left a car on one of the yard tracks in a location where it was in the foul of an adjacent track. Shortly thereafter, the conductor and conductor-in-training boarded opposite sides of the leading end of a gondola car and began a shoving movement. Subsequently, the side of the gondola on which the conductor was riding struck the car that was previously left in the foul of the adjacent track. The conductor was crushed between the two cars and sustained fatal injuries.

Although the preponderance of incidents involving equipment that is left in the foul of an adjacent track fortunately only result in railroad property damage, the potential for injury or death in such instances is always present. By issuing this safety advisory, FRA is reminding all stakeholders of the importance of situational awareness and compliance with all applicable operating and safety rules, particularly those related to leaving rolling equipment in a location that is clear of adjacent tracks.

**FRA Action:** Despite the significant reduction in train accidents caused by equipment being left in the foul of an

adjacent track, a review of FRA's inspection data relative to 49 CFR 218.101 indicates a disturbing trend. From calendar year (CY) 2009 to CY 2010, violations of 49 CFR 218.101 recommended for prosecution by FRA inspectors increased 124 percent. Based on the results of inspection data for the first 2 months of 2011, if trends continue, violations recommended for prosecution in 2011 versus 2010 would increase by an additional 81 percent. Whether the increase in violations is due to greater vigilance by FRA or is due to an actual increase in the number of instances where equipment is being left in such locations, FRA intends to ensure that railroads take necessary steps to prevent and reduce the potential trend indicated by the statistics noted above.

Over the next several months, FRA intends to increase its inspection activity to focus on compliance with railroad operating rules that address all of the requirements contained in Subpart F. Particular emphasis will be placed on the requirements contained in 49 CFR 218.101. FRA will also focus its inspection efforts on railroad operational testing activity, particularly as it relates to Subpart F. FRA strongly encourages railroad industry members to reemphasize the importance of leaving equipment in the clear as frequently as possible, and to take such other actions as may help ensure safety on the Nation's railroads.

**Recommended Railroad Action:** In light of the recent accidents discussed above, and in an effort to maintain the safety of railroad employees on the Nation's rail system, FRA recommends that railroads:

- (1) Review with employees the circumstances of the two most recent fatal incidents;
- (2) Reinstruct supervisors and employees on the operating and safety rules applicable to leaving rolling equipment in a location that is clear of adjacent tracks. Particular emphasis should be placed on the procedures that enable employees to identify clearance points and the means to identify locations where clearance points will not permit a person to safely ride on the side of a car;
- (3) Increase operational testing on those operating and safety rules that pertain to leaving rolling equipment in a location that is clear of adjacent tracks; and
- (4) Review current job briefing procedures among coworkers and determine if the procedures are sufficient to encourage more effective communication regarding switching activities, specifically as the procedures

relate to the positioning of rolling equipment so that the equipment is in a location that is clear of adjacent tracks.

FRA encourages railroad industry members to take action that is consistent with the preceding recommendations and to take other actions to help ensure the safety of the Nation's railroad employees. FRA may modify this Safety Advisory 2011-01, issue additional safety advisories, or take other appropriate action necessary to ensure the highest level of safety on the Nation's railroads, including pursuing other corrective measures under its rail safety authority.

Issued in Washington, DC, on April 1, 2011.

**Jo Strang,**

*Associate Administrator for Railroad Safety/  
Chief Safety Officer.*

[FR Doc. 2011-8232 Filed 4-6-11; 8:45 am]

**BILLING CODE 4910-06-P**

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## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

#### **Intent To Prepare an Environmental Impact Statement for the Downtown San Francisco Ferry Terminal Expansion Project in the City and County of San Francisco, CA**

**AGENCY:** Federal Transit Administration (FTA), DOT.

**ACTION:** Notice of intent to prepare an environmental impact statement (EIS).

**SUMMARY:** The FTA, as the lead Federal agency, and the San Francisco Bay Area Water Emergency Transportation Authority (WETA) are planning to prepare an EIS for the proposed expansion and improvements to the Downtown San Francisco Ferry Terminal at the Port of San Francisco Ferry Building. The proposed project would serve commuters, visitors, and recreational users desiring an alternative way to cross San Francisco Bay, and reach nearby employment, entertainment, and recreational destinations in San Francisco. The project expands the number of ferry gates and improves ferry patron circulation, boarding, and wayfinding in and around the Ferry Building. In addition, the project enhances emergency response capabilities to evacuate people from San Francisco and/or mobilize first responders to San Francisco via ferries if a catastrophic event occurs. The EIS will be prepared in accordance with Section 102(2)C of the National Environmental Policy Act of 1969 (NEPA) and pursuant to the Council on the Environmental Quality's

regulations (40 Code of Federal Regulations [CFR] parts 1500–08) as well as provisions of the recently enacted Safe, Accountable, Flexible Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU). The purpose of this notice is to alert interested parties regarding the intent to prepare an EIS; provide information on the proposed transit project; invite participation in the EIS process, including comments on the scope of the EIS proposed in this notice; and announce when the public scoping meeting will be conducted.

**DATES:** Written comments on the scope of the EIS should be sent to Mike Gougherty, WETA Project Manager, by May 16, 2011. A public scoping meeting to accept comments on the scope of the EIS will be held on the following date:

- April 26, 2011, from 5:30 p.m. to 7:30 p.m., at Pier 1, Bayside Conference Room, San Francisco, California.

An interagency scoping meeting for agencies with interest in the project will be held on the following date:

- April 26, 2011 from 2 p.m. to 4 p.m. at the Pier 1, Bayside Conference Room, San Francisco, California.

The meeting will be accessible to persons with disabilities. If special translation or signing services or other special accommodations are needed, please contact Mike Gougherty at (415) 364–3189 at least 48 hours before the meeting. A scoping information packet is available on the WETA Web site at <http://www.watertransit.org> or by calling Mike Gougherty at (415) 364–3189. Copies will also be available at the scoping meeting.

**ADDRESSES:** Comments on the scope of the EIS will be accepted at the public scoping meeting, or written comments should be sent to Mike Gougherty, WETA Project Manager, San Francisco Bay Water Emergency Transportation Authority, Pier 9, Suite 111, The Embarcadero, San Francisco, CA, 94111.

**FOR FURTHER INFORMATION CONTACT:** Debra Jones, Environmental Protection Specialist, FTA, San Francisco Regional Office at (415) 744–3133.

**SUPPLEMENTARY INFORMATION:**

**Scoping**

The FTA and WETA invite all interested individuals and organizations, public agencies, and Native American Tribes to comment on the scope of the EIS, including the project's purpose and need, the alternatives to be studied, the impacts to be evaluated, and the evaluation methods to be used. Comments should address (1) feasible alternatives that may better achieve the project's need and

purposes with fewer adverse impacts, and (2) any significant environmental impacts relating to the alternatives.

NEPA "scoping" (Title 40 of the CFR 1501.7) has specific and fairly limited objectives, one of which is to identify the significant issues associated with alternatives that will be examined in detail in the document, while simultaneously limiting consideration and development of issues that are not truly significant. It is in the NEPA scoping process that potentially significant environmental impacts—those that give rise to the need to prepare an environmental impact statement—should be identified; impacts that are deemed not to be significant need not be developed extensively in the context of the impact statement, thereby keeping the statement focused on impacts of consequence consistent with the ultimate objectives of the NEPA implementing regulations—"to make the environmental impact statement process more useful to decision makers and the public; and to reduce paperwork and the accumulation of extraneous background data, in order to emphasize the need to focus on real environmental issues and alternatives... [by requiring] impact statements to be concise, clear, and to the point, and supported by evidence that agencies have made the necessary environmental analyses." Executive Order 11991, of May 24, 1977.

Once the scope of the environmental study, including significant environmental issues to be addressed, is settled, a scoping report will be prepared that: (1) Documents the results of the scoping process; (2) contributes to the transparency of the process; and (3) provides a clear roadmap for concise development of the environmental document.

**Purpose and Need for the Project**

The purpose of the Downtown San Francisco Ferry Terminal Expansion Project is to support and expand ferry service on San Francisco Bay, as established by WETA in its Implementation and Operations Plan (IOP), and in accordance with city and regional policies to encourage transit use. Furthermore, the project will address deficiencies in the transportation network that impede ferry operation and ferry patron access and circulation at the Downtown San Francisco Ferry Terminal. The project objectives include:

- Accommodate WETA's projected increase in ferry ridership and related ferry arrivals and departures from the Downtown San Francisco Ferry Terminal;

- Provide a viable alternative mode of transportation that accommodates projected increases in transbay trips, and helps alleviate congestion over the Bay Bridge and through the Bay Area Rapid Transit (BART) Transbay Tube;

- Address WETA's and the Port of San Francisco's (Port) emergency response needs;

- Establish a circulation plan and improved signage that provides clear pedestrian routes for ferry to bus and ferry to rail transfers, as well as safe routes for bikes, emergency vehicles, and delivery trucks to enter, park and exit the area;

- Provide necessary landside improvements, such as designated weather-protected areas for waiting and queuing, ticket machines and fare collection equipment, improved lighting, and improved boarding and arrival/departure information to serve ferry patrons and to enhance the Ferry Building as the central point of embarkation for ferries on San Francisco Bay; and

- Enhance the area's public access and open space with design features that create attractive, safe daytime and nighttime public spaces for both ferry patrons and other users of the Ferry Building area;

- Recognize the Port's land use planning and development proposals in and around the Ferry Building so as not to preclude, conflict with, or inhibit proposed development plans in the project vicinity.

WETA recognizes and supports the Port of San Francisco's land use planning and development proposals in and around the Ferry Building, including the historic renovation of the Agricultural Building and enhancements to the Ferry Plaza area. These Port initiatives are being planned and funded independent of the WETA project and, as a result, are not included as project elements. WETA will stage construction and manage and operate ferry services so they do not preclude, conflict with, or inhibit the Port's proposed development plans in the project vicinity.

**Project Location and Environmental Setting**

The project is located in the northeastern section of San Francisco, California, at the San Francisco Ferry Building, situated at the foot of Market Street. The study area encompasses Port of San Francisco property between Pier 1 on the north and Pier 14 on the south, and includes the Ferry Building, ferry gates, and the Ferry Plaza.

### Possible Alternatives

A study of potential ferry terminal improvements at the San Francisco Ferry Building was completed by the Port in 1994. The planning process, summarized in the Downtown San Francisco Ferry Terminal Project, Concept Design—Stage 1 Final Report, addressed deficiencies in the circulation of pedestrians across the Embarcadero and through the Ferry Building; constraints imposed by previous design modifications of the Ferry Building that obscured wayfinding to the ferry gates; limited opportunities for public gathering and access to the Bay; and restricted commercial development within the building. A variety of design, configuration, and circulation improvements were considered. The Port selected those improvements that best met its long-term public service and facility objectives, and completed those projects, including construction of Gates B and E and the south basin breakwater at Pier 14, as Phase 1 of the Downtown San Francisco Ferry Terminal Project in 2003. This project builds on the previous improvements, described under the Action Alternative below. In addition to the Action Alternative, WETA considers the effects of doing nothing, identified as the No Action Alternative. Both the Action and No Action Alternatives are being considered in the EIS, as described below.

*No Action Alternative.* Six ferry routes currently serve the Downtown San Francisco Ferry Terminal. Today, the Downtown San Francisco Ferry Terminal has approximately 130 ferry arrivals and departures daily, serving more than 10,000 daily ferry patrons.

The existing Ferry Terminal gate configuration serves current ferry operations and provides the circulation areas to access these gates. The No Action Alternative maintains the existing ferry services, gate configuration, and circulation areas, including the function, uses, and design of the Ferry Building, which also serves as an important public space in San Francisco. No new gates or additional boarding capacity to accommodate new ferry services would occur as part of the No Action Alternative. Similarly, circulation and boarding improvements to respond to emergency planning requirements would not be implemented.

The No Action Alternative retains vehicle circulation and drop-off areas near the Ferry Building as well as the current circulation patterns for ferry patrons to access the ferry boarding areas. Pedestrian pathways to boarding

locations for San Francisco Municipal Railway (Muni) bus and streetcar lines and the Amtrak bus would remain unchanged. Programmed Transbay bus and rail transit improvements identified in the Regional Transportation Plan would be implemented as part of the No Action Alternative. This alternative serves as the baseline against which the environmental effects of the other alternatives are measured.

*Action Alternative.* The Action Alternative incorporates modifications and improvements to the Ferry Terminal gates and ferry boarding areas to accommodate future WETA service and increased ferry patronage. Current estimates for 2025 projected daily ridership at the Ferry Terminal are approximately 35,000 passengers. The ridership projections account for existing service, plus new ferry services from downtown San Francisco to Berkeley, Treasure Island, Hercules, Richmond, Redwood City, Martinez, and Antioch to be initiated between 2014 and 2030. Service frequencies during the day and evenings would reflect the travel demand for commute and non-commute periods. Existing services operated by others (*i.e.*, Sausalito, Larkspur, and Tiburon), and existing services operated by WETA (*i.e.*, Vallejo, Alameda/Oakland, and Alameda Harbor Bay) would remain, but the access and boarding environments for these services would be improved by the project.

In addition, landside improvements to allow staging and circulation for possible emergency evacuation at the Ferry Building are included in the Action Alternative. The modifications and improvements are the responsibility of WETA in cooperation with the Port of San Francisco, with funding coming from Regional Measure 2, State Proposition 1B, and FTA.

The WETA-sponsored improvements represent sequential construction phases (Phase 2 and Phase 3). As noted previously, the Phase 2 and Phase 3 improvements build on those elements already completed by the Port in 2003 during Phase 1. Phase 2, which is expected to be completed by 2017, will include:

- Demolition and removal of Pier ½ and Pier 2;
- Construction of Gate A in the north basin, and Gates F and G in the south basin;
- Installation of boarding area amenities such as weather-protected areas for queuing, ticket machines and fare collection equipment, improved lighting, and ferry boarding and arrival/departure information signs;

- Widening of ferry access pathways along existing pedestrian promenades, and separation of ferry patron queuing from other pedestrian and vehicular movements where possible;

- Improved wayfinding signage in the vicinity of the Ferry Building, which will indicate ferry boarding areas and transit connections; and

- Filling in the lagoon to prepare for and accommodate staging and circulation of evacuees following a catastrophic event.

As new ferry gates are constructed, existing ferry services would relocate to new gates. Pier demolition and construction activities would be staged and sequenced to allow continuity of existing ferry services during construction. Demolition of Pier ½ would precede construction of Gate A. Similarly, demolition of Pier 2 would precede construction of Gate F. Gate G, which is designated for ferry services not expected to operate until 2020 or later, would serve as a vessel layover location, temporary storage area, and emergency boarding location in the interim. WETA's capital improvement plan synchronizes the purchase or leasing of vessels to meet future service and emergency response requirements.

Phase 3 is contingent on the implementation of the Treasure Island Redevelopment Plan. At full build-out, expected to occur sometime between 2020 and 2030, new commercial, recreational, and residential facilities on Treasure Island would require additional ferry capacity to serve substantial numbers of visitors and residents. The additional capacity would be provided by larger, bow-loading vessels purchased by the Treasure Island developer, and operated by WETA. The bow-loading vessels would necessitate the redesign of Gate E to accommodate the larger ferries.

### Possible Effects

The purpose of this EIS process is to study, in a public setting, the potentially significant effects of the proposed project on the quality of the human environment. Primary areas of investigation for this project include, but are not limited to: land use, development potential, displacements, historic resources, visual and aesthetic qualities, air quality, noise and vibration, dredging and bay fill requirements, hazardous materials resulting from demolition and construction activities, traffic circulation and transportation linkages, pedestrian circulation, safety, security, and emergency response, bay habitat, and cumulative impacts. The environmental analysis may reveal that

the proposed project will not affect, or affect substantially, many of those areas. However, if any adverse impacts are identified, measures to avoid, minimize, or mitigate those adverse impacts will be proposed.

#### FTA Procedures

Regulations implementing NEPA, as well as provisions of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), call for public involvement in the EIS process. Section 6002 of SAFETEA-LU (23 U.S.C. 139) requires that FTA and WETA do the following: (1) Extend an invitation to other Federal and non-Federal agencies and Native American Tribes that may have an interest in the proposed project to become "participating agencies;" (2) provide an opportunity for involvement by participating agencies and the public to help define the purpose and need for a proposed project, as well as the range of alternatives for consideration in the EIS; and (3) establish a plan for coordinating public and agency participation in, and comment on, the environmental review process. An invitation to become a participating or cooperating agency, with scoping materials appended, will be extended to other Federal and non-Federal agencies and Native American Tribes that may have an interest in the proposed project. It is possible that FTA and WETA will not be able to identify all Federal and non-Federal agencies and Native American Tribes that may have such an interest. Any Federal or non-Federal agency or Native American Tribe interested in the proposed project that does not receive an invitation to become a participating agency should notify at the earliest opportunity the Project Manager identified above under **ADDRESSES**.

A comprehensive public involvement program for public and interagency involvement will be developed for the project and posted on WETA's Web site: <http://www.watertransit.org>. The public involvement program includes a full range of activities including maintaining the project Web page on the WETA Web site and outreach to local officials, community and civic groups, and the public.

#### Paperwork Reduction

The Paperwork Reduction Act seeks, in part, to minimize the cost to the taxpayer of the creation, collection, maintenance, use, dissemination, and disposition of information. Consistent with this goal and with principles of economy and efficiency in government, it is FTA policy to limit insofar as

possible distribution of complete printed sets of environmental documents. Accordingly, unless a specific request for a complete printed set of environmental documents is received (preferably in advance of printing), FTA and its grantees will distribute only the executive summary of the environmental document together with a compact disc of the complete environmental document. A complete printed set of the environmental document will be available for review at the grantee's offices and elsewhere; an electronic copy of the complete environmental document will also be available on the grantee's Web site.

#### Other

The EIS will be prepared in accordance with NEPA and its implementing regulations issued by the Council on Environmental Quality (40 CFR parts 1500–1508), and with the FTA/Federal Highway Administration regulations "Environmental Impact and Related Procedures" (23 CFR part 771).

Issued on: March 31, 2011.

**Leslie T. Rogers,**

*Regional Administrator, FTA, Region 9.*

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**BILLING CODE 4910-57-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

#### Notice of Limitation on Claims Against Proposed Public Transportation Projects

**AGENCY:** Federal Transit Administration (FTA), DOT.

**ACTION:** Notice of limitation on claims.

**SUMMARY:** This notice announces final environmental actions taken by the Federal Transit Administration (FTA) for the following projects: (1) Hatcher Pass Recreational Area Access, Trails, and Transit Facilities Project, Matanuska-Susitna Borough, Hatcher Pass, AK; (2) Bus Rapid Transit Project, Roaring Fork Transportation Authority, Pitkin, Eagle, and Garfield Counties, CO; (3) Second Avenue Subway Project, Metropolitan Transportation Authority, New York, NY; and (4) Sugar House Streetcar Project, Utah Transit Authority, South Salt Lake and Salt Lake City, Salt Lake County, UT. The purpose of this notice is to announce publicly the environmental decisions by FTA on the subject projects and to activate the limitation on any claims that may challenge these final environmental actions.

**DATES:** By this notice, FTA is advising the public of final agency actions subject to Section 139(l) of Title 23, United States Code (U.S.C.). A claim seeking judicial review of the FTA actions announced herein for the listed public transportation projects will be barred unless the claim is filed on or before September 30, 2011.

**FOR FURTHER INFORMATION CONTACT:** Katie Grasty, Environmental Protection Specialist, Office of Planning and Environment, 202-366-9139, or Christopher Van Wyk, Attorney-Advisor, Office of Chief Counsel, 202-366-1733. FTA is located at 1200 New Jersey Avenue, SE., Washington, DC 20590. Office hours are from 9 a.m. to 5:30 p.m., EST, Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that FTA has taken final agency actions by issuing certain approvals for the public transportation projects listed below. The actions on these projects, as well as the laws under which such actions were taken, are described in the documentation issued in connection with each project to comply with the National Environmental Policy Act (NEPA) and in other documents in the FTA administrative record for the project. Interested parties may contact either the project sponsor or the relevant FTA Regional Office for more information on these projects. Contact information for FTA's Regional Offices may be found at <http://www.fta.dot.gov>.

This notice applies to all FTA decisions on the listed projects as of the issuance date of this notice and all laws under which such actions were taken, including, but not limited to, NEPA [42 U.S.C. 4321-4375], Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303], Section 106 of the National Historic Preservation Act [16 U.S.C. 470f], and the Clean Air Act [42 U.S.C. 7401-7671q]. This notice does not, however, alter or extend the limitation period of 180 days for challenges of project decisions subject to previous notices published in the **Federal Register**. For example, this notice does not extend the limitation on claims announced for earlier decisions on the Second Avenue Subway project.

The projects and actions that are the subject of this notice are:

1. *Project name and location:* Hatcher Pass Recreational Area Access, Trails, and Transit Facilities Project, Hatcher Pass, AK. *Project sponsor:* Matanuska-Susitna Borough. *Project description:* The project consists of the development of transportation access and transit-related infrastructure to improve access