

statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on December 14, 2007.

**Robert L. Bostiga,**

*RTCA Advisory Committee (Acting).*

[FR Doc. 07-6190 Filed 12-27-07; 8:45 am]

**BILLING CODE 4910-13-M**

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

[Docket No. FHWA-2007-0030]

#### Agency Information Collection Activities: Notice of Request for Extension of Currently Approved Information Collection

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice of request for extension of currently approved information collection.

**SUMMARY:** The FHWA has forwarded the information collection request described in this notice to the Office of Management and Budget (OMB) for approval of an extension of a currently approved information collection. We published a **Federal Register** Notice with a 60-day public comment period on this information collection on August 17, 2007. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

**DATES:** Please submit comments by January 28, 2008.

**ADDRESSES:** You may send comments within 30 days to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW., Washington, DC, 20503, or e-mail at [oir\\_submission@omb.eop.gov](mailto:oir_submission@omb.eop.gov), Attention DOT Desk Officer. You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FHWA's performance; (2) the accuracy of the estimated burden; (3) ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of electronic technology, without reducing the quality of the collected information. All comments should include the Docket number FHWA-2007-0030.

**FOR FURTHER INFORMATION CONTACT:** For information regarding Emergency Relief Funding Applications, contact Greg Wolf, 202-366-4655, Office of Program Administration, Federal Highway Administration, Department of Transportation, 1200 New Jersey Ave., SE., Washington, DC 20590. Office hours are from 7:30 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

#### SUPPLEMENTARY INFORMATION:

*Title:* Emergency Relief Funding Applications.

*Background:* Section 125 of Title 23 United States Code requires States to submit applications to the FHWA for emergency relief (ER) funds. The ER funds are established for the repair or reconstruction of Federal-aid highways and Federally-owned roads, which have suffered serious damage from natural disasters over a wide area or a catastrophic failure from an external cause. The information is needed by the FHWA to fulfill its statutory obligations regarding funding determinations for emergency work to repair damaged highway facilities. The requirements covering the FHWA ER program are contained in 23 CFR Part 668.

*Respondents:* 50 State Transportation Departments, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the Territories of Guam, the Virgin Islands and American Samoa.

*Frequency:* As required.

*Estimated Average Burden per Response:* The estimated burden to complete the application is 250 hours.

*Estimated Total Annual Burden Hours:* Approximately 7,500 hours annually.

*Electronic Access:* Internet users may access all comments received by the U.S. DOT Dockets, Room PL-401, by using the universal resource locator (URL): <http://dms.dot.gov>, 24 hours each day, 365 days each year. Please follow the instructions online for more information and help.

**Authority:** The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued on: December 20, 2007.

**James R. Kabel,**

*Chief, Management Programs and Analysis Division.*

[FR Doc. E7-25131 Filed 12-27-07; 8:45 am]

**BILLING CODE 4910-22-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

[Docket No. FHWA-2007-0031]

#### Agency Information Collection Activities: Notice of Request for Extension and Change of Title of a Currently Approved Information Collection

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice of request for extension and change of title of a currently approved information collection. —

**SUMMARY:** The FHWA has forwarded the information collection request described in this notice to the Office of Management and Budget (OMB) for approval of an extension and change of title of a currently approved information collection. We published a **Federal Register**

Notice with a 60-day public comment period on this information collection on August 31, 2007.

We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995. As part of FHWA's ongoing effort to reduce the overall burden on the public, four information collections associated with the accommodation or relocation of utility facilities in the right-of-way of highway facilities are being combined into a single collection (2125-0519) with a new title of Utility Adjustments, Agreements, Eligibility Statements, and Accommodation Policies. The four affected information collections are: 2125-0514: Develop and Submit Utility Accommodation Policies; 2125-0515: Eligibility Statement for Utility Adjustments; 2125-0519: Developing and Recording Costs for Utility Adjustments; and 2125-0522: Utility Use and Occupancy Agreements.

**DATES:** Please submit comments by January 28, 2008.

**ADDRESSES:** You may send comments within 30 days to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, DC, 20503, or e-mail at [oir\\_submission@omb.eop.gov](mailto:oir_submission@omb.eop.gov), Attention DOT Desk Officer. You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FHWA's performance; (2) the accuracy of the estimated burden; (3) ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be

minimized, including the use of electronic technology, without reducing the quality of the collected information. All comments should include the Docket number FHWA-2007-0031.

**FOR FURTHER INFORMATION CONTACT:** Mr. Jon Obenberger, 202-366-2221, Office of Infrastructure, Federal Highway Administration, Department of Transportation, 1200 New Jersey Avenue, SE., Washington, DC 20590. Office hours are from 8 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:**

*Title:* Utility Adjustments, Agreements, Eligibility Statements, and Accommodation Policies; formerly titled "Developing and Recording Costs for Utility Adjustments."

*Background:* Federal laws dealing with the relocation and accommodation of utility facilities associated with the right-of-way of highway facilities are contained in the United States Code (U.S.C.) 23, Sections 123 and 109(I)(1). Regulations dealing with the utility facility accommodation and relocation are based upon the laws contained in 23 U.S.C. and are found in the Code of Federal Regulations (CFR), Title 23, Chapter I, Subchapter G, Part 645, subparts A and B.

The FHWA requires (23 CFR 645 subpart A—Utility Relocations, Adjustments, and Reimbursement) developing and recording costs for utility adjustments, as the basis for reimbursing State Departments of Transportation (SDOTs) and local agency transportation departments, when they have paid the costs of utility facilities relocations that were required by the construction of Federal-aid highway projects. The FHWA requires the utility companies to document the costs or expenses for adjusting their facilities. These utility companies must have a system for recording labor, materials, supplies and equipment costs incurred when undertaking adjustments to accommodate the highway projects. This record of costs forms the basis for payment by the SDOT or local transportation department to the utility company. In turn the FHWA reimburses the SDOT or local transportation department for its payment to the utility company. The utility company is required to maintain these records of costs for 3 years after final payment is received.

The SDOT and/or local agency transportation departments are responsible for maintaining the highway rights-of-way, including the control of its use by the utility companies. In managing the use of the highway rights-

of-way, the SDOT and/or local agency transportation department is required (23 CFR 645.205 and 23 CFR 645.213) to document the terms under which utility facilities are allowed to cross or otherwise occupy the highway rights-of-way, in the form of utility use and occupancy agreements (formerly OMB Control #: 2125-0522) with each utility company. This documentation, consisting of a use and occupancy agreement (permit), must be in writing and must be maintained in the SDOT and/or local agency transportation department. Each SDOTs is required (23 CFR 615.215) to submit to the FHWA a utility adjustment eligibility statement (formerly OMB Control #: 2125-0515) that establishes the SDOT's legal authority and policies it employs for accommodating utilities within highway rights-of-way or obligation to pay for utility adjustments. FHWA has previously reviewed and approved these eligibility statements for each State DOT. The statements are used as a basis for Federal-aid reimbursement in utility relocation costs under the provisions of 23 U.S.C. 123. Updated statements may be submitted for review at the States discretion where circumstances have modified (for example, a change in State statute) the extent to which utility adjustments are eligible for reimbursement by the State or those instances where a local SDOT's legal basis for payment of utility adjustments differs from that of the State.

Each SDOT is also required (23 CFR 645.215) to develop and submit to FHWA their utility accommodation policies (formerly OMB Control #: 2125-0514) that will be used to regulate and manage the utility facilities within the rights-of-way of Federal-aid highway projects. The agencies utility accommodation policies need to address the basis for utility facilities to use and occupy highway rights-of-way; the State's authority to regulate such use; and the policies and/or procedures employed for managing and accommodating utilities within the rights-of-way of Federal-aid highway projects. Upon FHWA's approval of the policy statement, the SDOT may take any action required in accordance with the approved policy statement without a case-by-case review by the FHWA. In addition, the utility accommodation policy statements that have been approved previously by the FHWA are periodically reviewed by the SDOTs to determine if updating is necessary to reflect policy changes.

*Respondents:* 52 SDOTs, including the District of Columbia and Puerto Rico, local agency transportation departments, and utility companies.

*Frequency:* The SDOTs and local agency transportation departments are each involved in an average of 15 utility use and occupancy agreements (or permits) per year for an annual frequency of 46,000. SDOTs are allowed to submit their eligibility statement for utility adjustments and their utility accommodation policies when warranted by changes or when updates occur, or at the SDOT's discretion. It is estimated 10 SDOTs will update either their eligibility statement for utility agreements or utility accommodation policies per year.

*Estimated Average Burden per Response:* The estimated average amount of time required to develop and record the costs for each utility adjustment is 8 hours. The estimated amount of time required by the SDOTs and local agency transportation departments to process each utility use and occupancy agreement (permit) is 8 hours. The estimated amount of time for each update to the SDOT's eligibility statement for utility adjustments has an average burden of 18 hours. The estimated amount of time for each update and submittal of a SDOT's utility accommodation policy has an average burden of 280 hours.

*Estimated Total Annual Burden Hours:* The annual burden associated with developing and recording the costs for adjusting utility facilities is 72,000 hours based on an estimate of 9,000 adjustments that utility companies perform annually that may be eligible for Federal-aid highway funding allowing SDOTs or local agency transportation departments to request reimbursement from FHWA. The annual burden associated with preparing, submitting and approving utility use and occupancy agreements (permits) is 552,000 burden-hours. The annual burden associated with developing and approving updates to a SDOT's eligibility statement for utility adjustments is 90 hours. The annual burden associated with developing and approving updates to SDOTs' utility accommodation policies is 1,400 hours. The accumulated burden for the combined information collection is 625,490.

*Electronic Access:* Internet users may access all comments received by the U.S. DOT Dockets, Room PL-401, by using the universal resource locator (URL): <http://dms.dot.gov>, 24 hours each day, 365 days each year. Please follow the instructions online for more information and help.

**Authority:** The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued on: December 20, 2007.

**James R. Kabel,**

*Chief, Management Programs and Analysis Division.*

[FR Doc. E7-25205 Filed 12-27-07; 8:45 am]

BILLING CODE 4910-22-P

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### Petition for a Waiver of Compliance

In accordance with Title 49 Code of Federal Regulations (CFR) §§ 211.9 and 211.41, 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.

#### Canadian Pacific Railway

[Waiver Petition Docket Number FRA-2007-0008]

The Canadian Pacific Railway (CP) seeks a waiver from the requirements of 49 CFR 240.117(e)(1) through (4), 240.305, and 240.307, in connection with implementation of a Close Call Reporting System (C3RS) Demonstration Pilot Project (Pilot Project) sponsored by FRA's Office of Research and Development. These sections of the regulation relate to punitive actions that are required to be taken against locomotive engineers for the violation of certain railroad operating rules. Refer to Part 240 for a detailed listing of these sections.

CP and the employees of CP's Chicago Service Area, represented by the Brotherhood of Locomotive Engineers and Trainmen (BLET) and the United Transportation Union (UTU), desire to participate in the Pilot Project, which is one of the action items included in FRA's Action Plan for Addressing Critical Railroad Safety Issues (Action Plan) announced on January 25, 2006.

As noted in the Action Plan, in other industries such as aviation and mining, as well as in the European railway industry, implementation of "close call" reporting systems that shield the reporting employee from discipline (and the employer from punitive sanctions levied by the regulation) have contributed to major reductions in accidents. In March of 2005, FRA completed an overarching memorandum of understanding with railroad labor organizations and management to develop pilot programs to document

close calls, i.e., unsafe events that do not result in a reportable accident but very well could have. Participating railroads will be expected to develop corrective actions to address the problems that may be revealed. The aggregate data may prove useful in FRA's decision-making concerning regulatory and other options to address human factor-caused accidents.

CP, BLET, and UTU have developed and signed an implementing memorandum of understanding (IMOU), based on the FRA's overarching memorandum of understanding, as a first step in commencing the demonstration pilot project. The project would involve approximately 350 yard and road service employees operating between Newport, Minnesota, (Mile Post (MP) 402.5C, River Subdivision) and Tower A-20 (MP 20.5, C&M Subdivision), and all track between those mileposts, including track on the following subdivisions: River, Tomah, Watertown, M&P, the CN Valley, and C&M. This IMOU was sent to FRA for consideration and acceptance on October 8, 2007. As referenced in the IMOU, certain "close calls" may be properly reported by the employee(s) involved and later discovered by CP, for example, through subsequent retrospective analysis of locomotive event recorder data, etc. In order to encourage employee reporting of close calls, the IMOU contains provisions to shield the reporting employee from CP discipline. CP, BLET, and UTU also desire to shield the reporting employee(s) and CP from punitive sanctions that would otherwise arise as provided in selected sections of Part 240 for properly reported close call events as defined in the C3RS IMOU.

The waiver petition is requested for the duration of the C3RS Pilot Project (5 years from implementation or until the Pilot Project is completed or parties to the IMOU withdraw as described in the IMOU, whichever comes first).

**Note:** According to Article 7.2 of the IMOU, "Conditions under which a reporting employee is not protected from CP discipline and/or decertification and from FRA enforcement," CP employees included in this C3RS/IMOU receive no protection from discipline and/or decertification or from FRA enforcement action when one or more of the following conditions occur:

- The employee's action or lack of action was intended to damage CP or another entity's operations or equipment, or to injure other individuals or purposely place others in danger (e.g., sabotage);
- The employee's action or lack of action involved a criminal offense;
- The employee's behavior involved substance abuse or inappropriate use of controlled substances;

- The report is rejected by the Bureau of Transportation Statistics Peer Review Team;
- The event resulted in a railroad accident/incident that qualifies as reportable under § 225.11;
- The event resulted in an identifiable release of a hazardous material; or
- The event was observed in real-time and reported to CP management (such as a train dispatcher or operator observing a signal violation) or was observed as part of proficiency testing.

Proficiency testing (e.g., operating rule efficiency testing, signal compliance testing) generally consists of real-time observations and do not qualify for exemption. Similarly, an employee is not exempt from discipline and/or decertification for a violation that CP or FRA identifies contemporaneously (e.g., a block circuit is occupied by a train without authority, and the train dispatcher notices it before the train backs off the circuit) before the employee files a close call report. In such situations, CP or FRA may use event recorder information to support discipline and/or decertification and/or enforcement. For example, a CP official who observes a train operate past a signal that requires a stop may use any relevant data recorded by the locomotive's event recorder in pursuing disciplinary action against the train crew, regardless of whether a member of the crew timely files a close call report.

In its petition, CP indicated that the parties signatory to the IMOU, dated August 21, 2007, believe the data from these properly reported close call incidents, as defined in the IMOU, will be invaluable in the analysis and development of effective corrective actions. CP expressed the view that without the requested waiver the employee(s) involved in incidents such as those described above will not file reports of the incidents and that the incident(s) will likely go undetected, resulting in no opportunity for analysis, data trending, or appropriate corrective actions. Noting the success of close call reporting systems in other industries (e.g., aviation and maritime), CP further indicated that all parties signatory to the IMOU and participating in the Pilot Project believe that the Pilot Project and requested regulatory relief is in the public interest and consistent with railroad safety.

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