

**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 projects in the following locations: Los Angeles, CA; Grand Rapids, Wyoming, and Kentwood, Kent County, MI; New York, NY; Milwaukee, WI; and Anaheim, CA. 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 project will be barred unless the claim is filed on or before August 6, 2012.

**FOR FURTHER INFORMATION CONTACT:** Nancy-Ellen Zusman, Assistant Chief Counsel, Office of Chief Counsel, (312) 353-2577 or Terence Plaskon, Environmental Protection Specialist, Office of Human and Natural Environment, (202) 366-0442. 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 the project to comply with the National Environmental Policy Act (NEPA) and in other documents in the FTA administrative record for the projects. Interested parties may contact either the project sponsor or the relevant FTA Regional Office for more information on the project. 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**. The projects and actions that are the subject of this notice are:

1. *Project name and location:* Crenshaw/LAX Transit Corridor Project, Los Angeles County, CA. *Project sponsor:* Los Angeles County Metropolitan Transportation Authority (LACMTA). *Project description:* The project is an 8.5-mile fixed guideway rail system that extends from the Metro Green Line Aviation/Los Angeles International Airport (LAX) Station to the Exposition light rail transit line at the Exposition/Crenshaw Boulevards intersection. The project includes six transit stations, a vehicle maintenance storage facility near Arbor Vitae Street and Bellanca Avenue, park-and-ride lots at the Florence/La Brea, Florence/West and Crenshaw/Exposition Stations, traction power substations, and the acquisition of rail vehicles and maintenance equipment. The project includes a Crenshaw/Vernon optional station, which may be implemented if bids for the project fall within the project funding amount. *Final agency actions:* Determination of *de minimis* impact to one Section 4(f) resource; Section 106 finding of no adverse effect; project-level air quality conformity; and Record of Decision (ROD), dated December 2011. *Supporting documentation:* Final Environmental Impact Statement, dated August 2011.

2. *Project name and location:* Silver Line Bus Rapid Transit Project, Cities of Grand Rapids, Wyoming, and Kentwood, Kent County, MI. *Project sponsor:* Interurban Transit Partnership (The Rapid). *Project description:* The project is a proposed north-south bus rapid transit system (BRT) that connects Downtown Grand Rapids with the cities of Wyoming and Kentwood. The proposed alignment for the Silver Line BRT extends 9.6 miles from the Rapid Central Station on the periphery of the Grand Rapids Central Business District south to 60th Street within the cities of Wyoming and Kentwood. *Final agency actions:* No use of Section 4(f) resources; Section 106 finding of no adverse effect; project-level air quality conformity; and Finding of No Significant Impact (FONSI), dated July 2011. *Supporting*

*documentation:* Environmental Assessment, dated January 2011.

3. *Project name and location:* Second Avenue Subway, New York, NY. *Project sponsor:* Metropolitan Transportation Authority. *Project description:* The Second Avenue Subway project is the phased construction of a new 8.5-mile subway line under Second Avenue in Manhattan from 125th Street to Hanover Square in Lower Manhattan. It includes 16 new stations that will be accessible by persons with disabilities. FTA has agreed to partially fund the first phase of the project, which will run between 105th Street and 62nd Street and will connect to the existing F Line at 63rd Street. Various changes to Phase 1 of the project, as well as final design of certain elements of Phase 1, have been evaluated in a number of technical memoranda. *Final agency actions:* FTA determination that neither a supplemental environmental impact statement nor a supplemental environmental assessment is necessary. *Supporting documentation:* Technical Memorandum No. 10, documenting FTA's analysis of the potential impact of a proposed revision to the mitigation measure for three historic resources: (1) 215 East 68th Street; (2) 252 East 72nd Street; and (3) 230 East 73rd Street, dated December 2011.

4. *Project name and location:* The Milwaukee Streetcar, City of Milwaukee, Milwaukee County, WI. *Project sponsor:* City of Milwaukee. *Project description:* The initial system for the streetcar route is 2.0 miles. The project will provide streetcar service from the Milwaukee Intermodal Station on St. Paul Avenue, through downtown to Ogden Street on the City's northeast side. Proposed route extensions could expand the system north along 4th Street on the west side of the Milwaukee River and along the Prospect and Farwell corridors to the Brady Street area. *Final agency actions:* No use of Section 4(f) resources; Section 106 finding of no adverse effect; project-level air quality conformity; and Finding of No Significant Impact (FONSI), dated January 2012. *Supporting documentation:* Environmental Assessment, dated October 2011.

5. *Project name and location:* Anaheim Regional Transportation Intermodal Center, City of Anaheim, Orange County, CA. *Project sponsor:* Orange County Transportation Authority. *Project description:* The Orange County Transportation Authority (OCTA), in partnership with the City of Anaheim is proposing to relocate the existing Anaheim Metrolink/Amtrak Station. The

proposed new location for the Anaheim Regional Transportation Intermodal Center (ARTIC) is an approximately 19-acre site in the City of Anaheim, along the existing OCTA railroad right-of-way. The ARTIC will include an intermodal terminal, public plaza drop-off area, stadium pavilion, track and platforms, road improvements, surface parking, and surface access. A pedestrian bridge will be built for crossing Katella Avenue between the project and Honda Center. *Final agency actions:* No use of Section 4(f) resources; Section 106 finding of no adverse effect; project-level air quality conformity; and Finding of No Significant Impact (FONSI), dated January 2012. *Supporting documentation:* Environmental Assessment, dated September 2011.

Issued on: February 3, 2012.

**Lucy Garliauskas,**

*Associate Administrator for Planning and Environment, Washington, DC.*

[FR Doc. 2012-2901 Filed 2-7-12; 8:45 am]

**BILLING CODE: P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[Docket No. EP 558 (Sub-No. 15)]

#### Railroad Cost of Capital—2011

**AGENCY:** Surface Transportation Board.

**ACTION:** Notice of decision instituting a proceeding to determine the railroad industry's 2011 cost of capital.

**SUMMARY:** The Board is instituting a proceeding to determine the railroad industry's cost of capital for 2011. The decision solicits comments on the following narrow issues: (1) The railroads' 2011 current cost of debt capital; (2) the railroads' 2011 current cost of preferred equity capital (if any); (3) the railroads' 2011 cost of common equity capital; and (4) the 2011 capital structure mix of the railroad industry on a market value basis. Comments should focus on the various cost of capital components listed above using the same methodology followed in *Railroad Cost of Capital—2010*, EP 558 (Sub-No. 14) (STB served Oct. 3, 2011).

**DATES:** Notices of intent to participate are due by March 9, 2012. Statements of the railroads are due by March 30, 2012. Statements of other interested persons are due by April 19, 2012. Rebuttal statements by the railroads are due by May 9, 2012.

**ADDRESSES:** Comments may be submitted either via the Board's e-filing system or in the traditional paper format. Any person using e-filing should

comply with the instructions at the E-FILING link on the Board's Web site, at <http://www.stb.dot.gov>. Any person submitting a filing in the traditional paper format should send an original and 10 copies to: Surface Transportation Board, Attn: Docket No. EP 558 (Sub-No. 15), 395 E Street SW., Washington, DC 20423-0001.

#### FOR FURTHER INFORMATION CONTACT:

Pedro Ramirez at (202) 245-0333. Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at (800) 877-8339.

**SUPPLEMENTARY INFORMATION:** The Board's decision is posted on the Board's Web site, <http://www.stb.dot.gov>. Copies of the decision may be purchased by contacting the Board's Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245-0238. Assistance for the hearing impaired is available through FIRS at (800) 877-8339.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

**Authority:** 49 U.S.C. 10704(a).

Decided: February 2, 2012.

By the Board, Chairman Elliott, Vice Chairman Mulvey, and Commissioner Begeman.

**Raina S. White,**

*Clearance Clerk.*

[FR Doc. 2012-2851 Filed 2-7-12; 8:45 am]

**BILLING CODE 4915-01-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

#### Release of Waybill Data

The Surface Transportation Board has received a request from Baker & Miller PLLC on behalf of the Kansas City Southern (WB595-9—1/27/12), for permission to use certain data from the Board's 2010 Carload Waybill Samples. A copy of this request may be obtained from the Office of Economics.

The waybill sample contains confidential railroad and shipper data; therefore, if any parties object to these requests, they should file their objections with the Director of the Board's Office of Economics within 14 calendar days of the date of this notice. The rules for release of waybill data are codified at 49 CFR 1244.9.

*Contact:* Marcin Skomial, (202) 245-0344.

**Raina S. White,**

*Clearance Clerk.*

[FR Doc. 2012-2804 Filed 2-7-12; 8:45 am]

**BILLING CODE 4915-01-P**

## DEPARTMENT OF VETERANS AFFAIRS

### Meeting the Challenge of Pandemic Influenza: Ethical Guidance for Leaders and Health Care Professionals in the Veterans Health Administration

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Notice and Request for Comments.

**SUMMARY:** The Department of Veterans Affairs (VA) through its National Center for Ethics in Health Care (NCEHC) invites interested parties to comment on a guidance document entitled "Meeting the Challenge of Pandemic Influenza: Ethical Guidance for Leaders and Health Care Professionals in the Veterans Health Administration." (*Guidance*). VA is committed to an open and engaged stakeholder process and welcomes input on how to improve the *Guidance* and integrate key ethical concepts into ongoing emergency response planning in VA.

**DATES:** Comments must be received by VA on or before April 9, 2012.

**ADDRESSES:** Written comments may be submitted through <http://www.Regulations.gov>; by mail or hand delivery to the Director, Regulations Management (02REG), Department of Veterans Affairs, 810 Vermont Avenue NW., Room 1068, Washington, DC 20420; or by fax to (202) 273-9026. Comments should indicate that they are submitted in response to "Meeting the Challenge of Pandemic Influenza: Ethical Guidance for Leaders and Health Care Professionals in the Veterans Health Administration." Copies of comments received will be available for public inspection in the Office of Regulation Policy and Management, Room 1063B, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except holidays). Please call (202) 461-4902 (this is not a toll-free number) for an appointment. In addition, during the comment period, comments may be viewed online through the Federal Docket Management System at <http://www.Regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** Virginia A. Sharpe, Medical Ethicist, Veterans Health Administration, National Center for Ethics in Health Care, (10P6), 810 Vermont Avenue NW.,