

Federally approved local cost allocation plan will be considered to result in a reasonable and transparent cost allocation, but may still need to be reviewed to assure that allocation of specific cost items meets the special revenue retention requirements applicable to airport revenue under 49 U.S.C. 47107(b).

3. Each item of cost must be treated consistently either as a direct or an indirect cost, and the method of allocation must not permit a cost item to be charged both directly and indirectly.

4. A charge to the airport under a local cost allocation plan must be charged to all comparable users of a service equally.

5. The general costs of government, such as costs of the city council, may not be allocated to the airport.

#### *C. Permitted Uses of Airport Property*

Making airport property available at less than fair market rental for public community uses, for the purpose of maintaining positive airport-community relations, can be a legitimate function of an airport proprietor in operating the airport. Accordingly, in certain circumstances, providing airport land for such purposes (other than to the sponsor itself) will not be considered a violation of 49 U.S.C. 47107(b) or 47107(a)(13), which requires an airport proprietor to maintain an airport rate structure that makes the airport as self-sustaining as possible. Generally, the circumstances in which below-market use of airport land for community purposes will be considered consistent with grant assurances are:

1. The community use of the property can be justified as benefiting the airport, and

2. The property involved would not reasonably be expected to produce substantial income at the time the community use is contemplated. The greater the difference between the fair rental value of the property and the actual amount of the lease, the greater the burden of showing an airport-related benefit.

Making airport property available at less than fair market rental for public transit terminals, right-of-way, and related facilities will not be considered a violation of 49 U.S.C. 47107(b) or 47107(a)(13) if the transit system is publicly owned and operated (or operated by contract on behalf of the public owner), and the facilities are directly related to the transportation of air passengers and airport visitors and employees to and from the airport.

#### *D. Consideration of Lawful Diversion of Revenues in Awarding Discretionary Grants*

Airport owners or operators who lawfully divert airport revenue in accordance with the "grandfather" provision should be aware that 49 U.S.C. 47115(f) requires the Secretary of Transportation to consider such usage as a factor militating against the approval of an application for discretionary funds when, in the airport's fiscal year preceding the date of application for discretionary funds, the Secretary finds that the amount of revenues used by the airport for purposes other than capital or operating costs exceeds the amount used for such purposes in the airport's first fiscal year ending after August 23, 1994, adjusted by the Secretary for changes in the Consumer Price Index of All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.

#### **VIII. Prohibited Uses of Airport Revenue**

Prohibited uses of airport revenue include but are not limited to:

A. Direct or indirect payments, other than payments that reflect the value of services and facilities provided to the airport, that are not based on a reasonable, transparent cost allocation formula calculated consistently for other comparable units or cost centers of government.

B. Use of airport revenues for general economic development, marketing, and promotional activities unrelated to airports or airport systems;

C. Payments in lieu of taxes, or other assessments, that exceed the value of services provided or are not based on a reasonable, transparent cost allocation formula calculated consistently for other comparable units or cost centers of government;

D. Payments to compensate nonsponsoring governmental bodies for lost tax revenues exceeding stated tax rates;

E. Loans of airport funds to a state or local agency at less than the prevailing rate of interest.

F. Land rental to, or use of land by, the sponsor for nonaeronautical purposes at less than the amount that would be charged a commercial tenant, consistent with Paragraph VII.C. of this policy.

G. Impact fees assessed by a nonsponsoring governmental body that the airport sponsor is not obligated to pay or that exceed such fees assessed against commercial or other governmental entities;

H. Expenditure of airport funds for support of community activities and participation in community events, or for support of community-purpose uses of airport property, unless the expenditure is directly to the operation or marketing of the airport;

I. Direct subsidy of air carrier operations.

J. Indirect payment for the general costs of government (but not including billing for specific services provided to the airport).

Issued in Washington, DC, on December 11, 1996.

Susan L. Kurland,

*Associate Administrator for Airport.*

[FR Doc. 96-32019 Filed 12-17-96; 8:45 am]

**BILLING CODE 4910-13-N**

#### **Federal Highway Administration**

#### **Intelligent Transportation Society of America; Public Meeting**

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

**ACTION:** Correction of Meeting Date in "Date" Category.

**SUMMARY:** Notice of the meeting of the Intelligent Transportation Society of America Board of Directors was published in the Federal Register on December 10, 1996, page 65101. The meeting date listed in the "Summary" category is correct. The "Date" category should read: "The Board of Directors of ITS AMERICA will meet on Thursday, January 16, 1997, from 1 p.m.-5 p.m. [Eastern Standard Time]." Issued on: December 13, 1996.

Jeffrey Lindley,

*Deputy Director, ITS Joint Program Office.*

[FR Doc. 96-32086 Filed 12-17-96; 8:45 am]

**BILLING CODE 4910-22-P**

#### **Federal Railroad Administration**

#### **Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System or Relief From the Requirements of Title 49 CFR Part 236**

Pursuant to Title 49 CFR Part 235 and 49 U.S.C. App. 26, the following railroads have petitioned the Federal Railroad Administration (FRA) seeking approval for the discontinuance or modification of the signal system or relief from the requirements of Title 49 CFR Part 236 as detailed below.

Block Signal Application (BS-AP)-No. 3410

*Applicant:* CSX Transportation, Incorporated, Mr. E.G. Peterson, P.E.,

General Manager Signal Engineering,  
500 Water Street (S/C J-370),  
Jacksonville, Florida 32202

CSX Transportation, Incorporated (CSXT) seeks approval of the discontinuance and removal of Viaduct Junction Interlocking, milepost BA-178.9, Cumberland, Maryland, involving main tracks of the Cumberland and Cumberland Coal Business Unit Divisions, Cumberland Terminal, Keystone, and Mountain Subdivisions, associated with permanent track and signal system arrangement revisions, installation of a traffic control signal system, and implementation of a Direct Traffic Control Block System (DTC) to govern train movements during construction and testing of changes. CSXT has implemented temporary DTC operations, as construction is underway and completion of the project is expected in November 1996, unless delayed by unforeseen circumstances.

The reasons given for the proposed changes are to improve train operations, replace the obsolete track arrangement, and eliminate the mechanical interlocking.

#### BS-AP-No. 3411

*Applicant:* CSX Transportation, Incorporated, Mr. E. G. Peterson, P.E., General Manager Signal Engineering, 500 Water Street (S/C J-370), Jacksonville, Florida 32202

CSX Transportation, Incorporated (CSXT) seeks approval of the discontinuance and removal of the traffic control signal system, on the main and siding tracks, between Fetner, milepost S164.8 and Hoffman, milepost S238.3, North Carolina, Florence Division, Aberdeen Subdivision, a distance of approximately 63.5 miles, and implementation of a Direct Traffic Control Block System (DTC) to govern train movements. CSXT has implemented DTC operations because of storm damage, and requests tolling the running of the six-month grace period provided in Part 235.7(4) for repair necessitated by catastrophic circumstances, pending FRA's decision.

The reason given for the proposed changes is that the signal system was damaged by Hurricane Fran and is no longer needed for current operations.

#### BS-AP-No. 3412

*Applicant:* Transportation, Incorporated, Mr. E. G. Peterson, P.E., General Manager Signal Engineering, 500 Water Street (S/C J-370), Jacksonville, Florida 32202

CSX Transportation, Incorporated (CSXT) seeks approval of the temporary discontinuance of all locations with signal systems, on all tracks, when a

signal system is disturbed during construction and testing of changes, for a period of up to 30 days, and implement a temporary Direct Traffic Control Block System (DTC) to govern train movements during discontinuance of the signal system.

The reason given for the proposed changes is to clarify CSXT standard practice for operation during implementation and testing of changes.

#### BS-AP-No. 3413

*Applicant:* Louisville and Indiana Railroad, Mr. J. H. Sharp, General Superintendent, 2500 Old U.S. Highway 31, Jeffersonville, Indiana 47130

The Louisville and Indiana Railroad seeks approval of the proposed discontinuance and removal of the signal, between milepost 109 and milepost 110.1, near Clagg Tower, Louisville, Kentucky, consisting of the discontinuance and removal of 13 signals, and conversion of 8 power-operated switches to hand operation.

The reason given for the proposed changes is that the power-operated switches are no longer needed for the one to two switch crews per day operation, and the associated costs of the frequent maintenance of the antiquated equipment.

#### BS-AP-No. 3414

*Applicant:* Union Pacific Railroad Company, Mr. P. M. Abaray, Chief Engineer-Signals/Quality, 1416 Dodge Street, Room 1000, Omaha, Nebraska 68179-0001.

The Union Pacific Railroad Company seeks approval of the proposed discontinuance and removal of the traffic control signal system, on the single main track between Fremont, California, CPF29, milepost 29.3 and milepost 5.8, on the Canyon Subdivision, a distance of approximately 23.5 miles, and redesignation of the main track to an industrial switching lead.

The reason given for the proposed changes is that changes in train operations due to utilization of former Southern Pacific trackage has eliminated the need for signals on this trackage.

Any interested party desiring to protest the granting of an application shall set forth specifically the grounds upon which the protest is made, and contain a concise statement of the interest of the protestant in the proceeding. The original and two copies of the protest shall be filed with the Associate Administrator for Safety, FRA, 400 Seventh Street, S.W., Washington, D.C. 20590 within 30 calendar days of the date of issuance of

this notice. Additionally, one copy of the protest shall be furnished to the applicant at the address listed above.

FRA expects to be able to determine these matters without oral hearing. However, if a specific request for an oral hearing is accompanied by a showing that the party is unable to adequately present his or her position by written statements, an application may be set for public hearing.

Issued in Washington, D.C. on December 10, 1996.

Phil Olekszyk,

*Deputy Associate Administrator for Safety Compliance and Program Implementation.*

[FR Doc. 96-31920 Filed 12-17-96; 8:45 am]

BILLING CODE 4910-06-P

## National Highway Traffic Safety Administration

#### [Docket No. 96-125; Notice 1]

### Notice of Receipt of Petition for Decision That Nonconforming 1989 Alfa Romeo 164 Passenger Cars Are Eligible for Importation

**AGENCY:** National Highway Traffic Safety Administration, DOT.

**ACTION:** Notice of receipt of petition for decision that nonconforming 1989 Alfa Romeo 164 passenger cars are eligible for importation.

**SUMMARY:** This notice announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that a 1989 Alfa Romeo 164 that was not originally manufactured to comply with all applicable Federal motor vehicle safety standards is eligible for importation into the United States because (1) It is substantially similar to a vehicle that was originally manufactured for importation into and sale in the United States and that was certified by its manufacturer as complying with the safety standards, and (2) it is capable of being readily altered to conform to the standards.

**DATES:** The closing date for comments on the petition is January 17, 1997.

**ADDRESSES:** Comments should refer to the docket number and notice number, and be submitted to: Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh St., SW., Washington, DC 20590. [Docket hours are from 9:30 a.m. to 4 p.m.]

#### FOR FURTHER INFORMATION CONTACT:

George Entwistle, Office of Vehicle Safety Compliance, NHTSA (202-366-5306).