

is hereby granted NHTSA Temporary Exemption 97-1, expiring September 1, 1998, from the following requirements incorporated in 49 CFR 571.122 Motor Vehicle Safety Standard No. 122 *Motorcycle Brake Systems*: S5.4.1 *Baseline check—minimum and maximum pedal forces*, S5.4.2 *Fade*, S5.4.3 *Fade recovery*, S5.7.2 *Water recovery test*, and S6.10 *Brake actuation forces*. As provided in 49 CFR § 555.6, under this grant of temporary exemption no more than 2,500 motorcycles exempted from Standard No. 122 may be sold in the United States in the period for which the exemption is granted.

(Authority: 49 U.S.C. 30113; delegations of authority at 49 CFR 1.50. and 501.8)

Issued on: October 1, 1997.

Ricardo Martinez,

Administrator.

[FR Doc. 97-26491 Filed 10-2-97; 9:33 am]

BILLING CODE 4910-59-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Finance Docket No. 33388 (Sub-Nos. 1-7)]

CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company—Control and Operating Leases/Agreements—Conrail, Inc. and Consolidated Rail Corporation

AGENCY: Surface Transportation Board.

ACTION: Notice of Availability of the Environmental Assessments for Three Norfolk Southern Railway Company (NS) Rail Line Constructions and Four CSX Transportation, Inc. (CSX) Rail Line Constructions Prior to the Surface Transportation Board's Decision on the Acquisition and Division of the Consolidated Rail Corporation (Conrail).

SUMMARY: The Surface Transportation Board (Board) gives notice of the availability of the environmental assessments (EA) and public comment period for three NS rail line constructions and four CSX rail line constructions. Although the EAs recommend several mitigation measures to off-set specific environmental effects, the EAs generally conclude that there will be no significant environmental impacts associated with the construction of these rail lines.

DATES: Written comments on the environmental impacts of Finance Docket No. 33388 (Sub-Nos. 1-7) are due October 27, 1997.

ADDRESSES: If you wish to file comments on the EAs, send an original and 10 copies to: Vernon A. Williams, Secretary, Surface Transportation Board, 1925 K Street, NW, Suite 700, Washington, DC 20423-0001. Mark the lower left corner of the envelope: Attention: Dana White, Environmental Comments, Finance Docket No. 33388 (Sub-Nos. 1-7).

FOR FURTHER INFORMATION CONTACT: Dana White, Section of Environmental Analysis, Surface Transportation Board, 1925 K Street, NW, Washington, DC 20423-0001; (202) 565-1552. TDD for the hearing impaired: (202) 565-1695. Copies of the EAs may also be obtained by contacting Ms. White.

SUPPLEMENTARY INFORMATION: On April 10, 1997, CSX, NS and Conrail filed their notice of intent to file an application seeking the Board's authorization for: (1) The acquisition by CSX and NS of control of Conrail, and (2) the division of Conrail's assets. Shortly afterwards, NS and CSX requested and received approval from the Board to seek the Board's authority to construct and operate seven rail line connections prior to the Board's decision on the acquisition and division of Conrail.

The seven rail line constructions are each relatively short (a total length of under 4 miles), would provide connections between two rail carriers, and would take place within existing rights-of-way. Early authorization to construct these connections, CSX and NS contended, would allow them to provide efficient service in competition with each other. However, no construction can occur until the Board completes its environmental review of each of the construction projects. Further, the Board advised CSX and NS that they were proceeding at their own risk in expending resources prior to the Board's decision on the acquisition transaction.

In seven separate EAs, the Board considered the environmental aspects of these proposed constructions and the railroads' proposed operations over these lines. The operational implications of the acquisition as a whole, including operations over the roughly 4 miles of line embraced by the seven connection projects, will be examined in the environmental impact statement being prepared to assess the impacts of the entire acquisition transaction.

On October 7, 1997, the Board served the EAs on Federal, state and local agencies and members of the affected communities. Although the EAs recommend several mitigation measures

to off-set specific environmental effects, the EAs generally conclude that there will be no significant environmental impacts. There is a 20-day public comment period ending October 27, 1997. The Board will consider the findings of the EAs as well as any comments on the EAs in its decision to approve or deny the construction of each of these lines.

The following is a list of the EAs, the locations of the proposed rail line constructions, the railroads, and their sub-docket numbers within the primary Finance Docket Number 33388 for the proposed acquisition:

ENVIRONMENTAL ASSESSMENTS FOR SEVEN RAIL LINE CONSTRUCTIONS

Location	Railroad	Finance docket 33388
Crestline, OH	CSX	(Sub No. 1)
Willow Creek, IN	CSX	(Sub No. 2)
Greenwich, OH	CSX	(Sub No. 3)
Sidney Junction, OH.	CSX	(Sub No. 4)
Sidney, IL	NS	(Sub No. 5)
Alexandria, IN	NS	(Sub No. 6)
Bucyrus, OH	NS	(Sub No. 7)

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

Vernon A. Williams,

Secretary.

[FR Doc. 97-26542 Filed 10-6-97; 8:45 am]

BILLING CODE 4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Ex Parte No. 573]

Rail Service in the Western United States

AGENCY: Surface Transportation Board.

ACTION: Notice of proceeding and public hearing.

SUMMARY: The Surface Transportation Board (Board) is instituting a proceeding and will hold a public hearing on October 27, 1997, at its offices in Washington, DC, to provide interested persons the opportunity to report on the status of rail service in the western United States and to review proposals for solving the service problems that exist.

DATES: Persons wishing to appear at the hearing and make a statement must submit their request to speak at the hearing, and their requested time allotment, by October 9, 1997. The Board will issue a schedule for the hearing, along with a list of speakers

and their allotted times, by October 16, 1997. Speakers' written statements must be filed with the Board by October 23, 1997.

ADDRESSES: Send requests to speak and requested time allotments (an original and 10 copies) referring to STB Ex Parte No. 573 to: Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar (202) 565-1600. [TDD for the hearing impaired: (202) 565-1695.]

SUPPLEMENTARY INFORMATION: The Surface Transportation Board (Board) is instituting a proceeding on its own motion and will hold a public hearing beginning at 10:00 a.m., on October 27, 1997, at its offices at 1925 K Street, N.W., Washington, DC, to provide an opportunity for interested persons, including carriers, shippers, and employees, to report on the status of rail service in the western United States and to review proposals for solving service problems. The Board has been made aware of railroad service problems in this area of the country [recently involving the Union Pacific Railroad Company/Southern Pacific Transportation Company (UP/SP)] through formal filings and public accounts, and, more recently, through informal communications between affected persons and the Board's Office of Compliance and Enforcement (OCE) about specific UP/SP service problems, which OCE has worked with UP/SP to resolve. Based on this information, we believe it is appropriate to hold a public hearing on the issue of rail service in the western part of the country, problems in the delivery of that service, and solutions, both governmental and non-governmental, that have been offered or might be offered to remedy these service problems. The focus of this proceeding is on the immediate resolution of existing problems.

This proceeding and this public hearing are being conducted separate and apart from the ongoing oversight proceeding in *Union Pacific Corporation, Union Pacific Railroad Company, and Missouri Pacific Railroad Company—Control and Merger—Southern Pacific Rail Corporation, Southern Pacific Transportation Company, St. Louis Southwestern Railway Company, SPCSL Corp., and The Denver and Rio Grande Western Railroad Company*, STB Finance Docket No. 32760 (Sub-No. 21). There, the focus is on whether the conditions we imposed in approving the application in Finance Docket No. 32760 have been

successful in resolving the competitive problems that we found would exist as a result of our approval of the UP/SP control transaction in the absence of those conditions. Parties to the oversight proceeding have, however, commented on service problems on the UP/SP system, and both UP/SP and The Burlington Northern and Santa Fe Railway Company, in their most recent quarterly reports, filed October 1, 1997, in the oversight proceeding, have separately put forth proposals that, in their view, would lead to a resolution of the existing service problems. Given the immediacy of these service problems and the national, as well as regional, interest in their resolution, we are instituting this proceeding to focus specifically on the rail service problems that have arisen in the western part of the country.¹

We encourage interested persons to coordinate the presentation of their points of view by selecting of a single individual to appear at the hearing on behalf of their common interests so that the opportunity for input at the hearing can be maximized. Persons wishing to appear and make a statement at the hearing should submit a request for time to speak on or before October 9, 1997. The Board notes that, in the interest of a focused hearing, it must necessarily limit the number of persons allowed to speak. At this hearing, we intend to concentrate more on operational, resource, and customer service matters than on legal issues, and it would be helpful if speakers are individuals who are able to address such matters. The Board will issue a schedule for the October 27, 1997 hearing, along with a list of speakers and their allotted times, by October 16, 1997. Speakers' written statements of their presentations must be filed with the Board by October 23, 1997.

Notice of the October 27, 1997 hearing will be published in the **Federal Register**.

Decided: October 2, 1997.

By the Board, Chairman Morgan and Vice Chairman Owen.

Vernon A. Williams,
Secretary.

[FR Doc. 97-26579 Filed 10-6-97; 8:45 am]

BILLING CODE 4915-00-U

¹ To ensure that all parties to the oversight proceeding are aware of the proceeding we are instituting by this notice, we will serve a copy of this notice on all parties on the service list in the oversight proceeding.

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33469]

Application of the National Railroad Passenger Corporation Under 49 U.S.C. 24308(a)—Union Pacific Railroad Company and Southern Pacific Transportation Company

AGENCY: Surface Transportation Board, DOT.

ACTION: Order and request for comments.

SUMMARY: The Board is seeking comments from interested persons on the application of the National Railroad Passenger Corporation (Amtrak) under 49 U.S.C. 24308(a), formerly section 402(a) of the Rail Passenger Service Act (the Act), for an order determining under the law the nature and extent of the duty of the Union Pacific Railroad Company (UP) and its affiliate, Southern Pacific Transportation Company (SP) (collectively, UP/SP), to allow Amtrak to use UP/SP's tracks and facilities for the carriage of express. The Board is also ordering UP/SP to continue to make its tracks and facilities available to Amtrak, as directed herein, while this proceeding is pending.

DATES: Written notices of intent to participate are due by October 14, 1997. Shortly thereafter, we will serve a preliminary service list and request for written corrections. By October 31, 1997, we will serve any necessary corrections to the service list. Opening comments are due by November 10, 1997. Reply comments are due by November 25, 1997.

ADDRESSES: Send an original and 10 copies of notices of intent to participate and comments, referring to "STB Finance Docket No. 33469," to: Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423. Opening and reply comments must be served on the persons identified as "parties of record" on the service list.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 565-1600. [TDD for the hearing impaired: (202) 565-1695.]

SUPPLEMENTARY INFORMATION: This proceeding raises questions about the definition of "express" traffic and the extent to which freight railroads are required to allow Amtrak to use their facilities to carry express. Freight railroads must permit Amtrak to operate over their lines. The provisions of 49 U.S.C. 24305(a)(1) and 24305(c)(2) authorize Amtrak to operate intercity