

of this notice and all laws under which such actions were taken, including but not limited to:

1. *General*: National Environmental Policy Act (NEPA) [42 U.S.C. 4321–4351]; and Federal-Aid Highway Act [23 U.S.C. 109 and 23 U.S.C. 128].

2. *Air*: Clean Air Act [42 U.S.C. 7401–7671(q)].

3. *Land*: Landscape and Scenic Enhancement (Wildflowers) [23 U.S.C. 319].

4. *Wetlands and Water Resources*: Safe Drinking Water Act [42 U.S.C. 300(f)–300(j)(6)]; and Wetlands Mitigation [23 U.S.C. 103(b)(6)(m) and 133(b)(11)].

5. *Wildlife*: Endangered Species Act [16 U.S.C. 1531–1544 and Section 1536]; Fish and Wildlife Coordination Act [16 U.S.C. 661–667(d)]; and Migratory Bird Treaty Act [16 U.S.C. 703–712].

6. *Historic and Cultural Resources*: Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470(f) *et seq.*]; Archaeological and Historic Preservation Act [16 U.S.C. 469–469c]; Archaeological Resources Protection Act of 1979 [16 U.S.C. 470 *et seq.*]; and Native American Graves Protection and Repatriation Act [25 U.S.C. 3001–3013].

7. *Social and Economic*: Civil Rights Act of 1964 [42 U.S.C. 2000(d)–2000(d)(1)]; Farmland Protection Policy Act [7 U.S.C. 4201–4209]; and The Uniform Relocation Assistance and Real Property Acquisition Act of 1970, as amended.

8. *Hazardous Materials*: Comprehensive Environmental Response, Compensation, and Liability Act [42 U.S.C. 9601–9675]; Superfund Amendments and Reauthorization Act of 1986; and Resource Conservation and Recovery Act [42 U.S.C. 6901–6992(k)].

9. *Executive Orders*: E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 12898 Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations; E.O. 11593 Protection and Enhancement of the Cultural Environment; E.O. 13007 Indian Sacred Sites; E.O. 13287 Preserve America; 13175 Consultation and Coordination with Indian Tribal Governments; E.O. 11514 Protection and Enhancement of Environmental Quality; and E.O. 13112 Invasive Species.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program)

**Authority:** 23 U.S.C. 139(I)(1).

Issued on: July 26, 2007.

**Maiser Khaled,**

*Director, Project Development and Environment, Sacramento, California.*

[FR Doc. E7–15098 Filed 8–2–07; 8:45 am]

**BILLING CODE 4910-RY-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 from 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.

#### Capital Metropolitan Transportation Authority

[Docket Number FRA–2006–25040]

Capital Metropolitan Transportation Authority (CMTA), located in Austin, TX, seeks a Conditional Test Waiver of compliance from certain parts of Title 49 of the CFR as part of its ongoing efforts to test and eventually commission new non-FRA compliant diesel multiple units for its start-up commuter rail service linking the City of Leander with downtown Austin, TX.

CMTA is seeking a permanent waiver of compliance from the provisions of 49 CFR Part 219, *Drug and Alcohol*; Part 221, *Rear End Marking Devices*; Part 223, *Safety Glazing Standards*; Part 225, *Accident and Incident Reporting*; Part 229, *Railroad Locomotive Safety Standards*; Part 231, *Railroad Safety Appliance Standards*; Part 238, *Passenger Equipment Safety Standards*; Part 239, *Passenger Train Emergency Preparedness*; and Part 240, *Qualification and Certification of Locomotive Engineers*. In order to begin revenue operation in the fall of 2008, CMTA would like this Conditional Test Waiver in order to meet the system commissioning and testing requirements of the Texas Department of Transportation (TxDOT) System Safety and Security Certification process. Lastly, CMTA posits this Conditional Test Waiver is needed to successfully complete system integration, vehicle acceptance, training, and equipment familiarization. The testing will be conducted consistent with the operating principles of temporal separation set

forth in the original petition for permanent waiver. 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–2006–25040) and must be submitted to the Docket Clerk, DOT Docket Management Facility, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12–140, 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 July 30, 2007.

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

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

[FR Doc. E7–15157 Filed 8–2–07; 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 from 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.

#### Kansas City Southern Railway Company

[Docket Number FRA–2007–28700]

Kansas City Southern Railway Company (KCS) seeks a waiver of compliance from certain requirements

of 49 CFR Part 232, *Brake System Safety Standards for Freight and Other Non-Passenger Trains and Equipment: End-of-Train Devices*; and 49 CFR Part 215, *Railroad Freight Car Safety Standards*, for freight cars received in interchange at Laredo, Texas (International Bridge), from Kansas City Southern de Mexico (KCSM). Specifically, KCS seeks a waiver to postpone performing pre-departure inspections and Class I brake tests until the trains move from the border crossing to KCS's Laredo Yard (a distance of approximately 9 miles).

According to the petitioner, all required inspections will be performed at the rail yard rather than at the International Bridge interchange point. KCS proposes to inspect all cars received in interchange from KCSM and perform all regulatory brake tests at Laredo Yard prior to the train's further movement in the United States. Before departing the International Bridge border crossing, KCS will perform a Class III brake test-trainline continuity inspection in accordance with 49 CFR 232.211 and at a minimum, inspect the lead locomotive to verify that the headlight, horn, and bell function correctly. The current KCS timetable identifies the method of operation over this portion of railroad (Milepost 0.1 to Milepost 10.0) as "Yard Limits," therefore, train movement will be made at "restricted speed" as required by rule. KCS will also ensure compliance with rear-end marking device regulations.

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 (FRA-2007-28700), and must be submitted to Docket Clerk, DOT Docket Management Facility, 1200 New Jersey Ave., SE., West Building Ground Floor, Room W12-140, 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 30, 2007.

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

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

[FR Doc. E7-15150 Filed 8-2-07; 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) has received a request for a waiver of compliance from 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.

#### Maryland Transit Administration

[Modification to Waiver Petition Docket Number FRA-2000-7054/7286]

This Notice supersedes the **Federal Register** Notice published July 5, 2007, (Volume 72, Number 128; Pages 36752-53) concerning the above Docket Number, which included an erroneous statement.

As a modification to Maryland Transit Administration's (MTA) existing Shared Use/Temporal Separation waiver originally granted by FRA on January 19, 2001, MTA requests that FRA modify the original terms and conditions of its permanent waiver of compliance from certain sections of Title 49 of the CFR for operation of its Cockeysville Light Rail Line (CLRL) due to changes that have recently occurred. (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.)

In this regard, the Norfolk Southern Railway Company (NS), the freight railroad sharing track temporarily with the CLRL, is ceasing freight service on the CLRL from a point at Chain Marker 122 continuing northward to the end of the line. The sole exception to this is at Chain Marker 122, where NS continues to cross the CLRL via a diamond crossover to service the NS Flexi-Flo facility. With regard to this, NS filed a Petition for Exemption for authority to abandon the freight service on the CLRL (See Surface Transportation Board (STB) Docket No. AB-290, Sub No. 237X, Norfolk Southern Ry. Co.—

Abandonment Exemption—In Baltimore Co., MD). Because of procedural questions raised during the proceeding, the STB denied the Petition for Exemption. MTA has commenced a proceeding with the STB to address and clarify those questions. Upon receipt of that clarification, NS will resubmit its Petition for Exemption with respect to the abandonment. In the interim, no freight service is operating on the line.

MTA is requesting that FRA determine that there is no longer shared use on the CLRL and that waivers are no longer necessary because the statutes and regulations covered in the Shared Use Policy Statement no longer apply to the CLRL north of Chain Marker 122, due to the cessation of NS freight service on the CLRL from that point. Also, MTA agrees that the waivers that were approved in the January 19, 2001, Decision Letter are relevant at the diamond crossing, and that they should remain in effect. In addition, Standard Operating Procedure LR.07.02.04 that replaced MTA Procedure No. 6.33, provides sufficient protection at the interlocked diamond crossover. Lastly, MTA requests that, to the extent FRA regulations apply in any manner, FRA waive the requirements of 49 CFR Part 219, Control of Alcohol and Drug Abuse, for MTA employees who control the operation of NS trains across the diamond because it is adopting the FTA's Drug and Alcohol Policy, which provides an equivalent level of oversight.

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