

light rail are to be carried forward for detailed evaluation in the draft EIS as described below.

MOS 3—Newport News City Hall to Ft. Eustis Boulevard. MOS 3 would be located totally within the City of Newport News, Virginia. The southern end of the MOS would be located at the City Hall Station at Washington Avenue and 25th Street in downtown Newport News and would extend to the Ft. Eustis Station at Ft. Eustis Boulevard and the CSX Railroad on the north. The total alignment length would be 15.2 miles.

MOS 4B—Newport News City Hall to Hampton Coliseum. MOS 4B would be located within the Cities of Newport News and Hampton, Virginia. The southern end of the MOS would be located at the City Hall Station at Washington Avenue and 25th Street in downtown Newport News and would extend to the Middle Ground Road Station at Middle Ground Road and the CSX Railroad on the north. The MOS would then turn towards the Hampton Coliseum and would end at the Coliseum parking lot at Coliseum Station. The total alignment length would be 17.1 miles.

*Diesel Multiple Unit Alternatives.* These alternatives would provide DMU service on the same MOS alignments described above for the Light Rail Alternative.

#### V. Probable Effects

FTA and HRT will evaluate all social, economic, and environmental impacts of the No-Build, TSM, and MOS 3 and MOS 4B for light rail and diesel multiple unit rail technologies. Potential impacts could include land use, zoning, and economic development; secondary development; cumulative impacts; land acquisition, displacements and relocation of existing uses; historic, archaeological and cultural resources; parklands and recreation areas; visual and aesthetic qualities; neighborhoods and environmental justice; air quality; noise and vibration; contaminated materials; ecosystems; water resources; Coastal Zone Management; energy; construction impacts; safety and security; finance; and transportation impacts. The impacts will be evaluated both for the construction period and for the long-term period of operation of each alternative. Measures to avoid, minimize or mitigate any significant adverse impacts will be identified. The cumulative impacts of the proposed action and other reasonably foreseeable actions affecting the same resources as the proposed action will be considered.

FTA and HRT invite comments on the scope of the EIS to ensure that the full range of issues and concerns of the

public, interested parties, and federal, state, and local agencies are addressed. Comments should be directed to the parties listed in the **ADDRESSES** section above within the time frame set forth in the **DATES** section above.

#### VI. FTA Procedures

In accordance with the FTA regulation on environmental impact regulations and related procedures (23 CFR part 771), the draft EIS will evaluate the social, economic, and environmental impacts of the proposed action and alternatives. Upon completion, the draft EIS will be available for public and agency review and comment. Public hearing(s) will be held within the study area. On the basis of the draft EIS and the public and agency comments received on it, a preferred alternative will be selected for further detailed analysis in the final EIS.

Issued on: April 20, 2004.

**Herman C. Shipman,**

*FTA Acting Regional Administrator.*

[FR Doc. 04-9389 Filed 4-23-04; 8:45 am]

**BILLING CODE 4910-57-P**

### DEPARTMENT OF TRANSPORTATION

#### Surface Transportation Board

[STB Finance Docket No. 34494]

#### The Burlington Northern and Santa Fe Railway Company—Temporary Trackage Rights Exemption—Union Pacific Railroad Company

Union Pacific Railroad Company (UP) has agreed to grant temporary overhead trackage rights to The Burlington Northern and Santa Fe Railway Company (BNSF) over UP's Falls City Subdivision between Kansas City, MO, and Falls City, NE., a distance of approximately 98 miles.

The transaction was scheduled to be consummated on April 14, 2004, and the authorization is expected to expire on or about May 14, 2004. The purpose of the temporary trackage rights is to allow BNSF to bridge its train service while its main lines are out-of-service due to certain programmed maintenance.

As a condition to this exemption, any employee affected by the acquisition of the temporary 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), and, in accordance with the decision of the United States Court of Appeals for the District of Columbia

Circuit in *United Transportation Union—General Committee of Adjustment (GO-386) v. Surface Transportation Board*, No. 03-1212, 2004 U.S. App. LEXIS 6496 (D.C. Cir. Apr. 6, 2004), any employee affected by the discontinuance of those trackage rights will be protected by the conditions set out in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

This notice is filed under 49 CFR 1180.2(d)(8). If it 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. 34494, must be filed with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Michael E. Roper, P.O. Box 961039, Fort Worth, TX 76161-0039.

Board decisions and notices are available on our Web site at [www.stb.dot.gov](http://www.stb.dot.gov).

Decided: April 19, 2004.

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

**Vernon A. Williams,**

*Secretary.*

[FR Doc. 04-9253 Filed 4-23-04; 8:45 am]

**BILLING CODE 4915-01-P**

### DEPARTMENT OF TRANSPORTATION

#### Surface Transportation Board

[STB Docket No. AB-6 (Sub-No. 410X)]

#### The Burlington Northern and Santa Fe Railway Company—Abandonment Exemption—in Thurston County, WA

The Burlington Northern and Santa Fe Railway (BNSF) has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon and discontinue service over a 5.80-mile line of railroad between milepost 3.27 in Quadlock and milepost 9.07 in Olympia, in Thurston County, WA. The line traverses United States Postal Service Zip Codes 98501, 98503, 98513 and 98516.

BNSF has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic to be rerouted; (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 and discontinuance shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed. Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on May 26, 2004, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,<sup>1</sup> formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),<sup>2</sup> and trail use/rail banking requests under 49 CFR 1152.29 must be filed by May 6, 2004.<sup>3</sup> Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by May 17, 2004, with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423–0001.<sup>4</sup>

A copy of any petition filed with the Board should be sent to BNSF's representative: Michael Smith, Freeborn & Peters, 311 S. Wacker Dr., Suite 3000, Chicago, IL 60606–6677.

<sup>1</sup> The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis (SEA) in its independent investigation) cannot be made before the exemption's effective date. See *Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

<sup>2</sup> Each offer of financial assistance must be accompanied by the filing fee, which currently is set at \$1,100. See 49 CFR 1002.2(f)(25).

<sup>3</sup> The City of Lacey and the City of Olympia (Cities) filed a request for imposition of a public use condition and for issuance of a notice of interim trail use for a portion of the line from milepost 3.27 at Quadlock near Union Mills Road, to milepost 6.73 near Fones Road in Olympia, a distance of 3.46 miles, pursuant to section 8(d) of the National Trails System Act, 16 U.S.C. 1247(d). The Board will address the Cities' public use and trail use requests, and any others that may be filed, in a subsequent decision.

<sup>4</sup> Each trail use request and public use request must be accompanied by the filing fee, which is set at \$150.00. See 49 CFR 1002.2(f)(27). These fees are scheduled to increase to \$200.00, effective April 28, 2004.

If the verified notice contains false or misleading information, the exemption is void *ab initio*.

BNSF has filed an environmental report which addresses the effects, if any, of the abandonment and discontinuance on the environment and historic resources. SEA will issue an environmental assessment (EA) by April 30, 2004. Interested persons may obtain a copy of the EA by writing to SEA (Room 500, Surface Transportation Board, Washington, DC 20423–0001) or by calling SEA, at (202) 565–1539. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1–800–877–8339.] Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), BNSF shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned its line. If consummation has not been effected by BNSF's filing of a notice of consummation by April 26, 2005, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

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

Decided: April 19, 2004.

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

**Vernon A. Williams,**  
Secretary.

[FR Doc. 04–9251 Filed 4–23–04; 8:45 am]

**BILLING CODE 4915–01–P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Docket No. AB 6 (Sub–No. 411X)]

#### The Burlington Northern and Santa Fe Railway Company—Abandonment Exemption—in Lawrence County, AR

The Burlington Northern and Santa Fe Railway Company (BNSF) has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon and discontinue service over a 4.50-mile line of railroad between milepost 397.78 in Hoxie, and milepost 402.28, in Walport, and the 2.20-mile Walnut Ridge Industrial Spur, a total distance of 6.70 miles, in Lawrence

County, AR. The line traverses United States Postal Service Zip Codes 72433 and 72476.

BNSF has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic to be rerouted; (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 1105.50(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 *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed. Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on May 26, 2004, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,<sup>1</sup> formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),<sup>2</sup> and trail use/rail banking requests under 49 CFR 1152.29 must be filed by May 6, 2004. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by May 17, 2004, with: Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423–0001.<sup>3</sup>

A copy of any petition filed with the Board should be sent to the applicant's representative: Michael Smith, Freeborn

<sup>1</sup> The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis (SEA) in its independent investigation) cannot be made before the exemption's effective date. See *Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

<sup>2</sup> Each OFA must be accompanied by the filing fee, which currently is set at \$1,100. See 49 CFR 1102.2(f)(25).

<sup>3</sup> Each trail use request and public use request must be accompanied by the filing fee, which is set at \$150.00. See 49 CFR 1002.2(f)(27). These fees are scheduled to increase to \$200.00, effective April 28, 2004.