

identify the appropriate docket number (Docket Number FRA-2007-0023) and may be submitted by any of the following methods:

- *Web site:* <http://www.regulations.gov>. Follow the online instructions for submitting comments.

• *Fax:* 202-493-2251.

• *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., W12-140, Washington, DC 20590.

• *Hand Delivery:* 1200 New Jersey Avenue, SE., Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

*Instructions:* Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Please see the Privacy Act heading below.

*Privacy Act:* 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 (65 FR 19477-19478), or you may visit <http://DocketsInfo.dot.gov>.

*Docket:* For access to the docket to read background documents or comments received, go to <http://www.regulations.gov> or the street address listed above. Follow the online instructions for accessing the dockets.

**FOR FURTHER INFORMATION CONTACT:** Mr. Ronald Ries, Office of Safety, FRA, 1200 New Jersey Avenue, SE., Washington, DC 20590 (telephone: 202-493-6299); or

Ms. Kathryn Shelton, Office of Chief Counsel, FRA, 1200 New Jersey Avenue, SE., Washington, DC 20590 (telephone: 202-493-6038).

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

The City of Little Falls established a New Quiet Zone for the following four highway-rail grade crossings through submission of a Notice of Quiet Zone Establishment:

1. 9th Avenue NW;
2. Broadway Avenue W;
3. Minnesota Power Company (a private highway-rail grade crossing); and
4. Highland Avenue (8th Avenue SE).

According to the Notice of Quiet Zone Establishment, which was dated October 24, 2006, this crossing corridor qualified for quiet zone status on the basis of having a QZRI that was below

the RIWH. (The Notice of Quiet Zone Establishment indicated that the QZRI was 64,457 and that the RIWH was 69,396.) In other words, the Notice of Quiet Zone Establishment indicated that the City of Little Falls had taken sufficient measures to compensate for the excess risk that results from silencing routine train horn sounding at the four highway-rail grade crossings that were identified in the notice. Therefore, the Little Falls New Quiet Zone took effect on November 14, 2006.

##### **Recent FRA Calculations**

According to recent quiet zone calculations performed by FRA, the QZRI (i.e., the measure of risk to the motoring public at highway-rail grade crossings within the quiet zone) for the Little Falls New Quiet Zone has increased to 92,176. It appears that this increase in the quiet zone risk has been caused by several factors pertaining to the Broadway Avenue W Crossing, including increased highway traffic counts and a train/pedestrian incident that occurred at the crossing on September 9, 2006. This new QZRI is well over the RIWH that was used to establish the quiet zone.

Since the QZRI is now at a level above the RIWH (i.e., the measure of risk to the motoring public that would exist if locomotive horns were routinely sounded at every public highway-rail grade crossing within the quiet zone), it appears that safety systems and measures implemented within the New Quiet Zone in Little Falls fail to fully compensate for the absence of the locomotive horn. Therefore, FRA is initiating a review of existing conditions within the Little Falls New Quiet Zone, pursuant to 49 CFR 222.51(c), in order to determine whether the New Quiet Zone should be terminated or whether additional safety measures may be necessary to ensure motorist safety.

Interested parties are therefore invited to submit written comments on the Little Falls New Quiet Zone to the electronic docket. In particular, FRA is interested in obtaining information about any "near-hit" incidents involving train crews and motorists that may have occurred at the Broadway Avenue W Crossing during recent months, as well as information about the frequency with which crossing gate arms are being replaced due to motorist intrusion. FRA is also interested in obtaining information about any proposed safety improvements for the quiet zone that may be under serious consideration by the City of Little Falls. Please refer to the **ADDRESSES** section above for guidance on the submission of

written comments to the electronic docket.

Issued in Washington, DC, on February 8, 2008.

**Michael J. Logue,**

*Deputy Associate Administrator for Safety Compliance and Program Implementation.*

[FR Doc. E8-2688 Filed 2-12-08; 8:45 am]

**BILLING CODE 4910-06-P**

## **DEPARTMENT OF TRANSPORTATION**

### **Federal Railroad Administration**

#### **Notice of 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 temporary waiver of compliance from certain requirements of Federal railroad safety regulations. 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 argument in favor of relief.

#### **South Carolina Public Railways**

[Docket Number FRA-2008-0004]

South Carolina Public Railways (SCPR) has submitted a request for a temporary waiver from the requirements of 49 CFR Part 236, Subpart H, in order to allow SCPR to utilize Railsoft System, Inc.'s TrackAccess Electronic Block Register System in the autonomous mode on approximately 15.3 miles of track belonging to its subsidiary, the East Cooper & Berkeley Railroad (ECBR), until a Railroad Safety Program Plan (RSPP) and a Product Safety Plan (PSP) are completed, submitted to FRA, and approved. The TrackAccess system is presently utilized on ECBR in the assisted mode. Maximum speed on TrackAccess controlled track will be 20 mph.

Neither an RSPP, PSP, or an Informational Filing to allow testing, as are required under 49 CFR 236.905, 236.907, or 236.913 respectively, have yet been submitted. SCPR anticipates the necessary RSPP and PSP will be completed and submitted to FRA no later than June 2008.

As described by SCPR, the TrackAccess system is a computer application that is capable of electronically generating and/or delivering exclusive track occupancy permission for both trains and roadway workers on designated track. TrackAccess may be operated in one of two modes-assisted or autonomous. In

the assisted mode, a track authority is obtained from the system and electronically issued to the individual requesting the authority by a controller or dispatcher. In the autonomous mode, the authority is electronically obtained directly from TrackAccess by the individual requesting the authority, and no dispatcher is involved. TrackAccess is designed for low traffic shortline, branchline, and yard rail operations. In the view of the petitioner, TrackAccess protects train movements, it does not direct train movements.

According to SCPR, safety features of TrackAccess include: (1) protection against the issuance of overlapping permissions; (2) positive identification and verification of individuals requesting and receiving permissions; (3) verification of receipt of safety bulletins prior to issuance of permissions; and (4) required "three-part communication" procedures for telephony transactions.

Although the current petition is from the named party, FRA anticipates that, should relief be granted to the named petitioner, other petitioners may step forward. In order to avoid duplicative publications and filings related to this request for temporary relief, FRA also requests comments regarding whether, and under what conditions, FRA should permit other parties similarly situated to subscribe to any relief provided in this docket.

FRA notes that the instant petition was not accompanied by supporting safety data. However, FRA is advised that such data will be filed. Accordingly, potential commenters are requested to monitor the docket status and respond when such data is filed.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number FRA-2008-0004) and may be submitted by one of the following methods:

Web site: <http://www.regulations.gov>. Follow the online instructions for submitting comments.

Fax: 202-493-2251.

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Hand Delivery: 1200 New Jersey Avenue, SE., Room W12-140, Washington, DC, 20590, between 9 a.m. and 5 p.m. Monday through Friday, except Federal holidays.

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.

Communications received within 30 days of the date of this notice or within 30 days following the filing of supporting safety data, whichever is later, will be considered by FRA before final action being taken. Comments received after this period 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://www.regulations.gov>.

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment on behalf of an association, business, labor union, etc.). You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477-78).

Issued in Washington, DC, on February 8, 2008.

**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) 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.

#### The LB Railco

[Docket Number FRA-2007-28613]

The LB Railco (LBRR), seeks a waiver of compliance from certain provisions of Safety Glazing Standards, 49 CFR Part 223, that requires certified glazing for

two self-propelled switcher locomotives.

LBRR has been operating for the past several years as an industrial switcher for the Port of San Francisco. LBRR plans to expand its operation from currently four (4) miles to seven (7) miles of track as the primary shortline railroad operator for the Port of San Francisco once a new bridge is completed. LBRR plans to continue to use the Port's two historic ALCO S-2 switcher locomotives (LB 1 and LB 2) to service their current two customers and any customers that may require switching service at the Port in the future.

LBRR operates at a maximum speed of 20 mph with an average speed of 5 mph. The two ALCO S-2 switcher locomotives both have their original glass in the cabs, consisting of 13 separate windows in each cab. The glazing in these windows do not conform to 49 CFR Part 223 Safety Glazing Standards; however, the locomotives have been operating for the past 62 years in and around the same area of San Francisco, in which they currently operate and the glass has remained intact without damage.

LBRR requests a waiver from 49 CFR Part 223 requirements for these two locomotives because the locomotives operate at very slow speeds in a safe area. Both locomotives have historic significance and by replacing the glazing would diminish the historic value with an estimated cost of \$15,000.00 to modify the glazing in each locomotive which would be prohibitively expensive.

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 FRA-2007-28613) and may be submitted by any of the following methods:

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