

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>.

FRA wishes to inform all potential commenters that 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) or you may visit <http://dms.dot.gov>.

FRA expects to be able to determine these matters without an oral hearing. However, if a specific request for an oral hearing is accompanied by a showing that the party is unable to adequately present his or her position by written statements, an application may be set for public hearing.

Issued in Washington, DC, on February 23, 2007.

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

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

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**BILLING CODE 4910–06–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System or Relief From the Requirements of Title 49 Code of Federal Regulations Part 236

Pursuant to Title 49 Code of Federal Regulations (CFR) Part 235 and 49 U.S.C. 20502(a), the following railroad has petitioned the Federal Railroad Administration (FRA) seeking approval for the discontinuance or modification of the signal system or relief from the requirements of 49 CFR Part 236, as detailed below.

[Docket Number FRA–2007–26965]

*Applicant:* CSX Transportation, Mr. J. Wesley Wheeler, Chief Mechanical Officer, Locomotives, 500 Water Street, Speed Code J–340, Jacksonville, Florida 32202.

CSX Transportation, Inc. (CSXT) seeks relief from the requirements of the rules, standards, and instructions set out in 49 CFR 236.586, to the extent that a visual inspection not be required as part of the daily or after-trip test on locomotives equipped with microprocessor equipment during a

proposed test period. The proposed test period would have the participation of CSXT, FRA, Cab Signal Original Equipment Manufacturer's, Brotherhood of Locomotive Engineers and Trainmen, and the United Transportation Union. CSXT believes that the test will demonstrate how the newer systems will allow safe train operation in train control territory without needing to perform a daily visual inspection of the cab signal and train control apparatus. The test is intended to also exhibit how microprocessor-based systems can continuously monitor themselves with onboard self diagnostics and take the appropriate safe action if a failure is detected. During the proposed test period, CSXT will keep these locomotives on a 92-day periodic inspection interval and will not perform daily visual inspections of its cab signal and train control equipment.

Any interested party desiring to protest the granting of an application shall set forth specifically the grounds upon which the protest is made and include a concise statement of the interest of the party in the proceeding. Additionally, one copy of the protest shall be furnished to the applicant at the address listed above.

All communications concerning this proceeding should be identified by Docket Number (FRA–2007–26965) and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, Room PI–401, 400 7th Street SW., Washington, DC 20590–0001. Communications received within 45 days of the date of this notice will be considered by the 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>.

FRA wishes to inform all potential commenters that 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) or you may visit <http://dms.dot.gov>.

FRA expects to be able to determine these matters without an oral hearing. However, if a specific request for an oral

hearing is accompanied by a showing that the party is unable to adequately present his or her position by written statements, an application may be set for public hearing.

Issued in Washington, DC, on February 23, 2007.

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

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

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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) has 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.

#### Saint Louis Metro

[Docket Number FRA–2007–27207]

Saint Louis Metro (Metro), the provider of bus, paratransit, and light rail transit in the St. Louis Metropolitan Area, seeks a permanent waiver of compliance from sections of Title 49 of the CFR for operation of its MetroLink Light Rail over two at-grade rail diamond crossings that constitute a "limited connection" with the general railroad system. (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 42526 (July 10, 2000).)

MetroLink consists of 44.8 miles of light rail tracks located in St. Louis County and the City of St. Louis, Missouri; and St. Clair County, Illinois, for the purpose of providing rapid transit operations within the St. Louis Metropolitan area. The MetroLink alignment is a double-track light rail alignment running at grade, above grade, below grade, and in tunnels with two-car consists. Revenue hours are from 3:45 a.m. to 1:15 a.m. daily.

MetroLink currently crosses a single existing freight railroad industry lead known as the Grand Freight Diamond, thus constituting a limited connection to the general railroad system. Freight movements are conducted by Metro's contractor, Squaw Creek Southern Railroad, Inc., across this diamond crossing and are temporally separated, occurring only during MetroLink's nonrevenue hours of 1:15 a.m. to 3:45 a.m.

For this limited connection, Metro seeks permanent waiver of compliance from the following Parts of 49 CFR: Part 217—Railroad Operating Rules, Part 219—Control of Alcohol and Drug Use, Part 220—Railroad Communications, Part 221—Rear End Marking Devices, Part 223—Safety Glazing Standards, Part 238—Passenger Equipment Safety Standards, and Part 239—Passenger Emergency Preparedness. Metro offers that it is similarly governed by the System Safety Program Plan as required by the Federal Transit Administration (FTA) and administered by the Missouri Department of Transportation (Momot).

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 2007-27207) 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>.

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 February 23, 2007.

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

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

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## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

[Docket No: FTA-2006-25365]

#### Formula Grants for Other Than Urbanized Areas Program (49 U.S.C. 5311): Notice of Final Circular

**AGENCY:** Federal Transit Administration (FTA), DOT.

**ACTION:** Notice of Availability of Final Circular.

**SUMMARY:** This notice announces the publication of final guidance in the form of a circular to assist grantees in implementing the Federal Transit Administration (FTA) Formula Grants for Other Than Urbanized Areas Program (commonly referred to as Section 5311). This notice provides a summary of the Section 5311 program circular, and addresses comments received in response to the July 31, 2006, **Federal Register** notice (71 FR 43280) announcing the availability of the proposed circular for comment.

**DATES:** The effective date of this final circular is April 1, 2007.

**AVAILABILITY OF THE FINAL CIRCULAR:** You may download the circular from the Department's Docket Management System (<http://dms.dot.gov>) by entering docket number 25365 in the search field. You may also download an electronic copy of the circular from FTA's Web site, at [www.fta.dot.gov](http://www.fta.dot.gov). You may obtain paper copies of the circular by calling FTA's Administrative Services Help Desk, at 202-366-4865.

**FOR FURTHER INFORMATION CONTACT:** Lorna R. Wilson, Office of Program Management, Federal Transit Administration, 400 Seventh Street, SW., Room 9114, Washington, DC 20590, *phone:* 202-366-2053, *fax:* 202-366-7951, or *e-mail:*

[lorna.wilson@dot.gov](mailto:lorna.wilson@dot.gov). Legal questions may be addressed to Shauna J. Coleman, Office of Chief Counsel, Federal Transit Administration, 400 Seventh Street, SW., Room 9316, Washington, DC

20590, *phone:* 202-366-4063, *fax:* 202-366-3809, or *e-mail:* [shauna.coleman@dot.gov](mailto:shauna.coleman@dot.gov).

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#### I. Background

On July 31, 2006, the Federal Transit Administration (FTA) published a Notice of Proposed Program Guidance and Request for Comments on the proposed revisions to FTA Circular 9040.1E, "Nonurbanized Area Formula Program Guidance and Grant Application Instructions," dated 10-01-98. The proposed circular contained guidance on how to administer the Section 5311 program. The proposed circular also contained summaries of cross-cutting provisions such as Charter Bus, Buy America, Title VI, and EEO requirements. FTA did not seek specific comments on these cross-cutting provisions, however, because these are subjects of separate rulemaking or circular efforts.

The comment period remained open until September 29, 2006. FTA received 17 comments to the docket. FTA reviewed and considered all comments submitted. In addition to changes made in response to comments received, FTA also edited the proposed circular for clarity and accuracy. Based upon comments received, FTA hereby announces issuance of the final circular, Federal Transit Administration (FTA) Circular 9040.1F, "Nonurbanized Area Formula Program Guidance and Grant Applications Instructions," which supersedes the 1998 FTA Circular 9040.1E. FTA reserves the right to make changes to this circular in the future and to update references to requirements contained in other revised or new guidance and regulations that undergo notice and comment procedures without further notice and comment on this circular.