

location for cars being moved from one yard to the other. They base their opinion on the multi-factor analysis as presented in the preamble to the Power Brake Regulations published in the **Federal Register**, January 17, 2001. See 66 FR 4148. BNSF believes all of the moves between the two yards are switching moves.

Based on FRA's ruling, BNSF is requesting that a waiver be granted for cars moving from Old South Yard to New South Yard without performing an air brake test, to facilitate the movement of cars through this already congested area. BNSF claims they have been operating within and between the yards since 1998, using only the locomotive's brakes to control the movement. In addition to moving cars between the two yards, the main track is often used while switching service is occurring within each yard, due to the small size of the yards. BNSF does not believe that there are any inherent safety risks or additional costs involved if the petition is granted.

Interested parties are invited to submit written comments to FRA. All written communications concerning this petition should identify the appropriate docket number (e.g., Docket Number FRA-2004-19949) and must be submitted in triplicate to the Associate Administrator for Safety, Federal Railroad Administration, 400 7th Street, SW., Washington, DC 20590-0001. Comments received within 30 days of the date of this notice will be considered by FRA before any final action is taken. Although FRA does not anticipate scheduling a public hearing in connection with these proceedings, if any interested party desires an opportunity for oral comment, they should notify FRA in writing before the end of the comment period and specify the basis for their request. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.-5 p.m.) at the Central Docket Management Facility, Room PL-401 (Plaza Level), 400 7th Street, SW., Washington, DC 20590. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site <http://dms.dot.gov>. 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) at <http://dms.dot.gov>.

Issued in Washington, DC on June 13, 2005.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received a request for a waiver of compliance with certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

Hillsborough Area Regional Transit

(Renewal With Amendment to Waiver Petition Docket Number FRA-2002-13398)

Hillsborough Area Regional Transit (HARTLine), located in Tampa, Florida, seeks renewal, with amendment, of the conditions of its permanent waiver of compliance from Title 49 of the CFR for continued operation of its TECO Line streetcar system at a "limited connection" with the CSXT Railroad. See Statement of Agency Policy Concerning Jurisdiction Over the Safety of Railroad Passenger Operations and Waivers Related to Shared Use of the Tracks of the General Railroad System by Light Rail and Conventional Equipment, 65 FR 42529 (July 10, 2000); see also Joint Statement of Agency Policy Concerning Shared Use of the Tracks of the General Railroad System by Conventional Railroads and Light Rail Transit Systems, 65 FR 42626 (July 10, 2000).

In September 2004 the FRA Railroad Safety Board granted an extension of HARTLine's original waiver and its conditions for a period of eight months. HARTLine is now notifying the FRA of some modifications to its operating plan and equipment, and is requesting a permanent waiver of compliance, to include these modifications.

Based on the foregoing and with some modifications, HARTLine is seeking to renew its existing waiver of compliance from the provisions of the Code of Federal Regulations, 49 CFR part 219-

Control of Alcohol and Drug Use, 49 CFR part 223 Safety Glazing Standards, and 49 CFR part 238-Passenger Equipment Safety Standards.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communication concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number FRA-2002-13398) and must be submitted to the Docket Clerk, DOT Docket Management Facility, Room PL-401 (Plaza Level), 400 7th Street, SW., Washington, DC 20590. Communications received within 30 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.-5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at <http://dms.dot.gov>.

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petition for Waiver of Compliance

In accordance with part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) has received a request for a waiver of compliance with certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

Union Pacific Railroad*(Docket Number FRA-2005-21241)*

The Union Pacific Railroad (UP) seeks a permanent waiver of compliance from *Control of Alcohol and Drug Use*, 49 CFR 219.601(b)(1)(2), which requires every covered employee subject to random testing to have "a substantially equal statistical chance of being selected within a specified time frame." At UP's current random testing rate of 50 percent, the drug and alcohol positive rates for each of its 25 testing pools range from 2.9 percent to 0.0 percent. UP seeks permission to increase or decrease the random testing rate for each employee testing pool in accordance with that pool's previous positive rate to allow it to devote testing resources to where they are most needed. In no case would UP establish a pool's random testing rate below FRA's minimum annual testing rates, which for 2005, are 25 percent for drugs and 10 percent for alcohol.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number FRA-2005-21241) and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, Room PL-401, Washington, DC 20590-0001. Communications received within 30 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.-5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at <http://dms.dot.gov>.

FRA wishes to inform all potential commenters that 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>.

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DEPARTMENT OF TRANSPORTATION**Federal Transit Administration**

Environmental Impact Statement for Improved Transportation Access Between Lower Manhattan, Jamaica Station, and John F. Kennedy International Airport (JFK), New York

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The FTA, in cooperation with the Metropolitan Transportation Authority (MTA), the Port Authority of New York & New Jersey (PANYNJ) and the Lower Manhattan Development Corporation (LMDC), and supported by the New York City Economic Development Corporation (NYCEDC), will prepare an Environmental Impact Statement (EIS) to evaluate alternatives that provide improved commuter and airport access connecting Lower Manhattan with the Long Island Rail Road (LIRR) Jamaica Station in Queens and with JFK International Airport. The project sponsors, MTA, PANYNJ, LMDC and NYCEDC, are undertaking a New Starts Alternatives Analysis (AA) concurrently with the EIS.

The FTA is the lead federal agency under the National Environmental Policy Act of 1969 (NEPA). The EIS will be prepared in accordance with NEPA and the regulations implementing NEPA set forth in 23 CFR part 771 and 40 CFR parts 1500-1508. As co-sponsors of the proposed project, MTA, PANYNJ, LMDC and NYCEDC will ensure that the EIS and the environmental review process will also satisfy the requirements of the New York State Environmental Quality Review Act (SEQRA).

The EIS will evaluate one or more Build Alternatives, a No Action Alternative, and a Transportation System Management (TSM) Alternative. The scoping process for the EIS will include an analysis and screening of all feasible rail and non-rail based transportation alternatives that will

improve travel in the corridor between the Lower Manhattan, Jamaica and JFK Airport travel hubs. The project sponsors may designate a "locally preferred alternative" either prior to the preparation of the Draft EIS if a clear choice emerges from the screening analysis, or following public circulation of the Draft EIS.

Scoping will be accomplished through meetings and correspondence with interested persons, organizations, and Federal, State, regional, and local agencies. FTA, MTA, PANYNJ, and LMDC, supported by NYCEDC, seek public and interagency input on the scope of the EIS for this project including the alternatives to be considered and the environmental and community impacts to be evaluated.

DATES: The public is invited to participate in project scoping meetings on July 18, July 19 and July 20 at the locations identified under **ADDRESSES**. On July 18, the project sponsors will hold an information session at 2 p.m., followed by a formal presentation by the project sponsors at 4 p.m. and 6 p.m. On July 19 and July 20, information sessions will be held at 4 p.m. and formal presentations will be made at 6 p.m.

At the scoping meetings, the sponsors will display conceptual project information on poster boards for public review. Project staff will be available for informal questions and comments during the information sessions. Those wishing to make formal comments are requested to register at the meeting location before 7 p.m. A Scoping Document has been prepared and will be available at the scoping meetings or by contacting the Project Manager identified under **ADDRESSES**.

Written comments on the scope of the EIS should be sent to the Mr. Chris Bastian, MTA Project Manager, by September 15th, 2005 at the address given under **ADDRESSES**.

ADDRESSES: The public scoping meetings will be held:

- Monday, July 18th, 2005 at 2 Broadway, 20th Floor Conference Room, Manhattan (at Bowling Green)
- Tuesday, July 19th, 2005 at Brooklyn Borough Hall, 209 Joralemon Street, Brooklyn
- Wednesday, July 20th, 2005 at 94-20 Guy R. Brewer Blvd, York College of the City University of New York, Jamaica Queens

The scoping meeting sites are accessible to mobility-impaired people and interpreter services will be provided for hearing-impaired upon request. Written comments will be taken at the meeting or may be sent to the