

type used before 49 CFR 223.11 was in effect.

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 2005-21181) 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 July 13, 2005.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 05-14343 Filed 7-20-05; 8:45 am]

BILLING CODE 4910-06-P

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 favour of relief.

Illinois Railway Museum

[Docket Number FRA-2005-21271]

The Illinois Railway Museum (IRM), a standard gage railroad and electric traction museum, seeks a waiver of compliance from the requirements of title 49 Code of Federal Regulations (CFR) 230.17 One thousand four hundred seventy-two (1472) service day inspection for their locomotive number (IRM) 428. Locomotive number 428, is a former Union Pacific steam locomotive, built by the Baldwin Locomotive Works in 1901 (Boiler Number 18303) with a wheel arrangement of 2-8-0.

The IRM is not engaged in general railroad transportation, and provides only railroad/electric railway tourist excursions on a limited schedule. The IRM currently consists of approximately 26 acres of display area, with 1.5 miles of track under cover for display purposes. In addition, they operate a segment of track on the former Elgin & Belvidere electric railway right-of-way, between Kishwaukee Grove and East Union, Illinois, in McHenry County.

This waiver specifically requests relief from the requirements of 49 CFR 230.17(a) General that states: "In the case of a new locomotive or a locomotive being brought out of retirement, the initial 15 year period shall begin on the day that the locomotive is placed in service or 365 days after the first flue tube is installed in the locomotive, which ever comes first." The IRM initiated restoration of the number 428 in January 1984, underwent a successful interior boiler inspection by FRA in October 1999, and passed a hydrostatic test in early 2000. The locomotive has been stored dry, and indoors since the initiation of the restoration project. Relief is sought by IRM to begin the 1,472 service days, and the corresponding 15 year period on the day of the first steam test, not the day the first tube was installed, as they installed the tubes in October 1999, and FRA published the revised 49 CFR part 230 Inspection and Maintenance Standards for Steam Locomotives on November 17, 1999.

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-2005-21271) 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 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 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>.

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Issued in Washington, DC, on July 13, 2005.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 05-14345 Filed 7-20-05; 8:45 am]

BILLING CODE 4910-06-P

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 favour of relief.

Maine Narrow Gage Railroad & Museum

[Docket Number FRA-2005-21014]

The Maine Narrow Gage Railroad & Museum (MNGR), a 2-foot gage museum railroad, seeks a waiver of compliance from the requirements of Title 49 Code of Federal Regulations (CFR) 230.51 Water glasses and gage cocks, number and location. The MNGR is not engaged in general railroad transportation, and provides only railroad tourist excursions on a limited schedule. The MNGR currently consists of approximately two miles of track, all located within the waterfront district of Portland, Maine, and adjacent to a park.

This waiver would be for MNGR locomotives numbers 3 and 4, and specifically requests that the minimum reading for the water glasses on these two locomotives be retained at 1½ inches above the highest part of the crown sheet as originally designed, constructed, and operated since 1912. The current requirement, as specified by title 49 CFR 230.51, requires a minimum water reading be visible at 3 inches above the highest part of the crown sheet. If locomotives numbers 3 and 4 are brought into compliance with the regulatory requirement, raising the water glasses would result in the top or full reading being equal height with the top of the boiler. Thus, when the water glass indicates full, there is very little remaining volume for steam to accumulate, and water may carry over into the dry pipe, an unsafe condition. In addition, the boilers on these two locomotives are 37⅞ inches in diameter, which is significantly smaller than that found on standard gage locomotives. The petitioner believes that due to the difference in boiler diameters, an equivalent level of safety exists with their water glass at 1½ inches above the highest part of the crown sheet when compared to a standard gage locomotive set at 3 inches.

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-2005-21014) 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 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 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>.

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Issued in Washington, DC on July 13, 2005.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 05-14344 Filed 7-20-05; 8:45 am]

BILLING CODE 4910-06-P

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.

New Jersey Transit Corporation (Supplement to Waiver Petition Docket Number FRA-1999-6135)

As a supplement to New Jersey Transit Corporation's (NJ Transit) Petition for Approval of Shared Use and Waiver of Certain FRA Regulations (the original shared use waiver was granted by the FRA Railroad Safety Board on December 3, 1999 and a five year

extension was granted by the FRA Railroad Safety Board on May 2, 2005), NJ Transit seeks a permanent waiver of compliance from additional sections of Title 49 of the CFR for continued safe operation of its Southern New Jersey Light Rail Transit (SNJLRT) River Line. NJ Transit submits that this request is consistent with the waiver process for Shared Use. See Statement of Agency Policy Concerning Jurisdiction Over the Safety of Railroad Passenger Operations and Waivers Related to Shared Use of the Tracks of the General Railroad System by Light Rail and Conventional Equipment, 65 FR 42529 (July 10, 2000); see also Joint Statement of Agency Policy Concerning Shared Use of the Tracks of the General Railroad System by Conventional Railroads and Light Rail Transit Systems, 65 FR 42626 (July 10, 2000).

The River Line is a temporally separated light rail system, sharing track with Conrail, operating through 19 communities, often as close as 100 feet from residences, schools, hospitals, and businesses. NJ Transit estimates that at moderate levels of service, the River Line generates over 5400 audible warnings per day over its 54 highway-rail grade crossings and street intersections on the shared trackage of the Bordentown Secondary from milepost 3.4 to milepost 33.1. NJ Transit proposes that the quality of life of the residents of these communities is significantly impacted by frequent intrusion of horns and bells, resulting in numerous complaints from residents and elected officials. In order to mitigate these concerns, NJ Transit adopted the use of the 86dB(A) setting of the two-level horn on the SNJLRT vehicle as the standard highway-rail grade crossing audible warning device and developed specific light rail operating rules regarding audible warnings at grade crossings on the River Line.

On April 27, 2005, the FRA issued the Final Rule on Use of Locomotive Horns at Highway-Rail Grade Crossings, 69 FR 21844 (2005), with an effective date on June 24, 2005. Although NJ Transit states that its audible warning operating practices on the River Line are generally in compliance with the rules contained in 49 CFR parts 222 and 229 Use of Locomotive Horns at Highway Rail Grade Crossings; Final Rule, it seeks waivers from parts of this rule because of variances in the following areas: The River Line light rail vehicle audible warning decibel level, the use of the River Line vehicle bell in Burlington City, NJ, operating practices for near-side station stops in close proximity to fully activated and deployed grade crossing warning devices, one highway-