

V. Alternatives

Once the WTC site was stabilized after the destruction of 9/11, a review was undertaken by the PANYNJ to examine feasible alternatives for the reconstruction of a PATH Terminal. In developing these alternatives, PANYNJ considered the limitations of the previous WTC PATH Terminal and compatibility with other improvements proposed for downtown including the potential future Fulton Street Transit Center, reconstruction on the WTC site, and alternatives for Highway Route 9A. Four alternative locations were developed and evaluated: Reconstruction of PATH in the pre-9/11 location; new Church Street Terminal; new Vesey Street Terminal; and stub-end Broadway-Nassau Terminal. Preliminary analysis showed that both the Vesey and Broadway-Nassau Street options would not provide for significant improvements in service as compared to the pre-9/11 condition and would result in suspension of temporary PATH service during construction. While the Church Street option would provide for similar service and local transit connections as the pre-9/11 location, it would be more costly, would result in a longer connection to the World Financial Center, and would limit the development potential for the WTC site. After careful consideration of these design options, PANYNJ has opted to carry forward the pre-9/11 location for further study. Alternatives proposed for further study are:

- **No Action Alternative:** The No Action alternative consists of the transportation facilities and real estate development most likely to be in place in the design year if the proposed project is not built. The future No Action Alternative reflects the assumption that Lower Manhattan development is expected to return to pre-9/11 densities in the vicinity of the project. The No Action Alternative will serve as the baseline against which the operational impacts of the proposed project are compared. The baseline for measuring the construction impacts of the project will be the conditions at the time of construction if the project were not built. Today's traffic, noise, air quality, and other conditions provide the best available estimate of the construction period conditions without the project.

- **Proposed Action Alternative:** The proposed action would be to reconstruct the temporary WTC PATH station as a permanent terminal and to build a station house with above-grade connections to the street and below-grade pedestrian connections to the

buildings on the WTC site, NYCT subways, and off-site developments across Church, Vesey, and West Streets. Since the reestablishment of the WTC PATH Terminal will support the larger redevelopment of Lower Manhattan, design alternatives for other projects may require modifications to the design of the Permanent WTC PATH Terminal. These station design options will be considered in the EIS.

VI. Potential Adverse Effects

Upon its completion, the proposed Permanent WTC PATH Terminal is expected to restore and enhance the transit service to Lower Manhattan with few, if any, long-term adverse operational effects. In light of this, and in consideration of other new construction activity that is expected to occur in Lower Manhattan over the next decade, it is anticipated that construction-related impacts from the proposed project may be the most important aspect of the environmental evaluation under NEPA. Potential effects associated with the construction phase include impacts to: Vehicular and pedestrian access and circulation; noise and vibration; air quality; architectural and archeological resources; water quality; potential disturbance to contaminated and/or hazardous materials, which may be present in the area; economic conditions; and neighborhood character. The short-term cumulative effects of construction of this project and other Lower Manhattan recovery projects will be a major focus of the impact assessment. The long-term operational issues and impacts of the alternatives to be considered in the EIS include economic development; neighborhood character; cultural resources; transit operations; and pedestrian circulation to, from, and within the Terminal. In addition, the EIS will describe the methodology used to assess impacts; identify the affected environment; and identify opportunities and measures for mitigating adverse impacts that are unavoidable.

VII. FTA Procedures

During the NEPA process, FTA also will comply with the requirements of the National Historic Preservation Act (16 U.S.C., 469–470), Section 4(f) of the Department of Transportation Act (49 U.S.C. 303), and other applicable environmental statutes, rules, and regulations, in accordance with FTA policy.

After the scoping process, a Draft EIS will be prepared and made available for public and agency review and comment. One or more public hearings will be held on the Draft EIS. On the basis of

the Draft EIS and the public and agency comments thereon, a preferred alternative will be selected and will be fully described and further developed in the Final EIS.

Issued on: September 17, 2003.

Susan E. Schrueth,

Director, Lower Manhattan Recovery Office.

[FR Doc. 03–24433 Filed 9–25–03; 8:45 am]

BILLING CODE 4910–57–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number MARAD 2003 16198]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel STEEL AWEIGH.

SUMMARY: As authorized by Pub. L. 105–383 and Pub. L. 107–295, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below. The complete application is given in DOT docket 2003–16198 at <http://dms.dot.gov>. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with Pub. L. 105–383 and MARAD's regulations at 46 CFR part 388 (68 FR 23084; April 30, 2003), that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

DATES: Submit comments on or before October 27, 2003.

ADDRESSES: Comments should refer to docket number MARAD–2003 16198. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL–401, Department of Transportation, 400 7th

St., SW., Washington, DC 20590-0001. You may also send comments electronically via the Internet at <http://dmses.dot.gov/submit/>. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except Federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at <http://dms.dot.gov>.

FOR FURTHER INFORMATION CONTACT:

Michael Hokana, U.S. Department of Transportation, Maritime Administration, MAR-830 Room 7201, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202-366-0760.

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel STEEL AWEIGH is:

Intended Use: "Cruise tours; dive charter; small catered events; bed & breakfast."

Geographic Region: "Washington State."

Dated: September 17, 2003.

By order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 03-24334 Filed 9-25-03; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-2002-13989; Notice 2]

Rejection of Petition for Determination of Inconsequential Noncompliance

On September 12, 2002, Glaval Bus Inc. (Glaval) notified the National Highway Traffic Safety Administration (NHTSA) that it had determined that a total of 900 "Glaval Model Universal, Primetime, & Titan buses" manufactured between January 1999 and August 16, 2002, did not meet the labeling requirements mandated by Federal Motor Vehicle Safety Standard (FMVSS) No. 208, "Occupant Crash Protection," and filed an appropriate report pursuant to 49 CFR part 573, "Defect and Noncompliance Reports." Glaval also applied to be exempted from the notification and remedy requirements of 49 U.S.C. 30118(d) and 30120(h), on the basis that the noncompliance is inconsequential to motor vehicle safety.

Notice of receipt of the application was published, with a 30-day comment period, on December 18, 2002, in the **Federal Register** (67 FR 77558). NHTSA

received no comments on this application during the 30-day comment period.

Since the publication of the notice of receipt of application, NHTSA has learned that all of the buses that are the subject of the September 12, 2002 petition have a gross vehicle weight rating of more than 10,000 pounds. In a March 23, 1999 letter to Mr. Lawrence F. Henneberger of Arent, Fox, Kintner, Plotkin and Kahn, NHTSA interpreted the labeling requirements of FMVSS No. 208 "as applying only to passenger cars and to trucks, buses and multipurpose passenger vehicles with a GVWR of 8,500 pounds or less and an unloaded vehicle weight of 5,500 pounds or less." Therefore, the labels installed in the Glaval buses are voluntary and do not have to comply with the prohibition in S4.5.1(b)(5) (previously S4.5.1(b)(3)) against any other information from being on the same side of the sun visor as the air bag warning label, except an air bag maintenance label or a utility vehicle rollover warning label. Since there is no noncompliance, the petition for a determination that the noncompliance is inconsequential is moot and is therefore rejected. Accordingly, Glaval is not required to notify owners and recall its buses.

(49 U.S.C. 30118, 30120, delegations of authority at 49 CFR 1.50 and 501.8).

Issued on: September 16, 2003.

Stephen R. Kratzke,

Associate Administrator for Rulemaking.

[FR Doc. 03-24428 Filed 9-25-03; 8:45 am]

BILLING CODE 4910-59-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34404]

East Tennessee Railway, L.P.—Lease and Operation Exemption—CSX Transportation, Inc.

East Tennessee Railway, L.P. (ETRY), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 *et seq.* to lease, from CSX Transportation, Inc. (CSXT), and operate 5.0 miles of track, which includes 4.05 miles of rail line and two short spurs, known as Johnson City Lead and Carnegie Spur, in Washington County, TN. The line extends from milepost ZJ 0.05 to milepost ZJ 4.10 near Johnson City. The two spurs extend west from the line in Johnson City and to the south of the city.¹

¹ ETRY and CSXT have agreed on the terms of the lease that will cover this transaction, and expect to

ETRY certifies that its projected revenues as a result of this transaction will not exceed \$5 million, and thus that the transaction will not result in the creation of a Class II or Class I rail carrier. ETRY intends to consummate the transaction as soon as possible after September 5, 2003, the effective date of the exemption.

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. 34404, 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 Donald G. Avery, Slover & Loftus, 1224 17th St., NW., Washington, DC 20036.

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

Decided: September 22, 2003.

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

Vernon A. Williams,

Secretary.

[FR Doc. 03-24389 Filed 9-25-03; 8:45 am]

BILLING CODE 4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB-33 (Sub-No. 210X)]

Union Pacific Railroad Company—Abandonment Exemption—in Maricopa County, AZ

Union Pacific Railroad Company (UP) has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon a 2.1-mile line of railroad, known as the Creamery Spur, extending from milepost 914.3 to milepost 916.4 near University Drive between Priest Drive and Hayden Road in Tempe, Maricopa County, AZ. The line traverses United States Postal Service Zip Code 85281.

UP has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the

execute a written lease agreement prior to consummation of the acquisition.