

**Authority:** 23 U.S.C. 315, 23 CFR 771.123.

Issued on: September 20, 2001.

**Douglas P. Conlan,**

*District Engineer, Federal Highway Administration, Albany, New York.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Environmental Impact Statement: Napa and Solano Counties, CA

**AGENCY:** Federal Highway Administration (FHWA); DOT.

**ACTION:** Notice of intent.

**SUMMARY:** The FHWA is issuing this notice to advise the public that an Environmental Impact Statement will be prepared for a proposed highway project in Napa and Solano Counties, California.

**FOR FURTHER INFORMATION CONTACT:** Mr. Bill Wong, Acting Team Leader, Project Delivery Team, Federal Highway Administration, 980 9th Street, Sacramento, California 95814-2724, Telephone: (916) 498-5042.

**SUPPLEMENTARY INFORMATION:** The FHWA, in cooperation with the California Department of Transportation (Caltrans), will prepare an Environmental Impact Statement (EIS) for a proposal to convert an existing two-lane conventional highway into a four-lane divided expressway from the intersection with state Route 29 south of the City of Napa (Napa County) to a point 0.3 kilometer (0.2 mile) west of Interstate 80 in the City of Fairfield (Solano County). The existing highway, State Route 12, is a major east-west link in the interregional road system of the northern Bay Area. The section of highway under consideration is 9.5 kilometers (5.9 miles) long.

FHWA considers it necessary to increase capacity of this highway to provide for existing and projected traffic demand. The existing facility currently operates at full capacity during commute hours and other high-demand hours. By the year 2025, peak period volume is expected to double.

Alternatives currently under consideration are: (1) taking no action; (2) construct a parallel alignment north of the existing roadway to be used for westbound traffic and correct the existing roadway alignment and use it for eastbound traffic; (3) construct a parallel alignment south of the existing roadway to be used for eastbound traffic and correct the existing roadway alignment and use it for westbound

traffic; and (4) construct AN alignment that closely follows the existing alignment, with the additional roadway constructed to the north in some sections and the south in some sections, depending on the terrain. Incorporated into and studied with the various build alternatives will be design variations of grade and alignment.

Letters describing the proposed action and soliciting comments will be sent to appropriate federal, state, and local agencies and to private organizations and citizens who have previously expressed or are known to be interested in this proposal. Public scoping meetings will be held in Napa County and in Solano County in October and November 2001. Public notice will be given of the time and place of the scoping meetings. After the draft EIS has been completed, a public hearing will be held. The draft EIS will be available for public and agency review before the public hearing, and public notice will be given of the time and place of the hearing.

To ensure that the full range of issues related to this proposed action is addressed and that all significant issues are identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

Issued on: September 20, 2001.

**Dennis A. Scovill,**

*Team Leader, Planning, Finance, Environment, and Right-of-Way, Sacramento, California.*

[FR Doc. 01-25109 Filed 10-5-01; 8:45 am]

**BILLING CODE 4910-22-M**

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Environmental Impact Statement: Tucker County, WV

**AGENCY:** Federal Highway Administration (FHWA), DOT

**ACTION:** Revised notice of intent.

**SUMMARY:** On May 2, 2000, the FHWA issued an NOI to advise the public that a Supplemental Environmental Impact Statement (SEIS) would be prepared for the Blackwater Avoidance area of the Thomas-to-Davis portion of the Parsons-to-Davis project of the proposed Appalachian Corridor H highway in Tucker County, West Virginia. This purpose of this revised NOI is to advise the public that the limits of the study area for the SEIS will be expanded to

include the entire Parsons-to-Davis project. Expansion of the study area is required due to new information obtained during Endangered Species Act, Section 7 consultation regarding a federally listed, endangered species; the Northern Flying Squirrel (*Glaucomys sabrinus fuscus*).

#### FOR FURTHER INFORMATION CONTACT:

Henry E. Compton, Division Environmental Coordinator, Federal Highway Administration, West Virginia Division, Geary Plaza, Suite 200, 700 Washington Street East, Charleston, West Virginia, 25301, Telephone: (304) 347-5268

**SUPPLEMENTARY INFORMATION:** In accordance with a court approved settlement agreement, the FHWA published an NOI on May 2, 2000, that indicated the FHWA, in cooperation with the West Virginia Department of Transportation (WVDOT), would prepare an SEIS to examine one or more potential alignment shifts for the Thomas-to-Davis portion of the Parsons-to-Davis project of the proposed Appalachian Corridor H highway in Tucker County, West Virginia. A Record of Decision (ROD) for the entire Appalachian Corridor H highway (FHWA-WV-EIS-92-01-F) from Aggregates to the WV/VA state line, a distance of approximately 100 miles, was approved on August 2, 1996.

During Endangered Species Act, Section 7 consultation with the United States Fish and Wildlife Service, populations of the federally listed, endangered, Northern Flying Squirrel (*Glaucomys sabrinus fuscus*) were found within the current study limits of the Parsons-to-Davis project. Due to this discovery, it was determined that in order to review a full range of potential alignments that may avoid the newly discovered populations, the study limits of the SEIS must be expanded to include the entire Parsons-to-Davis project.

The proposed Parsons-to-Davis project will provide a divided four-lane, partially controlled access highway on new location for a distance of approximately 9 miles. The purpose of this project is to provide safe and efficient travel between population centers in Tucker County (Parsons Area and Thomas/Davis Area), while also contributing to the completion of Corridor H in West Virginia.

Alternates under consideration in the SEIS will be: (1) The no-action alternative, (2) the preferred alternative that was approved in the 1996 ROD, and (2) one or more alternatives that avoid the Blackwater Area, as identified in Exhibit 4 of the court approved Corridor H Settlement Agreement. Based on

preliminary studies, it is expected that the avoidance alternatives considered in the SEIS will include one or more alignments that would shift the project to the north, resulting in additional connections to US 219, WV Route 32, and WV Route 93 in the vicinity of the towns of Thomas and Davis.

Letters describing the proposed action and soliciting comments will be sent to appropriate federal, state, and local agencies, and to private organizations and citizens who have expressed or are known to have an interest in this proposal.

To ensure the full range of issues related to the proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued on: September 27, 2001.

**Henry E. Compton,**

*Environmental Coordinator, Charleston, West Virginia.*

[FR Doc. 01-25112 Filed 10-5-01; 8:45 am]

**BILLING CODE 4910-22-M**

## 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 favour of relief.

#### Finger Lakes Railway Corporation

[Docket Number FRA-2001-10215]

The Finger Lakes Railway Corporation seeks a waiver of compliance from the requirements of the Safety Glazing Standards-Passenger Car, 49 CFR 223.15, which requires all windows be FRA certified Glazing and a minimum of four emergency windows. The petitioner requests the waiver for four cars recently purchased from Via Rail

Canada, Inc. The coaches were built between 1954 and 1956, and were equipped with tempered glazing which met the Canadian glazing requirements. The coaches would be utilized in charter service in the rural Finger Lakes Region of New York State. Finger Lakes Railway Corporation anticipates the charter trips to be 15 to 20 miles in length and operated at a speed not to exceed 15 miles per-hour.

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-2001-10215) and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, Room P1-401, Washington, DC 20590.

Communications received within 45 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>.

Issued in Washington, DC on October 2, 2001.

**Grady C. Cothen, Jr.,**

*Deputy Associate Administrator for Safety Standards and Program Development.*

[FR Doc. 01-25221 Filed 10-5-01; 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 favour of relief.

#### Little Kanawha River Railroad Corporation

[Docket Number FRA-2001-10669]

Marietta Industrial Enterprises, Inc. of Marietta, OH, has petitioned on behalf of the Little Kanawha River Rail (LKRR) for a permanent waiver of compliance for one locomotive from the requirements of the Locomotive Safety Standards, 49 CFR Part 229.23, which requires the time interval between periodic inspections not exceed 92 days. The petitioner indicates that the locomotive is used in switching service over a 2.5 mile short line at a speed not to exceed 10 mph. They state that the locomotive is used an average of 29 hours a week and would like to extend the 92 day periodic requirement to 184 days.

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-2001-10669) and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, Room P1-401, Washington, DC. 20590.

Communications received within 45 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>.

Issued in Washington, DC. on October 2, 2001.

**Grady C. Cothen, Jr.,**

*Deputy Associate Administrator for Safety Standards and Program Development.*

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