

Indiana Transportation Museum

[Waiver Petition Docket Number FRA-2010-0021]

The Indiana Transportation Museum (ITMZ) seeks a waiver of compliance from certain provisions of the Railroad Freight Car Safety Standards, 49 CFR 215.303, which requires stenciling of restricted cars. ITMZ owns four cabooses. They are car numbers: Monon 81528, C & O 90876, NKP 405, and W & LR 770 that are older than 50 years, and therefore, restricted by the provision of 49 CFR 215.203(a). ITMZ is seeking special approval to continue to use these cars under proceeding according to 49 CFR 215.203(b).

ITMZ claims that it operates and maintains the subject cars. These cars are in good operating condition. These cars do not carry a load, travel at a maximum speed of 25 miles per hour, and will not be interchanged. All these cars are operated in captive service on the railroad which runs between Tipton, Indiana, to downtown Indianapolis, Indiana, and owned by the Hoosier Heritage Port Authority. These cars are preserved in historically accurate condition. Stenciling the cars because of their restricted equipment status would interfere with the historical integrity.

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-2010-0021) 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 June 10, 2010.

Robert C. Lauby,

Deputy Associate Administrator for Regulatory and Legislative Operations.

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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.

Santa Cruz, Big Trees & Pacific Railway Company

[Waiver Petition Docket Number FRA-2010-0001]

The Santa Cruz, Big Trees & Pacific Railway Company (SCBG) seeks a waiver of compliance from certain provisions of 49 CFR part 215, Railroad Freight Car Safety Standards, specifically 49 CFR 215.303 (Stenciling of restricted cars), which requires that restricted railroad freight cars shall be stenciled or marked in clearly legible letters with the letter "R" and a series of designated terms to completely indicate the basis for the restricted operation of the car. In addition, SCBG seeks a waiver of compliance from all of 49 CFR

part 224 (Reflectorization of Rail Freight Rolling Stock).

The petition concerns 10 SCBG freight cars numbered: SCBG 401-402, 501-504 and 701-704, which are railroad flat cars converted to passenger carriage cars for tourist and excursion railroad service by the addition of seating, side structures, and steps. Each of the SCBG freight cars in the present petition is more than 50 years old, measured from the date of original construction, and these freight cars are the subject of a parallel petition for special approval for continued operation under § 215.203(c). Therefore, in the first portion of its petition, SCBG seeks a waiver of the requirement for stencilling found in § 215.303, as the railroad states that the stencilling would detract from both the aesthetic and historical nature of the vintage rail car equipment. As SCBG passenger carriage cars are not interchanged, SCBG suggests that the record-keeping requirements of the stencilling may be preserved by maintaining a permanent file of the restrictive conditions at the local SCBG office. Additionally, SCBG petitions for relief from all of the requirements of 49 CFR part 224, as the railroad states that reflectorization would detract from both the aesthetic and historical nature of their vintage equipment.

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-2010-0001) 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 June 10, 2010.

Robert C. Lauby,

Deputy Associate Administrator for Regulatory and Legislative Operations.

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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.

Copper Basin Railway, Inc.

[Waiver Petition Docket Number FRA–2010–0025]

The Copper Basin Railway, Inc. (CBR) seeks a waiver of compliance from certain provisions of the Railroad Freight Car Safety Standards, 49 CFR 215.303, which requires stenciling of restricted cars. CBR owns 46 open top hopper cars that were built in 1958, and are restricted by the provision of 49 CFR 215.203(a). CBR is seeking special approval to continue to use these cars under proceeding according to 49 CFR 215.203(b).

This request is for 46 open top hopper cars. The car numbers and the pertinent information in support of the petition

are contained in the docket. CBR claims that these cars are captive ore cars used to haul ore from the mine at Ray Mine yard, in Ray, Arizona, to the Hayden smelter yard in Hayden, Arizona, in a local unit train with like kind ore cars never used with HAZMAT or other cars. These cars will not interchange with other railroads.

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–2010–0025) 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 June 10, 2010.

Robert C. Lauby,

Deputy Associate Administrator for Regulatory and Legislative Operations.

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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) received a request for a waiver of compliance with 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 Seattle, Washington

[Waiver Petition Docket Number FRA–2010–0097]

The City of Seattle, Washington (City), and the BNSF Railway Company (BNSF) 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 September 24, 2010.

The City states that it has engaged in numerous meetings with BNSF to negotiate a Construction and Maintenance Agreement (CMA) for the necessary improvements to establish a Pre-Rule Quiet Zone. There are 4 crossings in the existing Pre-Rule Quiet Zone. Three of these crossings will be treated with Supplementary Safety Measures (SSM) and Alternative Safety Measures (ASM) as follows: 2 crossings with four-quadrant gates (SSM), and 1 crossing with three-quadrant gates and a median on the approach that has only one gate (ASM). The 4th crossing will be upgraded from a pedestrian-only crossing to a crossing for both vehicles and pedestrians which will be equipped with standard flashing lights and gates.

The City and BNSF finalized the CMA on June 29, 2009. Since that date, the City has funded almost \$1 million in improvements, specifically to improve