

FRA to modify the terms and conditions of FRA's November 9, 2006, decision letter seeking a permanent waiver of compliance from requirements of the FRA Horn Rule for continued safe operation of its Southern New Jersey Light Rail Transit (SNJLRT) River Line at seven specific highway-rail grade crossings in the Palmyra and Riverton, NJ, communities. NJ Transit submits that this request is consistent with the waiver process for shared use. (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); also see 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 42526 (July 10, 2000).)

On April 27, 2005, FRA issued the Final Rule on Use of Locomotive Horns at Highway-Rail Grade Crossings, 70 FR 21844 (2005), with an effective date of June 24, 2005. NJ Transit claimed that although its audible warning operating practices on the River Line are generally in compliance with the rules contained in 49 CFR Parts 222 and 229, Use of Locomotive Horns at Highway Rail Grade Crossings; Final Rule, it needed relief from the requirements of the rule because of the unique operating characteristics of the SNJLRT River Line—particularly the close proximity of highway-rail grade crossings in the communities of Riverton and Palmyra, NJ. As noted and explained in the FRA decision letter dated November 9, 2006, FRA denied NJ Transit relief from the Horn Rule requirements, except at certain locations outlined in the decision letter, including four near-side station stops in the Riverton-Palmyra single track corridor at Cinnaminson Avenue, Morgan Avenue, Thomas Avenue, and Main Street.

With this petition submitted in lieu of instituting quiet zones, NJ Transit again is seeking relief from the requirements of the FRA Horn Rule (use of 83 dB bell in lieu of 86dB horn) at seven of nine actively warned highway-rail grade crossings along this 1.4-mile Riverton-Palmyra single track corridor. The driving force behind this request is that the SNJLRT River Line operates 91 weekday trips through this corridor, generating over 800 audible warnings between 6 a.m. and 10 p.m., causing quality of life issues and noise complaints from nearby residents.

Also with this petition, NJ Transit is seeking permission from FRA to modify the temporal separation operating plan

to reflect new Burlington and Camden Subdivisions. The creation of these subdivisions will allow SNJLRT light rail vehicles in a particular subdivision to operate concurrently when Conrail freight trains are either late in clearing tracks in the other subdivision or they report clear for the remainder of the freight window. The subdivisions will be delineated where switches can be reversed and blocked to prevent movements outside each respective subdivision.

All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number FRA-2007-0030) 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 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 19477–19478).

Issued in Washington, DC on January 28, 2008.

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

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

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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.

#### Village of Elmwood Park, Illinois

[Waiver Petition Docket Number FRA-2007-0022]

The Village of Elmwood Park, Illinois (Village) and the Northeastern Illinois Commuter Rail Corporation (Metra) seek a permanent waiver of compliance from a certain provision of the *Use of Locomotive Horns at Highway-Rail Grade Crossings*, 49 CFR Part 222. The Village intends to establish a new partial quiet zone consisting of four public highway-rail at-grade crossings and two pedestrian at-grade crossings. The Village and Metra are seeking a waiver to modify the hours of a new partial quiet zone as provided in 49 CFR Part 222.9, definition of a new partial quiet zone that states that locomotive horns are not routinely sounded between the hours of 10 p.m. and 7 a.m. The waiver petition requests that the time period for the new partial quiet zone is between 10 p.m. and 6 a.m. as recommended by the Illinois Commerce Commission (ICC) to better reflect the existing traffic conditions. The ICC made these comments during a diagnostic team meeting on September 5, 2007, and in a letter to the Village dated September 11, 2007.

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-2007-0022) 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>.

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

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

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket NHTSA-2006-25344]

#### Consumer Information; Rating Program for Child Restraint Systems

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

**ACTION:** Notice, final decision.

**SUMMARY:** In response to Section 14(g) of the Transportation Recall Enhancement, Accountability, and Documentation Act, the National Highway Traffic Safety Administration established a yearly ease of use assessment program for add-on child restraints. Since the program was

established, the most notable improvements have been made to child restraint harness designs, labels, and manuals. On November 23, 2007, the agency published a notice seeking comment on revisions to the program. This notice summarizes the comments received and provides the agency's decision on how we will proceed. The agency has decided to enhance the program by including new rating features (the design aspects that are being evaluated) and criteria (the questions that evaluate the feature), adjusting the scoring system, and using stars to display the ease of use rating. We anticipate that these program changes will result in a more robust rating program for consumers while continuing to encourage manufacturers to refine current features and in some cases, install more features that help make child restraints easier to use.

**FOR FURTHER INFORMATION CONTACT:** For technical issues related to the Ease of Use rating program, you may call Nathaniel Beuse of the Office of Crash Avoidance Standards, at (202) 366-4931. For legal issues, call Deirdre Fujita of the Office of Chief Counsel, at (202) 366-2992. You may send mail to these officials at the National Highway Traffic Safety Administration, 1200 New Jersey Ave., SE., Washington, DC, 20590.

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## I. Introduction

In response to the Transportation Recall Enhancement, Accountability, and Documentation (TREAD)<sup>1</sup> Act, the National Highway Traffic Safety Administration (NHTSA) issued a final rule<sup>2</sup> on November 5, 2002 that established a program that rates child restraint systems (CRS) on how easy they are to use.<sup>3</sup> To date, the agency's Ease of Use (EOU) program has been very successful in encouraging child restraint manufacturers to improve child restraint designs, labels, and manuals such that now nearly all child restraints achieve the top rating. While child restraint manufacturers are to be commended for their overwhelming response to the program, today the ratings are such that it is difficult for consumers to discern ease of use differences between products.

On November 23, 2007, NHTSA published a request for comment on the agency's considered updates to the features and criteria used in the child restraint EOU ratings program, along with the method in which the ratings are displayed to consumers (72 FR 65804, Docket 2006-25344). In proposing these revisions, the agency considered recent consumer use surveys conducted by the agency and others on Lower Anchors and Tethers for Children (LATCH), public comments submitted as a result of NHTSA's February 8, 2007 public meeting on LATCH,<sup>4</sup> a comprehensive study of the agency's EOU program, and feedback from current EOU raters.

Our request for comment highlighted several changes that we believed would encourage consumers to purchase and manufacturers to provide easier to use features, in particular for LATCH hardware and child restraint harnesses. These changes would also allow the agency to begin recognizing newer design features that have entered the market since the program's inception. We also sought to provide continued incentive for manufacturers to design child restraint features that are intuitive and easier to use. We sought comment on proposed changes to the numerical break points (e.g. ranges) used to assign different ratings to the restraints in

<sup>1</sup> Section 14 (g) of the TREAD Act, November 1, 2000, Pub. L. 106-414, 114 Stat. 1800.

<sup>2</sup> 67 FR 67448, Docket NHTSA-2001-10053.

<sup>3</sup> The EOU rating does not compare the crash performance of different child restraints. However, a child restraint is most effective if correctly installed in the vehicle as well as properly adjusted to the child. A child restraint that is easier to use should theoretically have a lower misuse rate.

<sup>4</sup> 72 FR 3103, January 24, 2007. Full transcript can be found in Docket Number NHTSA-2007-26833-23.