

Issued on: April 4, 1995.

Stanley Gee,

*Division Administrator, Assistant Federal Highway Administration, Albany, New York.*

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**Environmental Impact Statement:  
Newport County, Rhode Island**

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

**ACTION:** Notice of Intent.

**SUMMARY:** The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for the proposed construction of a marine terminal facility in Newport, Rhode Island.

**FOR FURTHER INFORMATION CONTACT:**

Gordon G. Hoxie, Division Administrator, Federal Highway Administration, 380 Westminster Mall, Room 547, Providence, Rhode Island, Telephone: (401) 528-4541, or Marjorie Keefe, Project Manager, Rhode Island Department of Transportation, Two Capitol Hill—Room 372, Providence, RI 02903, Telephone: (401) 277-2023.

**SUPPLEMENTARY INFORMATION:** The FHWA, in cooperation with the Rhode Island Department of Transportation (RIDOT), will prepared an environmental impact statement (EIS) to evaluate alternatives to provide a proposed marine terminal facility or facilities serving cruise ships and/or commuter vessels and ferries on Aquidneck Island, Rhode Island.

Marine terminal facilities are needed to alleviate congestion in both the harbor and on local streets in Newport, Rhode Island, for both current as well as projected levels of activity. Linking the Newport Gateway Center, a multi-modal ground transportation and visitor hub located in Newport's business tourist district, with a marine terminal would integrate ground transportation with waterborne commuter vessels, tour boats, and cruise ships. This link would create a true multi-modal complex capable of providing numerous transportation options and destinations while relieving congestion in both the harbor and on local streets. Alternatives under consideration include: (1) Taking no action; (2) a combination of sites within the Newport Inner Harbor including State Pier No. 9, American Shipyard, and/or Goat Island; (3) Fort Adams (eastern and western sides); (4) Newport Naval Pier No. 1 (Derektors Pier); and (5) Melville Marina. Other reasonable alternatives identified during the scoping process will also be considered.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and local agencies, and to private organizations and citizens who have previously expressed or are known to have interest in the proposed project. A public scoping meeting will be held in Newport, Rhode Island during May 1995. In addition, a public hearing will be held. Public notice will be given of the time and place of the meeting and hearing. The draft EIS will be available for public and agency review and comment prior to the public hearing.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation of Federal programs and other activities apply to this program)

Issued on: April 5, 1995.

Gordon G. Hoxie,

*Division Administrator, Providence, Rhode Island.*

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**Federal Railroad Administration**

**Petition for Waiver of Compliance**

In accordance with Title 49 CFR 211.9 and 211.41, notice is hereby given that the Federal Railroad Administration (FRA) received from the Southern Pacific Transportation Company a request for a waiver of compliance with certain requirements of the Code of Federal Regulations. The petition is described below, including the regulatory provisions involved, and the nature of the relief being requested.

Southern Pacific Transportation Company (SP) (Waiver Petition, Docket Number RST-95-1)

The SP has requested to be relieved of compliance with § 213.57(b) of the Federal Track Safety Standards (Title 49 CFR part 213). That section refers to maximum allowable train operating speeds on nontangent track as a function of existing curvature and superelevation and, further, introduces the concept of unbalanced superelevation. The idea of trains negotiating curved track at speeds

producing either positive or negative unbalance was discussed previously in the Federal Register (52 FR 38035 on October 13, 1987). Currently, Section 213.57(b) permits a maximum of 3 inches to be used as the 2 underbalance term in the formulation of curve/speed tables by track maintenance engineers defining intermediate train speeds and curved track superelevations for any route between two points.

SP petitioned for permission to substitute the value of 4 inches instead of 3 inches in determining maximum train speeds on several hundred route-miles of track owned by the railroad and used under contract by the National Railroad Passenger Corporation (Amtrak). SP has stated that it is doing this to assist Amtrak in improving its operating efficiency. SP believes that passenger trains can be operated safely at 4 inches of underbalance and cites Amtrak's experience in operating comparable equipment on the Union Pacific Railroad Company and the Burlington Northern Railroad Company at 4 inches of underbalance. SP's policy to operate freight trains at less than 3 inches of underbalance will be unaffected by the proposed waiver.

Interested parties may submit written views, data, or comments on this petition. 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 party desires and opportunity for comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communication concerning this proceeding should identify the appropriate docket number (e.g., Waiver Petition Docket Number RST-95-1) and must be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

Communications received within 45 days of the date of publication of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9:00 a.m.-5:00 p.m.) in room 8201, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590.