FOR FURTHER INFORMATION CONTACT:

**SUMMARY:** This action grants with conditions a request by Airlines for America (A4A) for a waiver of the slot usage requirement for operating authorizations (slots) at Newark Liberty International Airport (EWR) due to construction at the airport during the summer 2012 and winter 2012–13 scheduling seasons.

**DATES:** Effective upon publication. The deadlines for temporary slot returns under this waiver are March 16, 2012, for summer 2012 slots and August 15, 2012, for winter 2012–13 slots.

**FOR FURTHER INFORMATION CONTACT:**
Robert Hawks, Office of the Chief Counsel, Federal Aviation Administration, 300 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267–7143; email: rob.hawks@faa.gov.

**SUPPLEMENTARY INFORMATION:**

**Background**

By letter dated December 6, 2011, A4A requested the FAA grant a limited waiver of the slot usage requirement for EWR during the 2012 runway 4R–22L reconstruction project. In support of its request, A4A referenced a waiver granted by the FAA in 2010 due to a runway construction project at John F. Kennedy International Airport.1 The Port Authority of New York and New Jersey (Port Authority) will resurface EWR runway 4R–22L. In addition, the Port Authority will undertake preparatory work for new taxiways and install new runway lighting and electrical infrastructure. This major project is scheduled for between April 15 and December 15, 2012. The construction schedule, which may be adjusted because of weather conditions, is:

- Nightly closure (0030 through 0630) of runway 4R–22L from April 15 through December 15.
- Extended weekend closure of runway 4R–22L from April 15 through November 15.2 Closure will occur from 0030 on Saturday through 1100 on Sunday.
- Closure of runway 4R–22L from September 8 through September 17.
- Closure of the intersection of runway 4R–22L and runway 11–29 from May 4 through May 9. This closure will result in shortening the available lengths of both runways.

A4A contends the closures will significantly affect EWR’s throughput because runway 4R–22L is the airport’s principal arrival runway. During the recession and severe budget constraints, A4A argues that a runway 4R–22L closure with a corresponding slot waiver is necessary to maintain EWR’s market access and place the airport on a stronger financial footing.

The FAA reviewed the merits of A4A’s request, taking into consideration the agency’s history of granting such waivers for temporary runway closures, the FAA’s slot waiver policy, EWR’s unique operational environment, and the need for runway 4R–22L closure. 

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

[Docket No. FAA–2011–1442]

Order Limiting Scheduled Operations at Newark Liberty International Airport

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of FAA Decision on Request for Waiver of the Slot Usage Requirement.

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1 74 FR 52838 (Oct. 14, 2009).
2 Construction work is not scheduled for the weekends of March 12–13, June 30–July 1, and July 7–8.
construction closures, both arrivals and departures must share runway 4L–22R. Construction closures that shorten the length of cross-wind runway 11–29 may reduce the number of arrivals and departures that can use that runway.

EWR is one of the busiest airports in the nation and currently experiences significant delay. A4A argues construction closures, and the resulting decreased throughput, likely will increase airport delays. The FAA, the Port Authority, and airlines have discussed mitigations of construction-related delays, and the construction schedule, which limits the closures, reflects those discussions.

FAA Analysis

Under the Order limiting scheduled operations at EWR, slots must be used at least 80 percent of the time. This rule is expected to accommodate routine related delays, and the construction schedule, which limits the closures, reflects those discussions.

FAA Decision

In consideration of the foregoing, A4A’s request for a waiver is granted with conditions. This waiver applies only to EWR slots for the following days: (1) Saturdays and Sundays from April 15 through November 15; (2) May 4 through May 9, and (3) September 8 through September 17. To obtain a waiver for a specific slot held, a carrier must temporarily return to the FAA slots that it will not operate during the waiver period. The carrier will retain historical precedence for these temporarily returned slots. These temporary slot returns permit the FAA to plan for days on which construction closures and resulting operational impacts occur. If the closure dates change due to weather, the FAA will apply the waiver, including retroactively, if a carrier notifies the FAA that the temporarily returned slots will not be operated on any new closure dates. For summer 2012 slots, the temporary slot return deadline is Friday, March 16, 2012. For winter 2012–13 slots, the temporary slot return deadline is Wednesday, August 15, 2012.

Temporary slot returns should be submitted to the Slot Administration Office by email at 7-awa-slotadmin@faa.gov or by facsimile at (202) 267–7277. These return notifications should indicate they are subject to this waiver.

Issued in Washington, DC, on January 4, 2012.

Rebecca B. MacPherson, Assistant Chief Counsel for Regulations.

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Erie County, NY

AGENCY: Federal Highway Administration (FHWA), United States Department of Transportation (DOT).

ACTION: Rescinded Notice of Intent.

SUMMARY: FHWA is issuing this rescinded notice to advise the public that FHWA will not be preparing and issuing a Final Environmental Impact Statement for the proposed Peace Bridge Expansion Project in the city of Buffalo, Erie County, New York and the town of Fort Erie, Ontario Canada (NYSDOT Project Identification Number: 5753.58). The Peace Bridge Expansion Project (project) is a proposal for operational improvements at the Peace Bridge crossing between the United States and Canada. A notice of intent to prepare an EIS was published in the Federal Register on October 9, 2001.


SUPPLEMENTARY INFORMATION: FHWA in cooperation with the New York State Department of Transportation (NYSDOT) and the Buffalo-Fort Erie Public Bridge Authority (PBA) previously intended to prepare an EIS to evaluate the impacts and alternatives to constructing a companion bridge to the existing structure and to expand the border crossing plaza for Federal inspection agencies with reconstruction, relocation, and improvements to connecting roadways as well.

As the project and environmental documentation developed from the original scope, significant spatial challenges resulted from the design and operational complexities required to meet the defined objectives (security requirements and operational improvements). At this time, the significantly large footprint and associated impacts that are required for an adequate design to meet the objectives of the project has caused the cost to escalate beyond the sponsor’s ability to secure sufficient funding. This determination was reached as a result of the extensive analysis and coordination that has been conducted on this project to date. Additionally, as a result of the comprehensive environmental review and coordination with Federal and state resource agencies, the community and resource agency concerns relating to historic impacts, relocations, and other environmental impacts were at this time becoming increasingly paramount.

The project has been envisioned for over two decades and engendered controversy since its inception. The analysis and consultation which FHWA has conducted with the other lead agencies has established that the original purpose of improving operations and security at the border can be accomplished without a combined bridge and plaza improvements project and addressed by a project of more limited scope. The PBA will be evaluating a series of plaza operational improvements and minor construction projects and will not be seeking Federal funding for such work. In light of this information and funding constraints, FHWA has determined that the plaza improvements and bridge construction have independent utility with logical termini and do not forecast future improvements or projects with respect to either facility. In light of this rescinded notice terminating the project, the actions of