Small Entity Enforcement Policy

FRA has adopted an enforcement policy that addresses the unique nature of small entities in the imposition of civil penalties and resolution of those assessments. Pursuant to FRA's statutory authority and as described in 49 CFR part 209, Appendix A, it is FRA's policy to consider a variety of factors in determining whether to take enforcement action against persons, including small entities, who have violated the safety laws and regulations. In addition to the seriousness of the violation and the person's history of compliance, FRA inspectors consider ''such other factors as the immediate circumstances make relevant.'' In the context of violations by small entities, those factors include whether the violations were made in good faith (*e.g.*, based on an honest misunderstanding of the law) and whether the small entity has moved quickly and thoroughly to remedy the violation(s). In general, the presence of both good faith and prompt remedial action militates against taking a civil penalty action, especially if the violations are isolated events. On the other hand, violations involving willful actions and/or posing serious health, safety, or environmental threats should ordinarily result in enforcement actions, regardless of the entity's size.

Once FRA has assessed a civil penalty, it collects at least the statutory minimum amount ($250 for hazardous materials violations and $500 for all others) unless it must terminate the claim for some reason. However, civil penalties may be reduced from the initial assessment based on the consideration of a variety of criteria found in the railroad safety statutes and SBREFA: the severity of the safety, health or environmental risk presented; the existence of alternative methods of eliminating the safety hazard; the entity's culpability; the entity's compliance history; the entity's ability to pay the assessment; the impacts an assessment might exact on the entity's continued business; and evidence that the entity acted in good faith. FRA staff attorneys regularly invite small entities to present any information related to these factors, and reduce civil penalty assessments based on the value and integrity of the information presented. Staff attorneys conduct conference calls or meet with small entities to discuss pending violations, and explain the merits of any defenses or mitigating factors presented that may have resulted or failed to result in penalty reductions. Among the ''other factors'' FRA considers at this stage is the promptness and thoroughness of the entity's remedial action to correct the violations and prevent a recurrence. Small entities should be sure to address these factors in communications with FRA concerning civil penalty cases. Such long-term solutions to compliance problems will be given great weight in FRA's determinations of a final settlement offer.

Finally, under FRA's Safety Assurance and Compliance Program (SACP), FRA identifies systemic safety hazards that continue to occur in a carrier or shipper operation, and in cooperation with the subject business, develops an improvement plan to eliminate those safety concerns. Typically, the plan provides small entities with a reasonable time frame in which to make improvements without the threat of civil penalty. If FRA determines that the entity has failed to comply with the improvement plan, however, enforcement action is initiated.

FRA's small entity enforcement policy is flexible and comprehensive. FRA's first priority in its compliance and enforcement activities is public and employee safety. However, FRA is obtaining compliance and enhancing safety with reasoned, fair methods that do not inflict undue hardship on small entities.

Submitted in Washington, DC, on August 6, 1997.

Donald M. Itzkoff,

Deputy Administrator.

[FR Doc. 97–21155 Filed 8–8–97; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Environmental Impact Statement on Southwest Corridor Transit Improvements in Cleveland, Ohio

AGENCY: Federal Transit Administration, DOT.

ACTION: Notice of intent to prepare an environmental impact statement (EIS).

SUMMARY: The Federal Transit Administration (FTA) and the Greater Cleveland Regional Transit Authority (GCRTA) are undertaking the preparation of an Environmental Impact Statement (EIS) in accordance with the National Environmental Policy Act (NEPA), for transit improvements. The local agency will ensure that the EIS also satisfies requirements established by the Ohio Environmental Protection Agency. The Environmental Impact Statement will evaluate alternative rail transit alignments in the corridor between the GCRTA Red Lines current terminus at Cleveland Hopkins International Airport, to the International Exposition (I–X) Center and the Central Business District (CBD) in Berea, Ohio. In addition, the EIS will evaluate Transportation System Management (TSM) improvements and a No-Build alternative and any new alternatives generated through the scoping process. Scoping will be accomplished through correspondence with interested persons, organizations, and federal, state, and local agencies and through three public meetings. See **SUPPLEMENTARY INFORMATION** below for details.

DATES: *Comment Due Date:* Written comments on the scope of the alternative alignments and impacts to be considered should be sent to the GCRTA by Saturday, September 20, 1997. *Scoping Meetings:* The public scoping meetings will be held on Monday, September 8, 1997 between 3:00 P.M. and 6:00 P.M. at the Frank J. Lausche State Office Building; Tuesday, September 9, 1997 between 3:00 P.M. and 9:00 P.M. at Berea City Hall and Wednesday, September 10, 1997 between 3:00 P.M. and 9:00 P.M. at Brook Park City Hall. See **ADDRESSES** below. People with special needs should contact Edward Taylor of the GCRTA at (216) 566–5020. A TDD number is available (216) 781–4271. The buildings are accessible to people with disabilities.

FOR FURTHER INFORMATION CONTACT: Mr. Paul Fish, Director, Office of Planning and Program Development; Federal Transit Administration, 55 East Monroe Street, Suite 1415; Chicago, Illinois 60603 (312) 353–2865.

ADDRESSES: Written comments on project scope should be sent to Mr. Edward Taylor, Deputy Project Manager, Greater Cleveland Regional Transit Authority, 615 Superior Avenue, W, Cleveland, Ohio 44113. Scoping Meetings will be held at the following locations:

1. Frank J. Lausche State Office Building, 615 Superior Avenue, W, Cleveland, Ohio 44113
2. City Hall, City of Berea, 11 Berea Commons, Berea, Ohio 44017
3. City Hall, City of Brook Park, 6161 Engle Road, Brook Park, Ohio 44142

SUPPLEMENTARY INFORMATION:

I. Scoping

FTA and the GCRTA invite interested individuals, organizations, and federal, state and local agencies to participate in defining the alternatives to be evaluated in the EIS and identifying any significant social, economic, or

environmental issues related to the alternatives. An information packet describing the purpose of the project, the proposed alternatives, the impact areas to be evaluated, the citizen involvement program and the preliminary project schedule is being mailed to affected federal, state and local agencies and to interested parties on record. Others may request the scoping materials by contacting Mr. Edward Taylor at the address above or by calling him at (216) 566–5100. Scoping comments may be made verbally at any of the public scoping meetings or in writing. See **DATES** and **ADDRESSES** sections above for location and times. During scoping, comments should focus on identifying specific social, economic, or environmental impacts to be evaluated and suggesting alternatives that are less costly or have less environmental impact while achieving similar transit objectives. Scoping is not an appropriate time to indicate a preference for a particular alternative. Comments on preferences should be communicated after the Draft EIS has been completed. The meeting will be held in an ''open house'' format and project representatives will be available to discuss the project throughout the time period given. Informational displays and written materials also will be available throughout the time period given. In addition to written comments which may be made at the meeting or as described below, a stenographer will be available at the meeting to record comments. If you wish to be placed on the mailing list to receive further information as the project develops, contact Mr. Edward Taylor as previously described.

II. Description of Study Area and Project Needs

The study area is wholly within Cuyahoga County, Ohio. It is approximately 2.5-miles long and connects the central business district of Berea, Ohio with the existing GCRTA Red Line rapid transit terminus at Cleveland Hopkins International Airport. The corridor also connects the International Exposition Center with the airport and Berea. Existing traffic is primarily carried by the Berea Freeway (OH 237), Eastland Road, Front Street and Prospect Street with high traffic volumes at many of the signalized intersections. The proposed rail extension is intended to provide a high quality connection between the existing Red Line terminus at the Airport, the I–X Center and Berea; to support economic revitalization of the Berea CBD through greater transit accessibility; to stimulate economic development at the I–X Center by improving transit access between Downtown Cleveland and the I–X Center; contribute to higher transit mode share for work trips between the southwest suburbs and Downtown Cleveland; improve opportunities for reverse commute transportation options; to help achieve regional clean air goals; and improve travel efficiencies in the Southwest Corridor.

III. Alternatives

Transportation alternatives proposed for evaluation include a No-Build Alternative which involves no change to transportation services or facilities in the corridor beyond those improvements currently programmed; a TSM alternative which includes a package of improvements to one or all elements of the transportation network intended to improve travel time, reduce congestion, and enhance land-use development or redevelopment; and a rail transit alternative which consists of extending the GCRTA Red Line utilizing varying alternative alignments, segment lengths and technologies. It is anticipated that the rail line extension would involve streetcar style operations in Berea.

IV. Probable Effects/Potential Impacts for Analysis

FTA and GCRTA plan to evaluate in the EIS all significant social, economic, and environmental impacts of the alternatives. Among the primary issues are transportation service changes including transit cost, service, patronage and its financial implications; the effect on traffic movement and railroad operations; community impacts, including land use planning and zoning compatibility, neighborhood compatibility, local and regional economic change, aesthetics, and utility relocation; cultural resource impacts, including air quality, noise and vibration, removal of pre-existing hazardous wastes, and effects on water resources and quality, natural features, and ecosystems. The proposed impact assessment and its evaluation criteria will take into account both positive and negative impacts, direct and indirect impacts, short-term (construction) and long-term (operation) impacts, and site-specific and corridor-wide impacts. Evaluation criteria will be consistent with applicable federal, State of Ohio and local standards, criteria, regulations, and policies. Mitigation measures will be explored for any adverse impacts that are identified as part of the analysis.

V. FTA Procedures

In accordance with the Federal Transit Act, as amended, and FTA policy, the Draft EIS will be prepared in conjunction with a major investment study and the Final EIS in conjunction with Preliminary Engineering. After its publication, the Draft EIS will be available for public and agency review and comment, and a public hearing will be held. On the basis of the Draft EIS and comments received, the GCRTA, in concert with the Ohio Department of Transportation and NOACA, and in consultation with Cuyahoga County, the Cities of Berea, Brook Park and Cleveland and other affected agencies, will select a locally preferred alternative. The GCRTA will then seek to have NOACA, the metropolitan planning organization for the Cleveland area, include the preferred alternative in the regional transportation plan and seek approval from FTA to continue with Preliminary Engineering and preparation of the Final EIS.

Issued on: August 6, 1997.

Joel P. Ettinger,

Regional Administrator.

[FR Doc. 97–21160 Filed 8–8–97; 8:45 am]

BILLING CODE 4910–57–U

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

[Docket No. PS–142; Notice 7]

Pipeline Safety: Communications Plan for Effective Public Communication and Involvement in the Pipeline Safety Risk Management Demonstration Program

AGENCY: Office of Pipeline Safety, DOT.

ACTION: Notice.

SUMMARY: The Research and Special Programs Administration's (RSPA) Office of Pipeline Safety (OPS) is establishing and implementing a Pipeline Risk Management Demonstration Program (Demonstration Program) in which pipeline operators will propose their pipelines as projects for the Demonstration Program. Effective communication among OPS, States, pipeline operators, community representatives, and other interested parties is a key part of this risk management initiative. Effective means for communication are vital to OPS understanding local safety and environmental conditions that may affect the demonstration projects. This document addresses how OPS intends to inform the community, seek public