

the ALS Gateway Yard in East St. Louis, Illinois, a distance of no more than 1¼ mile. This move is made entirely within yard limits and does not cross any public road crossings. The interchange cut in question is a complete train that has had a Class I brake test, but has had the locomotive power removed and is "off-air" for more than four hours.

ALS states that the reason for this request is due to the conditions of the crime and violent acts that have happened at this location and the surrounding neighborhood in the past two years. ALS has had two employees accosted on a locomotive and one employee assaulted while performing work at this interchange. One employee was assaulted and killed from a gun shot in this same area. ALS has a policy to only pull cars from this area during daylight hours.

Due to the reasons stated above, ALS would like to be able to perform a Class III brake test—trainline continuity inspection, in lieu of performing a Class I brake test for this short move.

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-2005-23458) and must be submitted to the Docket Clerk, DOT Docket Management Facility, Room PL-401 (Plaza Level), 400 7th Street, SW., Washington, DC 20590. Communications received within 30 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://dms.dot.gov>.

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 complete Privacy Act

Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78). The Statement may also be found at <http://dms.dot.gov>.

Issued in Washington, DC, on June 19, 2006.

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

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

[FR Doc. E6-9971 Filed 6-22-06; 8:45 am]

**BILLING CODE 4910-06-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System or Relief From the Requirements of Title 49 Code of Federal Regulations Part 236

Pursuant to Title 49 Code of Federal Regulations (CFR) part 235 and 49 U.S.C. 20502(a), the following railroads have petitioned the Federal Railroad Administration (FRA) seeking approval for the discontinuance or modification of the signal system or relief from the requirements of 49 CFR part 236 as detailed below.

[Docket Number FRA-2006-24987]

*Applicants:* Union Pacific Railroad Company, Mr. W.E. Wimmer, Vice President—Engineering, 1400 Douglas Street, Mail Stop 0910, Omaha, Nebraska 68179.

BNSF Railway Company, Mr. Ralph E. Young, Director Signal Engineering, 4515 Kansas Avenue, Kansas City, Kansas 66106-1199.

The Union Pacific Railroad Company (UP) and the BNSF Railway Company, jointly seek approval of the proposed modification of the traffic control system on the two main tracks, between milepost 232 and milepost 235 on the UP's Houston West Belt Subdivision, near Houston, Texas. The proposed changes consist of the removal of four control points, conversion of the remaining industry lead switches to hand operation with leaving signals, and removal of several intermediate signals.

The reason given for the proposed changes is that the removal of unnecessary switches and signals will allow more trains to move through the corridor efficiently without undue delay, while maintaining safety.

Any interested party desiring to protest the granting of an application shall set forth specifically the grounds upon which the protest is made, and contain a concise statement of the interest of the party in the proceeding.

Additionally, one copy of the protest shall be furnished to the applicant at the address listed above.

All communications concerning this proceeding should be identified by the docket number and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, Room PL-401 (Plaza Level), 400 7th Street, SW., Washington, DC 20590-0001. Communications received within 45 days of the date of this notice will be considered by the 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://dms.dot.gov>.

FRA wishes to inform all potential commenters that 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 complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78) or you may visit <http://dms.dot.gov>.

FRA expects to be able to determine these matters without an oral hearing. However, if a specific request for an oral hearing is accompanied by a showing that the party is unable to adequately present his or her position by written statements, an application may be set for public hearing.

Issued in Washington, DC, on June 19, 2006.

**Grady C. Cothen, Jr.**

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

[FR Doc. E6-9969 Filed 6-22-06; 8:45 am]

**BILLING CODE 4910-06-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System or Relief From Requirements of Title 49 Code of Federal Regulations Part 236

Pursuant to Title 49 Code of Federal Regulations (CFR) part 235 and 49 U.S.C. 20502(a), the following railroad has petitioned the Federal Railroad Administration (FRA) seeking approval

for the discontinuance or modification of the signal system or relief from the requirements of 49 CFR part 236 as detailed below.

[Docket Number FRA-2006-24646]

*Applicant:* Union Pacific Railroad, Mr. John C. Estes, Jr., Superintendent Locomotive, 1400 Douglas Stop 1050, Omaha, Nebraska 68179.

The Union Pacific Railroad Company (UP) seeks relief from the requirements of the Rules, Standards and Instructions, Title 49 CFR, part 236, section 236.586, Daily or after trip test. Specifically, UP is seeking to change the administration of the first sentence in paragraph (a) from "intervals of not more than 2 months" to "intervals of not more than 92 days" for all cab signal devices on locomotives operated on the UP.

*Applicant's justification for relief:* To maximize overall safety by performing maintenance in the best working environment with the highest skilled and best trained personnel, which can best be achieved by performing maintenance in conjunction with the 92-day periodic inspection.

Any interested party desiring to protest the granting of an application shall set forth specifically the grounds upon which the protest is made, and include a concise statement of the interest of the party in the proceeding. Additionally, one copy of the protest shall be furnished to the applicant at the address listed above.

All communications concerning this proceeding should be identified by the docket number and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, Room PI-401, 400 7th Street, SW., Washington, DC 20590-0001. Communications received within 45 days of the date of this notice will be considered by the 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://dms.dot.gov>.

FRA wishes to inform all potential commenters that 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 complete Privacy Act Statement in the **Federal Register** published on April 11, 2000

(Volume 65, Number 70; Pages 19477-78) or you may visit <http://dms.dot.gov>.

FRA expects to be able to determine these matters without an oral hearing. However, if a specific request for an oral hearing is accompanied by a showing that the party is unable to adequately present his or her position by written statements, an application may be set for public hearing.

Issued in Washington, DC, on June 19, 2006.

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

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

[FR Doc. E6-9970 Filed 6-22-06; 8:45 am]

**BILLING CODE 4910-06-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Ex Parte No. 290 (Sub-No. 5) (2006-3)]

#### Quarterly Rail Cost Adjustment Factor

**AGENCY:** Surface Transportation Board.

**ACTION:** Approval of rail cost adjustment factor.

**SUMMARY:** The Board has approved the third quarter 2006 rail cost adjustment factor (RCAF) and cost index filed by the Association of American Railroads. The third quarter 2006 RCAF (Unadjusted) is 1.192. The third quarter 2006 RCAF (Adjusted) is 0.566. The third quarter 2006 RCAF-5 is 0.540.

**DATES:** *Effective Date:* July 1, 2006.

**FOR FURTHER INFORMATION CONTACT:** Mac Frampton, (202) 565-1541. [Federal Information Relay Service (FIRS) for the hearing impaired: 1-800-877-8339.]

#### **SUPPLEMENTARY INFORMATION:**

Additional information is contained in the Board's decision, which is available on our Web site <http://www.stb.dot.gov>. To purchase a copy of the full decision, write to, e-mail or call the Board's contractor, ASAP Document Solutions; 9332 Annapolis Rd., Suite 103, Lanham, MD 20706; e-mail [asapdc@verizon.net](mailto:asapdc@verizon.net); phone (202) 306-4004. [Assistance for the hearing impaired is available through FIRS: 1-800-877-8339.]

This action will not significantly affect either the quality of the human environment or energy conservation.

Pursuant to 5 U.S.C. 605(b), we conclude that our action will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

Decided: June 19, 2006.

By the Board, Chairman Buttrey and Vice Chairman Mulvey.

**Vernon A. Williams,**  
*Secretary.*

[FR Doc. E6-9943 Filed 6-22-06; 8:45 am]

**BILLING CODE 4915-01-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 34729 (Sub-No. 1)]

#### **Saginaw Bay Southern Railway Company—Acquisition and Operation Exemption—In Saginaw County, MI**

Saginaw Bay Southern Railway Company (SBS), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to acquire from CSX Transportation, Inc. its contractual right to operate, via trackage rights, over approximately 6.84 miles of rail line owned by Huron & Eastern Railway Company, Inc. (HESR) in Saginaw County, MI, extending from a point 440 feet northeast of GTW milepost 40.96 along the Zilwaukee Spur at the Saginaw Station to milepost CBE 7.72 at the Paines Station.<sup>1</sup>

SBS certifies that its projected revenues as a result of this transaction will not result in the creation of a Class II or Class I rail carrier. SBS further certifies that its projected annual revenues are expected to exceed \$5 million. SBS has included a request in its notice filed on May 26, 2006, for waiver of the requirements of 49 CFR 1150.42(e) to permit the exemption to become effective without providing the 60-day advance notice. Finding no adverse impact on the affected employees, by decision served on June 19, 2006, the Board has granted SBS's request and waived the requirements of 49 CFR 1150.42(e).<sup>2</sup> The waiver decision has the effect of making the

<sup>1</sup> This notice was filed pursuant to the Board's May 5, 2006 decision directing SBS to file a new notice of exemption to acquire the authority sought here. See *Saginaw Bay Southern Railway Company—Acquisition and Operation Exemption—Rail line of CSX Transportation, Inc.*, STB Finance Docket No. 34729 (STB served May 5, 2006). SBS had inadvertently failed to include what would have been a grant of incidental trackage rights to operate over HESR's line in its notice of exemption filed on September 1, 2005, and thus did not have Board authority to operate over the subject line. See *Saginaw Bay Southern Railway Company—Acquisition and Operation Exemption—Rail line of CSX Transportation, Inc.*, STB Finance Docket No. 34729 (STB served and published in the **Federal Register** on Sept. 27, 2005) (70 FR 56525).

<sup>2</sup> See *Saginaw Bay Southern Railway Company—Acquisition and Operation Exemption—In Saginaw County, MI*, STB Finance Docket No. 34729 (Sub-No. 1) (STB served June 19, 2006).