

which the DOT would require the borrower to agree and certain project specific terms that must be separately negotiated for each transaction. The DOT expects that these terms may be modified periodically to reflect changes in TIFIA policies and practices. The DOT seeks public comment regarding the terms contained in the template term sheet. The template term sheet can be viewed at the docket established for this notice or at the TIFIA Web site at <http://tifia.fhwa.dot.gov>.

The DOT has also developed a template loan agreement. In order to receive the DOT's commitment to an expedited process, an applicant must agree that the standard template loan agreement is acceptable in form and substance, subject only to modifications required to conform the agreement to the terms and conditions of the agreed upon term sheet. The DOT expects that these terms may be modified periodically to reflect changes in TIFIA policies and practices. The DOT seeks public comment regarding the terms contained in the template loan agreement. The template loan agreement can be viewed at the docket established for this notice or at the TIFIA Web site at <http://tifia.fhwa.dot.gov>.

The DOT is aware that some of the terms in the template term sheet and template loan agreement may be unsuitable for transactions involving eligible transit projects. The DOT seeks public comment regarding which terms would need to be amended for transactions involving eligible transit projects developed pursuant to a concession agreement with senior bank and/or bond debt facilities.

Should an applicant seek terms that deviate from those in the template term sheet or the template loan agreement, the DOT may still commit to an expedited process, but only after the revised terms have been agreed to by the DOT. Items that require the TIFIA JPO's due diligence review (e.g., traffic and revenue studies, senior loan documents, inter-creditor agreements, rating letters, etc.) do not need to be in final form for DOT to commit to the expedited process; however, DOT's commitment will be subject to receipt and due diligence analysis of final versions similar in every material respect to the draft versions reviewed by the JPO prior to the commitment.

Projects that require material deviations from the terms in the template term sheet or the template loan agreement, as determined by the DOT in its sole discretion, would not be eligible for the expedited process. In these circumstances, the DOT will maintain the same approach to loan negotiations

that has always characterized the TIFIA program.

**Authority:** 23 U.S.C 315 and 23 U.S.C. 601–609; 49 CFR 1.48(b)(6), 49 CFR Part 80.

Issued on: September 12, 2008.

**Thomas J. Madison, Jr.,**

*Federal Highway Administrator.*

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**BILLING CODE 4910–22–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

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

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

**ACTION:** Notice of Limitation on Claims for Judicial Review of Actions by FHWA and Other Federal Agencies.

**SUMMARY:** This notice announces actions taken by the FHWA and other Federal agencies that are final within the meaning of 23 U.S.C. 139(l)(1). The actions relate to: a proposed highway project, the U.S. 301: MD/DE Line to SR1, South of the C&D Canal, New Castle County, Delaware, including the new 13 mile long U.S. 301 mainline on new alignment between the Delaware/Maryland state line and State Route (SR) 1, and the new 3.5 mile long Spur Road, on new alignment from proposed U.S. 301 in the vicinity of Armstrong Corner Road to the Summit Bridge, south of the Chesapeake and Delaware (C&D) Canal, State of Delaware. Those actions grant approvals for both parts of the proposed project.

**DATES:** By this notice, the FHWA 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 highway project will be barred unless the claim is filed on or before *March 17, 2009*. If the Federal law that authorizes judicial review of a claim provides a time period of less than 180 days for filing such a claim, then that shorter time period still applies.

#### FOR FURTHER INFORMATION CONTACT:

Daniel Montag, Project Manager, Federal Highway Administration, 300 South New Street, Suite 2101, Dover DE 19904; weekdays 8 a.m. to 4 p.m.; telephone 302–734–1719; e-mail:

[Daniel.Montag@fhwa.dot.gov](mailto:Daniel.Montag@fhwa.dot.gov). Mark

Tudor, Project Director, Delaware Department of Transportation, 800 Bay Road, Dover DE 19903; weekdays 8 a.m. to 4 p.m.; telephone 302–760–2275; e-mail: [Mark.Tudor@state.de.us](mailto:Mark.Tudor@state.de.us).

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that the FHWA and other Federal agencies have taken final agency actions by issuing licenses, permits and approvals for the proposed construction of new U.S. 301 in the State of Delaware that is described below. The actions by the Federal agencies on the project, and the laws under which such actions were taken, are described in the Final Environmental Impact Statement (FEIS) for the project approved on November 30, 2007 and issued on December 14, 2007 (FR Vol. 72, No. 240, p. 71138) and in the FHWA Record of Decision (ROD) issued on April 30, 2008, and in other project records. The FEIS, ROD, and other records for the project are available by contacting the FHWA or the Delaware Department of Transportation at the addresses provided above. In addition, the FEIS and ROD can be viewed and downloaded electronically from the project Web site, <http://www.delDOT.gov/information/projects/us301/>, or viewed at public libraries and other public venues in the relevant project area.

This notice applies to all Federal agency decisions on the listed project as of the issuance date of this notice and all laws under which such actions were taken. The laws under which Federal agency decisions were made on the project include, but are not limited to:

1. *General:* National Environmental Policy Act (NEPA) [42 U.S.C. 4321–4351]; Federal-Aid Highway Act [23 U.S.C. 109].

2. *Wetlands and Water Resources:* Clean Water Act [33 U.S.C. 1251–1377] (Section 404, Section 401, Section 319); TEA–21 Wetlands Mitigation [23 U.S.C. 103(b)(6)(m), 133(b)(11)]; Coastal Zone Management Act [16 U.S.C. 1451–1465].

3. *Air:* Clean Air Act [42 U.S.C. 7401–7671(q)] and applicable regulations promulgated under 40 CFR 93.

4. *Wildlife:* Endangered Species Act [16 U.S.C. 1531–1544 and Section 1536]; Bald Eagle Protection Act [16 U.S.C. 668–668d]; Migratory Bird Treaty Act [16 U.S.C. 703–712].

5. *Historic and Cultural Resources:* Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470(f) *et seq.*]; Archaeological Resources Protection Act of 1977 [16 U.S.C. 470(aa)–(ii)]; Archaeological 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. *Land:* Farmland Protection Policy Act (FPPA) [7 U.S.C. 4201–4209]; Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303].

7. *Social and Economic*: Civil Rights Act of 1964 [42 U.S.C. 2000(d)–2000(d)(1)]; The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended [23 CFR 450.318].

8. *Executive Orders*: Executive Order (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. 13175, Consultation and Coordination with Indian Tribal Governments; E.O. 11514, Protection and Enhancement of Environmental Quality; E.O. 11990, Protection of Wetlands; E.O. 11988, Floodplain Management; E.O. 13112, Invasive Species.

The project subject to this notice is: U.S. 301: MD/DE Line to SR1, South of the C&D Canal. Project Location: New Castle County, Delaware. Project Reference number: 52–0599112.

**Project Type:** The Selected Alternative will provide a four-lane, tolled, limited access roadway on a new location, extending generally northward from the Maryland/Delaware state line, west of Middletown, to the vicinity of Armstrong Corner Road, where the new U.S. 301 mainline alignment will curve and extend northeast, crossing over existing U.S. 301, the Norfolk Southern Railroad, and existing SR 896 (Boyd's Corner Road) before curving and extending east and tying into SR 1, north of the Biddles Corner Toll Plaza and south of the C&D Canal. Near Armstrong Corner Road, a two-lane, limited access, tolled Spur Road will extend north from new U.S. 301, on a new location to interchange with SR 15/SR 896 south of Summit Bridge and the C&D Canal. The U.S. 301 portion of the Selected Alternative will provide two 12-foot wide lanes in each direction and interchanges with: Levels Road, existing U.S. 301 north of Armstrong Corner Road, Jamison Corner Road, and SR 1 north of the Biddles Toll Plaza and south of the C&D Canal. The Spur Road portion of the Selected Alternative will provide one 12-foot lane in each direction and interchanges with new U.S. 301 near Armstrong Corner Road and SR 896/Bethel Church Road Extended (toll free), south of Summit Bridge. The Selected Alternative includes interchange Option 2A at existing U.S. 301, north of Armstrong Corner Road, Interchange Option 3B at SR 896/Bethel Church Road Extended, south of Summit Bridge, Alignment Option 4B Modified in the Ratledge Road/Boyd's Corner Road area, and Alignment Option 1 Modified for the local road connection between

Strawberry Lane and existing U.S. 301. Tolls will be collected utilizing electronic toll collection at highway speeds at the U.S. 301 mainline toll barrier near the Maryland/Delaware state line and at the interchange ramps to and from the north at Levels Road, existing U.S. 301 near Armstrong Corner Road, and Jamison Corner Road. The ramps to and from the north at the Spur Road interchange with SR 896/Bethel Church Road Extended will be toll free. Traditional cash lanes may also be provided at the toll barriers.

(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).

Issued on September 12, 2008.

**Hassan Raza,**

*Division Administrator Dover, Delaware.*

[FR Doc. E8–21855 Filed 9–17–08; 8:45 am]

**BILLING CODE 4910–22–P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Docket No. AB–55 (Sub-No. 689X)]

#### CSX Transportation, Inc.— Abandonment Exemption—in Logan County, WV

CSX Transportation, Inc. (CSXT) has filed a verified notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon a 1.16-mile line of railroad on its Southern Region, Huntington Division East, Logan Subdivision, known as the Snap Creek Industrial Track, extending from milepost CLV 2.0 to the end of the line at milepost CLV 3.16 near Don, Logan County, WV. The line traverses United States Postal Service Zip Code 25632.

CSXT has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) any overhead traffic on the line can be rerouted over other lines; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental report), 49 CFR 1105.8 (historic report), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR

1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment-Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on October 18, 2008, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,<sup>1</sup> formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),<sup>2</sup> and trail use/rail banking requests under 49 CFR 1152.29 must be filed by September 29, 2008. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by October 8, 2008, with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423–0001.

A copy of any petition filed with the Board should be sent to CSXT's representative: Kathryn R. Barney, CSX Transportation, Inc., 500 Water Street, J–150, Jacksonville, FL 32202.

If the verified notice contains false or misleading information, the exemption is void *ab initio*.

CSXT has filed an environmental and historic report addressing the effects, if any, of the abandonment on the environment and historic resources. SEA will issue an environmental assessment (EA) by September 23, 2008. Interested persons may obtain a copy of the EA by writing to SEA (Room 1100, Surface Transportation Board, Washington, DC 20423–0001) or by calling SEA, at (202) 245–0305. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1–800–877–8339.] Comments on environmental and historic preservation matters must be filed within 15 days

<sup>1</sup> The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis (SEA) in its independent investigation) cannot be made before the exemption's effective date. See *Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

<sup>2</sup> Effective July 18, 2008, the filing fee for an OFA increased to \$1,500. See *Regulations Governing Fees for Services Performed in Connection with Licensing and Related Services—2008 Update*, STB Ex Parte No. 542 (Sub-No. 15) (STB served June 18, 2008).