

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-2009-0122) 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 document (or signing the document, 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 (65 FR 19477) or at <http://www.dot.gov/privacy.html>.

Issued in Washington, DC on January 28, 2010.

**Grady C. Cothen, Jr.,**

*Deputy Associate Administrator for Safety Standards and Program Development.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

[Docket FTA-2010-0003]

### Notice of Establishment of Emergency Relief Docket for Calendar Year 2010

**AGENCY:** Federal Transit Administration (FTA), DOT.

**ACTION:** Notice.

**SUMMARY:** The Federal Transit Administration (FTA) is establishing an Emergency Relief Docket for calendar year 2010 so grantees and subgrantees affected by national or regional emergencies may request relief from FTA administrative requirements set forth in FTA policy statements, circulars, guidance documents, and regulations.

#### FOR FURTHER INFORMATION CONTACT:

Richard L. Wong, Attorney-Advisor, Legislation and Regulations Division, Office of Chief Counsel, Federal Transit Administration, 1200 New Jersey Ave., SE., Room E56-308, Washington, DC 20590, phone: (202) 366-4011, fax: (202) 366-3809, or e-mail, [Richard.Wong@dot.gov](mailto:Richard.Wong@dot.gov).

**SUPPLEMENTARY INFORMATION:** Pursuant to Title 49 CFR Part 601, Subpart D, FTA is opening the Emergency Relief Docket. It may be opened at the request of a grantee or subgrantee, or on the Administrator's own initiative. When the Emergency Relief Docket is opened, FTA will post a notice on its Web site, at <http://www.fta.dot.gov>. In addition, the notice will be posted in the docket.

In the event a grantee or subgrantee believes the Emergency Relief Docket should be opened and it has not been opened, that grantee or subgrantee may submit a petition in duplicate to the Administrator, via U.S. mail, to: Federal Transit Administration, 1200 New Jersey Ave., SE., Washington, DC 20590; via telephone, at: (202) 366-1936; or via fax, at (202) 366-3472, requesting opening of the Docket for that emergency and including the information set forth below.

All petitions for relief from administrative requirements must be posted in the docket in order to receive consideration by FTA. The docket is publicly accessible and can be accessed 24 hours a day, seven days a week, via the Internet at <http://www.regulations.gov>. Petitions may also be submitted by U.S. mail or by hand delivery to the DOT Docket Management Facility, 1200 New Jersey Ave., SE., Room W12-140, Washington, DC 20590. Any grantee or subgrantee submitting petitions for relief or comments to the docket must include the agency name (Federal Transit Administration) and docket number FTA-2010-0003. Grantees and subgrantees making submissions to the docket by mail or hand delivery should submit two copies.

In the event a grantee or subgrantee needs to request immediate relief and does not have access to electronic means to request that relief, the grantee or subgrantee may contact any FTA

regional office or FTA headquarters and request that FTA staff submit the petition on its behalf.

#### *A petition for relief shall:*

- (a) Identify the grantee or subgrantee and its geographic location;
- (b) Specifically address how an FTA requirement in a policy statement, circular, or agency guidance will limit a grantee's or subgrantee's ability to respond to an emergency or disaster;
- (c) Identify the policy statement, circular, guidance document and/or rule from which the grantee or subgrantee seeks relief; and
- (d) Specify if the petition for relief is one-time or ongoing, and if ongoing identify the time period for which the relief is requested. The time period may not exceed three months; however, additional time may be requested through a second petition for relief.

A petition for relief from administrative requirements will be conditionally granted for a period of three (3) business days from the date it is submitted to the Emergency Relief Docket. FTA will review the petition after the expiration of the three business days and review any comments submitted thereto. FTA may contact the grantee or subgrantee that submitted the request for relief, or any party that submits comments to the docket, to obtain more information prior to making a decision. FTA shall then post a decision to the Emergency Relief Docket. FTA's decision will be based on whether the petition meets the criteria for use of these emergency procedures, the substance of the request, and the comments submitted regarding the petition. If FTA does not respond to the request for relief to the docket within three business days, the grantee or subgrantee may assume its petition is granted for a period not to exceed three months until and unless FTA states otherwise.

Pursuant to section 604.2(f) of FTA's charter rule, grantees and subgrantees may assist with evacuations or other movement of people that might otherwise be considered charter transportation when that transportation is in response to an emergency declared by the President, governor, or mayor, or in an emergency requiring immediate action prior to a formal declaration, even if a formal declaration of an emergency is not eventually made by the President, governor or mayor. Therefore, a request for relief is not necessary in order to provide this service. However, if the emergency lasts more than 45 calendar days, the grantee or subgrantee shall follow the procedures set out in this notice.

FTA reserves the right to reopen any docket and reconsider any decision made pursuant to these emergency procedures based upon its own initiative, based upon information or comments received subsequent to the three business day comment period, or at the request of a grantee or subgrantee upon denial of a request for relief. FTA shall notify the grantee or subgrantee if it plans to reconsider a decision. FTA decision letters, either granting or denying a petition, shall be posted in the Emergency Relief Docket and shall reference the document number of the petition to which it relates.

Issued in Washington, DC, this 29 day of January 2010.

**Peter Rogoff,**  
Administrator.

[FR Doc. 2010-2312 Filed 2-2-10; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket Number FRA-2009-0086]

#### Petition for Waiver of Compliance; Notice of Petition for Statutory Exemption

In accordance with 49 U.S.C. 21102(b), the American Short Line and Regional Railroad Association (ASLRRA), on behalf of its members, has petitioned the Federal Railroad Administration (FRA) for an exemption from certain provisions of the hours of service laws (HSL) (49 U.S.C. Chapter 211). Specifically, ASLRRA has requested an exemption from the requirements of 49 U.S.C. 21103(a)(1) and 49 U.S.C. 21103(a)(4)(a) for certain of its member railroads that have 15 or less employees covered by the HSL.

ASLRRA notes that its petition for exemption in this docket is related to its waiver petition in Docket Number FRA-2009-0078, except that its exemption request is limited to certain member railroads that have 15 or less employees covered by the HSL. In its waiver petition, ASLRRA seeks a waiver of the statutory requirement contained in 49 U.S.C. 21103(a)(1), limiting train employees to 276 hours per calendar month for member railroads' management employees who perform limited service as train employees for not more than 25% of their monthly hours in the service to the railroads. In its waiver petition, ASLRRA also seeks relief from 49 U.S.C. 21103(a)(4)(a), which requires railroads to provide train employees 48 hours of rest after an employee has initiated an on-duty

period on 6 consecutive days and 72 hours of rest after an employee has initiated an on-duty period on 7 consecutive days. In its petition for exemption in this docket, ASLRRA further notes that the railroads that are the subject of its exemption request are the "smallest of the small railroads." ASLRRA further expresses the view that in 49 U.S.C. 21102(b), "Congress granted FRA the broad power simply to exempt these small carriers" from the HSL. The entire ASLRRA petition may be reviewed online at <http://www.regulations.gov> under Docket Number FRA-2009-0086.

As ASLRRA notes in its petition, 49 U.S.C. 21102(b) provides that the Secretary of Transportation (Secretary) may, with certain limitations, exempt a railroad carrier having not more than 15 employees covered by the HSL from the requirements of Chapter 211. Specifically, 49 U.S.C. 21102(b) provides that the Secretary may allow the exemption after a full hearing, for good cause shown, and on deciding that the exemption is in the public interest and will not affect safety adversely. The exemption must be for a specific period of time and subject to review at least annually. This authority is delegated to FRA pursuant to 49 CFR 1.49.

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, however, if any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and FRA will provide such an opportunity.

All communications concerning these proceedings should identify the appropriate docket number (e.g., Docket Number FRA-2009-0086) 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.
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Issued in Washington, DC on January 28, 2010.

**Grady C. Cothen, Jr.,**

*Deputy Associate Administrator for Safety Standards and Program Development.*

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## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA-2008-0211]

#### Pipeline Safety: Implementation of Revised Incident/Accident Report Forms for Distribution Systems, Gas Transmission and Gathering Systems, and Hazardous Liquid Systems

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

**ACTION:** Notice; Issuance of Advisory Bulletin.

**SUMMARY:** This notice advises owners and operators of gas pipeline facilities and hazardous liquid pipeline facilities that the incident/accident report forms for their pipeline systems were recently revised and should be used for all incidents and accidents occurring on or after January 1, 2010.

**FOR FURTHER INFORMATION CONTACT:** Jamerson Pender, Information Resources Manager, 202-366-0218 or by e-mail at [Jamerson.Pender@dot.gov](mailto:Jamerson.Pender@dot.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

The Pipeline and Hazardous Materials Safety Administration (PHMSA) requires that an operator of a covered pipeline facility file a written report within 30 days of certain adverse events, defined by regulation as either