

with the applicable requirements. This determination is effective on July 8, 2005. FAA's determination on an airport operator's noise exposure maps is limited to a finding that the maps were developed in accordance with the procedures contained in appendix A of FAR part 150. Such determination does not constitute approval of the applicant's data, information or plans, or a commitment to approve a noise compatibility program or to fund the implementation of that program.

If questions arise concerning the precise relationship of specific properties to noise exposure contours depicted on a noise exposure map submitted under section 103 of the Act, it should be noted that the FAA is not involved in any way in determining the relative locations of specific properties with regard to the depicted noise contours, or in interpreting the noise exposure maps to resolve questions concerning, for example, which properties should be covered by the provisions of section 107 of the Act. These functions are inseparable from the ultimate land use control and planning responsibilities of local government. These local responsibilities are not changed in any way under part 150 or through FAA's review of noise exposure maps. Therefore, the responsibility for the detailed overlaying of noise exposure contours onto the map depicting properties on the surface rests exclusively with the airport operator, which submitted these maps, or with those public agencies and planning agencies with which consultation is required under section 103 of the Act. The FAA has relied on the certification by the airport operator, which under section 150.21 of FAR part 150, that the statutorily required consultation has been accomplished.

The FAA has formally received the noise compatibility program for Albany International Airport, effective on July 8, 2005. Preliminary review of the submitted material indicated that it conforms to the requirements for the submittal of noise compatibility programs, but that further review will be necessary prior to approval or disapproval of the program. The formal review period, limited by law to a maximum of 180 days, will be completed on or before January 4, 2006.

The FAA's detailed evaluation will be conducted under the provision of 14 CFR part 150, section 150.33. The primary considerations in the evaluation process are whether the proposed measures may reduce the level of aviation safety, create an undue burden on interstate or foreign commerce, or be reasonably consistent

with obtaining the goal of reducing existing non-compatible land used and preventing the introduction of additional non-compatible land uses.

Interested persons are invited to comment on the proposed program with specific reference to these factors, all comments, other than those properly addressed to local land use authorities, will be considered by the FAA to the extent practicable. Copies of the noise exposure maps and the proposed noise compatibility program are available for examination at the following locations:

Federal Aviation Administration,  
New York Airports District Office, 600  
Old Country Road, Suite 440, Garden  
City, NY 11530.

Albany International Airport,  
Administration Building, Suite 200,  
Albany, NY 12211-1057.

Questions may be directed to the individual named above under the heading **FOR FURTHER INFORMATION CONTACT**.

Issued in Garden City, New York, July 8, 2005.

**Philip Brito,**

*Manager, New York Airports District.*

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**BILLING CODE 4910-13-M**

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Environmental Impact Statement: Polk County, IA

**AGENCY:** Federal Highway Administration (FHWA), DOT, City of Des Moines.

**SUMMARY:** The FHWA is issuing this notice to advise the public that an environmental impact statement (EIS) will be prepared for a proposed roadway project in Polk County, Iowa. The planned EIS will evaluate potential transportation improvement alternatives for serving east-west travel between downtown Des Moines and the Highway 65 outer beltway.

**FOR FURTHER INFORMATION CONTACT:**

Phillip E. Barnes, P.E., Division Administrator, Federal Highway Administration, 105 Sixth Street, Ames, Iowa 50010-6337, Phone: (515) 233-7300. Scott Dockstader, P.E., District Engineer, Iowa Department of Transportation, 1020 S. Fourth Street, Ames, Iowa 50010, Phone: (515) 239-1635. Jeb Brewer, P.E., City Engineer, City of Des Moines, 400 Robert D. Ray Drive, Des Moines, Iowa 50309-1891, Phone: (515) 237-2113.

**SUPPLEMENTARY INFORMATION:**

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User assistance for the FBB is available from 7 a.m. until 5 p.m., Eastern Time, Monday through Friday (except federal holidays) by calling the GPO Office of Electronic Information Dissemination Services at 202-512-1530, toll-free at 888-293-6498; sending an e-mail to [gpoaccess@gpo.gov](mailto:gpoaccess@gpo.gov); or sending a fax to 202-512-1262.

Access to this notice is also available to Internet users through the **Federal Register's** home page at <http://www.nara.gov/fedreg>.

### Background

The FHWA, in cooperation with the City of Des Moines and the Iowa Department of Transportation will prepare an Environmental Impact Statement (EIS) for the Southeast Connector urban arterial street corridor from Southeast 14th Street to its planned connection to Highway 65, all in southeasterly Des Moines.

The proposed project is intended to directly connect the primarily industrial southeast quadrant of Des Moines to both the Highway 65 outer beltway and downtown via the Martin Luther King Jr. Parkway Extension over the Des Moines River. The increased connectivity will lead to economic development opportunities in the southeast area of the city, including a planned agribusiness park and improved access for redeveloped areas. Other potential benefits include improving regional mobility, addressing local road system deficiencies, improving access to jobs, improving safety, and improving traffic operations. Primary environmental resources that may be affected include numerous known and potential hazardous waste generating sites, floodplains, wetlands, and agricultural land. The surrounding

area also contains stable and cohesive populations of minority and low-income residents, which will lead to the consideration of environmental justice impacts.

Alternatives under consideration include the no action, transportation system management (TSM)/travel demand management (TDM), new arterial roadway, existing arterial improvement, and transit alternatives. The mode, project type, location, and length of the alternatives evaluated will be identified based on the results of alternative studies.

The scoping process undertaken as part of this proposed project will include distribution of a scoping information packet, coordination with appropriate Federal, State and local agencies, including an agency scoping meeting to be held on September 7, 2005, at 1 p.m. at the St. Etienne Conference Room in the Armory Building at 602 Robert D. Ray Drive, Des Moines, Iowa 50309. A study group comprised of local officials, environmental organizations, and other community interest groups has been established to provide input during the development of the purpose and need and alternative analyses.

To help ensure that a full range of issues related to this proposed project are identified and all substantive issues are addressed, a comprehensive public involvement program has been devised. It includes meetings with advisory committees, resource agencies, local officials, and interest groups; public informational meetings and workshops; newsletters; and focus groups. Public notice will be given of the time and place of all public meetings and the public hearing. The Draft EIS will be available for public review and comments and suggestions are invited from all interested parties.

Comments or questions concerning this proposed project and the EIS should be directed to the FHWA, Iowa Department of Transportation, or City of Des Moines at the addresses provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program)  
(Authority: 23 U.S.C. 315; 49 CFR 1.48)

Dated: June 15, 2005.

**Gerald L. Kennedy,**

*Acting Division Administrator, FHWA, Iowa Division.*

[FR Doc. 05-14377 Filed 7-20-05; 8:45 am]

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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.

#### Burlington Northern Santa Fe (BNSF) Railway Company

[Docket Number FRA-2005-21359]

Burlington Northern Santa Fe (BNSF) Railway Company seeks a waiver of compliance from certain provisions of Title 49 of the CFR, part 213, Track Safety Standards. Specifically, BNSF seeks relief from the requirements of Section 213.121-Rail Joints, which prescribe the requirements for rail joints, including standard joints, insulated joints (IJ), and compromise joints.

BNSF, in conjunction with Omega Industries of Vancouver, WA, is developing a new generation of IJ, and seeks a waiver in order to permit field testing of this new design. This new design differs from typical accepted IJ construction because it does not utilize a continuous angle bar. Instead, the design calls for the running rail on each side being attached to a large interlocking bearing and shaft that is cast into an H-shaped concrete tie that uniformly distributes loads to the ballast. The principal advantage of this design is that it provides for a large bearing surface that uses the entire rail base resting on conventional concrete tie pads to distribute vertical loading. The manufacturer and BNSF offer other advantages of such a design to include: Delrin plastic in place of a traditional fiberglass endpost, vertical movement is further restricted by a vertically positioned bolt system, no need for messy and toxic epoxy/glue substances, rails can easily be replaced without removing the joint, allowing correction of a rail failure without necessarily replacing the entire IJ.

BNSF Railway Company offers the following testing plan:

1. The initial IJ will be installed in a yard location (FRA Class 1 speed) on a non-signalized track segment. Any design, construction, or installation shortcomings (in this case, current

leakage from one rail to the next rail) will not result in a signal failure. This phase one test will remain in track for six months prior to moving to the next test phase.

*Monitoring*—During this test phase, the IJ will be monitored for rail movement (all three directions) and current isolation. If the IJ restrains the rail movement and current does not pass from one rail to the next rail, the next test phase will be initiated. This first test IJ will be left in the yard track and will continue to be monitored after the initial six-month period. The IJ will remain in-track until it fails, or if it performs successfully in service for a minimum of one year, BNSF and Omega may option to move it to a signalized track segment in FRA Class 1 or 2 track.

2. A second IJ will be installed in a Class 1 speed main track at a location that has a signal requirement. This test IJ will remain in track for a minimum of six months prior to moving to a third test phase.

*Monitoring*—During this test phase the IJ will be monitored for rail movement (all three directions) and current isolation. If the IJ restrains the rail movement and current does not pass from one rail to the next rail, then the IJ would be graduated to the next test phase. This second IJ will remain in track and continue to be monitored after the initial minimum six-month period.

3. A third IJ will be installed after successful completion of the first phase and second phase tests. The third phase test will be conducted at a signal location in Class 2 speed track. This test IJ will remain in track until the joint fails. If the third phase test joint exceeds what is deemed the average life of conventional insulated joints, currently approximately 250-350 MGT, BNSF and Omega will propose the installation of additional joints. When the test IJ are removed from track due to failure, they will be sent back to the manufacturer for examination to determine the cause of the failure.

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-2005-21359) and must be submitted to the