

Issued in Washington, DC, on August 30, 2010.

Robert L. Bostiga,

RTCA Advisory Committee.

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. FD 35402]

Piedmont & Northern Railway, Inc.— Operation Exemption—North Carolina Department of Transportation

Piedmont & Northern Railway, Inc. (P&N), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to operate over approximately 13.04 miles of rail line (the Line) owned by the North Carolina Department of Transportation (NCDOT), a noncarrier,¹ between Mt. Holly (milepost SFC 11.39) and Gastonia (milepost SFC 23.0), including the Belmont spur between Mt. Holly (milepost SFC 13.6/SFF 0.13) and Belmont (milepost SFF 1.56), in Gaston County, N.C.² Operations will be pursuant to a License and Operating Agreement (Agreement) dated July 23, 2010, which has an initial 5-year term and may be renewed 3 times for additional 5-year terms.³

This transaction is related to the verified notice of exemption filed in FD 35403, *Patriot Rail, LLC—Continuance in Control Exemption—Piedmont & Northern Railway*, in which Patriot Rail, LLC, Patriot Rail Holdings LLC, and Patriot Rail Corp., jointly filed a verified notice of exemption to continue in control of P&N, upon P&N's becoming a Class III rail carrier.

The transaction is scheduled to be consummated on or after September 18, 2010 (30 days after the supplements to the notice of exemption were filed). The notice was filed on August 12, 2010, but the Agreement and supplements were filed on August 19, 2010. Therefore, August 19, 2010, will be considered the official filing date and the basis for all due dates.

¹ The Line was acquired from CSX Transportation, Inc. (CSXT), in 1991, after CSXT consummated the Line's abandonment.

² P&N states that it intends to interchange traffic with CSXT and Norfolk Southern Railway Company.

³ P&N is reminded that once it obtains Board authorization to provide common carrier rail service over the Line, the common carrier obligation continues, notwithstanding any term of the parties' agreement, unless and until the Board grants discontinuance authority. 49 U.S.C. 10903; *Chic. & N. W. Transp. Co. v. Kalo Brick & Tile Co.*, 450 U.S. 311, 320 (1981); *Pittsburg & Shawmut R.R.—Aban. Exemption—in Armstrong & Jefferson Counties, Pa.*, AB 976X, slip op. at 1 (STB served Sept. 15, 2005).

P&N certifies that its projected annual revenues as a result of this transaction would not exceed those that would qualify it as a Class III rail carrier and further certifies that its projected annual revenues will not exceed \$5 million.

If the verified notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed no later than September 10, 2010 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to FD 35402, must be filed with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423-0001. In addition, one copy of each pleading must be served on Louis E. Gitomer, 600 Baltimore Ave., Suite 301, Towson, MD 21204.

Board decisions and notices are available on our Web site at <http://www.stb.dot.gov>.

Decided: August 30, 2010.

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

Jeffrey Herzig,
Clearance Clerk.

[FR Doc. 2010-22052 Filed 9-2-10; 8:45 am]

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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) 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.

Aronco Leasing Company

(*Waiver Petition Docket Number FRA-2010-0120*)

The Aronco Leasing Company (Aronco), a private passenger car operator based in Helendale, California, seeks a waiver of compliance from the Safety Glazing Standards of 49 CFR 223.15 *Requirements for existing passenger cars*. Specifically, Aronco has petitioned FRA for a waiver for private railroad passenger car *Tioga Pass*, which was built for the Canadian

National Railroad in 1959. The Petitioner operates this car in charter and excursion service on Amtrak and other railroads.

Aronco states that passenger car *Tioga Pass* is primarily equipped with double pane laminated safety glass, with the exception of seven windows in which the outer panes are glazed with ¼" polycarbonate. Aronco states that in 4 years of operating the car in charter service, there have been no incidents of broken windows, and no injuries have occurred to passengers or crew due to broken glass. Aronco additionally states the *Tioga Pass* is always operated with a fully qualified car operator, and is equipped with a fully accessible emergency tool locker.

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-2010-0120) 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