

Water Act, Executive Order 12898 regarding environmental justice, the National Historic Preservation Act, the Endangered Species Act, and section 4(f) of the DOT Act, will be addressed to the maximum extent practicable during the NEPA process. In addition, the MPO may seek section 5309 New Starts funding for the project and will therefore be subject to the FTA New Starts regulation (49 CFR part 611). This New Starts regulation requires the submission of certain specified information to FTA to support a request to initiate preliminary engineering, which is normally done in conjunction with the NEPA process.

After the scoping process, the MPO will conduct a planning Alternatives Analysis to decide what transportation improvements in the Southeast Corridor should be incorporated into its regional transportation plan. The planning Alternatives Analysis will examine alignments, technologies, station locations, cost, funding, ridership, economic development, land use, engineering feasibility, and environmental concerns. The Draft EIS will incorporate the planning Alternatives Analysis by reference and evaluate the surviving alternatives in detail. After its publication, the Draft EIS will be available for public and agency review and comment, and public hearings will be held on the Draft EIS. The Final EIS will consider comments received during the Draft EIS public review and will identify the preferred alternative. Additional opportunities for public involvement will be provided throughout all phases of project development.

Issued on: June 28, 2004.

**Hiram J. Walker,**

*Regional Administrator.*

[FR Doc. 04-15054 Filed 7-1-04; 8:45 am]

**BILLING CODE 4910-57-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Ex Parte No. 646]

#### Rail Rate Challenges in Small Cases

**AGENCY:** Surface Transportation Board.

**ACTION:** Notice of public hearing.

**SUMMARY:** The Surface Transportation Board will hold a public hearing on Wednesday, July 21, 2004, at its offices in Washington, DC, to provide interested persons an opportunity to express their views on the subject of Board processing of rail rate challenges that are not suitable for handling under

the Board's constrained market pricing procedures. Persons wishing to speak at the hearing should notify the Board in writing.

**DATES:** The public hearing will take place on Wednesday, July 21, 2004. Any person wishing to speak at the hearing should file with the Board a written notice of intent to participate, and should indicate a requested time allotment, as soon as possible but no later than July 9, 2004. Each speaker should also file with the Board his/her written testimony by July 16, 2004.

**ADDRESSES:** All notices of intent to participate and testimony may be submitted either via the Board's e-filing format or in the traditional paper format. Any person using e-filing should comply with the instructions found on the Board's <http://www.stb.dot.gov> Web site, at the "E-FILING" link. Any person submitting a filing in the traditional paper format should send an original and 10 paper copies of the filing (referring to STB Ex Parte No. 646) to: Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001.

**FOR FURTHER INFORMATION CONTACT:** Joseph H. Dettmar, (202) 565-1609. (Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at: (800) 877-8339.)

**SUPPLEMENTARY INFORMATION:** The Board will hold a public hearing to provide a forum for the expression of views by rail shippers, railroads, and other interested persons, regarding rail rate challenges in small cases to be considered by the Board. This hearing will provide a forum for the oral discussion of any proposals that interested persons might wish to offer for handling small cases involving a challenge to the reasonableness of rates charged by a rail carrier. The Board is also interested in participants' views on how "small rate cases" should be defined or identified.

**Date of Hearing.** The hearing will begin at 10 a.m. on Wednesday, July 21, 2004, in the 7th floor hearing room at the Board's headquarters in Washington, DC, and will continue, with short breaks if necessary, until every person scheduled to speak has been heard.

**Notice of Intent To Participate.** Any person wishing to speak at the hearing should file a notice of intent to participate and a requested time allotment, as soon as possible but no later than July 9, 2004.

**Testimony.** Each speaker should file written testimony with the Board by July 16, 2004.

**Board Releases and Live Audio Available Via the Internet.** Decisions

and notices of the Board, including this notice, are available on the Board's Web site at <http://www.stb.dot.gov>. This hearing will be available on the Board's Web site by live audio streaming. To access the hearing, click on the "Live Audio" link under "Information Center" at the left side of the home page beginning at 10 a.m. on July 21, 2004.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

Dated: June 29, 2004.

**Vernon A. Williams,**

*Secretary.*

[FR Doc. 04-15094 Filed 7-1-04; 8:45 am]

**BILLING CODE 4915-01-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Docket No. AB-6 (Sub-No. 422X)]

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

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 0.99-mile line of railroad between milepost 38.01 and milepost 39.00 in Snohomish, Snohomish County, WA. The line traverses United States Postal Service Zip Code 98290.<sup>1</sup>

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 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.

<sup>1</sup> Pursuant to 49 CFR 1152.50(d)(2), the railroad must file a verified notice with the Board at least 50 days before the abandonment or discontinuance is to be consummated. The applicant initially indicated a proposed consummation date of August 2, 2004, but because the verified notice was filed on June 15, 2004, consummation may not take place prior to August 4, 2004. By facsimile filed on June 18, 2004, applicant's representative confirmed that the consummation date will be August 4, 2004.

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 August 4, 2004, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,<sup>2</sup> formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),<sup>3</sup> and trail use/rail banking requests under 49 CFR 1152.29 must be filed by July 12, 2004. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by July 22, 2004, with: 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 applicant's representative: Michael Smith, Freeborn & Peters, 311 S. Wacker Dr., Suite 3000, Chicago, IL 60606-6677.

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

BNSF has filed an environmental report which addresses the abandonment's effects, if any, on the environment or historic resources. SEA will issue an environmental assessment (EA) by July 9, 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

<sup>2</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>3</sup> Each OFA must be accompanied by the filing fee, which currently is set at \$1,100. See 49 CFR 1002.2(f)(25).

<sup>4</sup> Each trail use request must be accompanied by the filing fee, which is set at \$200. See 49 CFR 1002.2(f)(27).

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 the line. If consummation has not been effected by BNSF's filing of a notice of consummation by July 2, 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: June 23, 2004.

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

**Vernon A. Williams,**  
Secretary.

[FR Doc. 04-14682 Filed 7-1-04; 8:45 am]

**BILLING CODE 4915-01-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Docket No. AB-6 (Sub-No. 421X)]

#### The Burlington Northern and Santa Fe Railway Company-Abandonment Exemption-in Crow Wing County, MN

On June 14, 2004, the Burlington Northern and Santa Fe Railway Company (BNSF) filed with the Surface Transportation Board a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903 to abandon a 1.60-mile line of railroad extending from milepost 0.00 to milepost 1.60 in and near Brainerd, in Crow Wing County, MN. The line traverses United States Postal Service ZIP Code 56401.

The line does not contain federally granted rights-of-way. Any documentation in BNSF's possession will be made available promptly to those requesting it.

The interest of railroad employees will be protected by the conditions set forth in *Oregon Short Line R. Co.—Abandonment-Goshen*, 360 I.C.C. 91 (1979).

By issuing this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by October 1, 2004.

Any offer of financial assistance (OFA) will be due no later than 10 days after service of a decision granting the petition for exemption. See 49 CFR 1152.27(b)(2). Each OFA must be accompanied by a \$1,100 filing fee. See 49 CFR 1002.2(f)(25).

All interested persons should be aware that, following abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use. Any request for a public use condition under 49 CFR 1152.28 or for trail use/rail banking under 49 CFR 1152.29 will be due no later than July 22, 2004. Each trail use request must be accompanied by a \$200 filing fee. See 49 CFR 1002.2(f)(27).

All filings in response to this notice must refer to STB Docket No. AB-6 (Sub-No. 421X) and must be sent to: (1) Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001; and (2) Michael Smith, 311 S. Wacker Drive, Suite 3000, Chicago, IL 60606-6677. Replies to the BNSF petition are due on or before July 22, 2004.

Persons seeking further information concerning abandonment procedures may contact the Board's Office of Public Services at (202) 565-1592 or refer to the full abandonment or discontinuance regulations at 49 CFR part 1152.

Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis (SEA) at (202) 565-1539. (Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339.)

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary), prepared by SEA, will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Other interested persons may contact SEA to obtain a copy of the EA (or EIS). EAs in these abandonment proceedings normally will be made available within 60 days after the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

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

Decided: June 24, 2004.

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

**Vernon A. Williams,**  
Secretary.

[FR Doc. 04-14964 Filed 7-1-04; 8:45 am]

**BILLING CODE 4915-01-P**