

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****Notice of Intent To Rule on Application (98-05-U-00-CRW) To Use a Passenger Facility Charge (PFC) at Yeager Airport in Charleston, WV**

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to use a PFC at Yeager Airport in Charleston, West Virginia, under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101-508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

DATES: Comments must be received on or before November 23, 1998.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Mr. Elonza Turner, Project Manager, Beckley Airports Field Office, 176 Airport Circle, Rm. 101, Beaver, WV 25813-9350.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Timothy C. Murnahan, Assistant Airport Director for the Central West Virginia Regional Airport Authority at the following address: 100 Airport Rd—Suite 175, Charleston, West Virginia 25311-1080.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the Central West Virginia Regional Airport Authority under Section 158.23 of Part 158.

FOR FURTHER INFORMATION CONTACT: Mr. Elonza Turner, Project Manager, Beckley Airports Field Office, 176 Airports Circle, Beaver, West Virginia, 25813, (304) 252-6216. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose a PFC at Yeager Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101-508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

On October 16, 1998, the FAA determined that the application to impose a PFC submitted by the Central West Virginia Regional Airport Authority was substantially complete within the requirements of Section

158.25 of Part 158. The FAA will approve or disapprove the application, in whole or in part, no later than January 17, 1998.

The following is a brief overview of the application.

Application number: 98-05-U-00-CRW.

Level of the proposed PFC: \$3.00.

Proposed charge effective date: March 1, 1999.

Proposed charge expiration date: April 1, 1999.

Total estimated PFC revenue: \$269,678.

Brief description of proposed projects:

Rehabilitate Runway (5-23)
Rehabilitate Terminal (Baggage System)
Rehabilitate Access Road
Rehabilitate Taxiway (C)

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: Under FAR Part 135—Charter Operators for hire to the general public and Unscheduled Part 121 Charter Operators for hire to the general public.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT** and at the FAA Regional Airports office located at: Fitzgerald Federal Building, #111, John F. Kennedy International Airport, Jamaica, New York 11430.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Central West Virginia Regional Airport Authority.

Issued in Jamaica, New York on October 16, 1998.

Thomas Felix,

Manager, Planning and Programming Branch, AEA-610, Eastern Region.

[FR Doc. 98-28476 Filed 10-22-98; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION**Surface Transportation Board**

[STB Finance Docket No. 33673]

Consolidated Rail Corp.—Operation Exemption—A Line of the State of New York

Consolidated Rail Corporation (Conrail) has filed a verified notice of exemption under 49 CFR 1150.31 to operate railroad trackage owned by the State of New York, a noncarrier. The 10,000 feet of railroad track, known as the Oak Point Link, lies between a point of connection with the Metro-North Commuter Railroad's Hudson Line, in

the vicinity of High Bridge, and connects with yard tracks of Conrail through the Harlem River Yard, located in New York, Bronx County, NY.

The transaction was expected to be consummated on October 12, 1998.

If the verified notice contains false or misleading information, the exemption is void *ab initio*. Petitions to reopen the proceeding 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. 33673, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on John J. Paylor, Esq., Consolidated Rail Corporation, 2001 Market Street, 16A, Philadelphia, PA 19101-1416.

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Decided: October 16, 1998.

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

Vernon A. Williams,

Secretary.

[FR Doc. 98-28398 Filed 10-22-98; 8:45 am]

BILLING CODE 4915-00-P

DEPARTMENT OF TRANSPORTATION**Surface Transportation Board**

[STB Finance Docket No. 33660]

Wheeling & Lake Erie Railway Company, Consolidated Rail Corporation, and CSX Transportation, Inc.—Joint Relocation Project Exemption—in New London and Greenwich, OH

Wheeling & Lake Erie Railway Company (W&LE), Consolidated Rail Corporation (Conrail), and CSX Transportation, Inc. (CSXT), have jointly filed a notice of exemption under 49 CFR 1180.2(d)(5) to enter into a project involving the relocation of W&LE's line of railroad between New London and Greenwich, OH. The relocation will facilitate more efficient train operations and allow for the removal of unnecessary and duplicative trackage. The proposed transaction was scheduled to take place no sooner than October 2, 1998.

W&LE is a Class II rail carrier operating approximately 850 miles of rail line in 4 states. Conrail is a Class I rail carrier operating approximately

10,500 miles of rail line in 13 states and the District of Columbia. CSXT is a Class I rail carrier operating approximately 18,504 miles of rail line in 20 states, the District of Columbia, and Ontario, Canada.¹

W&LE proposes to: (1) Acquire overhead trackage rights over a Conrail line between New London and Greenwich; (2) acquire overhead trackage rights over a short segment of CSXT's line which connects with Conrail's line and W&LE's line at Greenwich; (3) construct a short connecting track between its line and Conrail's line at New London to permit operation of the trackage rights; and (4) abandon its own line between New London and Greenwich.² There are no active shippers located on the line to be abandoned.

Under the joint agreement, W&LE will have the right to operate its trains over Conrail's line between Conrail milepost 47.0 at New London and CSXT's milepost BG 193.23 at Greenwich, a distance of approximately 7.85 miles.³ W&LE and Conrail will install turnouts and connecting track totaling

¹ See *CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company—Control and Operating Lease/Agreements—Conrail Inc. and Consolidated Rail Corporation*, STB Finance Docket No. 33388 [Decision No. 88] (served June 19, 1998).

² The trackage rights to be acquired by W&LE include use of the connection to be constructed in the northwest quadrant of the intersection of Conrail's line and CSXT's line at Greenwich. The construction of that connection was authorized by the Board in STB Finance Docket No. 33388 (Sub-No. 3), decision served November 25, 1997.

³ Under the plan for allocating certain assets of Conrail between CSXT and Norfolk Southern as approved by the Board, Conrail's line between New London and Greenwich will be allocated to New York Central LLC and will be operated by CSXT.

approximately 1,100 feet in the southeast quadrant of the intersection of Conrail's line and W&LE's line at New London. W&LE will maintain its existing interchange with CSXT at Greenwich.

The proposed relocation project will permit the consolidation of parallel rail operations onto Conrail's and CSXT's existing lines, which have adequate capacity to handle the traffic of both parties. W&LE will benefit by saving the cost of maintaining and rehabilitating its line, including the cost of maintaining and rehabilitating the existing diamond at New London that will be eliminated as a result of this project. W&LE will also benefit by reusing the rail and obtaining the net proceeds from salvage of its own line. The relocation of W&LE's operations will facilitate construction of the connection between CSXT's line and Conrail's line at Greenwich.

The Board will exercise jurisdiction over the abandonment or construction components of a relocation project, and require separate approval or exemption, only where the removal of track affects service to shippers or the construction of new track involves expansion into a new territory. See *City of Detroit v. Canadian National Ry. Co., et al.*, 9 I.C.C.2d 1208 (1993), *aff'd sub nom., Detroit/Wayne County Port Authority v. ICC*, 59 F.3d 1314 (D.C. Cir. 1995). Line relocation projects may embrace trackage rights transactions such as the one involved here. See *D.T.&I.R.—Trackage Rights*, 363 I.C.C. 878 (1981). Under these standards, the incidental abandonment, construction, and trackage rights components require no separate approval or exemption when the relocation project, as here, will not

disrupt service to shippers and thus qualifies for the class exemption at 49 CFR 1180.2(d)(5).

As a condition to this exemption, any employees affected by the 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).

If the notice 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. 33660, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on: William C. Sippel, Two Prudential Plaza, 45th Floor, 180 North Stetson Avenue, Chicago, IL 60601-6710; Charles M. Rosenberger, 500 Water Street, J150, Jacksonville, FL 32202; and John J. Paylor, 2001 Market Street, P.O. Box 41416, Philadelphia, PA 19101-1416.

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Decided: October 16, 1998.

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

Vernon A. Williams,
Secretary.

[FR Doc. 98-28604 Filed 10-22-98; 8:45 am]

BILLING CODE 4915-00-P