

contractors cannot “provide testimony or produce any material contained in the files of the Department, or disclose any information or produce any material acquired as part of the performance of that employee’s official duties or because of that employee’s official duty status” unless authorized by agency

counsel after determining that, in legal proceedings between private litigants, such testimony would be in the best interests of the Department or that of the United States Government if disclosed. Finally, the name of those interviewed will not be requested.  
*Form Number(s):* FRA F 6180.126A; FRA F 6180.126B.

*Affected Public:* Railroad Employees and Key Non-railroad Stakeholders.  
*Respondent Universe:* 300 Select Railroad Employees/Non-railroad Stakeholders.  
*Frequency of Submission:* On occasion.

Collection instrument	Respondent universe	Total annual responses	Average time per response	Total annual burden hours
Form FRA F 6180.126A .....	300 Individuals	133.5 forms ....	60 minutes .....	133.5 hours.
Form FRA F 6180.126B .....	300 Individuals	133.5 forms ....	60 minutes .....	133.5 hours.

*Total Responses:* 267.  
*Estimated Annual Burden:* 267 hours.  
*Status:* Re-Approval under Regular Clearance Procedures.  
 Pursuant to 44 U.S.C. 3507(a) and 5 CFR 1320.5(b), 1320.8(b)(3)(vi), FRA informs all interested parties that it may not conduct or sponsor, and a respondent is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

**Authority:** 44 U.S.C. 3501–3520.  
 Issued in Washington, DC, on July 7, 2010.  
**Kimberly Coronel,**  
*Director, Office of Financial Management,*  
*Federal Railroad Administration.*

[FR Doc. 2010–17017 Filed 7–12–10; 8:45 am]  
**BILLING CODE 4910–06–P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Motor Carrier Safety Administration**

[FMCSA Docket No. FMCSA–2010–0212]

**Notice of Fiscal Year 2011 Safety Grants and Solicitation for Applications**

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.  
**ACTION:** Notice; request for comments.

**SUMMARY:** This notice is to inform the public of the Federal Motor Carrier Safety Administration’s (FMCSA) anticipated Fiscal Year (FY) 2011 safety grant opportunities. At present, FMCSA is operating under an extension of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy of Users (Pub. L. 109–59) which will expire December 31, 2010, unless extended further by Congress. While the Agency expects new authorization to make changes to its grant programs, the Agency is preparing for FY 2011 using the assumption that the following grant programs will continue in the new authorization.

The FMCSA invites comments on the proposed application deadlines for its FY 2011 safety grants programs. The 11 safety programs include the Motor Carrier Safety Assistance Program (MCSAP) Basic grants; MCSAP Incentive grants; MCSAP New Entrant Safety Audit grants; MCSAP High Priority grants; Commercial Motor Vehicle (CMV) Operator Safety Training grants; Border Enforcement grants (BEG); Commercial Driver’s License Program Improvement (CDLPI) grants; Commercial Driver’s License Information System (CDLIS) Modernization grants; Performance and Registration Information Systems Management (PRISM) grants; Safety Data Improvement Program grants (SaDIP); and the Commercial Vehicle Information Systems and Networks (CVISN) grants. The purpose of this notice is to provide grantees with information well in advance of the Agency’s proposed FY 2011 safety grant application deadlines and to request comments on the deadlines and other changes in the Agency’s safety grant programs.

**DATES:** Comments must be received on or before September 13, 2010.  
**ADDRESSES:** You may submit comments identified by Docket Number FMCSA–2010–0212, using any of the following methods:

*Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the online instructions for submitting comments.  
*Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001.  
*Hand Delivery or Courier:* West Building, Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., between 9 a.m. and 5 p.m. E.T., Monday through Friday, except Federal holidays.  
*Fax:* 202–493–2251.

*Instructions:* All submissions must include the Agency name and docket number. 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 for further information.

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

*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 Privacy Act Statement for the Federal Docket Management System published in the **Federal Register** on January 17, 2008 (73 FR 3316), or you may visit <http://edocket.access.gpo.gov/2008/pdf/E8-785.pdf>.

*Public Participation:* The Federal eRulemaking Portal is available 24 hours each day, 365 days each year. You can get electronic submission and retrieval help and guidelines under the “help” section of the Federal eRulemaking Portal Web site. If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard, or print the acknowledgement page that appears after submitting comments online.

Comments received after the comment closing date will be included in the docket, and we will consider late comments to the extent practicable. FMCSA may, however, issue a final determination at any time after the close of the comment period.

**FOR FURTHER INFORMATION CONTACT:** Please contact the following FMCSA staff with questions or needed information on the Agency’s grant programs:  
 New Entrant Safety Audits Grants—  
 Arthur Williams,

*arthur.williams@dot.gov*, 202-366-3695  
 Border Enforcement Grants—Carla Vagnini, *carla.vagnini@dot.gov*, 202-366-3771  
 MCSAP Basic/Incentive Grants—Deborah Snider, *deborah.snider@dot.gov*, 202-366-2941  
 MCSAP High Priority Grants—Cim Weiss, *cim.weiss@dot.gov*, 202-366-0275  
 CMV Operator Safety Training Grants—Julie Otto, *julie.otto@dot.gov*, 202-366-0710  
 CDLPI Grants—Brandon Poarch, *brandon.poarch@dot.gov*, 202-366-3030  
 SaDIP Grants—Cim Weiss, *cim.weiss@dot.gov*, 202-366-0275  
 PRISM Grants—Tom Lawler, *tom.lawler@dot.gov*, 202-366-3866  
 CVISN Grants—Julie Otto, *julie.otto@dot.gov*, 202-366-0710.  
 All staff may be reached at FMCSA, 1200 New Jersey Avenue, SE., Washington, DC 20590. Office hours are from 9 a.m. to 5 p.m., EST, Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:** The FMCSA recognizes that State and local governments and other grantees are dependent on its safety grants to develop and maintain important commercial motor vehicle (CMV) safety programs. The FMCSA further acknowledges that delays in awarding grant funds may have an adverse impact on these important safety programs. As a result, FMCSA completed a grants process review to identify ways to streamline the application, award, and grants management processes, and to award grant funds earlier each fiscal year. In addition, FMCSA made changes in the grants application, award and oversight processes to standardize application forms, increase the use of electronic documents, standardize quarterly reports and reduce the number of needed grant amendments.

The FMCSA continues to enter into grant agreements beginning October 1 or as soon thereafter as administratively practicable. FMCSA intends to enter into grant agreements no later than 90 days from the date the application is due.

The FMCSA is using a standard grant application form and a new quarterly reporting process. The FMCSA requires the Standard Form 424 (“Application for Federal Assistance”) and its attachments for all grant program applications. While each grant program may request different data in some of the data fields on the form, the use of the Standard Form 424 is mandatory. FMCSA

adopted the Standard Form—Project Progress Report (SF-PPR) as its required form for quarterly reporting. Again, each grant program may, in certain instances, request different data be submitted in some of the fields or boxes on the form but SF-PPR is mandatory for quarterly reporting.

The number of original copies of grant agreements required to be submitted to FMCSA was reduced from three copies to two. In addition, FMCSA will provide most grant agreement documents electronically to its financial processing office. Grantees will, however, be required to submit the completed Automated Clearing House (ACH) Vendor Payment Form (SF-3881) directly to FMCSA’s financial processing office by U.S. Postal Service, courier service or secure fax. We request information on any impacts of these proposed changes.

The FMCSA continues to request comments and suggestions from grantees concerning improvement of the application, award and grants management processes. Additional information is provided below for each individual grant program.

#### **MCSAP Basic and Incentive Grants**

Sections 4101 and 4107 of SAFETEA-LU authorize FMCSA’s Motor Carrier Safety Grants. MCSAP Basic and Incentive formula grants are governed by 49 U.S.C. 31102–31104 and 49 CFR Part 350. Under the Basic and Incentive grants programs, a State lead MCSAP agency, as designated by its Governor, is eligible to apply for Basic and Incentive grant funding by submitting a commercial vehicle safety plan (CVSP). See 49 CFR 350.201 and 350.205. The following jurisdictions are not eligible for Incentive funds: The Virgin Islands, American Samoa, Guam, Puerto Rico, and the Commonwealth of the Northern Mariana Islands. Pursuant to 49 U.S.C. 31103 and 49 CFR 350.303, FMCSA will reimburse each lead State MCSAP agency 80 percent of eligible costs incurred in a fiscal year. Each State will provide a 20 percent match to qualify for the program. The FMCSA Administrator waives the requirement for matching funds for the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands. See 49 CFR 350.305. In accordance with 49 CFR 350.323, the Basic grant funds will be distributed proportionally to each State’s lead MCSAP agency using the following four, equally weighted (25 percent) factors:

- (1) 1997 road miles (all highways) as defined by the FMCSA;
- (2) All vehicle miles traveled (VMT) as defined by the FMCSA;

(3) Population—annual census estimates as issued by the U.S. Census Bureau; and

(4) Special fuel consumption (net after reciprocity adjustment) as defined by the FMCSA.

A State’s lead MCSAP agency may qualify for Incentive Funds if it can demonstrate that the State’s CMV safety program has shown improvement in any or all of the following five categories:

- (1) Reduction in the number of large truck-involved fatal accidents;
- (2) Reduction in the rate of large-truck-involved fatal accidents or maintenance of a large-truck-involved fatal accident rate that is among the lowest 10 percent of such rates for MCSAP recipients and is not higher than the rate most recently achieved;
- (3) Upload of CMV accident reports in accordance with current FMCSA policy guidelines;
- (4) Verification of Commercial Driver’s Licenses during all roadside inspections; and
- (5) Upload of CMV inspection data in accordance with current FMCSA policy guidelines.

Incentive funds will be distributed in accordance with 49 CFR 350.327(b).

Prior to the start of each fiscal year, FMCSA calculates the amount of Basic and Incentive funding each State is expected to receive. This information is provided to the States and is made available on the Agency’s Web site. The FY 2011 information is available at [www.fmcsa.dot.gov](http://www.fmcsa.dot.gov).

It should be noted that MCSAP Basic and Incentive formula grants are awarded based on the State’s submission of the CVSP. The evaluation factors described in the section below titled “Application Information for FY 2011 Grants” will not be considered. MCSAP Basic and Incentive grant applications must be submitted electronically through [grants.gov](http://www.grants.gov) (<http://www.grants.gov>).

#### **New Entrant Safety Audit Grants**

Sections 4101 and 4107 of SAFETEA-LU also authorize the Motor Carrier Safety Grants to enable grant recipients to conduct interstate New Entrant safety audits consistent with 49 CFR Parts 350.321 and 385.301. Eligible recipients are State agencies, local governments, and organizations representing government agencies that use and train qualified officers and employees in coordination with State motor vehicle safety agencies. The FMCSA’s share of these grant funds will be 100 percent. New Entrant grant applications must be submitted electronically through [grants.gov](http://www.grants.gov) (<http://www.grants.gov>).

### **MCSAP High Priority Grants**

Section 4107 of SAFETEA-LU also authorizes the Motor Carrier Safety Grants to enable recipients to carry out activities and projects that improve CMV safety and compliance with CMV regulations. Funding is available for projects that are national in scope, increase public awareness and education, demonstrate new technologies and reduce the number and rate of CMV accidents. Eligible recipients are State agencies, local governments, and organizations representing government agencies that use and train qualified officers and employees in coordination with State motor vehicle safety agencies.

For grants awarded for public education activities, the Federal share will be 100 percent. For all High Priority grants other than those awarded in support of public education activities, FMCSA will provide reimbursements for no more than 80 percent of all eligible costs, and recipients will be required to provide a 20 percent match. FMCSA may reserve High Priority funding exclusively for innovative traffic enforcement projects, with particular emphasis on work zone enforcement and rural road safety. Also, FMCSA may reserve funding for an innovative traffic enforcement initiative known as "Ticketing Aggressive Cars and Trucks" or TACT. TACT provides a research-based safety model that can be replicated by States when conducting a high-visibility traffic enforcement program to promote safe driving behaviors among car and truck drivers. The objective of this program is to reduce the number of commercial truck and bus related crashes, fatalities and injuries resulting from improper operation of motor vehicles and aggressive driving behavior. More information regarding TACT can be found at <http://www.fmcsa.dot.gov/safety-security/tact/abouttact.htm>.

High Priority grant applications must be submitted electronically through grants.gov.

### **CMV Operator Safety Training Grants**

Section 4134 of SAFETEA-LU established a grant program which enables recipients to train current and future drivers in the safe operation of CMVs, as defined in 49 U.S.C. 31301(4). Eligible awardees include State governments, local governments and accredited post-secondary educational institutions (public or private) such as colleges, universities, vocational-technical schools and truck driver training schools. Funding priority for this discretionary grant program will be

given to regional or multi-state educational or nonprofit associations serving economically distressed regions of the United States. The Federal share of these funds will be 80 percent, and recipients will be required to provide a 20 percent match. CMV Operator Safety Training grant applications must be submitted electronically through grants.gov.

### **Border Enforcement Grants (BEG)**

Section 4110 of SAFETEA-LU established the BEG program. The purpose of this discretionary program is to provide funding for border CMV safety programs and related enforcement activities and projects. An entity or a State that shares a land border with another country is eligible to receive this grant funding. Eligible awardees include State governments, local governments, and entities (i.e., accredited post-secondary public or private educational institutions such as universities). Requests from entities must be coordinated with the State lead CMV inspection agency. Applications must include a Border Enforcement Plan and meet the required maintenance of expenditure requirement. BEG funding decisions take into consideration the State or entity's performance on previous BEG awards; its ability to expend the awarded funds with the BEG performance year; and activities meeting the BEG national criteria established by FMCSA. As established by SAFETEA-LU, the Federal share of these funds will be 100 percent. As a result, there is no matching requirement. BEG grant applications must be submitted electronically through grants.gov.

### **CDLPI Grants**

Section 4124 of SAFETEA-LU established a discretionary grant program that provides funding for improving States' implementation of the Commercial Driver's License (CDL) program, including expenses for computer hardware and software, publications, testing, personnel, and training. Funds may not be used to rent, lease, or buy land or buildings. The agency designated by each State as the primary driver licensing agency responsible for the development, implementation, and maintenance of the CDL program is eligible to apply for grant funding. State grant proposals must include the State's assessment of its CDL program and a detailed budget explaining how the funds will be used. The Federal share of funds for projects awarded under this grant is established by SAFETEA-LU as 100 percent; therefore, there is no State matching requirement. The funding opportunity

announcement on grants.gov will provide more detailed information on the application process; national funding priorities for FY 2011; evaluation criteria; required documents and certifications; State maintenance of expenditure requirements; and additional information related to the availability of funds. CLDPI grant applications must be submitted electronically through grants.gov.

### **SaDIP Grants**

Section 4128 of SAFETEA-LU established a Safety Data Improvement Program (SaDIP) grant program to improve the quality of crash and inspection truck and bus data reported by the States to FMCSA, as described 49 U.S.C. 31102. Eligible recipients are State agencies, local governments, and organizations representing government agencies that are involved with highway traffic safety activities and must demonstrate a capacity to work with highway traffic safety stakeholders. The State's SaDIP proposal must focus on a project that enhances the accuracy, timeliness, and completeness of the collection and reporting of Commercial Motor Vehicle crash information in all components of the State's record system. An applicant's proposed SaDIP project must address the seven (7) application requirements plus the overriding indicator established for the State Safety Data Quality (SSDQ) program. The FMCSA will provide reimbursements for no more than 80 percent of all eligible costs and recipients are required to provide a 20 percent match.

### **PRISM Grants**

Section 4109 of SAFETEA-LU authorizes FMCSA to award financial assistance funds to States to implement the Performance and Registration Information Systems Management (PRISM) requirements that link Federal motor carrier safety information systems with State CMV registration and licensing systems. This program enables a State to determine the safety fitness of a motor carrier or registrant when licensing or registering or while the license or registration is in effect. PRISM grant applications must be submitted electronically through grants.gov. No matching funds are required.

### **CVISN Grants**

Section 4126 of SAFETEA-LU authorizes FMCSA to award financial assistance to States to deploy, operate, and maintain elements of their Commercial Vehicle Information Systems and Networks (CVISN)

Program, including commercial vehicle, commercial driver, and carrier-specific information systems and networks. The agency in each State designated as the primary agency responsible for the development, implementation, and maintenance of a CVISN-related system is eligible to apply for grant funding.

Section 4126 of SAFETEA-LU distinguishes between two types of CVISN projects: Core and Expanded. To be eligible for funding of Core CVISN deployment project(s), a State must have its most current Core CVISN Program Plan and Top-Level Design approved by FMCSA and the proposed project(s) should be consistent with its approved Core CVISN Program Plan and Top-Level Design. If a State does not have a Core CVISN Program Plan and Top-Level Design, it may apply for up to \$100,000 in funds to either compile or update a Core CVISN Program Plan and Top-Level Design.

A State may also apply for funds to prepare an Expanded CVISN Program Plan and Top-Level Design if FMCSA acknowledged the State as having completed Core CVISN deployment. In order to be eligible for funding of any Expanded CVISN deployment project(s), a State must have its most current Expanded CVISN Program Plan and Top-Level Design approved by FMCSA and any proposed Expanded CVISN project(s) should be consistent with its Expanded CVISN Program Plan and Top-Level Design. If a State does not have an existing or up-to-date Expanded CVISN Program Plan and Top-Level Design, it may apply for up to \$100,000 in funds to either compile or update an Expanded CVISN Program Plan and Top-Level Design.

CVISN grant applications must be submitted electronically through grants.gov. Awards for approved CVISN grant applications are made on a first-come, first-served basis. States must provide a match of 50 percent.

#### Application Information for FY 2011 Grants

General information about the FMCSA grant programs is available in the Catalog of Federal Domestic Assistance (CFDA) which can be found on the internet at <http://www.cfda.gov>. To apply for funding, applicants must register with grants.gov at <http://www.grants.gov/applicants/get-registered.jsp> and submit an application in accordance with instructions provided.

*Evaluation Factors:* The following evaluation factors will be used in reviewing the applications for all FMCSA discretionary grants:

(1) Prior performance—Completion of identified programs and goals per the project plan.

(2) Effective Use of Prior Grants—Demonstrated timely use and expensing of available funds.

(3) Cost Effectiveness—Applications will be evaluated and prioritized on the basis of expected impact on safety relative to the investment of grant funds. Where appropriate, costs per unit will be calculated and compared with national averages to determine effectiveness. In other areas, proposed costs will be compared with historical information to confirm reasonableness.

(4) Applicability to announced priorities—If national priorities are included in the grants.gov notice, those grants that specifically address these issues will be given priority consideration.

(5) Ability of the applicant to support the strategies and activities in the proposal for the entire project period of performance.

(6) Use of innovative approaches in executing a project plan to address identified safety issues.

(7) Feasibility of overall program coordination and implementation based upon the project plan.

(8) Any grant-specific evaluation factors, such as program balance or geographic diversity, will be included in the grants.gov application information.

*Proposed Application Due Dates:* For the following grant programs, FMCSA will consider funding complete applications or plans submitted by the following dates:

MCSAP Basic and Incentive Grants—

August 1, 2010

Border Enforcement Grants—September 15, 2010

MCSAP High Priority Grants—

September 15, 2010

CMV Operator Safety Training Grants—

October 1, 2010

New Entrant Safety Audit Grants—

October 15, 2010

CVISN Grants—October 15, 2010

CDLPI Grants—November 1, 2010

PRISM Grants—November 1, 2010

SaDIP Grants—November 1, 2010

Applications submitted after due dates may be considered on a case-by-case basis and are subject to availability of funds.

Issued on: July 6, 2010.

**William A. Quade,**

*Associate Administrator for Enforcement and Program Delivery.*

[FR Doc. 2010-17067 Filed 7-12-10; 8:45 am]

**BILLING CODE 4910-EX-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.

#### City of Mishawaka, Indiana

[Waiver Petition Docket Number FRA-2010-0110]

The City of Mishawaka, IN (City), and the Norfolk Southern Corporation (NS) jointly seek a temporary waiver of compliance from certain provisions of the Use of Locomotive Horns at Highway-Rail Grade Crossings, 49 CFR part 222. The City intends to establish a Pre-Rule Quiet Zone that it had previously continued under the provisions of 49 CFR 222.41(c)(1). The City is seeking a waiver for the requirement to construct and complete a Pre-Rule Quiet Zone by June 24, 2010, as required by 49 CFR 222.41(c)(2), and for an extension of such date to October 31, 2010.

There are 19 crossings in the existing Pre-Rule Quiet Zone extending from Elder Road (MP 429.21) to Russell Avenue (MP 434.21) on the NS Dearborn Division, Chicago Line Subdivision. 3 of these crossings will be treated with Supplementary Safety Measures (SSM) and Alternative Safety Measures (ASM) as follows: 1 crossing with gates and traffic channelization devices (SSM), and 1 crossing with a modified SSM consisting of gates and channelization (ASM). The 2 SSMs will be completed by June 24, 2010, and the ASM will be completed within 45 working days of receipt of the ASM approval from FRA. In the future, 2 other crossings will be modified as part of an Indiana Department of Transportation project resulting in 1 grade separation and 1 closure. The City requests that the existing Pre-Rule Quiet Zone be allowed to continue until October 31, 2010, by which time the 2 SSMs and 1 ASM improvements will have been completed.

The City states that it has had its pre-rule quiet zone since 1974, and that its residents and others have become accustomed to its existence. It asserts