

(SBG) filed a petition<sup>1</sup> under 49 U.S.C. 10502 to (1) revoke the exemption that authorized SBG to operate pursuant to a trackage rights agreement entered into between SBG and Elgin, Joliet and Eastern Railway Company (CN),<sup>2</sup> over a 0.6-mile rail line owned by CN in Whiting, Ind. (the Line) and (2) allow the trackage rights to terminate. The Line is located between milepost J 47.4 (south end of CN's Whiting Line) and Bridge Number 631 at or near milepost J 46.8 on CN's Calumet Spur on CN's Matteson Subdivision in Whiting, Ind.

The interest of railroad employees will be protected by the conditions set forth in *Oregon Short Line Railroad—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

By issuance of this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by March 11, 2019.

Because this is a discontinuance proceeding and not an abandonment, trail use/rail banking and public use conditions are not appropriate. Similarly, no environmental or historic documentation is required under 49 CFR 1105.6(c)(5) and 1105.8(b)(3).

Any offer of financial assistance (OFA) for subsidy under 49 CFR 1152.27(b)(2) will be due no later than 120 days after the filing of the petition for exemption, or 10 days after service of a decision granting the petition for exemption, whichever occurs sooner.<sup>3</sup> Each OFA must be accompanied by the filing fee, which is currently set at \$1,800. *See* 49 CFR 1002.2(f)(25).

All filings in response to this notice must refer to STB Docket No. AB 1271X and must be sent to: (1) Surface Transportation Board, 395 E Street SW,

Washington, DC 20423–0001 and (2) Richard F. Riley Jr., Foley & Lardner LLP, 3000 K Street NW, Suite 600, Washington, DC 20007–5109. Replies to the petition are due on or before December 31, 2018.

Persons seeking further information concerning discontinuance procedures may contact the Board's Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245–0238 or refer to the full abandonment and discontinuance regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Office of Environmental Analysis at (202) 245–0305. Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1–800–877–8339.

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

Decided: December 6, 2018.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

**Jeffrey Herzig,**

*Clearance Clerk.*

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## **SURFACE TRANSPORTATION BOARD**

**[Docket No. EP 730 (Sub–No. 1)]**

### **Roster of Arbitrators—Annual Update**

Under Section 13 of the Surface Transportation Board Reauthorization Act of 2015 (STB Reauthorization Act), codified at 49 U.S.C. 11708, Congress directed the Board to “promulgate regulations to establish a voluntary and binding arbitration process to resolve rail rate and practice complaints” that are subject to the Board's jurisdiction. In May 2016, the Board issued a Notice of Proposed Rulemaking proposing to modify its existing regulations at 49 CFR 1108 and 1115.8 to conform to the requirements of the STB Reauthorization Act. *Revisions to Arbitration Procedures*, EP 730 (STB served May 12, 2016). Section 11708(f) provides that, unless parties otherwise agree, an arbitrator or panel of arbitrators shall be selected from a roster maintained by the Board. Accordingly, the Board's rules establish a process for creating and maintaining a roster of arbitrators. *See Revisions to Arbitration Procedures (Final Rule)*, EP 730, slip op. at 3–4 (STB served Oct. 11, 2016).

By decision served February 23, 2017, the Board adopted its initial roster of arbitrators and updated the roster by decision served February 14, 2018. The roster is published on the Board's website at <https://www.stb.gov/stb/>

*litigationalternatives/Current Arbitration.html* (under “Arbitration Procedures”).

Under 49 CFR 1108.6(b), the Board is to update the roster of arbitrators annually. Accordingly, the Board is now requesting the names and qualifications of new arbitrators who wish to be placed on the roster. Current arbitrators who wish to remain on the roster must notify the Board of their continued availability and confirm that the biographical information on file with the Board remains accurate and if not, provide any necessary updates. Arbitrators who do not confirm their continued availability will be removed from the roster. This decision will be served on all current arbitrators.

Any person who wishes to be added to the roster should file an application describing his or her experience with rail transportation and economic regulation, as well as professional or business experience, including agriculture, in the private sector. Each applicant should also describe his or her training in dispute resolution and/or experience in arbitration or other forms of dispute resolution, including the number of years of experience. Lastly, the applicant should provide his or her contact information and fees.

All comments—including filings from new applicants, updates to existing arbitrator information, and confirmations of continued availability—should be submitted by January 11, 2019.<sup>1</sup> The Board will assess each new applicant's qualifications to determine which individuals can ably serve as arbitrators based on the criteria established under 49 CFR 1108.6(b). The Board will then establish an updated roster of arbitrators by no-objection vote. The roster will include a brief biographical sketch of each arbitrator, including information such as background, area(s) of expertise, arbitration experience, and geographical location, as well as contact information and fees. The roster will be published on the Board's website.

*It is ordered:*

1. Applications from persons interested in being added to the Board's roster of arbitrators, and confirmations of continued availability (with updates, if any, to existing arbitrator information) from persons currently on the arbitration roster, are due by January 11, 2019.

2. This decision will be served on all current arbitrators and published in the **Federal Register**.

<sup>1</sup> Persons who have informally indicated an interest in being included on the arbitrator roster (e.g., correspondence to Board members) should submit a comment pursuant to this decision.

<sup>1</sup> SBG's petition is styled as a petition to revoke. However, petitions to revoke trackage rights agreements typically are appropriate when filed concurrently with a trackage rights verified notice of exemption. *See, e.g., Union Pac. R.R.—Trackage Rights Exemption—Burlington N. & Santa Fe Ry.*, FD 33631 (Sub-No. 1), slip op. at 2 (STB served July 30, 1998) (“We see nothing objectionable with this procedure when, as here, the petition and notice are filed together.”). Here, the appropriate procedure is a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903 to discontinue SBG's trackage rights over the Line.

<sup>2</sup> Elgin, Joliet and Eastern Railway Company is an indirect subsidiary of Canadian National Railway Company.

<sup>3</sup> The Board modified its OFA procedures effective July 29, 2017. Among other things, the OFA process now requires potential offerors in all abandonment and discontinuance proceedings to file a formal expression of intent to file an offer. The process also requires potential offerors, in their formal expression of intent, to make a preliminary financial responsibility showing based on a calculation using information contained in the carrier's filing and publicly-available information. *See Offers of Financial Assistance*, EP 729 (STB served June 29, 2017); 82 FR 30997 (July 5, 2017).

3. This decision is effective on the date of service.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

**Jeffrey Herzig,**  
Clearance Clerk.

[FR Doc. 2018-26785 Filed 12-10-18; 8:45 am]

**BILLING CODE 4915-01-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Notice of Final Federal Agency Actions on Proposed Highway in California

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

**ACTION:** Notice of limitation on claims for judicial review of actions by the California Department of Transportation (Caltrans), pursuant to 23 U.S.C. 327.

**SUMMARY:** The FHWA, on behalf of Caltrans, is issuing this notice to announce actions taken by Caltrans, that are final. The actions relate to the Mount Vernon Avenue Bridge Project, which would replace the existing Mount Vernon Avenue Bridge (Bridge Number 54C-066) over the Burlington Northern Santa Fe (BNSF) rail yard in the City of San Bernardino, San Bernardino County, California. Those actions grant approvals for the project.

**DATES:** By this notice, the FHWA, on behalf of Caltrans, is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal agency actions on the Off the Highway System Project will be barred unless the claim is filed on or BEFORE May 10, 2019. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period applies.

**FOR FURTHER INFORMATION CONTACT:** For Caltrans: Aaron Burton, Senior Environmental Planner, Local Assistance-Environmental Support, California Department of Transportation District 8, 464 West Fourth Street, 6th floor, MS 760, San Bernardino, CA 92401 during regular office hours from 8:00 a.m. to 5:00 p.m., Telephone number: (909) 383-2841, email: [aaron.burton@dot.ca.gov](mailto:aaron.burton@dot.ca.gov). For FHWA, contact Larry Vinzant at (916) 498-5040 or email [larry.vinzant@dot.gov](mailto:larry.vinzant@dot.gov).

**SUPPLEMENTARY INFORMATION:** Effective July 1, 2007, the Federal Highway Administration (FHWA) assigned, and the California Department of Transportation (Caltrans) assumed, environmental responsibilities for this

project pursuant to 23 U.S.C. 327. Notice is hereby given that Caltrans has taken final agency actions subject to 23 U.S.C. 139(l)(1) by issuing licenses, permits, and approvals for the following Mount Vernon Avenue Bridge Project in the State of California. The Mount Vernon Avenue Bridge Project proposes to replace the existing Mount Vernon Avenue Bridge (Bridge Number 54C-066) over the BNSF rail yard in the City of San Bernardino, San Bernardino County, California. The proposed project covers a distance of approximately 0.5 mile. The purpose of the project is to provide a bridge that is structurally safe and meets current seismic, design, and roadway standards. A National Environmental Policy Act (NEPA) Finding of No Significant Impact (FONSI) was adopted for the project in June 2011. Since the NEPA document was adopted, it has been noted that additional project improvements and refinements are needed that were not included in the adopted NEPA document. A Supplemental Environmental Assessment (EA) was prepared to focus on impacts that would result from proposed changes to the approved project since adoption of the FONSI in 2011.

Mount Vernon Avenue is considered a Major Arterial per the City of San Bernardino General Plan. Thus, it is a connecting link between economic centers both within the City and the region as a whole. Mount Vernon Avenue Bridge provides an additional access route to rail and mass transit (Metrolink) facilities in the immediate area that also interface with port and airport facilities. The bridge is currently closed to all commercial traffic, including trucks and buses. Any permanent long-term closure of the Mount Vernon Avenue Bridge would remove an important connection linking communities north and south of the BNSF railroad. Implementation of the Mount Vernon Avenue Bridge Project would replace the existing bridge to improve seismic performance, provide standard vertical clearance over the rail tracks, and comply with American Association of State Highway and Transportation Officials (AASHTO) roadway cross section standards.

The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Supplemental EA for the project, approved on May 22, 2018 and the FONSI issued on October 9, 2018 and in other documents in the Caltrans' project records. The EA, FONSI and other project records are available by contacting Caltrans at the address

provided above. The Caltrans EA and FONSI can be viewed and downloaded from the project website at [http://goshcta.com/plans-projects/projects/mt-vernon/envi-docs/2018-eval/Mt\\_Vernon\\_EA\\_Final\\_52218.pdf](http://goshcta.com/plans-projects/projects/mt-vernon/envi-docs/2018-eval/Mt_Vernon_EA_Final_52218.pdf).

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

3. Section 4(f) of the U.S. Department of Transportation Act of 1966 [49 U.S.C. 303].

4. Endangered Species Act [16 U.S.C. 1531-1544 and Section 1536], Fish and Wildlife Coordination Act [16 U.S.C. 661-667(d)], Migratory Bird Treaty Act [16 U.S.C. 703-712].

5. 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)-11]; 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. Clean Water Act 33 U.S.C. 1251-1387.

7. Farmland Protection Policy Act [7 U.S.C. 4201-4209 and its regulations].

8. 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. 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(l)(1).

**Shawn Oliver,**  
Environmental Team Leader, Federal Highway Administration, Sacramento, California.

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