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By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Kulani L. Cannon,
Clearance Clerk.

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DEPARTMENT OF TRANSPORTATION
Federal Transit Administration

Over-the-Road Bus Accessibility Program Grants: Corrections

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice; corrections and deadline extension.

SUMMARY: This notice corrects dollar thresholds and revenue classifications for large and small intercity fixed-route Class I carriers, and labor protection information, among other things, published in the January 15, 2010 Federal Register information, among other things, Class I carriers, and labor protection for large and small intercity fixed-route thresholds and revenue classifications extension.

FOR FURTHER INFORMATION: Contact the appropriate FTA Regional Office (Appendix A) or Blenda Younger, Office of Program Management, (202) 366–2053.

Corrections

On page 2584, in the second column, the text following “D. Vehicle and Service Definitions:” is revised to read: “The application includes six criteria factors that will be reviewed to determine eligibility for a portion of the funding available to operators that qualify under this definition.”

On page 2584, in the third column, the text following 1. Eligible Applicants: is revised to read: “Intercity, fixed-route OTRB service providers may apply for the funds that were appropriated for intercity fixed-route providers in FY 2009 and FY 2010.”

On page 2585, in the second column, the text following “Application Content,” is revised to read, “For fixed-route carriers, whether you are a large (Class I, with gross annual transportation revenues of $8.6 million or more) or small (gross transportation revenues of less than $8.6 million annually) carrier.”

On page 2586, in the first column, the text following III. Labor Information: is revised to read: “The Applicant agrees to comply with the terms and conditions of the Special Warranty for the Over-the-Road Bus Accessibility Program that is most current as of the date of execution of the Grant Agreement or Cooperative Agreement for the project, and any alternative comparable arrangements specified by U.S. DOL for application to the Applicant’s project, in accordance with U.S. DOL guidelines, “Section 5333(b), Federal Transit Law,” 29 CFR part 215, and any revisions thereto. Any U.S. DOL Special Warranty that may be provided and any documents cited therein are incorporated by reference and made part of the Grant Agreement.”

Additional information regarding grants that require referral can be found on DOL’s Web site: https://www.dol.gov/esa/olsm/reg/ compliance/redesign_2006/redesign2006_transitemplprotect.htm.

On page 2586, in the second column, the text following “Note:” is revised to read: “Applicants will not be considered for funding as intercity fixed-route operators unless they satisfy, at a minimum, the first two criteria and at least one of criteria three through six listed in the Project Information section of the application; these criteria are applicable to intercity fixed-route applicants.”

On page 2587, in the first, second, and third columns, the text following “C. Labor Protection:” is revised to read: “Section 3013(h) of SAFETEA–LU amended 49 U.S.C. Section 5311(j)(1) to permit the Secretary of Labor to utilize a special warranty that provides a fair and equitable arrangement to protect the interest of employees as set forth in 49 U.S.C. 5333(b). Pursuant to this authorization, the Department of Labor (DOL) amended its implementing regulations at 29 CFR part 215 (73 FR 47046, Aug. 13, 2008). On October 1, 2008, DOL began using a revised special warranty for the Section 5311 program which is appropriate for use with OTRB grants. All OTRB grants awarded after October 1, 2008 will be subject to the special warranty for labor protective arrangements under the Section 5311 program, which will be incorporated by reference in the grant agreement.”

On page 2588, in the first column, the text following “E. Standard Assurances” on page 2587: is revised to read: “Certifications and Assurances for grants to be awarded under this program in FY 2009 are included in the FTA Certifications and Assurances for FY 2010 which were published in the Federal Register of October 19, 2009, and made available for electronic signature in FTA’s grants system.”

On page 2588, in the second column, the text following “E. Intercity Fixed-Route Carriers:” is revised to read: “Large/Class I (gross annual transportation revenues of $8.6 million or more). Small (gross annual transportation revenues of less than $8.6 million).”

This Notice also extends the application deadline to May 10, 2010.

FTA may use additional discretionary funding made available in FY 2010 for allocation under the OTRB program. Therefore applicants may apply for FY 2009 and FY 2010 funds in a single application.

Issued in Washington, DC, this 12th day of April 2010.

Peter Rogoff, Administrator.

Appendix A

FTA Regional and Metropolitan Offices


States served: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

Brigid Hynes-Cherin, Regional Administrator, Region 2-New York, One Bowling Green, Room 429, New York, NY 10004–1415, Tel. 212–668–2170.


Robert C. Patrick, Regional Administrator, Region 6-Ft. Worth, 819 Taylor Street, Room 8A36, Ft. Worth, TX 76102, Tel. 817–978–0550.

States served: Arkansas, Louisiana, Oklahoma, New Mexico and Texas.

Mokhtee Ahmad, Regional Administrator, Region 7-Kansas City, MO, 901 Locust Street, Room 404, Kansas City, MO 64106, Tel. 816–329–3920.

States served: Iowa, Kansas, Missouri, and Nebraska.
Cabooses, as prescribed by 49 CFR.

Locomotives, Passenger Cars and the Safety Glazing Standards—
requirements.

The individual request applies to only passenger car number XCJI 200 because all other cars operating on the tourist/excursion train were built prior to 1946, and considered “antiquated” under § 223.3 Application. Jasper states that the reason for the waiver request is the high cost of compliant FRA Types I & II glazing material, and that the automotive-type glass is similar to the glazing installed on other cars operating over the French Lick, West Baden & Southern Railway. Further, Jasper states in their petition, there have been no reported acts of vandalism to the refurbished passenger cars.

In summary, Jasper requests relief from the regulatory requirements of 49 CFR 223.15(c) Requirements for existing passenger cars. Specifically, this waiver request applies to only passenger car number XCJI 200 because all other cars operating on the tourist/excursion train were built prior to 1946, and considered “antiquated” under § 223.3 Application.

Jasper petitioned FRA 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.

City of Jasper, Indiana

[Docket Number FRA–2009–0112]

The City of Jasper, Indiana (Jasper) acquired a railroad passenger car, number XCJI 200, built in 1947, and offers it for use in tourist/excursion service over the Dubois County Railroad and the French Lick, West Baden & Southern Railway. The railroad distance between Jasper and French Lick, Indiana, is approximately 25 miles. The car is currently equipped with automotive-type laminated glazing, which is non-compliant with FRA safety requirements.

Jasper petitioned FRA for a waiver of compliance from certain provisions of the Safety Glazing Standards—Locomotives, Passenger Cars and Cabooses, as prescribed by 49 CFR 223.15(c) Requirements for existing passenger cars.