

Rail and Conventional Equipment,” 65 FR 42529 (July 10, 2000); see also “Joint Statement of Agency Policy Concerning Shared Use of the Tracks of the General Railroad System by Conventional Railroads and Light Rail Transit Systems,” 65 FR 42626 (July 10, 2000).

In its present petition, NJ Transit seeks an extension of the terms and conditions of the 2012 waiver of compliance, and respectfully requests that FRA incorporate the subsequent terms and conditions granted in the 2013 relief so that all waivers are baselined from this time forward. NJ Transit again seeks relief from the following: 49 CFR part 219, Control of Alcohol and Drug Use; 49 CFR 221.13(a) and 221.14(a) (related to rear end marking devices); 49 CFR part 222, Use of Locomotive Horns at Public Highway-rail Grade Crossings (at locations and per the conditions of FRA’s November 9, 2006 decision letter); 49 CFR 223.9(c), (d), and 223.15(c) (related to safety glazing); 49 CFR 229.125 (related to vehicle headlights and auxiliary lights); 49 CFR part 231, Railroad Safety Appliance Standards; 49 CFR 234.105(c)(3) (related to grade crossing warning system activation failures); 49 CFR 236.23, 236.502, 236.504, 236.507, 236.566 (related to railroad signal and train control systems); 49 CFR 238.113, 238.115(b)(4), 238.203, 238.205(a), 238.207, 238.209, 238.211, 238.213, 238.215, 238.217, 238.221(a), 238.223, 238.231(i), 238.233, 238.235, 238.237, and 238.301–238.319 (related to various aspects of FRA’s passenger equipment safety standards); 49 CFR part 239, Passenger Train Emergency Preparedness; and 49 CFR part 242. NJ Transit also seeks FRA’s approval to operate at 4 inches underbalance in accordance with 49 CFR 213.57.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at [www.regulations.gov](http://www.regulations.gov) and in person at the U.S. Department of Transportation’s (DOT) Docket Operations Facility, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

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–2007–0030) 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 by September 26, 2016 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

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 document, if submitted on behalf of an association, business, labor union, etc.). In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to [www.regulations.gov](http://www.regulations.gov), as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at [www.dot.gov/privacy](http://www.dot.gov/privacy). See also <http://www.regulations.gov/#/privacyNotice> for the privacy notice of regulations.gov.

**Robert C. Lauby,**

*Associate Administrator for Railroad Safety  
Chief Safety Officer.*

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**BILLING CODE 4910–06–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

#### Transfer of Federally Assisted Land or Facility

**AGENCY:** Federal Transit Administration, DOT.

**ACTION:** Notice of intent to transfer Federally assisted land or facility.

**SUMMARY:** Section 5334(h) of the Federal Transit Laws, as codified, 49 U.S.C. 5301, *et seq.*, permits the Administrator of the Federal Transit Administration (FTA) to authorize a recipient of FTA funds to transfer land or a facility to a

public body for any public purpose with no further obligation to the Federal Government if, among other things, no Federal agency is interested in acquiring the asset for Federal use. Accordingly, FTA is issuing this Notice to advise Federal Agencies that South Bend Public Transportation (“Transpo”) intends to transfer the Leighton Parking Garage property (the “Facility”) to the City of South Bend, acting by and through its Board of Public Works (the “City”). The Facility is located at 109 West Jefferson Boulevard, South Bend, Indiana. It is in downtown South Bend on a parcel of property bounded by Michigan Street, Jefferson Boulevard, Main Street, and Wayne Street.

The Facility is a parking garage with approximately 215 underground parking spaces and approximately 429 above-ground parking spaces including all equipment used to control parking.

**DATES: Effective Date:** Any Federal agency interested in acquiring the Facility must notify the FTA Region V Office of its interest by September 9, 2016.

**ADDRESSES:** Interested parties should notify the Regional Office by writing to Marisol R. Simón, Regional Administrator, Federal Transit Administration, 200 West Adams, Suite 320, Chicago, IL 60606.

**FOR FURTHER INFORMATION CONTACT:** Kathryn Loster, Regional Counsel, at 312–353–3869.

#### SUPPLEMENTARY INFORMATION:

##### Background

49 U.S.C. Section 5334(h) provides guidance on the transfer of assets no longer needed. Specifically, if a recipient of FTA assistance decides an asset acquired at least in part with federal assistance is no longer needed for the purpose for which it was acquired, the Secretary of Transportation may authorize the recipient to transfer the asset to a local governmental authority to be used for a public purpose with no further obligation to the Government. 49 U.S.C. Section 5334(h)(l).

##### Determinations

The Secretary may authorize a transfer for a public purpose other than public transportation only if the Secretary decides:

(A) The asset will remain in public use for at least 5 years after the date the asset is transferred;

(B) There is no purpose eligible for assistance under this chapter for which the asset should be used;

(C) The overall benefit of allowing the transfer is greater than the interest of the

Government in liquidation and return of the financial interest of the Government in the asset, after considering fair market value and other factors; and

(D) Through an appropriate screening or survey process, that there is no interest in acquiring the asset for Government use if the asset is a facility or land.

**Federal Interest in Acquiring Land or Facility**

This document implements the requirements of 49 U.S.C. Section 5334(h)(1)(D). Accordingly, FTA hereby make certain that the other requirements of the Facility further described below. Any Federal agency interested in acquiring the affected facility should promptly notify the FTA.

If no Federal agency is interested in acquiring the existing Facility, FTA will make certain that the other requirements specified in 49 U.S.C. Section 5334(h)(1)(A) through (C) are met before permitting the asset to be transferred.

The Facility to be transferred is a parking garage with approximately 215 underground and 429 above-ground parking spaces, and includes all equipment used in the control of parking. It was built in 2000. The Facility has six above-ground levels and a basement parking level. It is constructed of precast concrete with a brick and concrete façade. The Facility is situated within a block in downtown South Bend and is connected to two multi-story office buildings and a public plaza. Approximately 11,000 square feet of retail space is located on the ground level of the Facility. However, the multi-story office buildings, retail space, and

public plaza are not owned by Transpo, and are not available for acquisition through this notice. The garage facility and connected buildings are commonly known as Leighton Plaza.

If no Federal agency is interested in acquiring the existing Facility, FTA will make certain that the other requirements specified in 49 U.S.C. Section 5334(h)(1)(A) through (C) are met before permitting the asset to be transferred.

**Marisol Simón,**

*Regional Administrator, FTA Region V.*

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**BILLING CODE P**

**DEPARTMENT OF TRANSPORTATION**

**Pipeline and Hazardous Materials Safety Administration**

**Hazardous Materials: Notice of Applications for Special Permits**

**AGENCY:** Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

**ACTION:** List of applications for special permits.

**SUMMARY:** In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation’s Hazardous Material Regulations (49 CFR part 107, subpart B), notice is hereby given that the Office of Hazardous Materials Safety has received the application described herein. Each mode of transportation for which a particular special permit is requested is indicated by a number in the “Nature of Application” portion of

the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft.

**DATES:** Comments must be received on or before September 9, 2016.

**ADDRESSES:** Record Center, Pipeline and Hazardous Materials Safety Administration U.S. Department of Transportation Washington, DC 20590. Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the special permit number.

**FOR FURTHER INFORMATION CONTACT:** Ryan Paquet, Director, Office of Hazardous Materials Approvals and Permits Division, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, East Building, PHH-30, 1200 New Jersey Avenue Southeast, Washington, DC 20590-0001, (202) 366-4535.

**SUPPLEMENTARY INFORMATION:** Copies of the applications are available for inspection in the Records Center, East Building, PHH-30, 1200 New Jersey Avenue Southeast, Washington, DC or at <http://regulations.gov>.

This notice of receipt of applications for special permit is published in accordance with Part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on July 19, 2016.

**Donald Burger,**

*Chief, Office of the Special Permits and Approvals.*

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of the special permits thereof
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**SPECIAL PERMITS DATA**

20260-N .....	.....	ROGERS HELI-COPTERS, INC.	173.27(b)(2), 172.101(j), 172.200(a), 172.200, 172.204(c)(3), 172.400(b), 172.400a(a), 172.300(a), 172.300, 172.301(c), 175.75(b), 175.75(c), 178.1010(a)(1).	To authorize the transportation in commerce of certain hazardous materials by 14 CFR part 133 Rotorcraft External Load Operations transporting hazardous materials attached to or suspended from an aircraft, in remote areas of the US only, without being subject to hazard communication requirements, quantity limitations, and certain loading and stowage requirements. (mode 3).
20262-N .....	.....	SHIJIAZHUANG ENRIC GAS EQUIPMENT CO., LTD.	173.302(a), 173.304(a) ..	To authorize the transportation of certain hazardous materials in non-DOT specification fiber reinforced composite cylinders. (mode 1).
20265-N .....	.....	HYPERCOMP ENGINEERING, INC.	178.71(l)(ii) .....	To authorize the manufacture, mark, sale, and use of non-DOT specification composite over-wrapped pressure vessels for the transportation of certain hazardous materials. (modes 1, 2, 3, 4).