region with two major employment destinations: the Naval Base Norfolk and Norfolk's Central Business District. The emergence of new activity centers along the corridor within the last fifteen years has created new commuting patterns and additional demands on transportation facilities.

In response to this need, TRT has completed a Major Investment Study (MIS) for the Norfolk-Virginia Beach corridor. The results of the MIS study resulted in a preferred alternative of a light rail transit system with limited stops along the corridor, and includes stations, park and ride lots, and transit centers. Transit improvements are intended to alleviate traffic congestion in the Norfolk-Virginia Beach corridor and help achieve regional air quality goals by providing an alternative to the single occupant vehicle.

III. Alternatives

The transportation alternatives proposed for consideration in this project area include: (1) No-Build, which involves no change to transportation services or facilities in the corridor beyond already committed projects, (2) a Transportation System Management (TSM) alternative which consists of low to medium cost improvements to the facilities and operations of the TRT bus system in addition to the currently planned transit improvements in the corridor, and (3) a new light rail alignment (including line, station locations and support facilities) generally following the existing Norfolk Southern rail corridor between Norfolk and Virginia Beach and on surface streets in Downtown Norfolk and to the Virginia Beach Pavilion, and a modified bus service component.

IV. Probable Effects

The FTA and TRT will evaluate all significant environmental, social, and economic impacts of the alternatives analyzed in the EIS. Primary environmental issues include: Land use and neighborhood protection, traffic and parking, visual, noise and vibration, safety, aesthetics, stormwater management, archaeological, historic, cultural and ecological resources, wildlife corridors. Impacts on natural areas, rare and endangered species, air and water quality, groundwater, and potentially contaminated sites will also be studied. Displacements and relocations, ecosystems, water resources, hazardous waste, parklands, and energy impacts will be assessed. The impacts will be evaluated both for the construction period and for the long-term period of operation of each alternative. Measures to mitigate any significant adverse impacts will be developed.

V. FTA Procedures

In accordance with the federal transportation planning regulations (23 CFR Part 450), the Draft EIS will be prepared to include an evaluation of the social, economic and environmental impact of the alternatives. The DEIS will consider the public and agency comments received and the TRT in concert with the Secretary of the Virginia Department of Rail and Public Transportation and Hampton Roads Metropolitan Planning Organization and other affected agencies, will select the preferred alternative. Then the TRT, as lead agency, will continue with the preparation of the Final EIS. Opportunity for additional public comment will be provided throughout all phases of project development.

Issued: December 1, 1997.

Sheldon A. Kinbar,

Regional Administrator.

[FR Doc. 97–31803 Filed 12–3–97; 8:45 am]

BILLING CODE 4910–57–M

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33514]

Buffalo & Pittsburgh Railroad, Inc.—Trackage Rights Exemption—Consolidated Rail Corporation

Consolidated Rail Corporation (Conrail) has agreed to grant bridge trackage rights to Buffalo & Pittsburgh Railroad, Inc. (B&P), described as follows: (1) Conrail's Olean Secondary between the B&P/Conrail connection at milepost 408.8± at Carrollton, NY, and milepost 395.0± at Olean, NY, the connection with Conrail's Buffalo Line, including that portion of Conrail's track known as the North West Connection Track (connection between Conrail's Olean Secondary and its Buffalo Line), a distance of approximately 13.8 miles; (2) Conrail's Buffalo Line between milepost 69.4± at CP North Olean, and milepost 5.7± CP–GJ, a distance of approximately 63.7 miles; (3) Conrail's Ebenezer Secondary between milepost 5.7± (connection with Conrail's Buffalo Line) and milepost 0.4± (connection with Conrail's Chicago Line, within CP–Draw), a distance of approximately 5.3 miles; (4) Conrail's Chicago Line between milepost 1.7± (connection with Conrail's Ebenezer Secondary) and milepost 1.77± (connection with B&P), a distance of approximately 0.07 of a mile; and (5) Conrail's Transco Wye in Buffalo, NY, between milepost 1.9± (Erie) on Conrail's Ebenezer Secondary and the end of Conrail's Transco Wye (connection with Conrail's Bison Runner), a distance of approximately 0.6 of a mile.[1] The total combined distance of the trackage rights is approximately 83.47 miles.[2]

B&P was expected to commence operations on or after the November 24, 1997 effective date.[3]

The purpose of the proposed trackage rights is to allow B&P to shift overhead traffic from a roughly parallel line that is in need of rehabilitation.

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). This notice is filed under 49 CFR 1180.2(d)(7). 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. 33514, 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: Eric M. Hocky, Esquire, Gollatz, Griffin &

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[1] B&P states that at this point it has existing rights over Conrail's line of railroad to conduct interchange between its Buffalo Creek Yard and ''SK'' Yard of the Delaware and Hudson Railway (CP Rail system) Buffalo, NY, subject to a separate agreement it has with Conrail, dated February 1, 1980.

[2] The trackage rights are granted for the sole purpose of B&P's use for bridge traffic only between B&P/Conrail connections. B&P shall not perform any local freight service at any point located on the subject trackage. The trackage rights also provide that B&P shall not have the right to permit or admit any third party to the use of all or any portion of the subject trackage, nor under the guise of doing its own business, contract or make any agreement to handle as its own trains, locomotives, cabooses or cars of any third party which in the normal course of business would not be considered the trains, locomotives, cabooses or cars of B&P; provided however, that the foregoing shall not prevent B&P, pursuant to a run-through agreement with any railroad, from using the locomotives and cabooses of another railroad as its own under the trackage rights agreement.

[3] On November 20, 1997, Samuel J. Nasca, on behalf of United Transportation Union-New York State Legislative Board, filed a petition to reject the notice of exemption, or to revoke the exemption, and/or for stay of the effective date of the exemption pending disposition of the request for rejection or revocation. The petition will be addressed in a separate decision.

Ewing, P.C., 213 West Miner Street, P.O. Box 796, West Chester, PA 19381–0796.

Decided: November 26, 1997.

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

Vernon A. Williams,

Secretary.

[FR Doc. 97–31796 Filed 12–3–97; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF THE TREASURY

Customs Service

[TD 97–96]

Reasonable Care Checklist

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: General notice.

SUMMARY: This document sets forth, for guidance, a checklist of measures which importers and their agents may find helpful in meeting the ''reasonable care'' requirements of the Customs laws.

DATES: Effective December 4, 1997.

FOR FURTHER INFORMATION CONTACT: Robert Pisani, Penalties Branch, International Trade Compliance Division, Office of Regulations and Rulings, (202) 927–1203.

SUPPLEMENTARY INFORMATION:

Background

On May 16, 1997, the Customs Service published a Second Discussion Draft in the Customs Bulletin (as well as the Customs Electronic Bulletin Board and Customs Internet Website) concerning the importer's obligation to use reasonable care. Based on comments received in response to the initial discussion draft on reasonable care, Customs decided to adopt a ''checklist'' approach—as a means to provide guidance regarding an importer's obligation to use reasonable care. The second discussion draft set forth an expanded and revised checklist, and requested public comment on the document by June 30, 1997.

Customs has finalized its review of all second discussion draft comments received from interested parties. The ''final'' checklist follows the discussion of the public comments, and Customs notes that the document contains relatively minor revisions to the checklist published on May 16, 1997. Customs also notes that the majority of the comments received from the public favored the adoption of the checklist. It should also be pointed out that although Customs is publishing the ''final'' checklist, the agency's adoption of this format for providing guidance may readily be expanded in the future to suit the changing nature of international trade—without resort to statutory or regulatory amendment. Also it should be reiterated that, as new Customs regulations are proposed, it is anticipated that regulatory references to the reasonable care standard will be included.

Discussion

The majority of comments received by Customs applauded the agency's decision to adopt the checklist approach to the issue of reasonable care. There is a general consensus that a ''black and white'' definition of reasonable care is impossible, inasmuch as the concept of acting with reasonable care depends upon individual circumstances.

The most prevalent concern about the checklist raised by commenters involved Customs use of the term ''expert'' in those checklist questions pertaining to relying on the advice of an ''expert.'' Some commenters are concerned that unlicensed and unregulated individuals are regularly advising importers in Customs matters—i.e., holding themselves out as ''Customs experts'' or Customs consultants, in violation of section 641 of the Tariff Act of 1930. In addition, one commenter is of the opinion that the public should not be misled into believing that it constitutes reasonable care to consult with anyone who chooses to call himself or herself a Customs expert.

With respect to the above concerns, Customs notes that publication of the checklist is not intended to condone the unlawful conduct of Customs business by unlicensed individuals or entities. Rather, the agency's use of the term ''expert'' is in conformity with the Customs Modernization Act's legislative history as reflected in the language of the House of Representatives and Senate Reports (H.Rep. 103–361, pg. 120; S. Rep. 103–189, pg. 73) discussion of the reasonable care standard. A party's selection of an expert, and the expert's qualifications are part and parcel of the review of all of the facts and circumstances in the agency's determination whether the party has exercised reasonable care. In Customs view, the importer who retains the services of an ''expert'' bears some responsibility in ensuring that the party is qualified to render advice on the Customs matter at issue. In Customs view, it is not unreasonable to expect that a party selecting an expert will inquire about the Customs experience and credentials of an expert. Customs believes this responsibility to be particularly important in cases involving selection of unlicensed experts such as consultants. The existence of experienced Customs lawyers and licensed brokers makes fulfillment of this responsibility an easier task—but in Customs view, to limit the selection of an expert to these individuals runs contrary to the language of the congressional reports. In sum, the importer or party selecting an expert must use judgment and reason in making his or her selection.

One commenter expressed a reservation about the checklist in that ''assiduous compliance with the list for every entry would require an impossible expenditure of time and resources.'' The commenter believes that the checklist fails to keep sight of ''commercial realities and business realities.''

Customs believes it is important to underscore that the checklist is not a law or Customs regulation, and that it merely serves to provide guidance and information to the importing community to assist the members of the community in meeting reasonable care obligations. In publishing the checklist, Customs is not mandating that each and every question be asked by each and every importer for all transactions. Rather, the checklist serves as a flexible tool to help importers find and/or understand statutory and regulatory obligations involved in the importation process. Customs notes that the agency rejected the regulatory and policy statement approaches set forth in the first discussion draft for the very reasons set forth by the commenter. In this regard, Customs believes the following excerpts from the second discussion draft warrant reiteration:

> * * * [I]t is important to remember that not every incident of non-compliance involves a failure to exercise reasonable care. The circumstances surrounding an incident of non-compliance determine whether or not the incident involves culpable conduct.
>
> * * * For example, if Customs were to enact a regulation, or issue a policy statement setting forth ''reasonable care'' parameters and standards, such regulation or policy statement could be considered helpful, cost-effective and instructive to a large multi-national importer, yet harmful, impractical, intrusive and cost-defective to a smaller organization.
>
> Rather than attempting to dictate specific methods of compliance with regard to a standard that demands flexibility and is dependent upon circumstance, Customs believes that by providing guidance and education the agency is working toward fulfilling the principle of informed compliance which underscores the Customs Modernization Act.

One of the commenters suggested that the agency abandon General Question