

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.*

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## 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.*

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## 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).