

**ACTION:** Notice of public meeting.

**SUMMARY:** FMCSA announces the second in a series of public meetings concerning the implementation of the North American Standard for Protection Against Shifting or Falling Cargo. On September 27, 2002, FMCSA published a final rule revising its regulations concerning protection against shifting and falling cargo for commercial motor vehicles (CMVs) engaged in interstate commerce. Motor carriers operating in the United States were given until January 1, 2004, to comply with the new regulations. On September 23, 2004, Canada's Council of Ministers Responsible for Transportation and Highway Safety approved a new National Safety Code Standard for cargo securement. Full implementation of the new cargo securement requirements in Canada began in the summer of 2005. The purpose of this meeting is second in a series of meetings to discuss the process for ensuring the consistent interpretation of the harmonized cargo securement standards by FMCSA and the Canadian Provinces, and of the issues raised by enforcement agencies and motor carriers in the U.S., and to address potential implementation issues for the Canadian Provinces, and motor carriers operating in Canada.

**DATES:** The meeting will be held on September 29–30, 2005. The meeting will begin at 1 p.m. and end at 5 p.m. on September 29, and continue from 9 a.m. until 5 p.m. on September 30.

**ADDRESSES:** The meeting will be held at the Beau Rivage Resort, 875 Beach Boulevard, Biloxi, Mississippi.

**FOR FURTHER INFORMATION CONTACT:** Mr. Larry W. Minor, Director of the Office of Bus and Truck Standards and Operations (MC-PS), 202-366-4009, Federal Motor Carrier Safety Administration, 400 Seventh Street SW., Washington, DC 20590.

**SUPPLEMENTARY INFORMATION:**

**Background**

On September 27, 2002 (67 FR 61212), FMCSA published a final rule revising its regulations concerning protection against shifting and falling cargo for CMVs operated in interstate commerce (49 CFR part 393). The new cargo securement standards are based on the North American Cargo Securement Standard Model Regulations, reflecting the results of a multi-year comprehensive research program to evaluate the then-current U.S. and Canadian cargo securement regulations; the motor carrier industry's best practices; and recommendations presented during a series of public

meetings involving U.S. and Canadian industry experts, Federal, State and Provincial enforcement officials, and other interested parties. The Agency indicated that the intent of the rulemaking is to reduce the number of crashes caused by cargo shifting on or within, or falling from, CMVs operating in interstate commerce, and to harmonize to the greatest extent practicable U.S., Canadian and Mexican cargo securement regulations. Motor carriers were given until January 1, 2004, to comply with the new regulations.

**Maintaining Uniformity Between U.S. and Canadian Cargo Securement Standards**

FMCSA believes it is necessary to continue working with U.S. and Canadian industry experts, Federal, State and Provincial enforcement officials, and other interested parties to maintain to the greatest extent practicable, harmonization of U.S. and Canadian cargo securement standards. A major part of this effort includes uniformity in interpreting the meaning of the requirements adopted by the U.S. and Canada. While there are some differences between certain provisions of the regulations adopted by FMCSA and Canada's National Safety Code Standard 10, most of the contents of the model regulations have been adopted, or will soon be adopted, by almost all jurisdictions in the U.S. and Canada. To ensure consistency in the interpretation and enforcement of the requirements, FMCSA is working with its partners in Canada to develop a process for sharing information about requests for interpretation, and exchanging technical information that would be helpful to the regulatory agencies in developing responses to such requests. FMCSA would also work with its partners in Canada to ensure that interpretations are made available to all interested parties in an efficient and timely manner.

As part of the process for ensuring consistent interpretations of the harmonized cargo securement regulations, FMCSA is holding this public meeting to provide all interested parties the opportunity to participate in the discussions between the Agency and its Canadian counterparts about interpretations and other implementation issues. This is the second in a series of public meetings on this subject. The first meeting was held April 21–22 in Albuquerque, New Mexico (70 FR 16884, April 1, 2005). Minutes from the Albuquerque meeting, and the presentations made by participants have been placed in the docket listed at the beginning of this

notice. The minutes and presentations from the Biloxi meeting and any future cargo securement implementation issues meetings will be placed in this docket. Future public meetings will be announced in the **Federal Register**.

**Meeting Information**

The meeting will be held on September 29–30, 2005, at the Beau Rivage Resort, 875 Beach Boulevard, Biloxi, Mississippi. The meeting is scheduled from 1 p.m. to 5 p.m. on September 29, and from 9 a.m. to 5 p.m. on September 30. The meeting is being held in connection with the Commercial Vehicle Safety Alliance's (CVSA) 2005 Fall Workshop. Attendance for the cargo securement meeting is free of charge and open to all interested parties. However, anyone interested in attending the sessions and committee meetings of the CVSA's 2005 Fall Workshop must register with the CVSA and pay the appropriate registration fee. For further information about registration for other sessions or meetings of the CVSA's 2005 Fall Workshop please contact the CVSA at (202) 775-1623.

Issued on: August 24, 2005.

**Warren E. Hoemann,**  
*Deputy Administrator.*

[FR Doc. 05-17276 Filed 8-30-05; 8:45 am]

**BILLING CODE 4910-EX-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.

**Indiana Northeastern Railroad Company (Docket Number FRA-2005-21963)**

The Indiana Northeastern Railroad Company (IN) seeks a waiver of compliance from the provisions of the *Track Safety Standards*, 49 CFR 213.233(c), that requires a twice-weekly track inspection when operating passenger trains.

The IN, a shortline railroad operating in the states of Indiana, Ohio, and Michigan, has commenced weekend excursion passenger train operation

necessitating a twice weekly track inspection required under Section 213.233(c). In its petition, the IN states that train activity increases towards the end of the week and track maintenance is generally scheduled at the beginning of the week when maximum staffing is available.

With the weekend excursions operating, the track supervisor traverses the line on each Monday to inspect the track that the passenger train will be operating over the upcoming weekend. Midweek the supervisor resumes the regular inspection of the entire line. The petitioner believes that the second inspection of the excursion trackage is redundant and adds another day to the inspection activity without any benefit.

Interested parties are invited to participate in these proceedings by submitting their 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 communication concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number 2005-21963), 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>.

Issued in Washington, DC on August 25, 2005.

**Grady C. Cothen, Jr.,**

*Deputy Associate Administrator for Safety Standards and Program Development.*

[FR Doc. 05-17277 Filed 8-30-05; 8:45 am]

**BILLING CODE 4910-06-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Docket No. AB-682X]

#### The Los Angeles Junction Railway— Abandonment Exemption—in Los Angeles County, CA

The Los Angeles Junction Railway (LAJ)<sup>1</sup> has filed a notice of exemption under 49 CFR 1152 subpart F—*Exempt Abandonments* to abandon a 0.46-mile line of railroad between LAJ milepost 2.21 and LAJ milepost 2.67, in Maywood, Los Angeles County, CA. The line traverses United States Postal Service Zip Code 90270.

LAJ has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements of 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employees adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on September 30, 2005, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,<sup>2</sup> formal expressions of intent to file an OFA under 49 CFR

1152.27(c)(2),<sup>3</sup> and trail use/rail banking requests under 49 CFR 1152.29 must be filed by September 12, 2005. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by September 20, 2005, with: Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001.

A copy of any petition filed with the Board should be sent to LAJ's representative: Michael Smith, 311 S. Wacker Dr., Suite 3000, Chicago, IL 60606.

If the verified notice contains false or misleading information, the exemption is void *ab initio*.

LAJ has filed environmental and historic reports which address the effects, if any, of the abandonment on the environment and historic resources. SEA will issue an environmental assessment (EA) by September 2, 2005. Interested persons may obtain a copy of the EA by writing to SEA (Room 500, Surface Transportation Board, Washington, DC 20423-0001) or by calling SEA, at (202) 565-1539. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339.] Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), LAJ shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by LAJ's filing of a notice of consummation by August 31, 2006, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our Web site at <http://www.stb.dot.gov>.

Decided: August 22, 2005.

By the Board, David M. Konschnick,  
Director, Office of Proceedings.

**Vernon A. Williams,**  
*Secretary.*

[FR Doc. 05-17140 Filed 8-30-05; 8:45 am]

**BILLING CODE 4915-01-P**

<sup>1</sup> LAJ is a wholly owned subsidiary of BNSF Railway Company.

<sup>2</sup> The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis (SEA) in its independent investigation) cannot be made before the exemption's effective date. See *Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

<sup>3</sup> Each OFA must be accompanied by the filing fee, which currently is set at \$1,200. See 49 CFR 1002.2(f)(25).