

Petition Docket Number 2007-27413) 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 March 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

[Docket No. FRA 1999-6439, Notice No. 18]

#### Adjustment of Nationwide Significant Risk Threshold

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

**ACTION:** Notice of Adjustment of the Nationwide Significant Risk Threshold.

**SUMMARY:** In accordance with 49 CFR part 222, appendix D, FRA is updating the Nationwide Significant Risk Threshold (NSRT). This action is needed to ensure that the public has the proper threshold of permissible risk for calculating quiet zones established in relationship to the NSRT. This is the first update to the NSRT since the final rule entitled "Use of Locomotive Horns at Highway-Rail Grade Crossings" was published on April 27, 2005 (70 FR 21844). This notice increases the Nationwide Significant Risk Threshold (NSRT) from 17,030 to 19,047.

**DATES:** The effective date is March 29, 2007.

#### FOR FURTHER INFORMATION CONTACT:

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## SUPPLEMENTARY INFORMATION

### Background

The NSRT is simply an average of the risk indexes for all of the gated crossings nationwide where train horns are routinely sounded. When communities are determining whether a specific crossing corridor can qualify as a quiet zone pursuant to 49 CFR part 222, the NSRT is used for comparison to the Quiet Zone Risk Index calculated for that specific crossing corridor to determine if that crossing corridor's Quiet Zone Risk Index falls above or below the nationwide average. In 2005, when the final rule entitled "Use of Locomotive Horns at Highway-Rail Grade Crossings" was published, FRA calculated the NSRT to be 17,030 (an increase from 15,424 as published in the interim final rule (68 FR 70586, December 18, 2003)) (70 FR 21844, April 27, 2005). In the final rule, FRA indicated that the NSRT would be updated annually. This is the first update to the NSRT since the final rule was published on April 27, 2005.

### New NSRT

Almost two years have passed since the NSRT was last updated. (70 FR 21844, April 27, 2005). Consequently, FRA has recalculated the threshold based on the formulas identified in 49 CFR part 222, appendix D. FRA used collision data from 2001–2005.

The total number of gated, non-whistle ban crossings was 38,577.

The total number of collisions at these crossings was 2,388.

$$\text{Fatality Rate} = \frac{\text{Fatalities}}{\text{Fatal Incidents}} = \frac{364}{314} = 1.1592$$

$$\text{Injury Rate} = \frac{\text{Injuries in Injury Only Incidents}}{\text{Injury Only Incidents}} = \frac{795}{601} = 1.3228$$

Applying the fatality rate and injury rate to the probable number of fatalities and casualties predicted to occur at each of the 38,577 crossings identified and the predicted cost of the associated injuries and fatalities, FRA calculates the NSRT to be 19,047.

**Authority:** 28 U.S.C. 2461, note; 49 U.S.C. 20103, 20107, 20153, 21301, 21304; 49 CFR 1.49; 49 CFR part 222, Appendix D.

Issued in Washington, DC, on March 20, 2007.

**Grady C. Cothen Jr.,**

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

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket Number FRA-2007-27411]

#### 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 railroads have petitioned the Federal Railroad Administration (FRA) seeking approval