

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-2009-0040

Applicant: Western New York & Pennsylvania Railroad, LLC, Mr. Carl P. Belke, President and Chief Operating Officer, 3146 Constitution Avenue, Olean, New York 14760.

The Western New York & Pennsylvania Railroad, LLC (WNYP) seeks approval of the proposed discontinuance and removal of signal systems on three sections of the Buffalo Line between North Driftwood, Pennsylvania, and Machias, New York. The three sections are:

1. The discontinuance and removal of the Block Signal System, Interlocking and Traffic Control System between Machias (MP BR44.5) and CP North Olean (MP BR66.4).
2. The discontinuance and removal of the Block Signal System, Interlocking and Traffic Control System between CP-South Olean (MP BR 73.0 and CP-Kean (MP BR97.0).
3. The discontinuance and removal of the Block Signal System, Interlocking and Traffic Control System between CP-Kean (MP BR97.0) and North Driftwood (MP BR 134.0).

The reason given for the proposed changes is the low traffic density on all three sections.

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.

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.

All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number FRA-2009-0040) 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.

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://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, 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).

Issued in Washington, DC on May 13, 2009.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. E9-11592 Filed 5-18-09; 8:45 am]

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DEPARTMENT OF TRANSPORTATION**Federal Railroad Administration**

[Docket No. FRA-2009-0045]

Capital Assistance for High Speed Rail Corridors and Intercity Passenger Rail Service: Public Input on Recovery Act Guidance to Applicants

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

ACTION: Notice of public docket.

SUMMARY: The American Recovery and Reinvestment Act of 2009 (ARRA) became law on February 17, 2009. ARRA provides \$8 billion to the Secretary of Transportation (Secretary) for grants for capital assistance for high speed rail corridors and intercity passenger rail service. In April 2009, in accordance with ARRA, the Secretary submitted a strategic plan *Vision for High Speed Rail in America* (<http://www.fra.dot.gov/us/content/31>) that describes how the Secretary will use these funds to improve and deploy high speed passenger rail systems to the House and Senate Committees on Appropriations. ARRA also requires FRA to issue on or before June 17, 2009 interim guidance regarding grant terms, conditions, and procedures until final regulations are issued. This interim guidance will address the high speed rail corridor program, capital assistance for intercity passenger rail service grants, and congestion grants. FRA seeks input from the public on issues that should be addressed in the interim guidance and specific recommendations on the criteria to be used in evaluating grant applications.

DATES: Comments must be received by June 5, 2009. FRA will consider late filed comments to the extent practicable.

ADDRESSES: You may submit comments by one of the following methods.

- *Federal e-Rulemaking Portal:* <http://www.regulations.gov>. Follow the online instructions for submitting comments.

- *U.S. Post or Express Mail:* U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

- *Hand Delivery:* The West Building of the U.S. Department of Transportation, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Instructions: You must include the agency name (Federal Railroad Administration) and the Docket number (FRA-2009-0045) at the beginning of your comment. You should include two copies of your comment if you submit it by mail. If you wish to receive confirmation that FRA received your comment, you must include a self-addressed stamped postcard. Note that FRA will post all comments that it receives, including any personal information provided therein, without change, to <http://www.regulations.gov>.

Due to security procedures in effect since October 2001 regarding mail deliveries, mail received through the

U.S. Postal Service may be subject to delays. A party that submits a comment responsive to this notice should consider using an express mail firm to ensure the prompt filing of any submissions not filed electronically or by hand.

FOR FURTHER INFORMATION CONTACT: Robert Kulat, Public Affairs Specialist, Federal Railroad Administration, 1200 New Jersey Avenue, SE., West Building-3rd Floor, Washington, DC 20590; Telephone: (202) 493-6024.

SUPPLEMENTARY INFORMATION: President Barack Obama and Secretary Ray LaHood have voiced a commitment to further develop and refine a world-class network of high-speed passenger rail corridors and intercity passenger rail service. The President proposes to jump-start the process with the \$8 billion down payment provided in ARRA. ARRA directs funds toward projects that will aid in near-term economic recovery, while laying a foundation for longer-term economic stability and competitiveness. These first steps emphasize strategic investments that will yield tangible benefits to intercity rail infrastructure, equipment, performance, and intermodal connections over the next several years, while also creating a "pipeline" of projects to enable future corridor development.

The forthcoming guidance will describe in more detail the application prerequisites for each program along with the specific criteria that will be used to evaluate applications. The scope and specificity of each project will vary, but all applications will most likely need to address planning and project development, stakeholder agreements, financial plans, and risk management plans.

As President Obama outlined in his March 20, 2009, memorandum, *Ensuring Responsible Spending of*

Recovery Act Funds, implementing agencies are to:

Develop transparent, merit-based selection criteria that will guide their available discretion in committing, obligating, or expending funds under the Recovery Act.

FRA is committed to carrying out this requirement through clear selection criteria and evaluation procedures. In preparing the selection criteria and evaluation procedures, FRA seeks structured input from stakeholders and the public on the criteria to be used in evaluating grant applications in order to achieve a new national network of high speed intercity passenger rail corridors.

Issued in Washington, DC, on May 12, 2009.

Joseph C. Szabo,
Administrator.

[FR Doc. E9-11597 Filed 5-18-09; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[FMCSA Dockets No. FMCSA-2005-22660, FMCSA-2005-22937, FMCSA-2007-28827, FMCSA-2007-29254, FMCSA-2007-29048, FMCSA-2008-0076]

Applications for Exemption

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA has denied the applications for exemption from its regulations submitted by the following: Bordentown Driver Training School LLC, Centennial Communications, Inc., United States Department of Energy, Jcrane, Inc., Summit Helicopters, Inc., and United States Postal Service. FMCSA reviewed the application and public comments received on each, and

rendered its decision based on the merits of each application.

DATES: All of these applications for exemption were denied effective January 16, 2009.

Dockets: For access to the dockets to read background documents or comments received, go to <http://www.regulations.gov> at any time, or to the ground floor, room W12-140, DOT Building, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Robert Schultz, Jr., FMCSA Driver and Carrier Operations Division; Office of Bus and Truck Standards and Operations; Telephone: 202-366-4325. E-mail: MCPSD@dot.gov.

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 31315 and 31136(e), FMCSA may grant an exemption from certain of its regulations for a two-year period if it finds "such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption." FMCSA published in the **Federal Register** a separate public notice of each application for exemption. The Agency requested public comment on each application and provided the public an opportunity to inspect the information relevant to each. FMCSA reviewed and evaluated each of the applications for exemption and all the comments filed. Table 1 provides, for each application, the docket number where the complete record of the docket can be examined (see "DOCKETS" above), and the Federal Motor Carrier Safety Regulations (49 CFR 350 *et seq.*) (FMCSRs) from which exemption was sought.

TABLE 1

Applicant	Docket No.	Exemption sought
Bordentown Driver Training School LLC, dba Smith & Solomon Driver Training.	FMCSA-2007-29048 ..	Random Drug and Alcohol Testing of Drivers with a Commercial Driver's License. 49 CFR 382.305(a).
Centennial Communications	FMCSA-2007-28827 ..	All 49 CFR parts 350-399.
U.S. Department of Energy	FMCSA-2008-0076	Hours of Service, Sleeper berth periods of at least eight (8) consecutive hours. 49 CFR 395.1(g)(1)(ii)(A).
Jcrane, Inc	FMCSA-2007-29254 ..	Qualification of drivers: minimum age of 21 years. 49 CFR 391.11(b)(1).
Summit Helicopters, Inc	FMCSA-2005-22937 ..	Hours of Service, 49 CFR Part 395.
United States Postal Service	FMCSA-2005-22660 ..	Hours of Service, Limit on "on-duty" time each day. 49 CFR 395.3.

FMCSA Decision

The applicants failed to demonstrate how, if the exemption(s) sought were granted, they would ensure that their

operations could achieve a level of safety that is equivalent to, or greater than, the level of safety that would be obtained by compliance with the

regulations (49 CFR 381.305(c)(5)). Therefore, the Administrator denied each of these applications for exemption