

SUPPLEMENTARY INFORMATION:

Title: Developing and Recording Costs for Railroad Adjustments.

OMB Number: 2125-0521.

Background: Under the provisions of 23 U.S.C. 130 and 23 U.S.C. 101(a), Federal-aid highway funds may be used to reimburse State highway agencies when they have paid for the cost of projects that eliminate hazards at railroad/highway crossings or that adjust railroad facilities to accommodate the construction of highway projects. Section 121 of Title 23 establishes the general principle that when Federal-aid highway funds are being used to reimburse State highway agencies for construction costs, Federal payment shall be based on costs incurred.

FHWA regulation, 23 CFR Part 140, subpart I requires that each railroad company be able to document its costs or expenses for adjusting its facilities. Each railroad company is required to have a system of recording labor, materials supplies and equipment costs incurred when undertaking necessary railroad work. This record of costs forms the basis for payment by the State highway agency to the railroad company and, in turn, FHWA reimburses the State for its payment to the railroad.

Respondents: Railroad Companies.

Estimated Annual Burden on

Respondents: It is estimated that the recording of railroad costs incurred on a typical adjustment takes 16 hours.

Estimated Total Annual Burden:

36,800 hours.

Frequency: Records must be kept for all projects designated for reimbursement with Federal-aid highway funds. Railroads are required to maintain records of costs for 3 years after final payment is received.

Authority: 23 U.S.C. 101(a), 121, and 130; 23 CFR 140, subpart I and 646.

Issued on: April 23, 1997.

George S. Moore,

Associate Administrator for Administration.

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DEPARTMENT OF TRANSPORTATION**Federal Railroad Administration****Petition for Waiver of Compliance**

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received a request for a waiver of compliance with certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions

involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

Arkansas-Oklahoma Railroad Company

[Waiver Petition Docket Number RSGM 96-10]

The Arkansas-Oklahoma Railroad Company (AOK) seeks a permanent waiver of compliance from 49 CFR Part 223.13 (a) & (b), Requirements for existing cabooses, for its caboose, AOK-17001. Presently, automotive type safety glass has been used to replace the forward facing and side facing top windows. The lower windows meet FRA requirements. AOK-17001 will be used in captive service between McAllester, Oklahoma, and Howe, Oklahoma, a distance of 70 miles for special moves and training purposes. Present method of operation is by track warrant with a maximum allowable speed of 25 mph two to three times per week. AOK requests this waiver because of its inability to obtain replacement glazing due to unavailability.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number [e.g., Waiver Petition Docket Number RSGM 96-10] and must be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, FRA, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590. Communications received within 45 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9:00 a.m.-5:00 p.m.) at FRA's temporary docket room located at 1120 Vermont Avenue, N.W., Room 7051, Washington, D.C. 20005.

Issued in Washington, D.C. on May 20, 1997.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 97-14242 Filed 5-30-97; 8:45 am]

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DEPARTMENT OF TRANSPORTATION**Federal Railroad Administration****Petition for Waiver of Compliance**

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received a request for a waiver of compliance with certain requirements of the Federal safety laws and regulations. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

Indiana Harbor Belt Railroad Company

[Waiver Petition Docket Number H-97-5]

The Indiana Harbor Belt Railroad Company (IHB) seeks a waiver of compliance from 49 CFR Part 229.131, Railroad Locomotive Safety Standards, Cabs and Cab Equipment—Sanders. Section 229.131 states: "Except for MU locomotives, each locomotive shall be equipped with operable sanders that deposit sand on each rail in front of the first power operated wheel set in the direction of movement." IHB would like to remove sanding equipment from three switching locomotives to test a new technology adhesion device. The test period would last for one year. The test locomotives would be confined to yard switching service and be monitored daily. Each of the test locomotives would be equipped with four Centrac Very High Positive Friction (VHPF) traction enhancer devices. The VHPF traction enhancer is a solid friction modifier that provides continuous treatment of the wheel/rail interface through spring loaded devices.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number [e.g., Waiver Petition Docket Number H-97-5] and must be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, FRA, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590. Communications received within 45 days of the date of this notice will be