

Issued on: August 4, 2011.

**Larry W. Minor,**

*Associate Administrator for Policy and Program Development.*

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**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket Number FRA-2011-0055]

#### Notification of Petition for Approval; Product Safety Plan

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that by a document dated May 23, 2011, the Marquette Rail, LLC (Marquette) has petitioned the Federal Railroad Administration (FRA) approval of a Product Safety Plan (PSP) submitted pursuant to 49 CFR part 236, subpart H. FRA assigned the petition Docket Number FRA-2011-0055.

Marquette submitted a petition for approval of a PSP for the Railsoft TrackAccess System. The TrackAccess System is a processor-based dispatch system developed to be operated in the autonomous mode (without dispatcher intervention) for low density lines. The system provides a processor-based methodology of requesting and issuing track authority to either qualified train crewmembers or roadway workers, and to do so while significantly improving safety of train operations, roadway workers, and other railway equipment, while also increasing railroad productivity. Marquette asserts the PSP demonstrates that the TrackAccess System has been designed in a highly safe manner, and has been sufficiently tested to verify that fact. The PSP provides descriptions of the TrackAccess System itself.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at <http://www.regulations.gov> and in person at the Department of Transportation's Docket Operations Facility, 1200 New Jersey Ave., SE., W12-140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

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 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 by September 8, 2011 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

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*) or online at <http://www.dot.gov/privacy.html>.

Issued in Washington, DC on August 2, 2011.

**Robert C. Lauby,**

*Deputy Associate Administrator for Regulatory & Legislative Operations.*

[FR Doc. 2011-20194 Filed 8-8-11; 8:45 am]

**BILLING CODE 4910-06-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[Docket No. AB 1073X]

#### Alabama & Florida Railway Co., Inc.—Abandonment Exemption—in Geneva, Coffee, and Covington Counties, Ala.

Alabama & Florida Railway Co., Inc. (A&F) has filed a verified notice of exemption under 49 CFR pt. 1152 subpart F—*Exempt Abandonments* to abandon its line of railroad between milepost 581.3 at Andalusia, Ala., and milepost 624.2 at Geneva, Ala., a distance of 42.9 miles, in Geneva, Coffee and Covington Counties, Ala. The line constitutes A&F's entire rail system and

traverses United States Postal Service Zip Codes 36340, 36420, 36421, 36453, 36467, and 36477.

A&F has certified that: (1) No local traffic has moved over the line for at least 2 years;<sup>1</sup> (2) there is no overhead traffic on the line that has been, or would need to be, rerouted as a result of the proposed abandonment; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7(c) (environmental report), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

Where, as here, the carrier is abandoning a line that constitutes its entire rail system, the Board does not normally impose labor protection under 49 U.S.C. 10502(g), unless the evidence indicates the existence of: (1) A corporate affiliate that will continue substantially similar rail operations; or (2) a corporate parent that will realize substantial financial benefits over and above relief from the burden of deficit operations by its subsidiary railroad. *See Honey Creek R.R.—Aban. Exemption—in Henry Cnty., Ind.*, AB 865X (STB served Aug. 20, 2004); *Wellsville, Addison & Galetton R.R.—Aban. of Entire Line in Potter & Tioga Cntys., Pa.*, 354 I.C.C. 744 (1978); and *Northampton & Bath R.R.—Aban. Near Northampton & Bath Junction in Northampton Cnty, Pa.*, 354 I.C.C. 784 (1978). Because A&F does not appear to have a corporate affiliate or parent that will continue similar operations or that could benefit from the proposed abandonment, employee protection conditions will not be imposed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on September 8, 2011, unless stayed pending reconsideration. Petitions to stay that do not involve environmental

<sup>1</sup> A&F states that during the past 2 years, there has been no local common carrier service provided over the line nor have there been any requests for common carrier service during that period, but portions of the line have been used for purposes of freight car storage. A&F asserts that movement of its empty rail cars for storage does not disqualify A&F from the use of the notice of exemption process to obtain abandonment authority for the line. *See Ind. Sw. Ry.—Aban. Exemption—in Posey and Vanderburgh Cntys., Ind.*, AB 1065X, slip op. at 1 n. 1 (STB served Dec. 23, 2010).