

comment on the application to impose and use the revenue from a PFC at San Jose International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101-508) and Part 158 of the Federal Aviation Regulations (14 CFR part 158). On August 7, 2000, the FAA determined that the application to impose and use the revenue from a PFC submitted by the city of San Jose was substantially complete within the requirements of § 158.25 of part 158. The FAA will approve or disapprove the application, in whole or in part, no later than November 11, 2000.

The following is a brief overview of the application (No. 00-09-C-00-SJC):

*Level of proposed PFC:* \$3.00.

*Proposed charge effective date:* September 1, 2003.

*Proposed charge expiration date:* January 1, 2005.

*Total estimated PFC revenue:* \$29,780,000.

*Brief description of the proposed projects:* Taxiway Z—Apron Reconstruction, Terminal C Fire Protection, Fiber Optic Cable to Airport Response Center and Fire Station 20, Green Island Bridge, Replacement of Security Access Control System and Closed Circuit Television System, Skyport Grade Separation, Terminal Drive Improvements, Replacement of Passive Secondary Surveillance Radar, Terminal C Restroom Upgrade, and Interim Air Cargo Ramp Expansion.

*Class or classes of air carriers which the public agency has requested not be required to collect PFCs:* Air Taxi/Commercial Operators (ATCO) filing FAA Form 1800-31.

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 Division located at: Federal Aviation Administration, Airports Division, 15000 Aviation Blvd., Lawndale, CA 90261. In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the city of San Jose.

Issued in Hawthorne, California, on August 7, 2000.

**Herman C. Bliss,**

*Manager, Airports Division, Western-Pacific Region.*

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**BILLING CODE 4910-13-M**

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Environmental Impact Statement: Chemung County, New York

**AGENCY:** Federal Highway Administration (FHWA), New York State Department of Transportation (NYSDOT).

**ACTION:** Notice of intent.

**SUMMARY:** The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for upgrading portions of NYS Route 17 to meet federal interstate standards in Chemung County, New York.

#### FOR FURTHER INFORMATION CONTACT:

Harold J. Brown, Division Administrator, Federal Highway Administration, New York Division, Leo W. O'Brien Federal Building, 7th Floor, Clinton Avenue and North Pearl Street, Albany, New York 12207, Telephone (518) 431-4127; or Peter E. White, Regional Director, New York State Department of Transportation, Region 6, 107 Broadway, Hornell, New York 14873, Telephone (607) 324-8404.

**SUPPLEMENTARY INFORMATION:** The FHWA, in cooperation with the New York State Department of Transportation, will be preparing an Environmental Impact Statement (EIS) on a proposal to upgrade a 16 kilometer (10 mile) section of Route 17/Southern Tier Expressway to a fully controlled access freeway from just east of the Water Street-Exit 57 Interchange to the Route 427—Exit 59 Interchange within the Towns of Elmira, Ashland, Chemung and City of Elmira in Chemung County, New York. The proposal would involve the elimination of existing driveway connections and at-grade intersections, construction of two-lane local road segments on new alignment (to re-establish access) and reconstruction of the Route 17 mainline pavement on this highway section.

This highway upgrade is necessary to separate local and through traffic to reduce the occurrence of accidents related to turning movements to and from Route 17 to access commercial and residential properties as well as adjoining local streets. Additionally, the proposed project is necessary to bring this portion of Route 17 up to interstate standards for future designations as I-86.

Alternatives under consideration include a "No-build" and a "Build" alternative. The No-Build alternative is an alternative that involves no new construction and/or roadway

improvements. The Build alternative will include the elimination of driveways and at-grade intersections and adjustments to the local roadway system necessary to re-establish access. The Build alternative has many possible variations associated with the overall roadway section and right-of-way widths. The design process will identify the optimum combination of property acquisition and road work required.

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 interest in this proposal. The NEPA scoping process will be initiated in August 2000 and a public hearing will be held in the future at a time and place to be announced. The Draft-EIS, when prepared, will be available for public and agency review/comment.

To ensure that a full range of issues related to this 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 and the EIS should be directed to the FHWA or NYSDOT at the addresses 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.)

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

Issued on: August 21, 2000.

**Doug P. Conlan,**

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

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### Petitions for Waivers of Compliance

In accordance with Title 49 Code of Federal Regulations (CFR) Section 211.41, and 49 U.S.C. 20103, notice is hereby given that the Federal Railroad Administration (FRA) has received a request for waiver of compliance with certain requirements of the Federal railroad safety regulations. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, and the nature of the relief being sought.

**Lackawanna County Railroad Authority ("LCRA")**

[FRA Waiver Petition No. FRA-2000-7275]

The Lackawanna County Railroad Authority ("LCRA"), and Delaware-Lackawanna Railroad seeks a permanent waiver of compliance from certain CFR parts of Title 49, specifically: part 221, Rear End Marking Device—Passenger, Commuter and Freight Trains; part 223, Safety Glazing Standards—Locomotives, Passenger Cars and Caboose; part 231, Railroad Safety Appliance Standards; part 238, Passenger Equipment Safety Standards; and part 239, Passenger Train Emergency Preparedness.

LCRA seeks approval of shared track usage and waiver of certain FRA regulations involving historic light rail trolley operations on the same track that will be shared with freight trains. FRA has jurisdiction over the portion of the LCRA's "Lackawanna County Electric Trolley Station & Museum" historic light rail operation that it is connected to the general railroad system of transportation. Specifically, the historic trolley intends to make use of 1.2 miles of the Lackawanna County Railroad Authority's and National Park Service's "Brady Line" and Scranton Yard in Scranton Pennsylvania. Freight and historic trolley operations will be temporally separated on this portion of track. 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 at 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 at 65 FR 42626 (July 10, 2000).

Since FRA has not yet concluded its investigation of the LCRA historic trolley, the agency takes no position at this time on the merits of LCRA's stated justifications.

All communications concerning these proceedings should identify the appropriate docket number (Docket Number FRA 2000-7275) and must be submitted to the DOT Docket Management Facility, Room PL-401 (Plaza level) 400 Seventh Street, S.W., Washington, D.C. 20590. All documents in the public docket, including LCRA's detailed waiver request, are also available for inspection and copying on the Internet at the docket facility's Web site at <http://dms.dot.gov>. 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 this proceeding are available for examination during regular business hours (9 a.m.—5 p.m.) at the above facility.

Issued in Washington, D.C. on August 29, 2000.

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

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

[FR Doc. 00-22533 Filed 8-31-00; 8:45 am]

**BILLING CODE 4910-06-U**

**DEPARTMENT OF TRANSPORTATION****Federal Railroad Administration****Petitions for Waivers of Compliance**

In accordance with Title 49 Code of Federal Regulations (CFR) § 211.41, and 49 U.S.C. 20103, notice is hereby given that the Federal Railroad Administration (FRA) has received a request for waiver of compliance with certain requirements of the Federal railroad safety regulations. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, and the nature of the relief being sought.

**Maryland Mass Transit Administration ("MTA")**

[FRA Waiver Petition No. FRA-2000-7054]

The Maryland Mass Transit Administration ("MTA") seeks a permanent waiver of compliance from certain CFR parts of Title 49, specifically: part 210, Railroad Noise Emission Compliance Regulations; part 213, Track Safety Standards; part 214, Railroad Workplace Safety Standards; part 215, Railroad Freight Car Safety Standards; part 217, Railroad Operating Rules; part 218, Railroad Operating Practices; part 219, Control of Alcohol and Drug Use; part 220, Railroad Communications; part 221, Rear End Marking Devices; part 223, Safety Glazing Standards—Locomotives, Passenger Cars and Caboose; part 225, Railroad Accidents/Incidents—Report Classification, and Investigations; part 229, Railroad Locomotive Safety Standards; part 320, Locomotive Inspection; part 231 Railroad Safety Appliance Standards; part 232, Railroad Power Brakes and Drawbars; part 233, Signal Systems Reporting Requirements; part 234, Grade Crossing Signal System Safety; part 235, Instructions Governing Applications for Approval of a Discontinuance or Material Modification of a Signal System or Relief From the Requirements of Part

236; part 236, Rules, Standards and Instructions Governing the Installation, Inspection, Maintenance and Repair of Signal and Train Control Systems, Devices and Appliances, part 238, Passenger Equipment Safety Standards; part 239, Passenger Train Emergency Preparedness; and part 240, Qualification and Certification of Locomotive Engineers.

MTA has also petitioned for grandfathering approval to operate its equipment under 49 CFR 238.203. Notice of that petition has already been published in the Federal Register at 65 FR 14336 (March 16, 2000).

MTA seeks approval of shared track usage and waiver of certain FRA regulations involving light rail passenger operations on the same track with freight trains. FRA has jurisdiction over the portion of the MTA that it is connected to the general railroad system of transportation. Specifically, certain portions of the MTA Central Light Rail Line (CLRL) rail lines are used for freight rail carrier service. The freight operator, Norfolk Southern Corporation (NS), conducts operations on the CRCL under temporal or spatial separation. 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 at 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 at 65 FR 42626 (July 10, 2000).

Since FRA has not yet concluded its investigation of the MTA's petition, the agency takes no position at this time on the merits of MTA's stated justifications. As part of FRA's review of the petition, the Federal Transit Administration will appoint a representative to advise FRA's Safety Board, and that person will participate in the board's consideration of MTA's waiver petition.

All communications concerning these proceedings should identify the appropriate docket number (Docket Number FRA 2000-7054) and must be submitted to the DOT Docket Management Facility, Room PL-401 (Plaza level) 400 Seventh Street, S.W., Washington, D.C. 20590. All documents in the public docket, including MTA's detailed waiver request, are also available for inspection and copying on the Internet at the docket facility's Web site at <http://dms.dot.gov>. Communications received within 45 days of the date of this notice will be considered by FRA before final action is