How Capacity Has Tried To Comply With the Standard in Good Faith

Capacity contacted four different brake component suppliers. Its search for an anti-lock controller began with Lucas/Varity (formerly Kelsey-Hayes) because of its longtime association with Ford Motor Company and the fact that the bus chassis uses a common Dana drive axle with many Ford light duty trucks. But the company was told that no development could be approached until Capacity could guarantee a purchase order in the range of 10,000 controllers.

Capacity next approached Eaton-Bosch, and found that it is currently producing hydraulic anti-lock brake systems for vehicles up to 12,000 lbs GVWR. Although the company is developing a system for vehicles up to 20,000 lbs GVWR, the system won't be finalized until 2001.

The third vendor that Capacity approached was ITT Automotive-Teves, which expects to have a system ready for installation on vehicles up to 20,000 lbs GVWR by the fourth quarter of 1999. The company told Capacity that it will take a minimum of one winter test season to assure that the controller can be adapted to a vehicle. Thus, Capacity does not foresee that it can use this system and comply before the Fall of 2000.

Finally, Capacity consulted Rockwell/Meritor-Wabco System. This company has a controller that ''can be fine tuned on a vehicle to meet different dynamic characteristics.'' However, ''even if this system proves out, it appears that a year's testing will be required to adapt it to our bus chassis.''

Why Exempting Capacity Would Be Consistent With the Public Interest and Objectives of Motor Vehicle Safety

Capacity argued that an exemption would be in the public interest and consistent with traffic safety objectives because

> many of these vehicles end up serving small cities and rural transit districts. These customers have limited budgets so the availability of an economical low floor bus allows them to prove fee service in areas where large buses are too costly to operate. The low floor feature of this vehicle allows the finished bus to readily serve the handicapped community.

In addition, ''these buses operate in shuttle and light transit operations where high speed stops aren't commonly experienced.'' The company believes that rushing an anti-lock system into production might present a risk to safety.

How To Comment on Capacity's Application

If you would like to comment on Capacity's application, send two copies of your comments, in writing, to: Docket Management, National Highway Traffic Safety Administration, Room PL–401, 400 Seventh Street, SW, Washington, DC 20590, in care of the docket and notice number shown at the top of this document.

We shall consider all comments received before the close of business on the comment closing date stated below. To the extent possible, we shall also consider comments filed after the closing date. You may examine the docket in Room PL–401, both before and after that date, between 10 a.m. and 5 p.m.

When we have reached a decision, we shall publish it in the **Federal Register**.

Comment closing date: March 30, 1999.

Authority: 49 U.S.C. 30113; delegations of authority at 49 CFR 1.50 and 501.4.

Issued on: March 4, 1999.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

[FR Doc. 99–5971 Filed 3–9–99; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

Announcement of University Transportation Centers Program Grant Solicitation

Authority: 49 U.S.C. 5505.

ACTION: Announcement of grant solicitation for University Transportation Centers (UTC) Program.

SUMMARY: The US Department of Transportation (DOT) plans to establish and maintain one University Transportation Center in each of the ten standard federal regions. The mission of the Centers is to advance U.S. technology and expertise in the many disciplines comprising transportation through the mechanisms of education, research and technology transfer at university-based centers of excellence.

To accomplish this purpose, DOT will provide up to $1 million per Center for each of the five consecutive academic years starting in 1999. Each Center is required to obtain matching funds from non-federal sources in an amount at least equal to the DOT grant. DOT funding will be awarded in annual increments, on the basis of each Center's success in attaining the goals of the program and subject to the availability of funding.

APPLICATION INSTRUCTIONS: Documents providing general program information and instructions for applying for a UTC grant are posted on the Internet at *http://utc.dot.gov/fy1999.html*. If you are unable to access the documents electronically, you may request a hard copy from the office designated below.

DATES: Applications must be received at the office designated below by 5:00 p.m. on Thursday, April 15, 1999.

ADDRESSES: Applications must be submitted to the following address: UTC Competition (Mail Code DRA–2), Research and Special Programs Administration, US Department of Transportation, 400 Seventh Street, SW, Room 8417, Washington, DC 20590–0001.

FOR FURTHER INFORMATION: Contact the UTC Program office by e-mail at *utc@rspa.dot.gov*; by phone at 202/366–4434; or by Fax at 202/366–3671.

Dated: March 3, 1999.

E. Fenton Carey,

Associate Administrator for Research, Technology and Analysis.

[FR Doc. 99–5938 Filed 3–9–99; 8:45 am]

BILLING CODE 4910–60–M

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33407]

Dakota, Minnesota & Eastern Railroad Corporation; Construction Into the Powder River Basin [1]

AGENCIES:

Lead: Surface Transportation Board.
Cooperating:
U.S.D.A. Forest Service.
U.S.D.I. Bureau of Land Management.
U.S. Army Corps of Engineers.

ACTION: Notice of availability of final scope of study for the Environmental Impact Statement (EIS); Request for

[1] This case was formerly entitled Dakota, Minnesota & Eastern Railroad Corporation—Construction and Operation—in Campbell, Converse, Niobrara, and Weston Counties, WY, Custer, Fall River, Jackson, and Pennington Counties, SD, and Blue Earth, Nicollet, and Steele Counties, MN. By decision served May 7, 1998, the Surface Transportation Board shortened the title for the sake of simplicity. As discussed below, the environmental review of this project will also include the section of the line DM&E proposes to rebuild as part of this project. Environmental review of the rebuild portion of the line would include the counties of Winona, Olmsted, Dodge, Steele, Waseca, Blue Earth, Brown, Redwood, Lincoln, and Lyon in Minnesota; Brookings, Kingsbury, Beadle, Hand, Hyde, Hughes, Stanley, Haakon, Jackson, Pennington, and Fall River in South Dakota.

comments on (1) the modified proposed action, referred to as Alternative C, and (2) the City of Rochester, Minnesota's south bypass proposal.

SUMMARY: On February 20, 1998, the Dakota, Minnesota & Eastern Railroad Corporation (DM&E) filed an application with the Surface Transportation Board (Board) for authority to construct and operate new rail line facilities in east-central Wyoming, southwest South Dakota, and south-central Minnesota. The project involves construction of new rail line totaling 280.9 miles. Additionally, DM&E proposes to rebuild 597.8 miles of existing rail line along its current system to standards acceptable for operation of unit coal trains. Because the construction and operation of this project has the potential to result in significant environmental impact, the Board's Section of Environmental Analysis (SEA) determined that the preparation of an Environmental Impact Statement (EIS) is appropriate. SEA held 3 agency and 12 public scoping workshops in 14 cities as part of the EIS scoping process, as discussed in the Notice of Intent to Prepare an EIS, Request for Comments on the Proposed EIS Scope, and Notice of Scoping Meetings published by the Board on March 27, 1998. Because of public interest in the project, workshops in Newcastle, Wyoming and Winona, Minnesota, not originally scheduled, were added to provide additional opportunities for public participation in the scoping process. Comment forms and the draft scope of study (draft scope) were provided to workshop attendees. On August 7, 1998, the Board published a Revised Notice of Intent to Prepare an EIS, indicating that the U.S.D.A. Forest Service, U.S.D.I. Bureau of Land Management, and the U.S. Army Corps of Engineers would be participating as cooperating agencies. The scoping comment period, originally scheduled to conclude on July 10, 1998, was extended until September 8, 1998. However, comments filed after September 8, 1998 have been accepted and considered in this final scope of study (final scope) of the EIS. Changes made to the draft scope are detailed in the Response to Comments section of this notice.

In addition to issuing the final scope of the EIS, the Board and the cooperating agencies are providing a 30 day comment period for interested parties to submit comments on two new proposed alternatives: (1) the Modified Proposed Action, referred to as Alternative C, and (2) the City of Rochester, Minnesota's South Bypass Proposal. Both these new alternatives are discussed in detail below, along with information on how to submit written comments. This 30 day comment period is in addition to the comment period that will be provided on all aspects of the Draft EIS (DEIS) when that document is made available.

FOR FURTHER INFORMATION CONTACT:

Ms. Victoria Rutson, SEA Project Manager, Powder River Basin Expansion Project, toll free at 1–877–404–3044.

Mr. Steve Thornhill of Burns & McDonnell, SEA's third party contractor, at (816) 822–3851.

Ms. Wendy Schmitzer, U.S.D.A. Forest Service, (307) 358–4690.

Mr. Bill Carson, U.S.D.I. Bureau of Land Management, (307) 746–4453.

Mr. Jerry Folkers, U.S. Army Corps of Engineers, (402) 221–4173.

SUPPLEMENTARY INFORMATION:

Background

The proposed action, referred to as the Powder River Basin Expansion Project, would involve the construction and operation of 280.9 miles of new rail line and the rebuilding of 597.8 miles of existing rail line by DM&E, as described in the February 20, 1998 application for construction and operation authority for the project filed by DM&E and in the March 27, 1998 Notice of Intent to Prepare an EIS published in the **Federal Register** by the Board.

The Powder River Basin Expansion Project, as set forth by DM&E in its application filed with the Board, would involve the construction and operation of new rail facilities designed to provide access for a third rail carrier to serve the Powder River Basin's coal mines for transport of coal eastward and increase the operational efficiency of DM&E. New rail construction would include approximately 262.03 miles of rail line extending off DM&E's existing system near Wasta, South Dakota, extending generally southwesterly to Edgemont, South Dakota, and then westerly into Wyoming to connect with existing coal mines[2] located south of Gillette, Wyoming. This portion of the new construction would traverse portions of Custer, Fall River, and Pennington Counties, South Dakota and Campbell, Converse, Niobrara, and Weston Counties, Wyoming.

New rail construction would also include an approximate 13.31 mile line segment at Mankato, Minnesota, within Blue Earth and Nicollet Counties. DM&E currently operates over trackage on both sides of Mankato, accessed by trackage rights on rail line owned and operated by Union Pacific Railroad Company (UP). The proposed Mankato construction would provide DM&E direct access between its existing lines and avoid operational conflicts with UP.

The final proposed segment of new rail construction would involve a connection between the existing rail systems of DM&E and I&M Rail Link. The connection would include construction and operation of approximately 2.94 miles of new rail line near Owatonna, Steele County, Minnesota. The connection would allow interchange of rail traffic between the two carriers.

In order to transport coal over the existing system, DM&E proposes to rebuild approximately 597.8 miles of rail line along its existing system. The majority of this, approximately 584.95 miles, would be along DM&E's mainline between Wasta, South Dakota, and Winona, Minnesota. This rebuild would cross Winona, Olmsted, Dodge, Waseca, Brown, Redwood, Lincoln, and Lyons Counties, as well as Steele, Blue Earth, and Nicollet Counties in Minnesota, and Brookings, Kingsbury, Beadle, Hand, Hyde, Hughes, Stanley, Haakon, and Jackson Counties in South Dakota. An additional approximate 12.85 miles of existing rail line between Oral and Smithwick, in Fall River County, South Dakota, would also be rebuilt. Rail line rebuilding would include rail and tie replacement, additional sidings, signals, grade crossing improvements, and other systems.

DM&E plans to transport coal as its principal commodity. However, shippers desiring rail access could ship other commodities in addition to coal over DM&E's rail line. Existing shippers along the existing DM&E system would continue to receive rail service.

Environmental Review Process

The Board is the lead agency, pursuant to 40 CFR 1501.5(c). SEA is responsible for ensuring that the Board complies with the National Environmental Policy Act (NEPA), 42 U.S.C. 4321–4335, and related environmental statutes. SEA will supervise the preparation of the EIS. The U.S. Department of Agriculture Forest Service (USFS), the U.S. Department of Interior Bureau of Land Management (BLM), and the U.S. Army Corps of Engineers (COE) are cooperating agencies, pursuant to 40 CFR 1501.6. If the cooperating agencies find the EIS adequate, they will base their respective decisions on it. The EIS should include all of the information necessary for decisions by the Board,

[2] Caballo, Belle Ayr, Caballo Rojo, Cordero, Coal Creek, Jacobs Ranch, Black Thunder, North Rochelle, North Antelope, Rochelle, and Antelope.

USFS, BLM, and COE (collectively, the agencies).

On December 10, 1998, the Board found that DM&E had satisfied the transportation-related requirements of 49 U.S.C. 10901. In issuing its decision, the Board stated that it had considered only the transportation aspects of DM&E's proposed project. Environmental aspects would be considered after the completion of the environmental review process. Therefore, the Board emphasized, no final decision would be issued until all statutory requirements—both transportation and environmental—were satisfied. Construction cannot begin until the cooperating agencies have issued their decisions and the Board has issued its final decision.

The NEPA environmental review process is intended to assist the agencies and the public to identify and assess the potential environmental consequences of a proposed action before a decision on the proposed action is made. The agencies have developed and made available a draft scope of the EIS and provided a period for submission of written comments on it. At this time, the agencies are issuing this final scope of the EIS. In addition, the agencies are requesting comments on two new proposed alternatives: (1) the Modified Proposed Action, referred to as Alternative C, and (2) the City of Rochester's South Bypass Proposal. This comment period is in addition to the comment period that will be provided on all aspects of the DEIS when that document is made available.

Specifically, DM&E has developed a Modified Proposed Action, referred to as Alternative C. This proposal includes an alternative alignment in Wyoming and South Dakota for the mainline extension developed by DM&E in response to environmental issues and concerns raised by agencies, local landowners, and other interested parties. The Board and the cooperating agencies are seeking views of all commenters in order to ensure public input in the assessment of potential environmental impacts of this alternative.

Also, the City of Rochester has submitted a South Bypass Proposal to construct a rail line that would route rail traffic south around that city. The Board and the cooperating agencies are seeking additional information to assist in determining whether the bypass proposal is a reasonable and feasible alternative designed to meet the purpose and need of the applicant's proposed action. The Board and the cooperating agencies will consider the comments in determining whether Rochester's South Bypass Proposal is a reasonable and feasible alternative and will set forth their conclusions in the DEIS.

As stated, the agencies will prepare a DEIS for the proposed project. The DEIS will address those environmental issues and concerns identified during the scoping process and detailed in the scope of study. It will also contain a reasonable range of alternatives to the proposed action and recommended environmental mitigation measures.

The DEIS will be made available upon its completion for public review and comment. A Final EIS (FEIS) will then be prepared reflecting the agencies' further analysis and the comments on the DEIS. In reaching their future decisions in this case, the Board and each cooperating agency will take into account the full environmental record, including the DEIS, the FEIS, and all public and agency comments received.

Consistent with its jurisdiction under the ICC Termination Act of 1995, Pub. L. No. 104–88, 109 Stat. 803 (1995), the Board would normally only conduct an environmental analysis of the new construction and the increase in operations over DM&E's existing system. However, in this instance, the EIS analysis will also address construction related impacts associated with the rebuilding of DM&E's existing mainline from the point of connection with the new construction segments between Wasta, South Dakota and Winona, Minnesota. Because the COE, which as discussed above is a cooperating agency, requires such analysis, construction related impacts along the rail line to be rebuilt, including sidings and yard facilities, will be analyzed in this EIS to the extent necessary to satisfy the COE's permitting requirements under the Clean Water Act.

Proposed Action and Alternatives

Based on analysis conducted to date and comments received during the scoping process, the agencies have determined that the reasonable and feasible alternatives [3] that will be discussed in the EIS are:

A. South Dakota/Wyoming New Rail Line Extension

(1) The ''No Action Alternative,'' referred to as Alternative A. This alternative to include the no build alternative as well as the no action on federal lands alternative.

(2) The ''Proposed Action,'' referred to as Alternative B. This alternative includes DM&E's preferred alternative as identified in its application to the Board, but modified in response to operational constraints discovered near Wall, South Dakota.[4]

(3) The ''Modified Proposed Action,'' referred to as Alternative C. This alternative would include an alternative alignment in Wyoming and South Dakota for the mainline extension developed by DM&E in response to environmental issues and concerns raised by agencies, local landowners, and other interested parties. Alternative C is designed to minimize potential environmental impacts. This alignment was not developed until after DM&E filed its application with the Board and after scoping workshops had been held. Therefore, this alignment has not yet been presented publicly on a broad scale for review and comment.[5] To facilitate public review and comment regarding this alternative, the agencies will provide an additional 30 day comment period. A general description of the alignment for this alternative, together with a map, is set forth below (see ''Description of Alternative C, the

[3] Under NEPA, an applicant's goals are important in defining the range of feasible alternatives. NEPA does not require discussion of an alternative that is not reasonably related to the purpose of the proposal considered by the agencies. *Citizens Against Burlington, Inc. v. Busey*, 938 F.2d 190 (D.C. Cir. 1991). Here, the proposed project is intended to facilitate the delivery of coal from the Powder River Basin of Wyoming eastward by DM&E. During scoping, numerous comments were received suggesting that the EIS evaluate alternative energy sources, such as nuclear, hydroelectric and wind, as an alternative to burning of coal. These alternatives, while offering legitimate means of generating energy, do not advance the applicant's goals of efficiently transporting coal and upgrading its current rail system, and therefore, will not be evaluated in the EIS.

[4] DM&E noted in its application that modifications to the existing system near Wall would likely be required as part of the proposed project. However, no modifications were specifically indicated at the time DM&E filed its application with the Board. As a result of more detailed engineering, DM&E has since determined that grade and curve considerations at this location would be prohibitive for the operation of unit coal trains and has proposed a modified plan to eliminate these problems. This new construction along new rail line right-of-way would be utilized by Alternatives B, C, or D. The new alignment would branch from DM&E's existing system approximately 3 miles south of Wasta, just north of where the proposed new construction would begin. It would curve eastward, cross the Cheyenne River, turn northward to near Interstate 90. It would generally parallel I–90, approximately 0.5 mile to the south. Approximately 5 miles west of Wall the alignment would extend away from I–90, then turn northeasterly, crossing I–90 approximately 1.5 miles west of Wall. After crossing I–90, the alignment would curve to the east, joining with the existing system approximately 0.25 mile north of Wall.

[5] The applicant conducted numerous site visits and public meetings during the development of this alternative, including meeting with landowners potentially affected by this alignment and Federal and state agencies to discuss adjustments and ways to minimize impacts on environmental resources and individual landowners. Thus, some individuals, including potentially affected landowners, are already aware of the Alternative C alignment.

Modified Proposed Action''). Copies of maps of this alignment may be obtained through written request to the Board or by contacting the toll-free environmental hotline at 1–877–404–3044.

(4) The ''existing transportation corridors alternative,'' referred to as Alternative D. This alternative includes:

- Utilization of the existing DM&E line westward to Rapid City, then southward to Crawford, Nebraska, then northward parallel to the existing Burlington Northern Santa Fe Railway Company (BNSF) line to Donkey Creek Junction, then south to the joint BNSF/UP line (Joint Line), following the Joint Line into the Powder River Basin and connecting to the mines, referred to as Alternative D1. This alternative would involve utilization and rebuilding of existing DM&E rail line and new construction immediately adjacent to the existing BNSF and Joint Lines.
- Utilization of the existing DM&E line westward to Rapid City, then southward to Crawford, Nebraska, construction of new line westward to Crandall, Wyoming along a previously abandoned UP rail line right-of-way, then northward parallel to the existing into the Powder River Basin and accessing the mines, referred to as Alternative D2. This alternative would involve utilization and rebuilding of existing DM&E rail line and new construction between Crawford and Crandell and immediately adjacent to the existing Joint Line.
- Utilization of the existing DM&E line westward to Rapid City, then southward to Crawford, Nebraska, then northward parallel to the existing BNSF line to near Newcastle, Wyoming, turning westward to parallel State Highway 450 to the Joint Line, then following the Joint Line north and south to access the mines, referred to as Alternative D3. This alternative would involve utilization and rebuilding of existing DM&E rail line and new construction parallel to the BNSF line northward from Crawford, new construction westward along State Highway 450, and new construction along the existing Joint Line to access the mines.
- Construction of new rail line extending from DM&E's existing line near Wasta, South Dakota south and west to Edgemont, South Dakota[6] and then northward parallel to the existing BNSF line to near Newcastle, Wyoming, turning westward to parallel State Highway 450 to the Joint Line, then following the Joint Line north and south to access the mines, referred to as Alternative D4. This alternative would involve new construction along new rail line right-of-way between Wasta and Edgemont, new construction parallel to the BNSF line northward from Edgemont, new construction westward along State Highway 450, and new construction along the existing Joint Line to access the mines.
- Utilization of the existing DM&E line westward to Alto, South Dakota, approximately 10 miles east of Pierre, South Dakota, then southward to the former Milwaukee Road rail line right-of-way (now Dakota Southern Rail owned and operated by the State of South Dakota) near Draper, South Dakota, then westward utilizing the State-owned rail line right-of-way and grade to the point this railbed intersects DM&E's prosed new construction alignment approximately 2 miles south of State Highway 44 in Pennington County, South Dakota, then following the alignment proposed for the new construction into the Powder River Basin, referred to as Alternative D5. This alternative would involve approximately 40 miles of new construction, including a new rail bridge over the Missouri River, and the rebuilding of approximately 100 miles of former rail line on the existing State-owned right-of-way. This alternative would eliminate the need for approximately 30 miles of new construction south of Wasta and around Wall, South Dakota and the rebuilding of approximately 100 miles of existing DM&E rail line between Pierre and Wasta.

B. Rail Line Construction on New Right-of-Way Along DM&E's Existing Rail System

UP Bypass at Mankato, Minnesota

(1) The ''No Action Alternative,'' referred to as Alternative M1.

(2) The ''Proposed Action,'' or ''Southern Alternative,'' referred to as Alternative M2. This alternative would include the alternative identified by DM&E as the preferred alternative in its application to the Board and involves construction of new rail line in a loop south of Mankato to connect DM&E trackage on the west and east sides of Mankato.

(3) The ''Existing Rail Corridor Alternative,'' or the ''Middle Alternative,'' referred to as Alternative M3. This alternative would include construction of a new rail line connecting the ends of DM&E's existing system on either side of Mankato generally along and within an existing rail corridor through Mankato. This corridor is currently only occupied by UP and contains the UP line DM&E must currently operate over, via trackage right, for access between its existing rail lines east and west of Mankato.

(4) The ''Northern Alternative,'' referred to as Alternative M4. This alternative would include an alignment connecting the two portions of DM&E's existing system through construction of new rail line in a loop north of Mankato and North Mankato.

C. I&M Connection at Owatonna, Minnesota

(1) The ''No Action Alternative,'' referred to as Alternative O1.

(2) The ''Proposed Action,'' referred to as Alternative O2. This alternative would include the alternative identified by DM&E as the preferred alternative in its application to the Board and involves construction of a connecting rail line to allow interchange of rail traffic between DM&E and I&M Rail Link.

(3) The alternative alignment, referred to as Alternative O3. This alternative would include another alignment to the construction alternative proposed by DM&E in its application to the Board. It involves construction of a connecting rail line to allow interchange of rail traffic between DM&E and I&M Rail link approximately one mile west of Alternative O2.

In addition to the alternatives discussed above, the EIS will evaluate other subsequently identified alternatives determined reasonable and feasible in light of the purpose and need for the proposed action. This may include the City of Rochester's South Bypass Proposal.

Public Participation

Scoping workshops were attended by over 1,000 people. Over 600 scoping comment forms and well over 1,000 letters raising environmental issues were received.

As part of the environmental review process to date, the agencies have conducted broad public outreach activities to inform the public about DM&E's proposal and to facilitate public participation. The agencies have consulted and will continue to consult with Federal, state, and local agencies, American Indian Tribal governments, affected communities, landowners, and all interested parties to gather and disseminate information about the proposal. In addition, comments continue to be accepted on all aspects of the environmental review process

[6] The new construction portion of this alterative would involve the portions of both Alternative B and C between their points of diversion from DM&E's existing line near Wasta to where they would begin to parallel the existing BNSF line northwest of Edgemont.

and potential environmental impacts. Moreover, the agencies are specifically requesting comments in this final scope on the Modified Proposed Action, referred to as Alternative C, and the City of Rochester's South Bypass Proposal.

The agencies continue to encourage extensive public participation in the EIS process. Comments have been received and will continue to be accepted throughout the environmental process. To further assist in obtaining information about the environmental review process, the agencies have provided a toll-free environmental hotline (1–877–404–3044).

Response to Comments

The agencies reviewed and considered all comments received in their preparation of this final scope of the EIS. The final scope reflects changes made as a result of comments received addressing environmental issues and concerns, as well as comments on the draft scope, previously distributed at public scoping workshops and published in the **Federal Register**. Other changes in the final scope were made for clarification or as a result of additional analysis. Additions and modifications reflected in the final scope include:

• Analysis of construction impacts resulting from the rebuilding of the applicant's existing system, including sidings and yard facilities (with alternative locations). Over 70 written and numerous oral comments requesting that this analysis be conducted were received. The rebuilding of DM&E's existing line, and the construction of sidings and yard facilities on DM&E's existing right-of-way, would not normally be included in an EIS prepared by the Board. However, as discussed above, because one of the cooperating agencies—the U.S. Army Corps of Engineers (COE)—requires such analysis, construction related impacts along the rail line to be rebuilt will be analyzed in this EIS to the extent necessary to satisfy the COE's permitting requirements under the Clean Water Act.

• Sidings and yard facilities (with alternative locations) for the new construction. The draft scope did not explicitly note that these facilities would be addressed in the EIS. As a point of clarification, sidings, yards, and other new rail facilities along the new construction portion of the project will be included in the EIS analysis.

• Analysis of air quality impacts related to fugitive coal dust. Over 350 written and numerous oral comments were received concerning the potential impacts of fugitive coal dust as it applies to both air quality and fire hazard. In response, the agencies have added the analysis of these potential impacts from coal dust to the final EIS scope.

• Analysis of downline impacts. The draft scope indicated that the EIS would address the potential environmental impacts associated with increased levels of rail traffic above the Board's thresholds, which would include DM&E's existing mainline between Wasta, South Dakota, eastward to its termination at Goodview, Minnesota. Because of the proximity of the communities of Goodview and Winona, Minnesota, the reasonably foreseeable potential impact of the project on them due to their location at the terminus of DM&E's system, and the numerous requests to include them in the analysis, the EIS will be expanded to include an appropriate analysis of those portions of the UP and Canadian Pacific (CP) lines potentially impacted by this project within the communities of Goodview and Winona, Minnesota.

• Analysis of increases in barge traffic. In its application, DM&E indicated a portion of the coal transported by the proposed project could be available for delivery by barge to utilities along the Mississippi and Ohio Rivers and within its identified core market area. Subsequently, during scoping, several written and oral comments asked that the impacts of increased barge traffic on the Mississippi River, specifically the Upper Mississippi River National Fish and Wildlife Refuge (Refuge), as a result of DM&E's proposal, be addressed in the EIS.

Based on more information from the applicant concerning potential impacts to barge traffic from DM&E's anticipated rail operations, it appears that barge loading facilities currently available could not accommodate unit coal trains of the type DM&E would be operating. Additionally, DM&E has no estimates of the reasonably foreseeable amount of coal to be transported by barge, as this would depend on market demand from a specific segment of its identified core market. Any projections of potential coal volumes to be transported by barge, therefore, are speculative at this time. In addition, such projections are dependent on the development of facilities capable of loading barges from unit coal trains.[7]

Because there is a high level of uncertainty about both the future development of a barge loading facility and the amount of coal that DM&E would transload to barge, any related impact to the Mississippi River generally and the Refuge specifically does not meet the ''reasonably foreseeable'' standard set by the Council on Environmental Quality (CEQ) for impacts analysis. See 40 CFR 1508.8; Forty Questions No. 18. Increases in barge traffic as a result of DM&E's proposal, therefore, will not be evaluated in this EIS.

• Vehicular traffic levels for evaluation. The air quality and transportation systems sections of the draft scope indicated grade crossings with vehicular traffic levels of 5,000 vehicles per day or more would be included in these analyses. In prior cases, this level of traffic has been considered by the lead agency, the Board, to be a conservative and appropriate baseline. Over 300 written and numerous oral comments were received pertaining to vehicular delay and access, particularly as they apply to the issues of air quality and transportation. A few commenters requested reduction in the traffic levels for evaluation in the EIS. The Board, in consultation with its cooperating agencies, has determined that a grade crossing traffic volume of 5,000 vehicles per day is appropriate for EIS evaluation. However, in response to concerns that have been raised, the Board will expand its analysis of impacts at grade crossings to specific crossings of less than 5,000 vehicles per day if unique circumstances discovered during the course of the environmental review process make it appropriate to include the crossings.

• Safety analysis. Based on comments received, the agencies have determined the EIS analysis will include the potential safety impacts of the project on affected facilities, such as the Federal Medical Center in Rochester, Minnesota.

• Analysis of vibration. Over 200 written and numerous oral comments were received expressing concern for the potential impacts resulting from train induced vibration. In response to these comments the agencies have revised the final scope of the EIS to include an analysis of the potential impacts of vibration, including impacts to structures, sensitive equipment, and alarm systems.

• Analysis of aesthetics. The analysis of aesthetics in the EIS will include the potential impacts of the proposed new rail line construction on areas determined to be of high visual quality, as discussed in the draft scope. Based

[7] Should a barge facility be developed, it would likely require an environmental review under NEPA. Such a review would likely require evaluation of the impacts of increased barge traffic on the river, including impacts to the Refuge, resulting from the development and operation of such a facility.

on comments received, the agencies clarify that the following criteria will be considered in evaluating areas of high visual quality: perception of isolation, feeling of vastness, and the wide open nature of the area.

• Quality of life issues. Several written and numerous oral comments were received regarding various potential quality of life impacts, including division of communities, isolation of residences, access to destinations, annoyance from increased noise and vibration, and traffic delays. The final scope has been clarified to include those quality of life issues involving division of communities, isolation of residences, access to destinations and similar concerns in the socioeconomic section. Annoyance from increased noise and vibration will be addressed in the noise section and annoyance from traffic delays will be covered within the transportation systems section.

• Distinction between public verses private lands. The agencies have clarified the land use section of the final scope to define the evaluation of existing land use patterns to include identification of private and public lands and the potential project impacts related to both.

• Potential impacts to utilities. The agencies have added to the land use evaluation of the final scope of the EIS an evaluation of potential project impacts on utilities, including pipelines, electrical lines, telephone lines, and any others in the vicinity of the project.

• Evaluation of mineral resources. The geology and soils section of the final scope of the EIS has been expanded to include an evaluation of the potential impacts of the project on mineral resources within the project area.

• Placement of paleontological resources evaluation. The draft scope included the evaluation of potential project impacts to paleontological resources within the cultural resources section. Based on comments received during scoping, the agencies have moved the discussion of paleontological resources to the geology and soils section of the final scope.

Additional Comment Period on the ''Modified Proposed Action,'' Referred to as Alternative C and City of Rochester's South Bypass Proposal

As stated above, in this final scope the agencies are providing an opportunity for all interested parties to submit their views during a 30 day comment period on the potential environmental impacts of the ''Modified Proposed Action,'' referred to as Alternative C. This comment period is in addition to the further comment period that will be provided on all aspects of the DEIS when it is issued. With regard to the City of Rochester's South Bypass Proposal, the agencies will consider the additional information submitted during the 30 day comment period to make a final determination of whether the South Bypass Proposal is a reasonable and feasible alternative designed to meet the purpose and need of the applicant's proposed action. The agencies have provided a general description of both the Modified Proposed Alternative, known as Alternative C, and the City of Rochester's South Bypass Proposal below:

Description of Modified Proposed Action,'' Referred to as Alternative C

Alternative C, the Modified Proposed Action, would diverge from DM&E's existing system approximately three miles south of Wasta, South Dakota. It would generally follow the Cheyenne River along the sideslope of the floodplain on the west side of the river. It would cross State Highway 44 approximately 2 miles west of where the highway crosses the Cheyenne River and continue southward along Spring Creek for approximately 10 miles. Alternative C would cross Spring Creek where the creek bends to the west, with the rail line alternative extending in a generally westward direction for approximately 12 miles before turning southward. It would extend southward for approximately 16 miles, crossing the Cheyenne River just south of the Custer-Fall River County Line. Alternative C would continue southward for 5 miles, then curve westward to join with DM&E's existing line just north of Smithwick, South Dakota. It would utilize this existing rail line for approximately four miles, then branch from the existing line, extending westward for approximately 28 miles, then curve northward, passing approximately 2 miles east of Edgemont, South Dakota. Approximately 2 miles north of Edgemont, Alternative C would parallel the existing BNSF for approximately 13 miles before crossing over the BNSF line and extending westward into Wyoming, following the Cheyenne River for approximately 11 miles. After crossing U.S. Highway 85, Alternative C would extend in a generally northwest direction, crossing Black Thunder Creek approximately 4 miles south of where State Highway 450 crosses Black Thunder Creek. Alternative C would extend westward, generally parallel to and south of State Highway 450, along Little Thunder Creek. Approximately 4 miles east of the Jacob's Ranch Coal Mine, Alternative C would split and one branch would extend north along the east side of the region's coal mines, converging with the existing joint rail line in the vicinity of the Belle Ayr and Caballo Rojo mines. The southern branch would extend southward, also along the east side of the areas coal mines, accessing the North Antelope, Rochelle, and Antelope Coal Mines.

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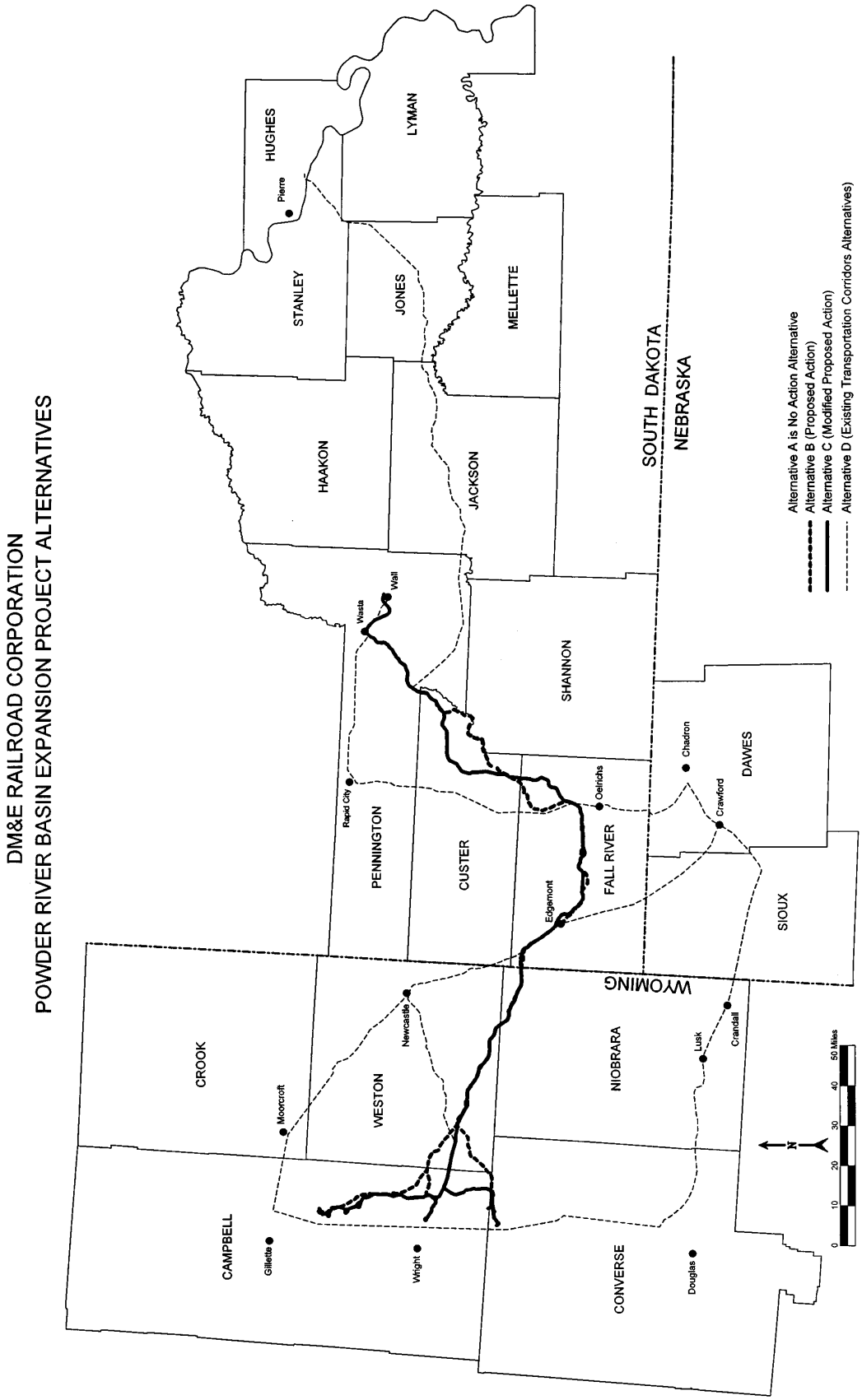

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City of Rochester's South Bypass Proposal

On January 6, 1999, the City of Rochester, Minnesota (the City) requested that SEA consider a south bypass corridor as an alternative to DM&E's proposed plan to rehabilitate its existing rail line and operate additional rail traffic, primarily coal trains, through Rochester. As part of its submission, the City has attached an engineering report commissioned jointly by the City and Olmsted County.[8] The report, entitled *Mitigation of Safety and Environmental Issues Associated with The Dakota Minnesota & Eastern Railroad's Proposed Expansion Through the City of Rochester and Olmsted County, Minnesota*, contains information on the southern bypass route and proposed mitigation for the existing DM&E rail corridor.

Description of Proposed South Bypass

The report states that its intent is to ''assess the impacts the additional train traffic would have on the communities and the environment within the county and, if appropriate, recommend reasonable, effective, and practical alternatives for mitigation of these impacts.'' Report p. 2. To that end, the report states that after assessing the increased potential for train/vehicle collisions at grade crossings if DM&E's proposal were to be approved, several options for mitigating these potential safety impacts were considered, including construction of a depressed trainway, construction of a tunnel beneath the City, construction of a north bypass, and construction of a south bypass. According to the report, the trench, tunnel, and north bypass options were found not to be viable so the report focused on a south bypass and an existing corridor improvement option.[9] Report p. 6.

The report describes the south bypass as follows: the route would be 34.1 miles long and would diverge south from DM&E's mail track in Dodge County at milepost 61.1, approximately .8 miles west of the Olmsted County line west of Byron, Minnesota. The route then would travel due south approximately 9.5 miles through portions of Salem and Rock Dell Township. The line would then travel generally eastward through High Forrest, Marion, Pleasant Grove, and Eyota Townships. The line would reconnect with DM&E's existing system at milepost 37.5, approximately 8.2 miles west of the east Olmsted County line.

According to the report, the south bypass would require acquisition of approximately 887 acres for a 200-foot wide new right-of-way. Twelve households would be located within 500 feet of the rail centerline. Fifty-one households would be within 1200 feet of the centerline. The bypass would cross forty-two intermittent creeks or waterways, none of which are major according to the report's engineers. Thirty-eight roadways (seventeen of which are paved and eighteen of which have average daily traffic counts less than 100 vehicles) would be crossed.

The report also sets forth details of design criteria, including curves and profile grades, track specifications, embankment and side slopes, bridges, highway crossings and signals, fencing, cut and fill requirements, wetlands, and endangered species. Report pp. 7–13. In addition, the report includes an estimated cost of $115,334,000 for acquisition and construction of the south bypass. Report p. 12.

The report concludes that the south bypass would effectively mitigate adverse impacts to the City and Olmsted County by avoiding population areas. In addition, the report states that the bypass would present operational advantages to DM&E, such as improved curvature, a wider right-of-way, and increased opportunities for future development and additional trackage. Report p. 14. The report notes that the south bypass route would not require DM&E to abandon service to its existing customers, and that light local rail traffic could continue over DM&E's present line through the City. Report p. 15.

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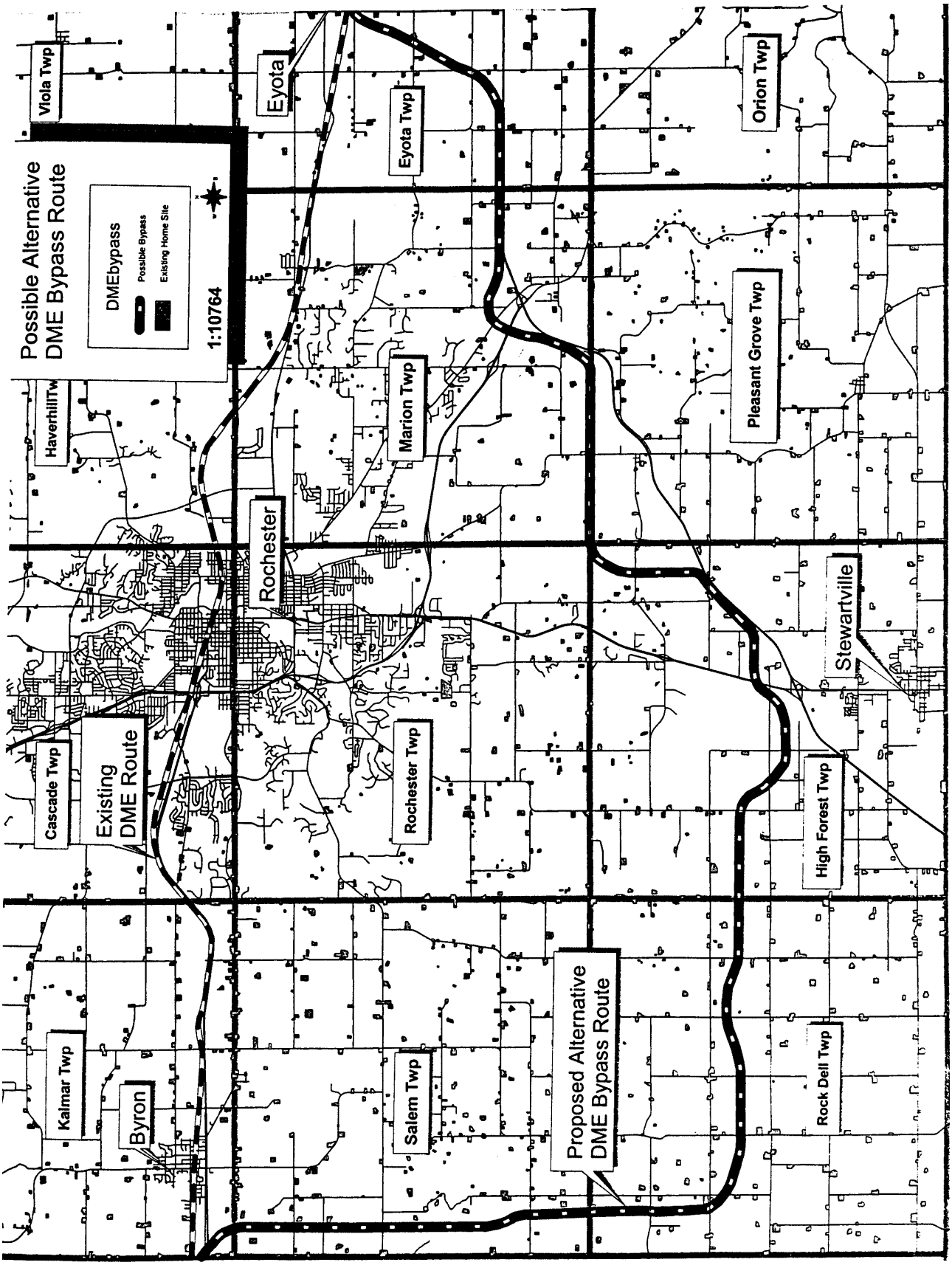
[8] The report was prepared by the engineering firms of Toltz, Duvall, Anderson and Associates of St. Paul, Minnesota and its subconsultant, Black and Veatch located in Overland, Kansas. A copy has been placed in the environmental record in this case. We urge interested parties or members of the public to review the report itself. We explain below how to obtain a copy of the report.

[9] The report notes, however, that the City is continuing to gather data on the feasibility of the tunnel option. See p. 6



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City of Rochester's Proposed Mitigation of DM&E's Existing Corridor

The report also proposes a number of improvements to DM&E's existing corridor through the City [10] designed to mitigate potential environmental impacts if DM&E's proposal were to be approved.[11] The improvements include replacing all of the main track with 136-lb continuously welded rail, replacing all poor or marginal timber cross ties, replacing all turnouts along the main track, installing power switch machines and switch heaters at all heavily used locations, replacing all timber trestle bridges, replacing or strengthening all of the steel bridges to support heavier axle loads, cleaning and installing additional rock ballast and re-profiling the existing line, cleaning drainage ditches and repairing culverts and marginal embankments, and replacing all at grade crossing surfaces following reconstruction of the track.

The report goes on to recommend additional work to reduce potential safety, environmental, congestion, and quality of life problems. Moreover, the report recommends construction of eleven separated grade crossings, closure of seven grade crossings, and protection with train activated flashing light signal and automatic gate arms at the seventeen remaining crossings. Other recommended mitigation includes sound barrier walls, fencing, and pedestrian crossings. The report includes an estimated cost of $119,300,000 for the recommended mitigation of DM&E's existing corridor. Report p. 21.

Public Participation and Request for Comments

Pursuant to NEPA, the EIS must explore and evaluate a reasonable range of alternatives designed to meet the purpose and need of the proposal. If alternatives have been eliminated from detailed study, the EIS must briefly discuss why these alternatives have been discarded. See 40 CFR 1502.14(a); Forty Questions No. 1(a). CEQ's guidance states that ''[r]easonable alternatives include those that are practical or feasible from the technical and economic standpoint and using commonsense, rather than simply desirable from the standpoint of the applicant.'' Forty Questions No. 2a.

The City's submission contains sufficient information for the Board, in consultation with its cooperating agencies, to make a preliminary determination that the south bypass *may* be a feasible alternative routing. However, we do not yet have the benefit of the applicant's views, nor those of the affected members of the public or other interested parties as to the feasibility of the south bypass, or whether it would simply shift to different communities and populations the potential environmental consequences of the applicant's proposed route. To ensure that the agencies have as much information as possible on the south bypass in preparing the DEIS, SEA has decided to provide an opportunity for interested parties and members of the public to submit comments on the feasibility of the City's proposal prior to the issuance of the DEIS.[12]

In addition, as discussed above, the agencies are seeking comments on the potential environmental impacts of the ''Modified Proposed Action,'' referred to as Alternative C.

Comments on Alternative C and on the City's proposal can be submitted to the Surface Transportation Board within 30 days of publication of the final scope and request for comments in the **Federal Register**. Comments should be sent to: Office of the Secretary, Case Control Unit, STB Finance Docket No. 33407, Surface Transportation Board, 1925 K Street, NW, Washington, D.C. 20423–0001.

To ensure proper handling of your comments, you must mark your submission: Attention: Elaine K. Kaiser, Chief, Section of Environmental Analysis, Environmental Filing.

The DEIS will include an appropriate discussion of the south bypass and recommended mitigation and a determination as to whether the bypass would be a reasonable and feasible alternative. The public then will have the opportunity to review and comment on these conclusions regarding the south bypass during the comment period on the DEIS. The DEIS will contain information on the agencies' conclusions regarding the City of Rochester's South Bypass Proposal. An opportunity for further comment will be provided at that time.

Agency Actions

Based on CEQ's and each agencies' regulations implementing NEPA, the draft scope, oral and written comments received, and all other information available to date, the agencies have prepared this final scope of the EIS. This final scope of the EIS will be distributed to all Parties of Record, interested parties and American Indian Tribal governments, and appropriate Federal, state, and local agencies.

Based on the agencies' environmental analysis, review of all information available to-date, and consultations with appropriate American Indian Tribal governments and agencies, the agencies will prepare the DEIS. The DEIS will address relevant environmental concerns, as generally described in this final scope of the EIS and recommend appropriate environmental mitigation. The agencies will afford an opportunity for public comments on the DEIS. Once comments have been received and assessed, the agencies will issue the FEIS, which will respond to comments and, if appropriate, set forth additional analysis and information. Following the close of the environmental record, the Board and each of the cooperating agencies will then issue final decisions on the proposed action.

Environmental Impact Analysis

Analysis in the EIS will address, as appropriate, the potential environmental impacts of proposed activities associated with the construction and operation of DM&E's new rail facilities, as well as construction and operation activities associated with the rebuilding of DM&E's existing mainline. The scope of the analysis will include the following activities:

1. Proposed construction of new rail mainline extension to access coal mines south of Gillette, Wyoming.
2. Proposed construction of new rail mainline to bypass DM&E's existing trackage rights on UP in Mankato, Minnesota.
3. Proposed construction of new rail line connection between DM&E and I&M Rail Link south of Owatonna, Minnesota.
4. Proposed upgrade along DM&E's existing track from the point of connection with new construction between Wasta, South Dakota and Winona, Minnesota.

Impact Categories

The EIS will address potential impacts from the proposed construction and operation of new rail facilities on the human and natural environment.

[10] The report defines the corridor as DM&E's 31.0 mile long main track traveling east-west through Olmsted County and .8 miles located in Dodge County. Report p. 15.

[11] The DEIS will assess potential environmental impacts that would result from rebuilding DM&E's existing line and operating a maximum of 37 trains, including 34 unit coal trains over the rebuilt line. The DEIS will assess proposals for mitigation of impacts and independently develop recommended mitigation measures.

[12] Detailed information, including maps, of Rochester's proposed south bypass and mitigation of DM&E's existing corridor may be obtained from: The Rochester-Olmsted County Department of Planning, 2122 Campus Drive, SE, Rochester, MN 55904, (507) 285–8232.

Impact areas addressed will include the categories of land use, biological resources, water resources, geology and soils, air quality, noise, energy resources, socioeconomics as they relate to physical changes in the environment, safety, transportation systems, cultural and historic resources, recreation, aesthetics, environmental justice, and cumulative effects. The EIS will include a discussion of each of these categories as they currently exist in the project area and address the potential impacts from the proposed project on each category as described below.

The EIS analysis will also address construction and operation related impacts associated with the rebuilding of DM&E's existing mainline from the point of connection with the new construction segments between Wasta, South Dakota and Winona, Minnesota. Such action, being confined within existing rail right-of-way and on existing rail property, would not normally be included in an EIS prepared by the Board. Only the potential impacts associated with rail traffic increases on DM&E's existing system resultant from the construction and operation of the proposed project would be evaluated. However, because the U.S. Army, Corps of Engineers, a cooperating agency, requires such analysis to satisfy its permitting requirements under the Clean Water Act and comments requesting such analysis be conducted were received, analysis of construction related impacts along the rail line to be rebuilt will be included in this EIS. In addition to the analysis of potential project impacts related to operational increases in rail traffic (noise, air quality, transportation, safety), the construction related impacts to land use, biological resources, water resources, geology and soils, air quality, noise, socioeconomics, safety, hazardous materials, transportation systems, cultural and historic resources, environmental justice, and cumulative effects will be analyzed as discussed below.

1. Land Use

The EIS will:

A. Describe existing land use patterns, management, and ownership (private and public) within the project area for new rail line construction and along the existing rail line to be rebuilt and identify those land uses and the amounts of each potentially impacted by new rail line construction and rail line rebuild.

B. Describe the potential impacts associated with the proposed construction and operation of new rail line and existing rail line to be rebuilt to cropland, pastureland, rangeland, grassland, woodland, developed land, school endowment land, BLM lands,[13] Forest Service lands, state lands, utilities, and any other land uses identified within the project area. Such potential impacts may include but not be limited to impacts to farming/ranching activities, introduction of noxious weeds, fire hazard, incompatibility with existing land uses, relocation of residences or businesses, and conversion of land to railroad uses.

C. Propose mitigative measures to minimize or eliminate potential adverse project impacts to land use, as appropriate.

2. Biological Resources

The EIS will:

A. Describe the existing biological resources within the project area for new rail line construction and along the existing rail line to be rebuilt, including vegetative communities, wildlife and fisheries, federally threatened or endangered species, and any sensitive vegetation and wildlife identified and the potential impacts to these resources resultant from construction and operation of new rail line and the existing rail line to be rebuilt.

B. Describe the wildlife sanctuaries, refuges, and national or state parks, forests, or grasslands within the project area for new construction and along the existing rail line to be rebuilt and the potential impacts to these resources resultant from construction and operation of new rail line and existing rail line to be rebuilt.

C. Propose mitigative measures to minimize or eliminate potential adverse project impacts to biological resources, as appropriate.

3. Water Resources

The EIS will:

A. Describe the existing surface and groundwater resources within the project area for new rail line construction and along the existing rail line to be rebuilt, including lakes, rivers, streams, stock ponds, wetlands, aquifers, wells, and floodplains and the potential impacts on these resources resultant from construction and operation of new rail line and the existing rail line to be rebuilt.

B. Describe the existing uses of water resources in the project area for irrigation, livestock, residential, and municipal water supply.

C. Describe the permitting requirements for the proposed new rail line construction and existing rail line rebuild in regard to wetlands, stream crossings, water quality, and erosion control.

D. Propose mitigative measures to minimize or eliminate potential adverse project impacts to water resources and users, as appropriate.

4. Geology and Soils

The EIS will:

A. Describe the geology, soils, and mineral resources found within the project area for new rail line construction and along the existing rail line to be rebuilt, including unique or problematic geologic formations or soils, prime farmland soils, and recoverable mineral resources.

B. Describe measures employed to avoid or construct through unique or problematic geologic formations or soils.

C. Describe the impacts of new rail line and existing rail line rebuild construction activities on prime farmland soils.

D. Describe the potential impacts to mineral resources within the project area for new construction and along the existing rail line to be rebuilt.

E. Describe the potential general impacts to paleontological resources in the project area for new construction and along the existing rail line to be rebuilt due to new rail line construction and existing rail line rebuild activities, if necessary and required.

F. Propose mitigative measures to minimize or eliminate potential adverse project impacts to geology, soils, mineral resources, and paleontological resources, as appropriate.

5. Air Quality

The EIS will:

A. Discuss the existing air quality in the project area for the new construction, along the existing rail line to be rebuilt, and those portions of the UP and CP rail systems within Goodview and Winona, Minnesota.

B. Evaluate rail air emissions on new rail line, the existing rail line to be rebuilt, and those portions of the UP and CP rail systems within Goodview and Winona, Minnesota that exceed the Board's environmental thresholds in 49 CFR 1105.7(e)(5)(I), in an air quality attainment or maintenance area as designated under the Clean Air Act. The threshold anticipated to apply to this project is eight trains per day on any segment of new rail line.

C. Evaluate rail air emissions on new rail line, the existing rail line to be rebuilt, and those portions of the UP and CP rail systems within Goodview and Winona, Minnesota, if a Class I or non-attainment area as designated under the Clean Air Act is affected. The

[13] This term includes those lands for which the BLM administers the land and/or the mineral estate.

threshold for Class I and non-attainment areas anticipated to apply to this project is 3 trains per day or more.

D. Evaluate the potential air quality impacts associated with the increased availability and utilization of Powder River Basin coal.

E. Discuss the net increase in emissions from increased railroad operations associated with the proposed operations over new rail line, the existing DM&E system and other rail systems as appropriate, including those portions of the UP and CP systems within Goodview and Winona, Minnesota.

F. Discuss the potential air emissions increases from vehicle delays at new and existing grade rail crossings where the rail crossing is projected to experience an increase in rail traffic over the threshold described above for attainment, maintenance, Class I, and non-attainment areas and that have an average daily vehicle traffic level of over 5,000. Emissions from vehicle delays at new and existing grade rail crossings and idling diesel engines and coal dust will be factored into the emissions estimates for the affected area, as appropriate.

G. Describe the potential air quality impacts of emissions from idling diesel locomotives and coal dust produced during train operation.

H. Describe the potential air quality impacts resulting during new rail line and existing rail line rebuild construction activities.

I. Propose mitigative measures to minimize or eliminate potential adverse project impacts to air quality, as appropriate.

6. Noise

The EIS will:

A. Describe existing noise receptors and conditions in the project area for new rail line construction, along the existing rail line to be rebuilt, and the portions of the UP and CP rail lines within Goodview and Winona, Minnesota.

B. Describe the potential noise impacts during new and existing rail line construction and rebuilding.

C. Describe potential noise impacts of new and rebuilt existing rail line operation for those areas that exceed the Board's environmental threshold of eight or more trains per day as a result of the proposed project along the proposed new construction, the existing rail line to be rebuilt, and along the portions of the UP and CP rail lines within Goodview and Winona, Minnesota.

D. Describe the potential impacts of the new and rebuilt existing rail line operation due to vibration, both noise and ground-borne along the proposed new construction, the existing rail line to be rebuilt, and along the portions of the UP and CP rail lines within Goodview and Winona, Minnesota.

E. Propose mitigative measures to minimize or eliminate potential adverse project impacts to noise and vibration receptors, as appropriate.

7. Energy Resources

The EIS will:

A. Describe the transport of energy resources and recyclable commodities on the existing DM&E system.

B. Describe the potential environmental impact of the new rail line and rebuilt existing rail line on the transportation of energy resources and recyclable commodities.

C. Describe the environmental impacts of operation of the new rail line and rebuilt existing rail line on utilization of the nations energy resources.

D. Propose mitigative measures to minimize or eliminate potential adverse project impacts to the transportation of energy resources and recyclable commodities, as appropriate.

8. Socioeconomics

The EIS will:

A. Describe the socioeconomic conditions within the area of new construction alternatives and along the existing line to be rebuilt.

B. Address socioeconomic issues shown to be related to changes in the physical environment as a result of the proposed action, including quality of life issues such as division of communities, isolation of residences, access to destinations and similar concerns.

C. Propose mitigative measures to minimize or eliminate potential adverse project impacts to socioeconomics, as appropriate.

9. Safety

The EIS will:

A. Describe rail/highway grade crossing safety factors at new grade crossings, as appropriate.

B. Describe rail/highway grade crossing safety factors at existing grade crossings along the portion of DM&E's system to be rebuilt and those portions of the UP and CP systems within Goodview and Winona, Minnesota.

C. Describe the potential for increased probability of train accidents, derailments, and train/vehicular accidents at new and existing grade crossings, as appropriate.

D. Describe the potential for disruption and delays to the movement of emergency vehicles across the new rail line, existing rail line to be rebuilt, and those portions of the UP and CP systems within Goodview and Winona, Minnesota due to new rail line construction and operation.

E. Describe the changes at existing grade crossings implemented to increase safety at existing grade crossings due to increased rail operations on the DM&E system. Such changes would include signalization upgrades and conversion of grade crossings to grade separated crossings.

F. Propose mitigative measures to minimize or eliminate potential adverse project impacts to safety, as appropriate.

10. Hazardous Materials

The EIS will:

A. Describe any known hazardous materials sites along the preferred and alternative construction alignments and the existing rail line to be rebuilt.

B. Describe the transport of any hazardous materials over the existing DM&E system and those portions of the UP and CP rail systems within Goodview and Winona, Minnesota.

C. Describe the potential impacts to hazardous materials sites along the preferred and alternative alignments.

D. Describe the potential impacts to the transport of any hazardous materials over the existing DM&E system, new rail line proposed for construction, and those portions of the UP and CP rail systems within Goodview and Winona, Minnesota.

E. Propose mitigative measures to minimize or eliminate potential adverse project impacts to hazardous materials and the transport of any hazardous materials, as appropriate.

11. Transportation Systems

The EIS will:

A. Describe the potential effects of new rail line construction and operation on the existing transportation network in the project area including:

(1) Impact to the existing DM&E system operations

(2) Impacts to other rail carriers' operations

(3) Vehicular delays at new grade crossings for those crossings having average daily vehicle traffic of 5,000 or more and

(4) Vehicular delays at existing grade crossings that are part of the portion of the existing system proposed to be rebuilt for those crossings having average daily vehicle traffic of 5,000 or more.

(5) Vehicular delays at existing grade crossings along those portions of the UP and CP rail systems within Goodview and Winona, Minnesota for those

crossings having average daily vehicle traffic of 5,000 or more.

(6) Vehicular delays at existing and new grade crossings having average daily traffic of less than 5,000 vehicles but have unique circumstances that make such evaluation appropriate.

B. Propose mitigative measures to minimize or eliminate potential adverse project impacts to transportation systems, as appropriate.

12. Cultural and Historic Resources

The EIS will:

A. Describe the potential impacts to historic structures or districts previously recorded and determined potentially eligible, eligible, or listed on the National Register of Historic Places within or immediately adjacent to the right-of-way for the preferred and alternative construction alignments and the existing rail line to be rebuilt.

B. Describe the potential impacts to archaeological sites previously recorded and either listed as unevaluated or determined potentially eligible, eligible, or listed on the National Register of Historic Places within the right-of-way for the preferred and alternative construction alignments and the existing rail line to be rebuilt.

C. Describe the potential impacts to historic structures or districts identified by ground survey and determined potentially eligible or eligible for listing on the National Register of Historic Places within or immediately adjacent to the existing rail line to be rebuilt.

D. Describe the potential impacts to traditional cultural properties and religious use areas, sacred sites, cultural landscapes, and collection areas for religious and ceremonial plants.

E. Propose mitigative measures to minimize or eliminate potential adverse project impacts to cultural and historic resources, as appropriate.

13. Recreation

The EIS will:

A. Describe the existing recreational opportunities and activities present and undertaken in the project area for the new construction and along the existing rail line to be rebuilt.

B. Describe the potential impacts of the proposed new rail line construction and operation on the recreational opportunities and activities in the project area for the new construction and along the existing rail line to be rebuilt.

C. Propose mitigative measures to minimize or eliminate potential adverse project impacts to recreation, as appropriate.

14. Aesthetics

The EIS will:

A. Describe any areas identified or determined to be of high visual quality (components of which may include the wide open nature of the area, the perception of isolation, and feeling of vastness), wilderness areas, or waterways designated as wild and scenic within the project area for the new construction and along the existing rail line to be rebuilt.

B. Describe the potential impacts of the proposed new rail line construction and existing rail line rebuild on any areas identified or determined to be of high visual quality.

C. Describe the potential impacts of the proposed new rail line construction and existing rail line rebuild on any designated wilderness areas.

D. Describe the potential impacts of the proposed new rail line construction and existing rail line rebuild on any waterways considered for or designated as wild and scenic.

E. Propose mitigative measures to minimize or eliminate potential adverse project impacts to aesthetics, as appropriate.

15. Environmental Justice

The EIS will:

A. Describe the demographics in the project area and the immediate vicinity of the proposed new construction and along the existing rail line to be rebuilt, as appropriate, including communities potentially impacted by the construction and operation of the proposed new rail line and existing rail line to be rebuilt.

B. Evaluate whether new rail line and existing rail line construction, rebuild, or operation activities would have a disproportionately high adverse impact on any minority or low-income groups.

C. Propose mitigative measures to minimize or eliminate potential adverse project impacts to minority or low-income groups, as appropriate.

16. Cumulative Effects

The EIS will discuss cumulative effects of the construction and operation of the new rail line and DM&E's existing system.

By the Board, Elaine K. Kaiser, Chief, Section of Environmental Analysis.

Vernon A. Williams,

Secretary.

[FR Doc. 99–5930 Filed 3–9–99; 8:45 am]

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DEPARTMENT OF THE TREASURY

Customs Service

Proposed Collection; Comment Request; Customhouse Brokers Licence and Permit

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, Customs invites the general public and other Federal agencies to comment on an information collection requirement concerning Customhouse Brokers Licence and Permit. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Public Law 104–13; 44 U.S.C. 3505(c)(2)).

DATES: Written comments should be received on or before May 10, 1999, to be assured of consideration.

ADDRESSES: Direct all written comments to U.S. Customs Service, Information Services Group, Attn.: J. Edgar Nichols, 1300 Pennsylvania Avenue, NW, Room 3.2C, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to U.S. Customs Service, Attn.: J. Edgar Nichols, 1300 Pennsylvania Avenue NW, Room 3.2C, Washington, D.C. 20229, Tel. (202) 927–1426.

SUPPLEMENTARY INFORMATION: Customs invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Public Law 104–13; 44 U.S.C. 3505(c)(2)). The comments should address: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) estimates of capital or start-up costs and costs of operations, maintenance, and purchase of services to provide information. The comments that are submitted will be summarized and included in the Customs request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document Customs is soliciting