

**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.

**Norfolk Southern Corporation**

(Docket Number FRA-2008-0029)

The Norfolk Southern Corporation (NS), seeks a waiver of compliance from certain provisions of the Safety Appliance Standards, 49 CFR Part 231, that requires uncoupling levers on each end of freight cars. Specifically, this request to remove uncoupling levers on thirteen (13) NS owned special equipment cars in rail train service while loading or unloading continuous welded rail throughout the NS system by NS.

NS believes that these welded rail cars can be operated safely with the uncoupling levers removed and couplers immobilized. These welded rail trains are operated as units, and are not switched in yards as conventional freight cars. Due to the nature of moving welded rail, it is highly undesirable for cars to become uncoupled from a safety practice.

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-2008-0029) 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 19477-78).

Issued in Washington, DC, on May 15, 2008.

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

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

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**Association of American Railroads**

(Modification To Waiver Petition Docket Number FRA-1999-5104)

As a modification to the Association of American Railroads (AAR) permanent waiver of compliance with 49 CFR 213.137, AAR is seeking permission from FRA to modify the terms and conditions of its decision letter dated

June 27, 2000, pertaining to flange bearing frogs.

AAR, on behalf of its member railroads, received permission from FRA to install flange bearing frogs in its June 27, 2000, decision letter. FRA granted this relief conditionally, with a requirement for Equipment Inspections at all installations. In a decision letter dated May 3, 2006, AAR received further permission for CSX Transportation to specifically install a flange bearing frog in Shelby, Ohio.

With this petition, AAR is notifying FRA that it's Shelby, Ohio, flange bearing frog installation has been successful, and that the BNSF Railway Company (BNSF) will install 2 additional flange bearing frogs in Moorhead, Minnesota. AAR states, "This inspection requirement is costly and significantly delays the transportation of rail cars undergoing the inspections. In fact, it is because of this inspection requirement that the industry has been slow to install flange bearing frog crossing diamonds under the waiver." Therefore, AAR requests that FRA relieve BNSF of this condition requiring equipment inspections.

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-1999-5104) and may be submitted by any of the following methods:

*Web site:* <http://www.regulations.gov>. Follow the online instructions for submitting comments.

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Issued in Washington, DC, on May 15, 2005.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

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## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

#### Public Transportation on Indian Reservations Program; Tribal Transit Program

**AGENCY:** Federal Transit Administration (FTA), DOT.

**ACTION:** Notice of Funding Availability: Solicitation of Grant Applications for FY 2008 Tribal Transit Program Funds.

**SUMMARY:** This notice announces the availability of Fiscal Year (FY) 2008 funds for the Public Transportation on Indian Reservations Program, a program authorized by the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU), Section 3013 (c). This notice includes a national solicitation for Grant Applications for FY 2008 Tribal Transit Program (TTP) funds to be selected on a competitive basis; the grant terms and conditions that apply to this program; and grant application procedures and selection criteria for FY 2008 projects. The Federal Transit Administration (FTA) expects to have a total of \$12 million for FY 2008. For more information on the program and a list of projects currently funded go to [http://www.fta.dot.gov/funding/grants/grants\\_financing\\_3553.html](http://www.fta.dot.gov/funding/grants/grants_financing_3553.html)

**ADDRESSES:** This announcement is available on the FTA Web site at <http://www.fta.dot.gov>. FTA will post a synopsis of this announcement on the government-wide electronic grants Web site at: <http://www.grants.gov>.

Applicants may submit applications in one of three ways: delivering five hard copies to Federal Transit Administration, 1200 New Jersey Avenue, SE., Washington, DC, 20590 Attention: Lorna R. Wilson; sending by e-mail to [fta.tribalprogram@dot.gov](mailto:fta.tribalprogram@dot.gov), or filing electronically through the grants.gov Web site at <http://www.grants.gov>. Applicants applying by e-mail must fax signature documents to 202–366–7951, Attention: Lorna Wilson. FTA will announce final selections on the Web site and in the **Federal Register**.

**DATES:** Applicants must submit completed applications by August 19, 2008. Anyone intending to apply electronically should initiate the process of registering on the grants.gov site immediately to ensure completion of registration before the deadline for submission. FTA will announce grant selections in the **Federal Register** when the competitive selection process is complete.

Applicants should be aware that materials sent through the U.S. Postal Service are subject to significant delays in delivery due to the security screening process. Use of courier or express delivery services is recommended.

**FOR FURTHER INFORMATION CONTACT:** Contact the appropriate FTA Regional Tribal Liaison (Appendix B) for application-specific information. For general program information, contact Lorna R. Wilson, Office of Transit Programs, at (202) 366–2053, e-mail: [Lorna.Wilson@dot.gov](mailto:Lorna.Wilson@dot.gov). A TDD is available at 1–800–877–8339 (TDD/FIRS).

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#### I. Overview

Section 3013 of SAFETEA–LU, [Pub. L. 109–59 (August 10, 2005)] amended 49 U.S.C. 5311(c) by establishing the Public Transportation on Indian Reservations Program (Tribal Transit Program). This program authorizes direct grants “under such terms and conditions as may be established by the Secretary” to Indian tribes for any purpose eligible under FTA’s Nonurbanized Area Formula Program, 49 U.S.C. 5311. The funding increases from \$8 million in FY 2006 to \$15 million in FY 2009. The Conference Report to SAFETEA–LU indicated that the funds set aside for Indian tribes in the TTP are not meant to replace or reduce funds that Indian tribes receive from States through FTA’s Nonurbanized Area Formula Program. The Catalog of Federal Domestic Assistance (CFDA) number for the program is 20.509.

#### II. Background

Prior to SAFETEA–LU, the Section 5311 program did not include a separate public transit program for tribes. Tribes were eligible under the Section 5311 program only as subrecipients. SAFETEA–LU authorized a TTP and authorized tribes to be direct recipients of Section 5311 Program funds. As expressed in the Conference Report for SAFETEA–LU Congress intended that the funds available for the TTP should not replace or reduce funds tribes receive from States under the Section 5311 program. FTA previously published Notices of Funding Availability for FY 2006 and FY 2007. For more information on the program and a list of projects currently funded go to [http://www.fta.dot.gov/funding/grants/grants\\_financing\\_3553.html](http://www.fta.dot.gov/funding/grants/grants_financing_3553.html).