

comment on the application to impose and use a PFC at Melbourne International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101-508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

On November 26, 1997, the FAA determined that the application to impose and use a PFC submitted by Melbourne Airport Authority was substantially complete within the requirements of § 158.25 of Part 158. The FAA will approve or disapprove the application, in whole or in part, no later than March 4, 1998.

The following is a brief overview of PFC Application No. 98-02-C-00-MLB. *Level of the proposed PFC: \$3.00.*

*Proposed charge effective date:* April 1, 1998.

*Proposed charge expiration date:* January 1, 1999.

*Total estimated PFC revenue:* \$614,362.

*Brief description of proposed project(s):* Runway 9R-27L Improvements—Phase 1.

*Class or classes of air carriers which the public agency has requested not be required to collect PFCs:* Air Taxi/ Commercial Operator.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Melbourne Airport Authority.

Issued in Orlando, Florida.

**Charles E. Blair,**

*Manager, Orlando Airports District Office  
Southern Region.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

#### Environmental Impact Statement on the Norfolk-Virginia Beach Light Rail Transit Project in the Norfolk-Virginia Beach, Virginia Corridor

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

**ACTION:** Notice of Intent to prepare an Environmental Impact Statement (EIS).

**SUMMARY:** The Federal Transit Administration (FTA) and the Tidewater Transportation District Commission (TRT), in cooperation with

the Virginia Department of Rail and Public Transportation and the Hampton Roads Metropolitan Planning Organization, intend to prepare an Environmental Impact Statement (EIS), for the Norfolk-Virginia Beach Light Rail Transit Project in the Norfolk-Virginia Beach, Virginia corridor. The EIS is being prepared in conformance with the National Environmental Policy Act (NEPA) and will also satisfy the requirements of the 1990 Clean Air Act Amendments (CAAA). The EIS will evaluate the following transportation alternatives: a No-Build alternative, a Transportation Systems Management (TSM) alternative, and the light rail transit alignment. The Tidewater Transportation District Commission will be the lead agency for the preparation of the EIS.

**SCOPING PROCESS:** The purpose of the Public Scoping Meeting is to provide interested individuals with an introduction to and an overview of the EIS process and the opportunity for comments on the significant issues and impacts to be addressed in the EIS. Comments may be submitted orally at the Scoping Meeting or in Writing to Ms. Jayne Whitney, Project Director, Tidewater Transportation District Commission, 1500 Monticello Avenue, Norfolk, Virginia 23510 during the Scoping comment period for the preparation of the Draft Environmental Impact Statement (DEIS) which ends on Thursday, January 22, 1998.

The Scoping Meeting will begin with an "open house" where attendees will be able to view graphics and discuss the project with the project representatives. A presentation on the project will be given at 6:00 P.M., followed by an additional opportunity for questions and answers. Scoping material will be available at the meeting or in advance of the meeting by contacting Ms. Janette Crumley at (757) 640-6295 or Ms. Delores Gee at (757) 640-6251. A sign language interpreter will be available for the hearing impaired. A TDD number (757) 640-6255 is also available. The buildings are accessible to people with disabilities. Scoping meetings will be held on:

1. Tuesday, December 9, 1997, 4 p.m.-7 p.m., Tidewater Transportation District Commission Headquarters, 1500 Monticello Avenue, Norfolk, Virginia 23510.

2. Thursday, December 11, 1997, 4 p.m.-7 p.m., ODU/NSU Virginia Beach Higher Education Center, 3300 South Building, 397 Little Neck Road, Virginia Beach, Virginia 23452.

**FOR FURTHER INFORMATION CONTACT:** Mr. Alfred Lebeau, Transportation Program

Specialist, Federal Transit Administration, Region III, (215) 656-7100.

#### SUPPLEMENTARY INFORMATION:

##### I. Scoping

The FTA and TRT invite interested individuals, organizations, and federal, state and local agencies to participate in defining the alternatives to be evaluated in the EIS and identifying any significant social, economic, or environmental impacts to be evaluated, and suggesting alternatives that are less costly or have less environmental impacts while achieving similar transit objectives. During Scoping comments should focus on the alternatives under consideration and not on a preference for a particular alternative. Individual preference for a particular alternative should be communicated during the draft EIS comment period. Scoping comments may be made at the Public Scoping Meeting or in writing within 45 days after publication of this notice. See the "Scoping Process" section above for locations and times.

##### II. Description of Study and Project Need

The proposed project consists of an 18.25 mile light rail transit system between Downtown Norfolk and the Virginia Beach Pavilion Convention Center generally following the Norfolk Southern Railroad right-of-way. A combination of single and double track light rail transit construction is being studied. The study includes a proposal for 13 stations, many of which will provide both bus and park-and-ride access.

The Norfolk-Virginia Beach corridor has been and continues to be an area of significant growth for the region. One hundred thousand people commute into the City of Norfolk and 30,000 into Virginia Beach every day from outside those communities. Virginia Beach Boulevard and Route 44/I-264 are at or over capacity at many locations at this time with traffic forecast to grow by another 87 percent on Route 44 by the Year 2015. Both of these roadways have been expanded to the limits of the existing, available right-of-way.

The study corridor shows population concentrations along the Virginia Beach to Norfolk corridor that would potentially support further justification for expanded transit service. Population densities, particularly of minority, elderly or low-income individuals often rely on transit for their transportation needs. Regional employment also has continued to grow. Norfolk continues to be the major employment center in the

region with two major employment destinations: the Naval Base Norfolk and Norfolk's Central Business District. The emergence of new activity centers along the corridor within the last fifteen years has created new commuting patterns and additional demands on transportation facilities.

In response to this need, TRT has completed a Major Investment Study (MIS) for the Norfolk-Virginia Beach corridor. The results of the MIS study resulted in a preferred alternative of a light rail transit system with limited stops along the corridor, and includes stations, park and ride lots, and transit centers. Transit improvements are intended to alleviate traffic congestion in the Norfolk-Virginia Beach corridor and help achieve regional air quality goals by providing an alternative to the single occupant vehicle.

### III. Alternatives

The transportation alternatives proposed for consideration in this project area include: (1) No-Build, which involves no change to transportation services or facilities in the corridor beyond already committed projects, (2) a Transportation System Management (TSM) alternative which consists of low to medium cost improvements to the facilities and operations of the TRT bus system in addition to the currently planned transit improvements in the corridor, and (3) a new light rail alignment (including line, station locations and support facilities) generally following the existing Norfolk Southern rail corridor between Norfolk and Virginia Beach and on surface streets in Downtown Norfolk and to the Virginia Beach Pavilion, and a modified bus service component.

### IV. Probable Effects

The FTA and TRT will evaluate all significant environmental, social, and economic impacts of the alternatives analyzed in the EIS. Primary environmental issues include: Land use and neighborhood protection, traffic and parking, visual, noise and vibration, safety, aesthetics, stormwater management, archaeological, historic, cultural and ecological resources, wildlife corridors. Impacts on natural areas, rare and endangered species, air and water quality, groundwater, and potentially contaminated sites will also be studied. Displacements and relocations, ecosystems, water resources, hazardous waste, parklands, and energy impacts will be assessed. The impacts will be evaluated both for the construction period and for the long-term period of operation of each alternative. Measures to mitigate any

significant adverse impacts will be developed.

### V. FTA Procedures

In accordance with the federal transportation planning regulations (23 CFR Part 450), the Draft EIS will be prepared to include an evaluation of the social, economic and environmental impact of the alternatives. The DEIS will consider the public and agency comments received and the TRT in concert with the Secretary of the Virginia Department of Rail and Public Transportation and Hampton Roads Metropolitan Planning Organization and other affected agencies, will select the preferred alternative. Then the TRT, as lead agency, will continue with the preparation of the Final EIS. Opportunity for additional public comment will be provided throughout all phases of project development.

Issued: December 1, 1997.

**Sheldon A. Kinbar,**

*Regional Administrator.*

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 33514]

#### Buffalo & Pittsburgh Railroad, Inc.— Trackage Rights Exemption— Consolidated Rail Corporation

Consolidated Rail Corporation (Conrail) has agreed to grant bridge trackage rights to Buffalo & Pittsburgh Railroad, Inc. (B&P), described as follows: (1) Conrail's Olean Secondary between the B&P/Conrail connection at milepost 408.8± at Carrollton, NY, and milepost 395.0± at Olean, NY, the connection with Conrail's Buffalo Line, including that portion of Conrail's track known as the North West Connection Track (connection between Conrail's Olean Secondary and its Buffalo Line), a distance of approximately 13.8 miles; (2) Conrail's Buffalo Line between milepost 69.4± at CP North Olean, and milepost 5.7± CP-GJ, a distance of approximately 63.7 miles; (3) Conrail's Ebenezer Secondary between milepost 5.7± (connection with Conrail's Buffalo Line) and milepost 0.4± (connection with Conrail's Chicago Line, within CP-Draw), a distance of approximately 5.3 miles; (4) Conrail's Chicago Line between milepost 1.7± (connection with Conrail's Ebenezer Secondary) and milepost 1.77± (connection with B&P), a distance of approximately 0.07 of a mile; and (5) Conrail's Transco Wye in

Buffalo, NY, between milepost 1.9± (Erie) on Conrail's Ebenezer Secondary and the end of Conrail's Transco Wye (connection with Conrail's Bison Runner), a distance of approximately 0.6 of a mile.<sup>1</sup> The total combined distance of the trackage rights is approximately 83.47 miles.<sup>2</sup>

B&P was expected to commence operations on or after the November 24, 1997 effective date.<sup>3</sup>

The purpose of the proposed trackage rights is to allow B&P to shift overhead traffic from a roughly parallel line that is in need of rehabilitation.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980). This notice is filed under 49 CFR 1180.2(d)(7). 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 transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33514, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on: Eric M. Hocky, Esquire, Gollatz, Griffin &

<sup>1</sup> B&P states that at this point it has existing rights over Conrail's line of railroad to conduct interchange between its Buffalo Creek Yard and "SK" Yard of the Delaware and Hudson Railway (CP Rail system) Buffalo, NY, subject to a separate agreement it has with Conrail, dated February 1, 1980.

<sup>2</sup> The trackage rights are granted for the sole purpose of B&P's use for bridge traffic only between B&P/Conrail connections. B&P shall not perform any local freight service at any point located on the subject trackage. The trackage rights also provide that B&P shall not have the right to permit or admit any third party to the use of all or any portion of the subject trackage, nor under the guise of doing its own business, contract or make any agreement to handle as its own trains, locomotives, cabooses or cars of any third party which in the normal course of business would not be considered the trains, locomotives, cabooses or cars of B&P; provided however, that the foregoing shall not prevent B&P, pursuant to a run-through agreement with any railroad, from using the locomotives and cabooses of another railroad as its own under the trackage rights agreement.

<sup>3</sup> On November 20, 1997, Samuel J. Nasca, on behalf of United Transportation Union-New York State Legislative Board, filed a petition to reject the notice of exemption, or to revoke the exemption, and/or for stay of the effective date of the exemption pending disposition of the request for rejection or revocation. The petition will be addressed in a separate decision.