

Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-CBOE-2017-004 and should be submitted on or before February 14, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>10</sup>

**Eduardo A. Aleman,**

*Assistant Secretary.*

[FR Doc. 2017-01463 Filed 1-23-17; 8:45 am]

**BILLING CODE 8011-01-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### **Notice To Rescind Notice of Intent To Prepare an Environmental Impact Statement: Lone Star Regional Rail Project, Williamson, Travis, Bastrop, Hays, Caldwell, Comal Guadalupe and Bexar Counties, State of Texas**

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

**ACTION:** Rescind Notice of Intent to prepare an Environmental Impact Statement (EIS) for the Lone Star Rail Project in Central Texas.

**SUMMARY:** The FHWA is issuing this notice to advise the public that the Notice of Intent to prepare an EIS for the proposed Lone Star Rail transportation project to construct and operate a regional passenger rail service system along the IH-35 corridor connecting the greater Austin and San Antonio metropolitan areas is rescinded. The Texas Department of Transportation (TxDOT) will no longer prepare an EIS for the Lone Star Rail Project.

**FOR FURTHER INFORMATION CONTACT:** Michael T. Leary, Director of Planning and Program Development, Federal Highway Administration, 300 E. 8th Street, Room 826, Austin, Texas 78701, by telephone (512)536-5940.

**SUPPLEMENTARY INFORMATION:** The FHWA, in cooperation with the TxDOT and the Lone Star Rail District (LSRD), published a Notice of Intent in the **Federal Register** on October 6, 2014 (Document Number 2014-23711, Pages

60232 to 60323) to prepare an EIS for the proposed project to construct and operate the Lone Star Rail Project, a regional passenger rail service system along the IH-35 corridor connecting the greater Austin and San Antonio metropolitan areas anticipated to be operated by the LSRD. The proposed EIS was to evaluate the reasonable corridor alternatives.

The LSRD conducted numerous studies and held public meetings to gather input from the public and other stakeholders to consider in the development of the DEIS. A Notice of Availability (NOA) for a DEIS was never published in the **Federal Register**. In October 2016, TxDOT requested preparation of the EIS be stopped and the Notice of Intent be rescinded. In January 2017 TxDOT provided information supporting their request to rescind the NOI.

The request is based on a number of issues first being the decision by Union Pacific Railroad Company to cancel the UP/LSRD agreement for the possible use MOPAC corridor (the locally preferred alternative) which renders the alternate using of UP right of way nonviable. This action caused a cascade of additional actions by other entities. One of which was the removal the proposed project from the Capital Area Metropolitan Planning Organization (CAMPO—Austin MPO) metropolitan transportation plan (MTP) and an ongoing effort to remove the project in the Alamo Area Metropolitan Planning Organization (AAMPO—San Antonio MPO) MTP. As per current transportation planning regulations 23 CFR450 the project could not advance to a NEPA decision without being in both MPO's metropolitan transportation plans. Further, TxDOT analyzed the other remaining initially reasonable alternatives and determined that:

- the use of I 35 corridor would not be financial feasible due to ROW constraints and ongoing I-35 improvements .
- the use of the State Highway 130 corridor as per LSRD 2008 fatal flaw analysis concluded the corridor would not support a commuter rail line and ridership and connectivity would make the corridor nonviable.
- other alternative combinations such as I 35 and UP rail line and a hybrid option lack viability.

Further with an estimated cost of between \$2 to \$3 billion, funding anticipated by LSRD such as the State's Rail Relocation and Improvement Fund, Federal Railroad Administration grants and private investment have not been

capitalized or funded at levels necessary needed to complete the project.

Due to the request made by the lead State sponsor (TxDOT) and based on the above information with the UP rail line alternative no longer feasible, lack of viability of other reasonable alternatives, removal of the project from the CAMPO transportation plan and a lack of a capitalized financial plan to move the project forward, the further development of the DEIS is not warranted at this time. As a result, the above mentioned original Notice of Intent is rescinded.

The FHWA concurs with the TxDOT that the information gathered during the LSRD EIS project can be used in future efforts to determine viable transportation options for the Austin San Antonio corridor.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway research, 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. 315; 49 CFR 1.48.

Issued on January 13, 2017.

**Michael T. Leary,**

*Director Planning and Program Development, FHWA, Texas Division.*

[FR Doc. 2017-01544 Filed 1-23-17; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket Number FRA-2016-0110]

#### **Petition for Waiver of Compliance**

In accordance with part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that by a document dated November 8, 2016, Nevada Northern Railway Foundation d.b.a. Nevada Northern Railway Museum (NN) has petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 215. FRA assigned the petition Docket Number FRA-2016-0110.

Specifically, NN requests waiver from the requirements of 49 CFR 215.303, *Stenciling of restricted cars*, and § 224.101, *Reflectorization of Rolling Stock*, for five freight cars. These five freight cars are one caboose (car number NN 3) and four box cars (car numbers NN 2021, NN 1023, NN 1024, and NN 1025).

<sup>10</sup> 17 CFR 200.30-3(a)(12).

NN states in its petition that these cars are used in tourist, historic, and/or excursion operations. The cars always remain on NN track. NN is a non-insular tourist railroad that is not connected to the general system. The purpose of this waiver petition is to maintain the historic integrity of this railroad, which has been recognized by the Secretary of the Interior as a national Historic Landmark.

NN further states that the subject cars will not carry freight but rather will be photographed by photographers from around the world. The cars will be operated at no more than 25 mph. The cars would be operated over 30 miles of track. Each car will be inspected to ensure safe operation of the car. These cars will not and cannot leave NN property.

As information, NN concurrently requests to continue in service these 5 cars in accordance with 49 CFR 215.203(c), as they are all over 50 years of age, measured from the date of original construction.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at [www.regulations.gov](http://www.regulations.gov) and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Avenue SE., W12-140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested parties desire an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- **Web site:** <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- **Fax:** 202-493-2251.
- **Mail:** Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., W12-140, Washington, DC 20590.
- **Hand Delivery:** 1200 New Jersey Avenue SE., Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by March 10, 2017 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to [www.regulations.gov](http://www.regulations.gov), as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <https://www.transportation.gov/privacy>. See also <https://www.regulations.gov/privacyNotice> for the privacy notice of regulations.gov.

**Robert C. Lauby,**

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

[FR Doc. 2017-01504 Filed 1-23-17; 8:45 am]

**BILLING CODE 4910-06-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

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

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

**ACTION:** Notice.

**SUMMARY:** This notice announces final environmental actions taken by the Federal Transit Administration (FTA) for projects in Phoenix, Arizona and New York, New York. 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 FTA actions announced herein for the listed public transportation projects will be barred unless the claim is filed on or before June 23, 2017.

**FOR FURTHER INFORMATION CONTACT:** Nancy-Ellen Zusman, Assistant Chief Counsel, Office of Chief Counsel, (312) 353-2577 or Meghan Kelley,

Environmental Protection Specialist, Office of Environmental Programs, (202) 366-6098. FTA is located at 1200 New Jersey Avenue SE., Washington, DC 20590. Office hours are from 9:00 a.m. to 5:00 p.m., 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 the projects, as well as the laws under which such actions were taken, are described in the documentation issued in connection with the projects 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. Contact information for FTA's Regional Offices may be found at <https://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 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:** South Central Light Rail Extension Project, Phoenix, AZ. **Project sponsor:** Valley Metro. **Project description:** The proposed project would extend light rail service approximately five miles south from the existing Valley Metro light rail line in Downtown Phoenix to Baseline Road, serving South Phoenix neighborhoods and activity centers and providing a direct link to Central Station in Downtown Phoenix. The project would connect with the existing Valley Metro light rail line in the northbound direction at Central Avenue and Washington Street and in the southbound direction at 1st Avenue and Jefferson Street. The project also includes the McKinley Street/Central Avenue and McKinley Street/1st Avenue turnaround loops and improvements to the Operation and Maintenance Center. **Final agency actions:** Section 4(f) *de minimis* impact determination; a Section 106