

material compliant with the requirements of 49 CFR 223.11. Steam locomotive Number JS8419 was built in China by Datong Locomotive Works in Shanxi, China, in October 1988, purchased new by the BSV in 1989, and delivered with automotive-type safety glazing. It has been in regular summer weekend service each year since 1990, except for in 1993 and 2002.

By letter dated February 12, 2007, BSV requested that Number JS8419 be granted a waiver under the same conditions as their four diesel electric locomotives. They stated that retrofitting JS8419 with compliant glazing would be very costly, and a serious financial burden on the museum.

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-2007-28097) and must be submitted in triplicate to the Docket Clerk, DOT Central Docket Management Facility, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590. 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 DOT Central Docket Management Facility, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590. 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 19377-78). The

statement may also be found at <http://dms.dot.gov>.

Issued in Washington, DC on June 28, 2007.

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

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

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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.

#### Carolina Coastal Railway, Inc.

[Docket Number FRA-2007-28420]

The Carolina Coastal Railway, Inc. (CLNA) seeks a permanent waiver of compliance from *Control of Alcohol and Drug Use*, 49 CFR Part 219 Subpart G, which requires a railroad to conduct random alcohol and drug testing. CLNA has less than 16 hours of service employees and previously had no joint operations, but they plan to lease from Norfolk Southern Corporation (NS) nearly 140 miles of track from Raleigh to Plymouth, NC, on June 15, 2007. The CLNA will operate over NS tracks to reach their yards for interchange potentially at Chocowinity, NC, and at Raleigh, NC. CSX Transportation (CSX) will have overhead trackage rights over a 16-mile segment of the track, although there will be temporal separation since CLNA's operation will be during daytime hours and CSX's operations will be restricted to nighttime hours.

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-2007-28420) and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12-140, Washington, DC 20590. 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://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>.

Issued in Washington, DC on June 28, 2007.

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

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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.

#### Maryland Transit Administration

[Modification to Waiver Petition Docket Number FRA-2000-7054/7286]

As a modification to the Maryland Transit Administration's (MTA) existing Shared Use/Temporal Separation waiver originally granted by FRA on January 19, 2001, MTA is requesting that FRA

modify the original terms and conditions of its permanent waiver of compliance from sections of Title 49 of the CFR for operation of its Cockeysville Light Rail Line (CLRL) due to changes that have recently occurred. (See "Statement of Agency Policy Concerning Jurisdiction Over the Safety of Railroad Passenger Operations and Waivers Related to Shared Use of the Tracks of the General Railroad System by Light 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 this regard, the Norfolk Southern Railway Company (NS), which operates a freight railroad sharing track temporally with the CLRL, is ceasing freight service on the CLRL from a point at Chain Marker 122 continuing northward to the end of the line. The sole exception to this is at Chain Marker 122, where NS continues to cross the CLRL via a diamond crossover to service the NS Flexi-Flo facility. In regard to this, NS has filed a Petition for Exemption for authority to abandon the freight service on the CLRL (see Surface Transportation Board (STB) Docket No. AB-290, Sub No. 237X, Norfolk Southern Ry. Co.—Abandonment Exemption—In Baltimore Co., MD), and is awaiting STB resolution at this time.

Due to the cessation of NS freight service on the CLRL from a point at Chain Marker 122 northward, MTA is requesting that FRA determine that there is no longer shared use on the CLRL and that waivers are no longer necessary because the statutes and regulations covered in the Shared Use Policy Statement no longer apply to the CLRL north of that point. Also, MTA agrees that the waivers that were approved in the January 19, 2001, decision letter that are relevant at the diamond crossing will remain in effect, and that Standard Operating Procedure LR.07.02.04, which replaces MTA Procedure No. 6.33, provides sufficient protection at the interlocked diamond crossover. Lastly, MTA requests that, to the extent FRA regulations apply in any manner, FRA waive the requirements of 49 CFR Part 219, Control of Alcohol and Drug Abuse, for MTA employees who control the operation of the NS trains across the diamond because it is adopting the Federal Transit Administration's drug and alcohol policy, which provides an equivalent level of oversight.

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-2000-7054/7286) and must be submitted to the Docket Clerk, DOT Docket Management Facility, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12-140, Washington, DC 20590.

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://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 28, 2007.

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

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

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## 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 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-2007-28293]

*Applicants:* Rock and Rail, LLC, Mr. Franklin Lloyd, President, P.O. Box 1026, Cañon City, Colorado 81215.

Cañon City and Royal Gorge Railroad, LCC, Mr. Mark Greksa, Owner/Manager, P.O. Box 859, Georgetown, Colorado 80444.

Union Pacific Railroad, Mr. Bill Breeden, General Director, Maintenance of Way, 1400 Douglas Street, Stop 0910, Omaha, Nebraska 68179.

Rock and Rail, LLC, and Cañon City and Royal Gorge Railroad, LLC, collectively (RGX) and the Union Pacific Railroad Company (UP) jointly seek approval of the proposed conversion of the existing traffic control system to an automatic block signal system on the single main track and sidings between Cañon City, Colorado, Milepost 159.2, and East Parkdale, Colorado, Milepost 169.9, on the former UP Denver Area, Tennessee Pass Subdivision, a distance of approximately 10.7 miles. The proposed changes include the removal of the power-operated switch machines from the control points at East and West Cañon City and East and West Parkdale, and their replacement with manual switch operating devices. In addition, the proposed changes include the removal of the electric switch locks from switches at Mileposts 159.2, 159.5, 159.9, and 160.1.

The reason given for the proposed changes is due to the Applicants' operational plan, which features a significant reduction in the size and number of trains, and reduction in hours of operation compared to the time when UP operated the trackage as a mainline through route. The UP closed the trackage as a through route in August 1997, and in 1998 sold the portion of trackage from Cañon City to Parkdale to RGX. The line was severed and RGX acquired a stub-ended branch line, accessible only from the Cañon City end of the line, with no potential for through traffic.

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.