

5309. An Advanced Notice of Proposed Rulemaking (ANPRM) for this regulation was issued on January 30, 2006, (71 FR 22841). A Notice of Proposed Rulemaking (NPRM) was issued on August 3, 2007, (72 FR 43328). The NPRM was withdrawn on February 17, 2009, due to an intervening statutory change resulting from the passage of the SAFETEA-LU Technical Corrections Act in June 2008. Another ANPRM for the regulation was issued on June 2, 2010 (75 FR 31383). FTA is reviewing the comments received on the ANPRM, and at this time a date for publication of the NPRM is not known. FTA has a longstanding requirement to evaluate proposed projects against a prescribed set of statutory criteria at specific points during the projects' development including when they seek to enter preliminary engineering, final design, and a Full Funding Grant Agreement. In addition, FTA must report on its evaluations and ratings annually to Congress. The Surface Transportation and Uniform Relocation Assistance Act of 1987 (STURAA) established in law a set of criteria that proposed projects had to meet in order to be eligible for federal funding. The requirement for summary project ratings has been in place since 1998. Thus, the requirements for project evaluation and data collection for New Starts projects are not new. One addition included in SAFETEA-LU is the Small Starts program. The Small Starts program enables smaller cost projects with a smaller requested share of Section 5309 major capital investment funds to progress through a simplified and streamlined project evaluation and data collection process. In general, the information used by FTA for New and Small Starts project evaluation and rating should arise as a part of the normal planning process.

FTA has been collecting project evaluation information from project sponsors under the existing OMB approval for this program (OMB No. 2132-0561). However, due to modifications in the project evaluation criteria and FTA evaluation and rating procedures for the New Starts program and the addition of the Small Starts program, it became apparent that some information now required might be beyond the scope of ordinary planning activities. In particular, SAFETEA-LU creates additional requirements for before-and-after data collection as a condition of obtaining a Full Funding Grant Agreement (FFGA) or a Project Construction Grant Agreement (PCGA).

*Estimated Total Annual Burden:*  
37,070 hours.

**ADDRESSES:** All written comments must refer to the docket number that appears at the top of this document and be submitted to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725—17th Street, NW, Washington, DC 20503, Attention: FTA Desk Officer.

*Comments are Invited On:* Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Issued On: December 20, 2010.

**Ann M. Linnertz,**

*Associate Administrator for Administration.*

[FR Doc. 2010-32336 Filed 12-23-10; 8:45 am]

**BILLING CODE 4910-57-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

#### Intent To Prepare an Environmental Impact Statement for the Metro Gold Line Foothill Extension, Azusa to Montclair in Los Angeles and San Bernardino Counties, CA

**AGENCY:** Federal Transit Administration, DOT.

**ACTION:** Notice of Intent to Prepare an Environmental Impact Statement.

**SUMMARY:** The Federal Transit Administration (FTA), as the federal lead agency, and the Metro Gold Line Foothill Extension Construction Authority (Construction Authority) intend to prepare an Environmental Impact Statement (EIS) for proposed transit improvements in the Foothill Extension Transit Corridor. FTA is the lead Federal agency with the Construction Authority as a co-lead agency for the National Environmental Policy Act (NEPA) process because the Construction Authority is seeking Federal funding for the proposed project. The proposed project is an extension of the existing Metro Gold Line light rail transit line, from Azusa to Montclair, with proposed stations in Glendora, San Dimas, La Verne, Pomona, Claremont and Montclair. The proposed project will improve mobility in eastern Los Angeles County and western San Bernardino County by

introducing high-frequency transit service options; enhance the regional transit network by interconnecting existing and planned rail and bus transit lines; provide an alternative mode of transportation for commuters who currently use the congested I-210 corridor; improve transit accessibility for residents and employees who live and/or work along the corridor; and encourage a mode shift to transit, reducing air pollution and greenhouse gas emissions.

The EIS will be prepared in accordance with the requirements of NEPA and its implementing regulations. Prior to commencement of a Final EIS, a locally preferred alternative (LPA) will be identified and adopted by the Construction Authority Board and included in the Los Angeles County Metropolitan Transportation Authority (LACMTA) Constrained Long Range Transportation Plan (LRTP). LACMTA and the Construction Authority do not currently anticipate applying for 43 U.S.C. 5309 New Starts funding.

The Construction Authority will be preparing a joint EIS/EIR document to comply with NEPA and the California Environmental Quality Act (CEQA). The purpose of this notice is to alert interested parties regarding the intent to prepare the EIS, to provide information on the nature of the proposed project and possible alternatives, to invite public participation in the EIS process (including providing comments on the scope of the Draft EIS), to announce that public scoping meetings will be conducted, and to invite participating and cooperating agencies.

**DATES:** Written comments on the scope of the EIS, including the project's purpose and need, the alternatives to be considered, the impacts to be evaluated, and the methodologies to be used in the evaluations should be sent to the Construction Authority on or before February 2, 2011 at the address below. See **ADDRESSES** below for the address to which written public comments may be sent. Public scoping meetings to accept comments on the scope of the EIS/EIR will be held on the following dates:

- Wednesday, January 12, 2011; 6 to 8 p.m. at the Ganesha Community Center, 1575 North White Avenue, Pomona, CA.
- Thursday, January 13, 2011; 6 to 8 p.m. at the Glendora Teen and Family Center, 241 West Dawson Street, Glendora, CA.
- Wednesday, January 19, 2011; 6 to 8 p.m. at the Oakmont Elementary School, 120 West Green Street, Claremont, CA.
- Thursday, January 20, 2011; 6 to 8 p.m. at the Ekstrand Elementary School,

400 North Walnut Avenue, San Dimas, CA.

The prior planning work, the project's purpose and need, and the description of alternatives will be presented at these meetings. The buildings used for the scoping meetings are accessible to persons with disabilities. Any individual who requires special assistance, such as a sign language interpreter, to participate in a scoping meeting should contact Ms. Lisa Levy Buch, Director of Public Affairs, Metro Gold Line Foothill Extension Construction Authority, at (626) 305-7004, or

[llevybuch@foothillextension.org](mailto:llevybuch@foothillextension.org).

Scoping materials will be available at the meetings and are available on the Construction Authority's Web site (<http://www.foothillextension.org>). Hard copies of the scoping materials may also be obtained from Ms. Sylvia Beltran, Community Outreach Coordinator, Metro Gold Line Foothill Extension Construction Authority, at (626) 305-7012, or [sbeltran@foothillextension.org](mailto:sbeltran@foothillextension.org).

An interagency scoping meeting will be held on Thursday, January 13, 2011, at 2 p.m. at the Glendora Teen and Family Center, 241 West Dawson Street, Glendora, CA. Representatives of Native American tribal governments and of all federal, state, regional and local agencies that may have an interest in any aspect of the project will be invited to be participating or cooperating agencies, as appropriate and participate in the National Historic Preservation Act Section 106 Process.

**ADDRESSES:** Comments will be accepted at the public scoping meetings or they may be sent to Ms. Lisa Levy Buch, Director of Public Affairs, Metro Gold Line Foothill Extension Construction Authority, 406 E. Huntington Drive, Suite 202, Monrovia, CA 91016-3633, or via e-mail at

[llevybuch@foothillextension.org](mailto:llevybuch@foothillextension.org). The locations of the public scoping meetings are given above under **DATES**.

**FOR FURTHER INFORMATION CONTACT:** Mr. Ray Tellis, Team Leader, Los Angeles Metropolitan Office, Federal Transit Administration, 888 South Figueroa Street, Suite 1850, Los Angeles, CA 90017, phone (213) 202-3950, e-mail [ray.tellis@dot.gov](mailto:ray.tellis@dot.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

A Draft EIS/EIR for Gold Line Phase II Pasadena to Montclair Foothill Extension was issued in April 2004 ("2004 DEIS/EIR"). A Notice of Availability was published in the **Federal Register** on May 7, 2004. Following the release of the 2004 DEIS/

EIR, the public comment period, and input from the cities along the alignment, the Construction Authority Board approved a Locally Preferred Alternative (LPA) in August 2004 for the Pasadena to Azusa extension of the Gold Line Phase II Project. In March 2005, a Project Definition Report (PDR) was prepared to refine the station and parking lot locations, grade crossings, two rail grade separations, and traction power substation locations. Following the PDR, the Construction Authority Board approved a Revised LPA in June 2005. Between March and August 2005, station options in Claremont were added.

Subsequent to circulation of the 2004 DEIS/DEIR the Construction Authority decided to fund the Pasadena to Azusa extension of the Gold Line Phase II Project without Federal funding and the environmental impact assessment for Phase II no longer proceeded as a joint NEPA/CEQA document but as a CEQA document. The Pasadena to Azusa Extension project of the Gold Line Phase II Pasadena to Montclair Extension was certified under CEQA by the Construction Authority and a FEIR was completed in February 2007. Because the Construction Authority decided to fund the Pasadena to Azusa extension of the Gold Line Phase II Project without Federal funding, the FTA subsequently withdrew the Gold Line Phase II DEIS on June 25, 2010.

The Construction Authority will be seeking Federal funding for the Metro Gold Line Foothill Extension from Azusa to Montclair and an EIS will be prepared. To avoid confusion expressed about the terminology used in the 2004 DEIS/EIR (e.g. Phase I; Phase II, Segments 1 and 2), the proposed project described by this NOI, which was previously named Gold Line Phase II Segment 2, is now referred to as the Metro Gold Line Foothill Extension, Azusa to Montclair Project.

The proposed Metro Gold Line Foothill Extension, Azusa to Montclair Project, is included in the strategic unfunded element of the LACMTA 2009 LRTP. Various transit improvements were explored and opportunities identified in other studies such as the *Gold Line Phase II Extension Pasadena to Claremont Alternatives Analysis, Final Draft Report (January 9, 2003)*, and the *Gold Line Phase II Pasadena to Montclair Foothill Extension Final Environmental Impact Report (2007)* which are available for review at the LACMTA Transportation Library, 15th Floor, One Gateway Plaza, Los Angeles, CA 90012, the Metro Gold Line Foothill Extension Construction Authority, 406 E. Huntington Drive, Suite 202,

Monrovia, CA 91016-3633, and on the Construction Authority's Web site (<http://www.foothillextension.org>).

##### **Project Initiation and Scoping**

The FTA and the Construction Authority will prepare an EIS/EIR for the Metro Gold Line Foothill Extension Azusa to Montclair Project pursuant to 23 U.S.C. 139 and CEQA. The Construction Authority is serving as the local lead agency for purposes of CEQA. FTA is serving as the Federal lead agency and the Construction Authority as a co-lead agency for purposes of NEPA. FTA and the Construction Authority will invite interested Federal, State, Tribal, regional and local government agencies to be participating agencies under the provisions of Title 23 CFR 771.111.

Scoping is the process of determining the scope, focus, and content of an EIS. FTA and the Construction Authority 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 focus on: (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" 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.

##### **Purpose and Need for the Project**

The purpose of this project is to provide a high-capacity transportation improvement that responds to problems associated with the I-210, a freeway that is not able to accommodate current and forecasted peak-hour travel demands; respond to the limited bus routes and commuter rail service available in the study corridor; respond to problems associated with the corridor's congested arterial network; respond to issues associated with population and employment conditions and forecasts; respond to goals of the region and corridor to improve air quality and avoid or minimize impacts to natural and manmade environments.

### Project Location and Environmental Setting

The proposed project is located in Los Angeles and San Bernardino Counties encompassing six adjoining cities that are located along I-210 and a railroad right-of-way, between the eastern boundary of Azusa on the west and Montclair on the east. The project area includes the cities of Glendora, San Dimas, La Verne, Pomona, and Claremont in Los Angeles County. In San Bernardino County, it includes the city of Montclair.

The Build Alternative is a Light Rail Transit (LRT) system that would begin at the current terminus of the Metro Gold Line at the Azusa-Citrus Station continuing east to Montclair.

### Alternatives

The Gold Line Phase II Extension Pasadena to Claremont Alternatives Analysis, Final Draft Report (January 9, 2003), prepared for the Construction Authority, studied a number of alternatives within the study area. This analysis looked at a wide range of alignment and technology options aimed at serving the corridor transportation needs. These included a No-Build Alternative, a Transportation System Management (TSM) Alternative, as well as various modal alternatives. The initial analysis looked at enhanced bus service, bus rapid transit, LRT, commuter rail, diesel multiple units, high occupancy vehicle facilities, and fixed-guideway facilities. The alignment alternatives included the existing railroad right-of-way, the I-210 freeway, and local major arterials. Operations alternatives varied by mode starting with five-minute headways.

The three alternatives being evaluated include the No Build Alternative, TSM, and the Build Alternative. The freight rail alignment identified in the Alternatives Analysis Report with the LRT technology is the Build Alternative that will be analyzed. In addition, pursuant to 40 CFR 1502.14, the EIS will analyze any reasonable alternatives identified during scoping.

*No-Build Alternative:* The No-Build Alternative includes all highway and transit projects and operations that the region and LACMTA expect to be in place in 2035. The No-Build Alternative would not require construction of ancillary facilities other than those included in the projects comprising the alternative. The No-Build Alternative is LACMTA's 2009 LRTP adopted in October 2009. This 2009 LRTP includes a balance of vehicle and transit improvements, including an expanded bus and rail network. Projects within

the 2009 LRTP that are relevant to the corridor are stated below.

- Transit projects include countywide (Los Angeles and San Bernardino Counties) bus service improvements; commuter rail (Metrolink) improvements; and light rail and heavy rail transit improvements.

- Freeway improvements include projects on freeways such as the extension of freeway Route 30/I-210 from Foothill Boulevard to I-15 (now completed) and the continuing extension of I-15 to I-215 in the future.

- Smart street projects include improvements such as synchronized traffic signals, on-street parking removal, frontage road and grade separation construction, and key intersection improvements to improve traffic flow.

- Arterial improvement projects include improvements to existing roadways.

*Transportation System Management (TSM) Alternative:* The EIS/EIR will evaluate transportation and environmental effects of modest improvements in the highway and transit systems beyond those in the No-Build Alternative. The TSM Alternative would include low-cost improvements to the No-Build Alternative to reduce delay and enhance mobility. The TSM Alternative would emphasize transportation system upgrades, such as intersection improvements, minor road widening, traffic engineering actions, bus route restructuring, shortened bus headways, expanded use of articulated buses, reserved bus lanes, expanded park-and-ride facilities, express and limited-stop service, signalization improvements, and timed-transfer operations.

*Build Alternative:* The Build Alternative utilizes the existing LACMTA/Construction Authority and San Bernardino Associated Governments rights of way through the San Gabriel Valley for LRT service. The Build Alternative would extend the Metro Gold Line LRT system from the eastern boundary of Azusa to the Montclair TransCenter (approximately 11.4 miles) located in Montclair, bordering the city of Upland. The same LRT technology and the same types of system components would be used as the existing Metro Gold Line. The Build Alternative would include six new stations, with one in each of the cities along the corridor; Glendora, San Dimas, La Verne, Pomona, Claremont and Montclair. Potential station locations have been defined in consultation with the corridor cities. Parking facilities would be provided at each new station.

Eight traction power substations (TPSSs) would be constructed along the route in order to provide electrical power to the line. Where possible, TPSS sites would be located near a station. TPSS sites would be located within existing rail right of way or within properties to be acquired for stations or parking. The Build Alternative would include two LRT tracks throughout, and one freight track between the eastern boundary of Azusa and Pomona. In Pomona, the single freight track would then join up with the double Metrolink tracks and continue through to Montclair and beyond.

### Probable Effects

The purpose of this EIS process is to study, in a public setting, the effects of the proposed project and its alternatives on the physical, human, and natural environment. The FTA and the Construction Authority will evaluate all significant environmental, social, and economic impacts of the construction and operation of the proposed project. The probable impacts will be determined as part of the project scoping. Unless further screening illuminates areas of possible impact, resource areas will be limited to those identified during scoping. Measures to avoid, minimize, and mitigate adverse impacts will also be identified and evaluated.

### FTA Procedures

The regulations implementing NEPA, as well as provisions of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), calls for public involvement in the EIS process. Section 6002 of SAFETEA-LU requires that FTA and the Construction Authority 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 the Construction Authority 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 Community Outreach Coordinator identified above under **ADDRESSES**.

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). Related environmental procedures to be addressed during the NEPA process, include, but are not limited to the project-level air quality conformity regulation of the U.S. Environmental Protection Agency (EPA) (40 CFR part 93); the regulation implementing Section 106 of the National Historic Preservation Act (36 CFR part 800); Section 4(f) of the Department of Transportation Act (23 CFR part 774); and Executive Order 12898 on environmental justice.

Issued on: December 17, 2010.

**Leslie T. Rogers,**

*Regional Administrator, Region IX, Federal Transit Administration.*

[FR Doc. 2010–32337 Filed 12–23–10; 8:45 am]

**BILLING CODE 4910–57–P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[Docket No. FD 35450]

#### **City of Maplewood, MN.—Acquisition Exemption—Right To Restore Rail Service Over a Railbanked Right-of-Way in Ramsey County, MN.**

The City of Maplewood, Minn. (the City), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire from BNSF Railway Company (BNSF) the right to restore rail service over a rail banked right-of-way, a distance of .67 miles, extending from milepost 7.19 to milepost 6.52 (the line),<sup>1</sup> in Ramsey County, Minn.

In the notice of exemption in *BNSF Railway Company—Abandonment Exemption—in Ramsay County, Minn.*, AB 6 (Sub.-No. 429X) (STB served Aug. 10, 2005), BNSF was authorized to

abandon the line. Subsequent to that notice, BNSF and the City reached an agreement for rail banking the line. The agreement included a provision that, in exchange for payment of value, BNSF would convey to the City BNSF’s right to restore service over the line’s right-of-way.

Subsequently, in a quitclaim deed dated September 26, 2005, BNSF conveyed the line to the City along with BNSF’s right to restore service over the right-of-way. The City explains that it did not know, at the time, that Board authorization was necessary for the City to acquire the right to restore rail service. The City now, after the fact, invokes the Board’s authorization for that acquisition through a notice of exemption. The City states that it or an operator contracted by the City would operate over the line if service is restored.

In *King County, Wash.—Acquisition Exemption—BNSF Railway Company*, FD 35148, slip op. at 3–4 (STB served Sept. 18, 2009) (*King County*), the Board granted an individual exemption authorizing the conveyance of the right to restore rail service on a line to a county, explaining that the right to reactivate a rail banked line is not an exclusive right and would not preclude any other service provider from seeking Board authorization to restore rail service over the rail banked line if the county did not do so. In *King County*, slip op. at 4 n.5, both the county acquiring the right and the rail carrier selling that right “made clear that [the rail carrier did] not wish to retain any rights related to the segments.” Likewise, here the notice indicates that BNSF did not wish to retain rights related to the line because, by quitclaim deed, BNSF conveyed to the City both the right-of-way itself and the right to restore service over the right-of-way.

The transaction is expected to be consummated on or after January 8, 2010 (30 days after the exemption was filed).

The City certifies that its projected annual revenues from the acquisition involved in this proceeding do not exceed those that would qualify it as a Class III carrier.

If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions to stay must be filed no later than December 30, 2010 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 35450, must be filed with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423–0001. In addition, one copy of each pleading must be served on Thomas F. McFarland, Thomas F. McFarland, P.C., 208 South LaSalle Street, Suite 1890, Chicago, IL 60604.

Board decisions and notices are available on our Web site at <http://www.stb.dot.gov>.

Decided: December 20, 2010.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

**Andrea Pope-Matheson,**  
*Clearance Clerk.*

[FR Doc. 2010–32297 Filed 12–23–10; 8:45 am]

**BILLING CODE 4915–01–P**

## DEPARTMENT OF THE TREASURY

### Fiscal Service

#### **Surety Companies Acceptable on Federal Bonds: Termination—Penn Millers Insurance Company**

**AGENCY:** Financial Management Service, Fiscal Service, Department of the Treasury.

**ACTION:** Notice.

**SUMMARY:** This is Supplement No. 5 to the Treasury Department Circular 570; 2010 Revision, published July 1, 2010, at 75 FR 38192.

**FOR FURTHER INFORMATION CONTACT:** Surety Bond Branch at (202) 874–6850.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that the Certificate of Authority issued by the Treasury to the above-named company under 31 U.S.C. 9305 to qualify as an acceptable surety on Federal bonds is terminated immediately. Federal bond-approving officials should annotate their reference copies of the Treasury Department Circular 570 (“Circular”), 2010 Revision, to reflect this change.

With respect to any bonds currently in force with this company, bond-approving officers may let such bonds run to expiration and need not secure new bonds. However, no new bonds should be accepted from this company, and bonds that are continuous in nature should not be renewed.

The Circular may be viewed and downloaded through the Internet at <http://www.fms.treas.gov/c570>.

Questions concerning this notice may be directed to the U.S. Department of the Treasury, Financial Management Service, Financial Accounting and Services Division, Surety Bond Branch,

<sup>1</sup> The line is between milepost 7.19, a point approximately 100 feet north of Interstate Highway I-694 in White Bear Township, and milepost 6.52, a point approximately 50 feet north of Beam Avenue in the City.