

for maintenance technicians, from which the inspector will ask the pilot or maintenance technician questions. To get complete information about the runway incursion or surface incident for analysis and to implement future preventive measures, the inspector will also encourage pilots and maintenance technicians to provide additional comments to the inspector. The inspector will record any comments in the RIIEP questionnaire "comments section." These comments may be on anything about the event and may range from general to specific.

#### **RIIEP Enforcement Policy**

The FAA opens an enforcement investigation when it receives a report of a pilot deviation or a vehicle or pedestrian deviation, which are categories of runway incursion or surface incidents that involve possible regulatory violations by a pilot or maintenance technician. If the investigation reveals a violation of the FAA's regulations, the pilot or maintenance technician is subject to a legal enforcement action (certificate action or civil penalty). However, as an incentive to encourage participation in the RIIEP, for airmen who cooperate and provide detailed information regarding the deviation, the FAA plans to forgo punitive legal enforcement actions (certificate suspension for a fixed period or civil penalty), and instead use administrative action<sup>3</sup> or counseling<sup>4</sup>, which involve no finding of violation, provided:

1. The nature of the apparent violation does not indicate that a certificate holder lacks qualification to hold a certificate;
2. The apparent violation was inadvertent, that is, it was not the result of purposeful conduct;
3. The apparent violation was not a substantial disregard for safety or security;
4. The apparent violator has a constructive attitude toward complying with the regulations; and
5. The apparent violation does not indicate a trend of noncompliance.

In certain cases, the FAA may determine an airman should complete corrective action to help prevent another runway incursion or surface incident, such as remedial training.

<sup>3</sup> An administrative action is either a warning notice or letter of correction, which is generally issued when remedial training is taken.

<sup>4</sup> Counseling is an action carried out under the guidance of the FAA's Aviation Safety Program, which is a program designed to promote safety and technical proficiency by providing guidance and support for the aviation community through education and cooperative efforts.

Such corrective action is voluntary; however, refusal by the pilot or maintenance technician to undertake it could result in punitive legal enforcement action being taken for the apparent violation.

If an apparent violation resulting from the runway incursion or surface incident, or the circumstances surrounding the runway incursion or surface incident, demonstrate or raise a question of lack of qualification of an airman, the FAA will proceed with appropriate action. This may include reexamination, certificate suspension pending successful reexamination, or certificate revocation.

Foreign airmen may not participate in the RIIEP.

#### **Runway Safety Education Demonstrating a Constructive Attitude**

In determining whether an apparent violator has a constructive attitude toward complying with the regulations, FAA may consider documentation showing the completion of an FAA-sponsored, industry-conducted safety seminar on the subject implicated in the apparent violation.

The FAA is sponsoring an industry-conducted Pilot and Mechanic Runway Safety Education program available on the Internet at [http://www.aopa.org/asf/runway\\_Safety/](http://www.aopa.org/asf/runway_Safety/). We will consider successful completion and documentation of this Runway Safety education program favorably in determining the course of action we will take when a pilot or maintenance technician is involved in a runway incursion or surface incident. The Runway Safety Education program will also qualify for credit under the Pilot Proficiency Awards (WINGS) Program or the Aviation Maintenance Technician Awards (AMT) Program.

#### **Using Information Provided By Pilots or Maintenance Technicians Under the RIIEP**

The FAA recognizes pilots and maintenance technicians will have concerns that the information they provide under this program will be used by the FAA to take legal enforcement actions against them. The FAA, however, does not expect to use information provided by pilots or maintenance technicians during interviews conducted by FAA inspectors under the RIIEP in any FAA punitive legal enforcement action.

#### **RIIEP Application Under an Approved Aviation Safety Action Programs (ASAP)**

Reports of runway incursion and surface incident events that are accepted

under an approved ASAP will be handled in accordance with Advisory Circular (AC) 120-66, Aviation Safety Action Programs (ASAP), as amended, and the Memorandum of Understanding between the FAA and the certificate holder. As with ASAP, the objective of the RIIEP is to encourage the voluntary reporting of safety information that may be critical to identifying potential precursors to accidents. Incorporation of the RIIEP under an approved ASAP is therefore strongly encouraged, to include:

1. Certificate holder's participation in the RIIEP;
2. Use of the RIIEP questionnaire during the ASAP report investigation; and
3. Compliance with FAA Order 8400.10, Volume 1, Chapter 5, Section 1, paragraph 293E concerning enforcement investigation coordination of possible violations reported under an approved ASAP.

#### **RIIEP Renewal**

This renewal of the RIIEP will be in effect for 24 months beginning the effective date listed above.

Issued in Washington, DC, on July 13, 2004.

**Marion C. Blakey,**  
Administrator.

[FR Doc. 04-16518 Filed 7-16-04; 11:22 am]

**BILLING CODE 4910-13-P**

## **DEPARTMENT OF TRANSPORTATION**

### **Surface Transportation Board**

[STB Finance Docket No. 34451]

#### **Atlantic & Pacific Railroad and Transportation Company—Lease and Operation Exemption—Kansas & Oklahoma Railroad**

Atlantic & Pacific Railroad and Transportation Company (APR), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to lease, from Kansas & Oklahoma Railroad (KO),<sup>1</sup> and operate approximately 4 miles of rail line extending from the point of interchange with KO's line at approximately milepost 87.0 (at or near Chase, KS) to the point of interchange with KO's line at approximately milepost 91.0 (at or near Silica, KS).<sup>2</sup>

In a related proceeding, KO is expected to file a notice of exemption in STB Finance Docket No. 34520, pursuant to 49 CFR 1180.2(d)(7), to

<sup>1</sup> KO is a subsidiary of Watco Companies, Inc.

<sup>2</sup> APR indicates that it is close to reaching an agreement with KO for APR's operation of the line.

acquire trackage rights over the subject line.

AP certifies that its projected revenues as a result of this transaction will not exceed those that would qualify it as a Class III rail carrier and states that such revenues will not exceed \$5 million annually. The transaction was scheduled to be consummated on or after July 2, 2004.

If the verified 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. 34451, must be filed with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Troy W. Garris, Weiner Brodsky Sidman Kider PC, 1300 19th St., NW., Fifth Floor, Washington, DC 20036-1609.

Board decisions and notices are available on our Web site at [www.stb.dot.gov](http://www.stb.dot.gov).

Decided: July 12, 2004.

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

**Vernon A. Williams,**  
*Secretary.*

[FR Doc. 04-16080 Filed 7-19-04; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Docket No. AB-303 (Sub-No. 27)]

#### **Wisconsin Central Ltd.— Abandonment—in Ozaukee, Sheboygan and Manitowoc Counties, WI**

On June 30, 2004, Wisconsin Central Ltd. (WCL) filed with the Board an application for permission to abandon a line of railroad, known as the Plymouth Line, extending from milepost 114.8 near Saukville to milepost 151.8 near Kiel, a distance of approximately 37 miles in Ozaukee, Sheboygan and Manitowoc Counties, WI. The line includes stations at Fredonia, Random Lake, Adell, Waldo, Plymouth, and Elkhart Lake, and traverses U.S. Postal Service ZIP Codes 53001, 53014, 53020, 53021, 53042, 53061, 53073, 53075, 53080, and 53093.

The line does not contain federally granted rights-of-way. Any documentation in WCL's possession will be made available promptly to

those requesting it. The applicant's entire case for abandonment (case-in-chief) was filed with the application.

This line of railroad has appeared on WCL's system diagram map in category 1 since October 15, 2001.

The interest of railroad employees will be protected by the conditions set forth in *Oregon Short Line R.Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

Any interested person may file with the Board written comments concerning the proposed abandonment or protests (including the protestant's entire opposition case) by August 16, 2004. All interested persons should be aware that following any abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use. Any request for a public use condition under 49 U.S.C. 10905 (49 CFR 1152.28) and any request for a trail use condition under 16 U.S.C. 1247(d) (49 CFR 1152.29) must also be filed by August 16, 2004. Each trail use request must be accompanied by a \$200 filing fee. *See* 49 CFR 1002.2(f)(27). Applicant's reply to any opposition statements and its response to trail use requests must be filed by August 30, 2004. *See* 49 CFR 1152.26(a). A final decision will be issued by October 18, 2004.

Persons opposing the abandonment who wish to participate actively and fully in the process should file a protest. Persons who oppose the abandonment but who do not wish to participate fully in the process by submitting verified statements of witnesses containing detailed evidence should file comments. Persons seeking information concerning the filing of protests should refer to 49 CFR 1152.25. Persons interested only in seeking public use or trail use conditions should also file comments.

In addition, a commenting party or protestant may provide: (i) An offer of financial assistance (OFA) for continued rail service under 49 U.S.C. 10904 (due 120 days after the application is filed or 10 days after the application is granted by the Board, whichever occurs sooner); (ii) recommended provisions for protection of the interests of employees; (iii) a request for a public use condition under 49 U.S.C. 10905; and (iv) a statement pertaining to prospective use of the right-of-way for interim trail use and rail banking under 16 U.S.C. 1247(d) and 49 CFR 1152.29.

All filings in response to this notice must refer to STB Docket No. AB-303 (Sub-No. 27) and must be sent to: (1) Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001; and (2) Thomas J. Litwiler, Fletcher & Sippel LLC, 29 North Wacker

Drive, Suite 920, Chicago, IL 60606-2832. The original and 10 copies of all comments or protests shall be filed with the Board with a certificate of service. Except as otherwise set forth in part 1152, every document filed with the Board must be served on all parties to the abandonment proceeding. 49 CFR 1104.12(a).

The line sought to be abandoned will be available for subsidy or sale for continued rail use, if the Board decides to permit the abandonment, in accordance with applicable laws and regulations (49 U.S.C. 10904 and 49 CFR 1152.27). Each OFA must be accompanied by a \$1,100 filing fee. *See* 49 CFR 1002.2(f)(25). No subsidy arrangement approved under 49 U.S.C. 10904 shall remain in effect for more than 1 year unless otherwise mutually agreed by the parties (49 U.S.C. 10904(f)(4)(B)). Applicant will promptly provide upon request to each interested party an estimate of the subsidy and minimum purchase price required to keep the line in operation. The carrier's representative to whom inquiries may be made concerning sale or subsidy terms is set forth above.

Persons seeking further information concerning abandonment procedures may contact the Board's Office of Public Services at (202) 565-1592 or refer to the full abandonment or discontinuance regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis (SEA) at (202) 565-1539. (Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339.)

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by SEA will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Other interested persons may contact SEA to obtain a copy of the EA (or EIS). EAs in these abandonment proceedings normally will be made available within 33 days of the filing of the application. The deadline for submission of comments on the EA will generally be within 30 days of its service. The comments received will be addressed in the Board's decision. A supplemental EA or EIS may be issued where appropriate.

Board decisions and notices are available on our Web site at <http://www.stb.dot.gov>.

Decided: July 14, 2004.