

hearing. No formal scoping meeting is planned at this time.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

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

Issued on October 28, 2004.

Victoria Peters,

*Director, Office of Engineering Operations,
Federal Highway Administration, Columbus,
Ohio.*

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BILLING CODE 4910-22-M

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.

Association of American Railroads

[Docket Number FRA-2004-19402]

The Association of American Railroads (AAR) and the Railway Supply Institute (RSI), on behalf of their member companies, seeks a permanent waiver of compliance from the requirements of Title 49 Code of Federal Regulations (CFR) § 232.205(b)(5) *Class I Brake Test—Initial terminal inspection* regarding minimum piston travel. This waiver is necessary to allow a minimum piston travel of six (6) inches, rather than the current requirement of seven (7) inches for cars equipped with eight and one half (8.5) inch or ten (10) inch diameter brake cylinders. Technical data supporting this request was submitted to FRA for review. By granting this waiver, it would provide consistency with the braking systems practice used in Canada which permits a minimum piston travel of six (6)

inches, per Section 22.1 of Train Brake Rules, Rule 22, Transport Canada.

By granting this waiver, no special markings or decals would be necessary, as all cars not covered by this waiver are required to have the permissible range of piston travel stencilled or marked on the car or badge plate. Therefore, six (6) to nine (9) inches would be the default range for piston travel absent a decal or marking to the contrary.

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 FRA-2004-19402) and must be submitted in triplicate to the Docket Clerk, DOT Central Docket Management Facility, Room Pl-401, Washington, DC 20590-0001. Communications received within 30 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 a.m.-5 p.m.) at DOT Central Docket Management Facility, Room Pl-401 (Plaza Level), 400 Seventh Street SW., Washington. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at <http://dms.dot.gov>.

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19377-78). The statement may also be found at <http://dms.dot.gov>.

Issued in Washington, DC on November 1, 2004.

Grady C. Cothen, Jr.,

Acting Associate Administrator for Safety.

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petition for Waiver of Compliance

In accordance with title 49 CFR 211.9 and 211.41, notice is hereby given that the Florida East Coast Railway, L.L.C. (FEC) has petitioned the Federal Railroad Administration (FRA) for renewal of its existing exemption for a waiver of compliance with a requirement of its safety standards. The FEC petition is described below, including the regulatory provisions involved, and the nature of the relief being requested.

Florida East Coast Railway, L.L.C. (FEC)

[Docket Number FRA-2004-19391]

FEC requests a renewal of its existing waiver (FRA Docket Number HS-98-02) to continue the use of their "Paperless Time Ticket Program" to produce an electronic record of train and engine employee hours of duty in lieu of manually signed paper records.

The existing FEC waiver, which expires in February 4, 2005, grants relief from Title 49 Code of Federal Regulations (CFR) Part 228.9(a)(1) for the railroad to utilize its computerized system of recording hours of duty data. Part 228.9(a)(1) requires that records maintained under Part 228 be signed by the employee whose time is being recorded, or in the case of train and engine crews, signed by the ranking crew member. The FEC seeks to utilize its secure computerized program of recording hours of duty information which would not comply with the above requirements for a "signature" of the employee or ranking crew member without renewed waiver authority. In the current FEC waiver approved program, each of the railroad's train and engine employees has his or her own unique identification number and personal identification number (PIN). The PIN will remain confidential to the employee. When accessing the computer for input of the hours of duty record, required by § 228.11, the (PIN) does not appear on the computer screen when the employee enters his or her number. All data entered under access gained through use of the confidential PIN will be electronically stamped with the entering employee's name along with the date and time of entry. The program will display the entering employee's electronic signature, date and time of entry on the employee's hours of duty record. The FEC requests that the existing waiver authority be continued to use the electronic stamp to

satisfy the signature requirements of the "Hours of Service of Railroad Employees." The railroad maintains that the renewal is in the best interests of all parties, in that, it will continue to reduce unnecessary paperwork and the costs associated therewith while providing the railroads, its employees and the FRA with a superior level of information on a more timely than signed paper records.

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 of their request.

All communications concerning these proceedings should identify the appropriate docket number (FRA-2004-19391) and must be submitted to the Docket Clerk, DOT Docket Management Facility, Room PL-401 (Plaza Level), 400 7th Street, SW., Washington, DC 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 a.m.-5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at <http://dms.dot.gov>.

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, *etc.*). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477-78). The Statement may also be found at <http://dms.dot.gov>.

Issued in Washington, DC on November 1, 2004.

Grady C. Cothen, Jr.,

Acting Associate Administrator for Safety.
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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.

Mount Rainier Scenic Railroad (MRSR) (Waiver Petition Docket Number FRA-2004-19102)

The Mount Rainier Scenic Railroad (MRSR) seeks a waiver of compliance from certain provisions of the Safety Glazing Standards, 49 CFR part 223, which requires certified glazing in all windows. This request is for one Southern Pacific Caboose, number 1751. The caboose was built in November of 1956. The railroad is in the process of restoring the caboose. When it is complete, it will be used only in excursion services and for display purposes.

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 FRA-2004-19102) and must be submitted to the Docket Clerk, DOT Docket Management Facility, Room PL-401 (Plaza Level), 400 7th Street, SW., Washington, DC 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 a.m.-5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at <http://dms.dot.gov>.

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, *etc.*). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (volume 65, number 70; pages 19477-78). The Statement may also be found at <http://dms.dot.gov>.

Issued in Washington, DC on November 1, 2004.

Grady C. Cothen, Jr.,

Acting Associate Administrator for Safety.
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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.

Union Pacific Railroad Company (Waiver Petition Docket Number FRA-2004-19199)

The Union Pacific Railroad Company (UP) seeks a waiver of compliance from certain provisions of 49 CFR part 232, Brake System Safety Standards for Freight and Other Non-Passenger Trains and Equipment. Specifically, § 232.215, Transfer Train Brake Tests and § 232.103(e), which requires at least 85% of a train's brakes to be operative when moving defective equipment in a train. This relief would apply for the movement of "bad order" cuts of cars from UP's former 18th Street Yard to UP's former Armstrong Yard in Kansas City, Kansas.

UP contends that the yard in question consists of one large end-to-end yard, which was historically considered separate yards—the former 18th Street Yard and the former Armstrong Yard. Both yards are contiguous and are connected by yard tracks, as well as a main line track. For purposes of clarity, the historical names of the two former yards will be used in this waiver.