

Point. The area of concern is within the Park, where a portion of Cattle Point Road is located on top of a steep bluff along the shore of the Strait of Juan de Fuca.

The purpose of this project is to ensure that vehicular and pedestrian access to the San Juan Island National Historical Park and land outside the Park on Cattle Point will continue in a manner that provides a safe and pleasurable experience for the public yet minimizes or avoids impacts to the Park, NRCA, and the island environment.

Coastal wind and wave action are eroding the base of the slope that supports the Cattle Point Road. If erosion continues unabated, the roadway may fail and severely impact vehicular and non-motorized access to the Cattle Point area of San Juan Island. Alternative road alignments and various engineering concepts need to be explored to address these road integrity and resource protection problems. Design concepts need to be measured against environmental concerns so as to articulate the natural, cultural, scenic and socio-economic effects for implementing any one of the alternatives to be studied. The preferred alternative must also be consistent with the adopted land management plans of the Park and NRCA, if nearby Washington State Department of Natural Resource lands are affected. As required in the National Environmental Policy Act (NEPA), a No Action alternative will also be identified and evaluated.

The proposed project could involve reconstruction of the existing road and, in some areas, possibly construction on new alignment. Alternatives that may address the potential failure include the following: (1) Address slope stability for the road on or near the existing alignment, possibly through the use of extensive retaining walls, though this may not provide a long-term solution; (2) Realign the road to the north of the existing road which would move the road away from the shoreline (this includes options of moving the roadway part-way up the slope, to the crest of the hill, or to the protected north slope of the hill); or (3) Use a tunnel into the hill or bridging system near the current alignment, but moving into the slope to provide a long-term solution. Alternative 1 may not address the problem for the long term, while 2 and 3 would. Variations of grade and alignment will be evaluated for adequacy in meeting Park design and transportation needs, public concerns, and protect the area's cultural resources, natural and social environment.

Announcements describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and local agencies. These will also be sent to private organizations and citizens who have previously expressed or are known to have interest in this proposal, as well as to local and regional press media.

The County initiated scoping in a previous effort, including studies, a public meeting, and report. In the past year, this proposed project has been reclassified and is now being developed as part of the Park Roads and Parkways category of the FHWA Federal Lands Highway Program (FLHP), which is financed by the Federal Highway Trust Fund. Owing to the changed status of the proposed project, broadened scope, and subsequent resource protection concerns, the agencies determined that the initial scoping effort was inadequate. Future public scoping will incorporate the results of the County's past scoping efforts, including public feedback from the public meeting previously held. A subsequent public scoping meeting will be held February 18th, 2004 on San Juan Island, with follow up meetings as necessary. Public notices will be issued announcing the time(s) and location(s) of the meeting(s).

*Comments:* It is important that the full range of issues related to this proposed action are addressed and that all significant issues are identified. To ensure this, comments and suggestions are invited from all interested parties. Comments and questions regarding the proposal or scoping sessions should be addressed to: Andrew Rasmussen [E-mail: [Andrew.Rasmussen@fhwa.dot.gov](mailto:Andrew.Rasmussen@fhwa.dot.gov)], Staff Environmental Engineer, FHWA, 610 East Fifth Street, Vancouver, Washington 98661. Telephone: (360)–619–7899.

All previous responses are maintained in the project administrative files and will continue to be considered. Persons wishing to express any new concerns about management issues and future land management direction are encouraged to address these to: Peter Dederich [E-mail: [peter\\_dederich@nps.gov](mailto:peter_dederich@nps.gov)], Park Superintendent, P.O. Box 429, 125 Spring Street, Friday Harbor, WA 98250. Telephone: (360)–378–2240.

All comments must be postmarked or transmitted no later than March 19, 2004. A public workshop to hear comments and suggestions will be conducted at the San Juan Senior Center, in Mullis Center, 589 Nash Street, Friday Harbor, WA on February 18, 2004 from 1–3 p.m. and 7–9 p.m.

If individuals submitting comments request that their name and/or address be withheld from public disclosure, it will be honored to the extent allowable by law. Such requests must be stated prominently in the beginning of the comments. There also may be circumstances wherein the FHWA or Park will withhold a respondent's identity as allowable by law.

The Federal Highway Administration and National Park Service will make available to public inspection all submissions from organizations or businesses and from persons identifying themselves as representatives or officials of organizations and businesses. Anonymous comments may not be considered.

*Decision:* Officials responsible for the final decision are Jonathan B. Jarvis, Regional Director, Pacific West Region, National Park Service, and Ronald W. Carmichael, Division Engineer, Western Federal Lands Highway Division, Federal Highway Administration.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

**Authority:** 23 U.S.C. 315; 49 CFR 1.48

Issued on: January 29, 2004.

Dated: January 29, 2004.

**Arthur E. Eck,**

*Deputy Regional Director, Pacific West Region, National Park Service.*

Dated: January 29, 2004.

**Ricardo Suarez,**

*Acting Division Engineer, Western Federal Lands Highway Division, Federal Highway Administration.*

[FR Doc. 04–2562 Filed 2–5–04; 8:45 am]

**BILLING CODE 4910–22–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket No. FRA–1999–6439, Notice No. 11]

RIN 2130–AA71

#### Use of Locomotive Horns at Highway-Rail Grade Crossings

**AGENCY:** Federal Railroad Administration (FRA), Department of Transportation (DOT).

**ACTION:** Notice of determination.

**SUMMARY:** FRA's Interim Final Rule on the Use of Locomotive Horns at Highway-Rail Grade Crossings provides for annual recalculation of the Nationwide Significant Risk Threshold (NSRT). The NSRT is a number

reflecting the measure of risk, calculated on a nationwide basis, which reflects the average level of risk to the motoring public at public highway-rail grade crossings equipped with flashing lights and gates at which locomotive horns are sounded. The newly recalculated NSRT is 16,988.

**FOR FURTHER INFORMATION CONTACT:** Ron Ries, Office of Safety, FRA, 1120 Vermont Avenue, NW., Washington, DC 20590 (telephone: 202-493-6299); or Kathryn Shelton, Office of Chief Counsel, FRA, 1120 Vermont Avenue, NW., Washington, DC 20590 (telephone: 202-493-6038).

**SUPPLEMENTARY INFORMATION:** On December 18, 2003, FRA published in the *Federal Register* (68 FR 70586) an interim final rule requiring that a locomotive horn be sounded while a train is approaching and entering a public highway-rail crossing. The rules also provide for an exception to the above requirement in circumstances in which there is not a significant risk of loss of life or serious personal injury, use of the locomotive horn is impractical, or safety measures fully compensate for the absence of the warning provided by the horn.

As provided in the Interim Final Rule, the NSRT is a number reflecting the measure of risk, calculated on a nationwide basis, which reflects the average level of risk to the motoring public at public highway-rail grade crossings equipped with flashing lights and gates at which locomotive horns are sounded. This number is used in the determination of whether quiet zones may be created under the terms of the Interim Final Rule.

Although the Interim Final Rule is not effective until December 18, 2004, FRA is providing an update of the NSRT at this time to assist communities in their planning efforts. Accordingly, in accordance with the terms of the Interim Final Rule, FRA has calculated the NSRT to be 16,988.

Issued in Washington, DC on February 3, 2004.

**Grady C. Cothen, Jr.,**

*Deputy Associate Administrator for Safety Standards and Program Development.*

[FR Doc. 04-2637 Filed 2-5-04; 8:45 am]

**BILLING CODE 4910-06-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket No. FRA-1999-6439, Notice No. 10]

RIN 2130-AA71

#### Use of Locomotive Horns at Highway-Rail Grade Crossings

**AGENCY:** Federal Railroad Administration (FRA), Department of Transportation (DOT).

**ACTION:** Notice of availability.

**SUMMARY:** FRA announces that information on whether existing whistle ban jurisdictions may qualify as Pre-Rule Quiet Zones under the Interim Final Rule on the Use of Locomotive Horns at Highway-Rail Grade Crossings has been placed in the public docket of this proceeding and also placed on FRA's Web site.

**ADDRESSES:** The document entitled "Status of Existing Whistle Bans under the Train Horn Rule" is available in DOT's Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL-401, Washington, DC 20590-001. It is also available on the Docket Management Facility's Internet site at <http://dms.dot.gov> and on FRA's web site at <http://www.fra.dot.gov>.

**SUPPLEMENTARY INFORMATION:** On December 18, 2003, FRA published in the *Federal Register* (68 FR 70586) an interim final rule requiring that a locomotive horn be sounded while a train is approaching and entering a public highway-rail crossing. The rules also provide for an exception to the above requirement in circumstances in which there is not a significant risk of loss of life or serious personal injury, use of the locomotive horn is impractical, or safety measures fully compensate for the absence of the warning provided by the horn.

FRA has placed in the public docket (Docket No. FRA-1999-6439, Document No. 2509) and on FRA's Web site (<http://www.fra.dot.gov>), a document entitled "Status of Existing Whistle Bans under the Train Horn Rule." This document provides FRA's best estimate at the present time as to whether specific existing whistle ban jurisdictions may qualify as Pre-Rule Quiet Zones under the Interim Final Rule without taking additional steps to reduce risk.

**FOR FURTHER INFORMATION CONTACT:** Ron Ries, Office of Safety, FRA, 1120 Vermont Avenue, NW., Washington, DC 20590 (telephone: 202-493-6299); or Kathryn Shelton, Office of Chief Counsel, FRA, 1120 Vermont Avenue,

NW., Washington, DC 20590 (telephone: 202-493-6038).

Issued in Washington, DC, on February 3, 2004.

**Grady C. Cothen, Jr.,**

*Deputy Associate Administrator for Safety Standards and Program Development.*

[FR Doc. 04-2636 Filed 2-5-04; 8:45 am]

**BILLING CODE 4910-06-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 34457]

#### Utah Central Railway Company—Acquisition and Operation Exemption—Boyer BDO, L.C. and City of Ogden, UT

Utah Central Railway Company (UCRC), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 *et seq.* to acquire from Boyer BDO, L.C. and the City of Ogden, UT, the right to operate over approximately 15 miles of trackage in Ogden. The tracks are located within an industrial area known as the Business Depot Ogden (BDO) and are known as the BDO Industrial Tracks. The tracks extend west from Union Pacific Railroad Company's (UP) mainline tracks at milepost UN 04.7.<sup>1</sup>

UCRC certifies that its projected annual revenues as a result of this transaction will not exceed those that would qualify it as a Class III rail carrier, and will not result in the creation of a Class II or Class I rail carrier.

Consummation of the transaction was scheduled to take place on January 20, 2004, the effective date of the exemption (7 days after the exemption was filed).

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. 34457, 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 Dennis C. Farley, 299 South Main, Suite 2200, Wells Fargo Center, Salt Lake City, UT 84111.

<sup>1</sup> UCRC currently operates over certain portions of UP's rail line in Ogden. See *Utah Central Railway Company—Lease and Operation Exemption—Union Pacific Railroad Company*, STB Finance Docket No. 34051 (STB served Aug. 22, 2001).