Safety Administration (NHTSA) of a petition for a decision that 1999–2003 Ducati 748 and 916 motorcycles that were not originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States because (1) they are substantially similar to vehicles that were originally manufactured for importation into and sale in the United States and that were certified by their manufacturer as complying with the safety standards, and (2) they are capable of being readily altered to conform to the standards.

DATES: The closing date for comments on the petition is December 18, 2003.

ADDRESSES: Comments should refer to the docket number and notice number, and be submitted to: Docket Management, Room PL–401, 400 Seventh St., SW., Washington, DC 20590. [Docket hours are from 9 am to 5 pm.] Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78) or you may visit *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Coleman Sachs, Office of Vehicle Safety Compliance, NHTSA (202–366–3151).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(A), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register**.

Superbike Racing, Inc. of Atlanta, Georgia (''SRI'')(Registered Importer 1–286) has petitioned NHTSA to decide whether non-U.S. certified 1999–2003 Ducati 748 and 916 motorcycles are eligible for importation into the United States. The vehicles that SRI believes are substantially similar are 1999–2003 Ducati 748 and 916 motorcycles that were manufactured for importation into and sale in the United States and certified by their manufacturer, Ducati Motor S.p.A., as conforming to all applicable Federal motor vehicle safety standards.

The petitioner claims that it carefully compared non-U.S. certified 1999–2003 Ducati 748 and 916 motorcycles to their U.S. certified counterparts, and found the vehicles to be substantially similar with respect to compliance with most Federal motor vehicle safety standards.

SRI submitted information with its petition intended to demonstrate that non-U.S. certified 1999–2003 Ducati 748 and 916 motorcycles, as originally manufactured, conform to many Federal motor vehicle safety standards in the same manner as their U.S. certified counterparts, or are capable of being readily altered to conform to those standards.

Specifically, the petitioner claims that non-U.S. certified 1999–2003 Ducati 748 and 916 motorcycles are identical to their U.S. certified counterparts with respect to compliance with Standard Nos. 106 *Brake Hoses,* 111 *Rearview Mirrors,* 116 *Brake Fluid,* 119 *New Pneumatic Tires for Vehicles other than Passenger Cars,* 122 *Motorcycle Brake Systems,* and 205 *Glazing Materials.*

The petitioner also contends that the vehicles are capable of being readily altered to meet the following standards, in the manner indicated below:

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment:* (a) Installation of U.S.-model headlamp assemblies, which incorporate DOT certified headlamps; (b) replacement of all stop lamp and directional bulbs with ones that are certified to DOT requirements; (c) replacement of all lenses with ones that are certified to DOT requirements.

Standard No. 120 *Tire Selection and Rims for Vehicles other than Passenger Cars:* Installation of a tire information placard.

Standard No. 123 *Motorcycle Controls and Displays:* Installation of a U.S.-model speedometer reading in miles per hour and a U.S.-model odometer reading in miles.

Comments should refer to the docket number and be submitted to: Docket Management, Room PL–401, 400 Seventh Street, SW., Washington, DC 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

Authority: 49 U.S.C. 30141(a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: November 13, 2003.

Kenneth N. Weinstein,

Associate Administrator for Enforcement.

[FR Doc. 03–28812 Filed 11–17–03; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34428]

Port Authority of New York and New Jersey—Petition for Declaratory Order

AGENCY: Surface Transportation Board.

ACTION: Institution of declaratory order proceeding; request for comments.

SUMMARY: The Surface Transportation Board is instituting a declaratory order proceeding and requesting comments on the petition of the Port Authority of New York and New Jersey (Port Authority) for an order declaring that the construction by petitioner of a connector between the line of the former Staten Island Railroad (SIRR) and the rail lines owned and operated by Norfolk Southern Railway Company (NS), CSX Transportation, Inc. (CSX), and Consolidated Rail Corporation (Conrail), and any operation over this newly constructed connector, do not constitute the extension of a line of railroad and require no Board approval.

DATES: Any interested person may file with the Board written comments concerning the Port Authority's petition by December 18, 2003. Replies will be due on January 7, 2004.

ADDRESSES: Send an original and 10 copies of any comments referring to STB Finance Docket No. 34428 to: Surface Transportation Board, 1925 K Street,

NW., Washington, DC 20423–0001. In addition, send one copy of any comments to petitioner's representative: Paul M. Donovan, LaRoe, Winn, Moerman & Donovan, 4135 Parkglen Court, NW., Washington, DC 20007.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 565–1600. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at: (800) 877–8339.]

SUPPLEMENTARY INFORMATION: By petition filed on October 22, 2003, the Port Authority asks the Board to issue an order declaring that the construction and operation of a connector between the SIRR line and the Chemical Coast Secondary Line [1] will not constitute an extension of a line of railroad nor the construction of an additional line of railroad that would require Board approval.

The Port Authority states that the SIRR was abandoned in 1990 and 1991, and that the Port Authority and the City of New York [2] have acquired the rail lines necessary to revitalize the SIRR. Petitioner further indicates that the revitalized SIRR will not extend west of the New Jersey Turnpike, but will connect to the Chemical Coast Secondary Line by way of the newly constructed, far more efficient connector.

The Port Authority states that the connector will consist of a new single-track rail alignment approximately 3,650 feet long.[3] The Port Authority asserts that this connector will replace the various other connections that have existed between the SIRR and NS, CSX, and Conrail lines at Cranford, Linden, and Bayway, NJ, and the connections provided by car float between St. George and Port Ivory, NY, and Port Newark, NJ.[4]

Under 49 U.S.C. 10901(a), Board approval is required in situations where a person wishes to ''(1) construct an extension to any of its railroad lines; [or] (2) construct an additional railroad line; * * *'' According to the Port Authority, ''the final test in determining whether proposed trackage constitutes an extension is whether the effect of the new trackage is to extend substantially the line of a carrier into new territory,'' citing *City of Detroit* v. *Canadian National Ry. Co., et al.*, 9 I.C.C.2d 1208 (1993), *aff'd sub nom. Detroit/Wayne County Port Authority* v. *ICC,* 59 F.3d 1314 (D.C. Cir. 1995).

The Port Authority argues that the proposed connector does not involve the construction of an ''extension'' of a line of railroad, nor does it constitute an ''additional'' line, the construction of which would require Board approval. Rather, petitioner argues that the connector merely permits a more efficient connection than those that have historically existed and which could be reactivated without Board approval. Specifically, the Port Authority maintains that it controls and could reactivate the Port Ivory and Port Newark Port Authority float bridges,[5] to form a route that parallels the route provided by the proposed connector, without Board approval.[6] According to the Port Authority, construction of the connector will neither open up new traffic routes nor expand service into new territory.

Finally, the Port Authority requests expedited consideration of its request so that the SIRR reactivation project may advance as quickly as possible. The Port Authority claims that the Howland Hook Container Terminal, Inc. (Howland Hook), located on Staten Island, NY, is at a severe competitive disadvantage compared to other major container terminals on the Atlantic Coast in that it does not have direct rail service. Petitioner maintains that, as a result, containers handled at Howland Hook must be drayed to intermodal rail facilities in New Jersey, producing a great deal of truck traffic in an already congested, non-attainment air quality area. This results in significant drayage costs for Howland Hook and negative environmental consequences.

By this notice, the Board is requesting comments on the Port Authority's petition.

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

Decided: November 12, 2003.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 03–28753 Filed 11–17–03; 8:45 am]

BILLING CODE 4915–00–P

[1] Conrail owns the Chemical Coast Secondary Line and, as a result of that ownership, has the right to operate over it. Moreover, because this line is part of the North Jersey Shared Assets Area, CSX and NS also have the right to operate over it. *See CSX Corp. et al.—Control—Conrail Inc. et al.*, 3 S.T.B. 196, 228 (1998).

[2] According to the Port Authority, this construction project, called the Staten Island Railroad Reactivation Project, is one part of a plan for reactivation of the operations of the former SIRR. Petitioner indicates that it will soon file a notice of a modified certificate of public convenience and necessity pursuant to 49 CFR 1150.21–.24, advising of the designation of CSX and NS as the modified certificate operators of certain lines of the SIRR that had been abandoned and then acquired by the City of New York and the State of New Jersey. Also, on October 29, 2003, the New York City Economic Development Corporation (NYCEDC), which manages the New York properties of the former SIRR on behalf of New York City, filed a petition for a declaratory order with respect to the proposed construction of switching, industrial lead, and spur track on the Travis Branch of the former SIRR.

[3] The project will also entail the construction of two new bridges and the rehabilitation of an existing steel viaduct.

[4] Prior to its abandonment in 1991, the SIRR interchanged freight with several rail carriers via car float operations. These operations, also called lightering, employed various types of towed or self-propelled floating equipment. Car floats with railroad tracks were towed between waterfront terminals on the New York Harbor. A system of tracks served the piers at the terminals, allowing rail cars to be moved from the car floats, over float bridges, to the terminals. In 1934, the ICC held that the term ''railroad'' includes ''all * * * lighters * * * used by or operated in connection with any railroad,'' and that the term ''transportation'' includes ''vessels and all instrumentalities and facilities of shipment or carriage.'' *Lighterage Cases,* 203 I.C.C. 481, 511–12 (1934).

[5] Petitioner notes, however, that it would not be economically feasible to do so.

[6] According to petitioner, these parallel routes have the same origins and destinations and serve the same shippers.

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB–33 (Sub-No. 208X)]

Union Pacific Railroad Company—Abandonment Exemption—in Marshall County, KS

Union Pacific Railroad Company (UP) has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments and Discontinuances of Service and Trackage Rights* to abandon an 8.13-mile line of railroad from milepost 133.13 near Marysville to milepost 125.00 near Marietta, in Marshall County, KS. The line traverses United States Postal Service Zip Code 66508.

UP has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under