

needs of people with disabilities. Stakeholders argue that these types of projects do go “beyond the ADA” because they represent transportation services that are not required under the Act or under the U.S. DOT ADA implementing regulations.

Although stakeholders in areas with limited public transportation service can use New Freedom funds to implement new alternatives to public transportation, such as accessible taxis, travel training, and mobility management, many potential recipients have informed FTA that their greatest need is for new fixed route or demand responsive transportation services for people with disabilities.

**Proposed FTA Policy**

FTA proposes that new or expanded fixed route service and new or expanded demand response service would be eligible for New Freedom funding provided that:

- (1) The service is identified in the locally developed, coordinated public transit-human services transportation plan;
- (2) The service is designed to meet the needs of individuals with disabilities;
- (3) The service removes barriers to transportation and assists persons with disabilities with transportation;
- (4) The service was not operational on August 10, 2005, and did not have an identified funding source as of August 10, 2005, as evidenced by inclusion in the Transportation Improvement Program (TIP) or the State Transportation Improvement Program (STIP); and
- (5) The service is not designed to allow an agency to meet its obligations under the ADA or the DOT ADA implementing regulations at 49 CFR parts 37 and 38.

This policy change retains the existing requirement that services under the program be “new” services and adopts the interpretation voiced by transportation providers that transit services other than those that are required to be implemented under the

ADA go “beyond the ADA.” Examples of newly eligible projects would be fixed route service extended to serve a congregate living facility or a workplace serving large numbers of individuals with disabilities; new or expanded demand responsive service, including new hours or days of operation, or increased geographic coverage, to meet the needs of individuals with disabilities. FTA encourages transit providers to include the general public in any service that is added, that is, that providers not create new “silo” transportation that is limited to individuals with disabilities. FTA also notes that expanded fixed route service may result in expanded ADA complementary paratransit service; since the ADA complementary paratransit service is required under the ADA, it would not be eligible for New Freedom funding. All new or expanded fixed route and demand responsive services funded under the New Freedom program will be subject to the requirements of the ADA and DOT ADA implementing regulations.

Issued in Washington, DC, this 15th day of January 2009.

**Severn E.S. Miller,**

*Acting Deputy Administrator.*

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**DEPARTMENT OF TRANSPORTATION**

**Pipeline and Hazardous Materials Safety Administration**

**Office of Hazardous Materials Safety; Notice of Applications for Modification of Special Permit**

**AGENCY:** Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

**ACTION:** List of Applications for Modification of Special Permit.

**SUMMARY:** In accordance with the procedures governing the application for, and the processing of, special

permits from the Department of Transportation’s Hazardous Material Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Safety has received the application described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of application have been shown in earlier **Federal Register** publications, they are not repeated here. Request of modifications of special permits (e.g. to provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc.) are described in footnotes to the application number. Application numbers with the suffix “M” denote a modification request. There applications have been separated from the new application for special permits to facilitate processing.

**DATES:** Comments must be received on or before February 9, 2009.

*Address Comments to:* Record Center, Pipeline and Hazardous Materials Safety Administration U.S. Department of Transportation Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the special permit number.

**FOR FURTHER INFORMATION CONTACT:**

Copies of the applications are available for inspection in the Records Center, East Building, PHH-30, 1200 New Jersey Avenue, Southeast, Washington, DC or at <http://dms.dot.gov>.

This notice of receipt of applications for modification of special permit is published in accordance with Part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on January 14, 2009.

**Delmer F. Billings,**

*Director, Office of Hazardous Materials, Special Permits and Approvals.*

**MODIFICATION SPECIAL PERMIT**

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of special permit thereof
10869-M .....	Norris Cylinder Company, Longview, TX.	49 CFR 173.301(b); 173.302(a)(5); 173.304(a); 175.3.	To modify the special permit to authorize an increase of 2 inches to the length of the cylinder.	
11646-M .....	Bioclean System & Supply, Inc., Moundsview, MN.	49 CFR 173.28(b)(2); 173.150(f)(3)(vii).	To modify the special permit to authorize an additional Class 8 hazardous material and an alternative method of product transfer.	

MODIFICATION SPECIAL PERMIT—Continued

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of special permit thereof
11666-M .....	Alcoa, Inc., Pittsburgh, PA.	49 CFR 173.240(b) .....	To modify the special permit to authorize the addition of intermodal containers and unitizing the electrodes with steel banding to wooden runners or to wooden pallets.	
11818-M .....	Space Systems/Loral, Palo Alto, CA.	49 CFR 180.205 .....	To modify the special permit to authorize the transportation in commerce of a Class 9 material.	
14467-M .....	Brenner Tank, LLC Fond Du Lac, WI.	49 CFR 178.345-2 .....	To modify the special permit to authorize relief from minimum thickness tables for duplex stainless steels used in the construction of DOT-400 series specification cargo tanks.	
14649-M .....	Olin Corporation, Winchester Division, East Alton, IL.	49 CFR 173.62(b), 172.10 1 column (8C), 173.60(b)(8), 172.300 and 172.400.	To modify the special permit to authorize an additional Division 1.4C hazardous material.	

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 BILLING CODE 4909-60-M

**DEPARTMENT OF TRANSPORTATION**

**Pipeline and Hazardous Materials Safety Administration**

**Office of Hazardous Materials Safety; Notice of Application for Special Permits**

**AGENCY:** Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

**ACTION:** List of Applications for Special Permits.

**SUMMARY:** In accordance with the procedures governing the application for, and the processing of, special permits from the Department of

Transportation's Hazardous Material Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Safety has received the application described herein. Each mode of transportation for which a particular special permit is requested is indicated by a number in the 'Nature of Application' portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft.

**DATES:** Comments must be received on or before February 23, 2009.

*Address Comments to:* Record Center, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in

triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the special permit number.

**FOR FURTHER INFORMATION CONTACT:** Copies of the applications are available for inspection in the Records Center, East Building, PHH-30, 1200 New Jersey Avenue, Southeast, Washington, DC or at <http://dms.dot.gov>.

This notice of receipt of applications for special permit is published in accordance with Part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on January 12, 2009.

**Delmer F. Billings,**  
*Director, Office of Hazardous Materials, Special Permits and Approvals.*

**NEW SPECIAL PERMITS**

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of special permits thereof
14796-N .....	.....	Chammas Cutters Inc., Houston, TX.	49 CFR 173.228 .....	To authorize the transportation in commerce of non-DOT specification cylinders containing Bromine trifluoride. (modes 1, 2, 3, 4, 5)
14797-N .....	.....	Department of Energy, Washington, DC.	49 CFR 173.416 and 173.417.	To authorize the continued use of DOT 6M packages for the transportation in commerce of radioactive materials. (mode 1)
14798-N .....	.....	Cymaco NV .....	49 CFR 173.302a(b) and 180.205.	To authorize the ultrasonic examination of certain DOT specification cylinders in lieu of the specified internal visual examination and hydrostatic pressure test and to allow the plus marking without determining the elastic expansion by the water jacket method. (modes 1, 2, 3, 4, 5)
14799-N .....	.....	Takata-Petri CCI .....	49 CFR 173.30 1(a) and 173. 302a.	To authorize the manufacture, marking, sale and use of non-DOT specification cylinders similar to a OT 39 cylinder for use as components of safety systems. (modes 1, 2, 3, 4)