

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 May 1, 2006.

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

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

[FR Doc. E6–6785 Filed 5–4–06; 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 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.

#### **Sacramento Regional Transit District**

[Petition Docket Number FRA–2006–24216]

As a supplement to Sacramento Regional Transit District's (SRTD) Petition for Approval of Shared Use (Shared Corridor) and waiver of Certain FRA Regulations (the original shared corridor waiver was granted by the FRA Railroad Safety Board on September 1, 2003), SRTD seeks a permanent waiver of compliance from additional sections of Title 49 of the CFR for continued safe operation of its 18.3-mile Light Rail Transit (RT System) everywhere it shares a corridor and corresponding highway-rail grade crossings with the

Union Pacific Railroad (UPRR). SRTD 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 RT System operates on its own tracks in certain rail corridors also used by UPRR for freight rail operations over adjacent tracks. The RT System and the UPRR share 18 public highway-rail grade crossings on the Placerville Branch, a rail corridor owned by Sacramento-Placerville Transportation Corridor Joint Powers Authority (SPTC-JPA) that extends between milepost (MP) 97.0 and MP 110. The RT System and UPRR also share 11 public highway-rail grade crossings on the UPRR mainline between approximately MP 131 and MP 137.9.

SRTD states that since it began light rail service in 1987, the RT System utilized a 75 dbA gong on its vehicles to sound an audible warning at highway-rail grade crossings. On June 24, 2005, the RT System began using a 95–100 dbA vehicle horn instead of the 75 dbA gong. In March, 2006, SRTD finished installing new 75dbA “clatter” gongs in its vehicle fleet, which are being sounded at highway-rail grade crossings in place of the 95–100 dbA horn.

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. SRTD is working with the City of Rancho Cordova and the County of Sacramento to evaluate the feasibility of establishing Quiet Zones along portions of the RT System, but is concerned about the anticipated costs of implementing such Zones. With the exception of the Quiet Zone established by the City of Sacramento between C street downtown and Meadowview Road between 7AM and 6AM (previously filed as a Pre-Rule Partial Quiet Zone Notice), RT System LRVs along all shared public highway-rail grade crossings with the UPRR are sounding either a 95–100 dbA horn or 75 dbA “clatter” gong that complies with the Final Horn Rule sound pattern requirements of CFR part 222. Because the RT System is running through residential areas, SRTD is receiving

complaints from local residents about the noise of these horns and “clatter” gongs and would like to return to its historical practice of using 75 dbA gongs. SRTD states that the 75 dbA gong complies with all applicable sound level requirements of the California Public Utilities Commission (CPUC) as set forth in General Order 143–B. The proposed 75 dbA gong sounding practice at shared highway-rail grade crossings has been the standard operating practice from 1987 until June 2005, and in such time, has had only 20 reportable accidents or incidents. SRTD further states that light rail operations are significantly different in character from freight rail operations and the audible warning procedures for the RT System's LRVs reflect those differences. Accordingly, SRTD seeks a waiver of compliance with certain sections of CFR part 229.129 (minimum horn decibel requirements) and CFR part 222.21 regarding start time, pattern, and duration requirements. (Section 229.129(d) clearly excepts locomotives of rapid transit operations, notwithstanding preamble discussion in the final rule to the contrary; accordingly this portion of the request for relief will be dismissed and comment is not requested on this aspect of the request for relief.)

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 communication concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number FRA–2006–24216) 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 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 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 May 1, 2006.

**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-2000-7257]

#### Notice No. 39; Railroad Safety Advisory Committee; Notice of Meeting

**AGENCY:** Federal Railroad Administration (FRA), Department of Transportation (DOT).

**ACTION:** Notice of the Railroad Safety Advisory Committee (RSAC) meeting.

**SUMMARY:** FRA announces the next meeting of the RSAC, a Federal Advisory Committee that develops railroad safety regulations through a consensus process. The RSAC meeting topics include opening remarks from the FRA Administrator, a discussion panel on lessons learned during the ten years RSAC has existed, and the report on the Safety of Remote Control Locomotive Operations. Status reports will be given on the Passenger Safety, Roadway Worker, Continuous Welded Rail, and Locomotive Standards working groups. The Committee will be asked to vote to accept a task on railroad security.

**DATES:** The meeting of the RSAC is scheduled to commence at 9:30 a.m., and conclude at 4 p.m., on Thursday, May 18, 2006.

**ADDRESSES:** The meeting of the RSAC will be held at the Wyndham Washington, DC, 1400 M Street, NW., Washington, DC 20005, (202) 493-1700. The meeting is open to the public on a first-come, first-serve basis, and is accessible to individuals with disabilities. Sign and oral interpretation can be made available if requested 10 calendar days before the meeting.

**FOR FURTHER INFORMATION CONTACT:** Patricia Butera, RSAC Coordinator, FRA, 1120 Vermont Avenue, NW., Stop 25, Washington, DC 20590, (202) 493-6212 or Grady Cothen, Deputy Associate Administrator for Safety Standards and Program Development, FRA, 1120 Vermont Avenue, NW., Mailstop 25, Washington, DC 20590, (202) 493-6302.

**SUPPLEMENTARY INFORMATION:** Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), FRA is giving notice of a meeting of the RSAC. The meeting is scheduled to begin at 9:30 a.m., and conclude at 4 p.m., on Thursday, May 18, 2006. The

meeting of the RSAC will be held at the Wyndham Washington, DC, 1400 M Street, NW., Washington, DC 20005, (202) 493-1700. RSAC was established to provide advice and recommendations to the FRA on railroad safety matters. Currently, the Committee consists of 48 individual voting representatives and five associate representatives drawn from among 30 organizations representing various rail industry perspectives, two associate representatives from the agencies with railroad safety regulatory responsibility in Canada and Mexico, and other diverse groups. Staffs of the National Transportation Safety Board and the Federal Transit Administration also participate in an advisory capacity. The Committee's charter must be renewed by May 17, at which time it is anticipated that proposed changes to the membership will be approved. The changes include the addition of one voting seat for the Transportation Security Administration and five voting seats for hazardous materials shippers and manufacturers.

See the RSAC Web site for details on pending tasks at:

<http://rsac.fra.dot.gov/>. Please refer to the notice published in the **Federal Register** on March 11, 1996, (61 FR 9740) for more information about the RSAC.

Issued in Washington, DC, on May 1, 2006.

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

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

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### Notice of Safety Advisory 2006-04

**AGENCY:** Federal Railroad Administration (FRA), Department of Transportation (DOT).

**ACTION:** Notice of Safety Advisory 2006-04; Tank Cars with Stub Sills.

**SUMMARY:** FRA is issuing Safety Advisory 2006-04 recommending that owners of tank cars equipped with the ACF Industries, Incorporated (ACF) 200 stub sill design, inspect and enhance the underframes in accordance with the procedures contained in ACF's Maintenance Bulletin TC-200. Owners should contact ACF (see below) for a copy of Maintenance Bulletin TC-200 and for clarification of procedures and any additional information.

**FOR FURTHER INFORMATION CONTACT:** Albert R. Taber or Thomas A. Phemister,

Railroad Safety Specialists (Hazardous Materials), Hazardous Materials Division, Office of Safety Assurance and Compliance, Federal Railroad Administration, U.S. Department of Transportation, 1120 Vermont Avenue, NW., Washington, DC 20590-0001 (telephone: (202) 493-6254 or (202) 493-6050; e-mail: [al.taber@dot.gov](mailto:al.taber@dot.gov) or [tom.phemister@dot.gov](mailto:tom.phemister@dot.gov)).

#### SUPPLEMENTARY INFORMATION:

##### Background

Since 1990, FRA, in conjunction with Transport Canada, has documented approximately eleven known defects on tank cars built with the ACF 200 stub sill design (ACF-200 tank cars). These defects included tank head cracks, pad to tank cracks, sill web cracks, and tank car buckling that in some instances led to hazardous materials incidents. In addition, the Association of American Railroads (AAR) Stub Sill (SS-3) inspection data related to ACF-200 tank cars shows significant percentages of longitudinal weld cracks located in the pad to sill area, and parent metal cracks in the pad. These cracks present a possible source of the loss of tank integrity which could lead to unintended releases of hazardous materials from ACF-200 tank cars.

On November 15, 2005, FRA representatives met with officials representing the original builder of the ACF-200 tank cars to discuss the evolution of the design, areas of concern, and proper modifications/enhancements to the sill of ACF-200 tank cars to ensure structural integrity while transporting hazardous materials by rail. At this meeting, FRA learned that the safety concerns with the ACF-200 stub sill design are fatigue related which could be addressed through periodic inspection and modification of the tank cars at certain intervals determined by mileage and re-qualification inspection and maintenance dates. Specifically, FRA learned that the fatigue-related safety concerns with the ACF-200 stub sill design can be eliminated by modifying the underframe of the tank car in accordance with ACF's Maintenance Bulletin TC-200 (ACF Style 200 Stub Sill Underframe Enhancement, issued in May 1994) and installing the P470 angle application head brace. Once the P470 Angle Application has been installed (popularly known as the "ladder fix"), the underframe of the tank car is transformed into what is known as the ACF-270 stub sill design. According to ACF, this program of retrofitting ACF-200 tank cars to the ACF-270 design, began nearly a decade ago and has