

### Discussion of Comments

FMCSA received one comment in this proceeding. The comment is considered and is discussed below.

One letter of recommendation was received in favor of granting the Federal diabetes exemption to one of the applicants. It was concerning Arthur Webber and it was written by W.J. Williams, who is a manager of the oil department at Meenan Oil in Upper Darby, PA. He said that Mr. Webber is one of his best oil delivery men and one of the safest drivers.

### Conclusion

After considering the comments to the docket and based upon its evaluation of the forty-seven exemption applications, FMCSA exempts Charles A. Adams, Jr., Scott R. Anderson, Richard Bechtel, Robert R. Chase, Dale J. Cleaver, Jeffrey W. Cotner, Todd A. Dean, Dale R. Gansz, Neal J. Gifford, Donald W. Havourd, Sr., Peter D. Jacobs, David A. Kelley, Jeffrey M. King, Milton A. Klise, Jeffrey Knight, Edward V. Kruse, Lee P. Lembke, Dominick T. Mastroni, Ronald S. Mavilla, Derril W. Nunnally, Ronald D. Olson, Robert L. Olson, Terrence V. Parker, Robert L. Pflugler, Jr., William E. Pruett, Jr., Ronald B. Purdum, William C. Rasely, Jr., Maurice E. Ratliff, Sr., Duane C. Rieger, Gregory A. Rigg, Scott L. Shreffler, Henry E. Sisler, Vernon L. Small, Sandra L. Smith, John J. Steigauf, Walter D. Stowman, Thomas C. Torbett, Derrick Underhill, Sr., Paul M. Violette, Antonino S. Vita, Henry B. Walker-Waltz, III, Arthur C. Webber, Scott A. Wertz, Larry D. Williams, Danny R. Wood, and Jeffrey E. Zaniewski from the ITDM standard in 49 CFR 391.41(b)(3), subject to the conditions listed under "Conditions and Requirements" above.

In accordance with 49 U.S.C. 31136(e) and 31315 each exemption will be valid for two years unless revoked earlier by FMCSA. The exemption will be revoked if: (1) the person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315. If the exemption is still effective at the end of the 2-year period, the person may apply to FMCSA for a renewal under procedures in effect at that time.

Issued on: July 31, 2006.

**Rose A. McMurray,**

*Associate Administrator, Policy and Program Development.*

[FR Doc. E6-12848 Filed 8-7-06; 8:45 am]

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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.

#### Capital Metropolitan Transportation Authority

[Docket Number FRA-2006-25040]

Capital Metropolitan Transportation Authority (CMTA), located in Austin, TX, seeks a permanent waiver of compliance from Title 49 of the CFR for operation of a new planned Commuter Rail Service (CRS), partially sharing trackage with the Austin Area Terminal Railroad (AUAR), a common carrier freight railroad. The operation will feature temporal separation of CRS and AUAR operations. CMTA has selected a light rail style, non-FRA compliant Diesel-Multiple Unit (DMU), in order to offer a "one-seat ride" operation on both the shared and light rail-exclusive city street running portions of the system. *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); see also 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 42626 (July 10, 2000).*

CMTA is constructing a 32-mile CRS, (27 miles shared, 5 miles light rail-exclusive) linking the City of Leander, TX, with downtown Austin, TX. CMTA owns the railroad right-of-way, referred to as the Central Sub-division of the AUAR, between MP 55.19DT (Austin) and MP 88.0 (Leander), and will utilize temporal separation of freight and passenger operations on this shared trackage. AUAR provides freight service to on-line customers, as well as interchanges with Union Pacific (UPRR) and BNSF Railway at MP 71.45.

Based on the foregoing, CMTA is seeking waiver of compliance from the provisions of the *Federal Railroad Locomotive Safety Standards*, 49 CFR:

Part 219 Drug and Alcohol; Part 221 Rear End Marking Devices; Part 223 Safety Glazing Standards; Part 225 Accident and Incident Reporting; Part 229 Railroad Locomotive Safety Standards; Part 231 Railroad Safety Appliance Standards; Part 238 Passenger Equipment Safety Standards; Part 239 Passenger Train Emergency Preparedness; Part 240 Qualification and Certification of Locomotive Engineers.

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 communication concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number FRA-2006-25040) and must be submitted to the Docket Clerk, DOT Docket Management Facility, Room PL-401 (Plaza Level), 400 7th Street, SW., Washington, DC 20590. Communications received within 30 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://dms.dot.gov>.

Issued in Washington, DC, on August 1, 2006.

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

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

[FR Doc. E6-12799 Filed 8-7-06; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System or Relief From the Requirements of Title 49 Code of Federal Regulations Part 236

Pursuant to Title 49 Code of Federal Regulations (CFR) Part 235 and 49 U.S.C. 20502(a), the following railroads have petitioned the Federal Railroad

Administration (FRA) seeking approval for the discontinuance or modification of the signal system or relief from the requirements of 49 CFR Part 236 as detailed below.

**Docket Number FRA-2006-25266**

*Applicant:* Union Pacific Railroad Company, Mr. W. E. VanTrump, Assistant Vice President Engineering Maintenance, 1400 Douglas Street, Mail Stop 0910, Omaha, Nebraska 68179.

The Union Pacific Railroad Company (UP) seeks approval of the proposed discontinuance and removal of the traffic control system on UP's Tennessee Pass Subdivision between milepost 341.9, near Dotsero, Colorado (not including Dotsero) and milepost 296.4, near West Belden, Colorado. The project is in connection with a limited reopening of the inactive trackage between MP 334.6 and MP 296.6. The proposed changes consist of the following:

1. Discontinue the use of a total of 46 signals on the Dotsero to West Belden line segment. The heads of the discontinued signals will be turned and bagged, and the signals ultimately removed.

2. The home signal at Dotsero, located on the Tennessee Pass Subdivision at the junction with the Glenwood Springs Subdivision, will remain in service with an operative distant signal installed in accordance with 49 CFR Part 236. Signage stating "End Of CTC" and "Beginning of CTC" will be installed at appropriate locations near Dotsero.

3. Existing power-operated switches within the project limits will be converted to hand-throw switches with reflectorized targets.

4. The existing slide detector fences at mileposts 341.1, 319.1 and 303.7 will be restored to service, and converted to radio talking devices.

5. Train and other movements will be authorized and controlled by Track Warrant Control in accordance with established operating procedures, subject to a maximum operating speed of 25 mph.

6. The four signalized rail/highway grade crossings within the project limits will not be adversely affected by the proposed changes. The grade crossing warning systems on the two rail/highway crossings on the out-of-service portion of the line at Wolcott (S. H. 131), milepost 318.9, and Mintum (YMCA Road), milepost 301.6, will be made operational and compliant with Part 234 before train service is restored on this portion of the line.

The reason given for the proposed changes is that, due to significant changes in traffic and operations, a

signal system is no longer required. Additionally, the signal system on the line segment east of MP 334.6 is not operational, and the system would likely have to be replaced to make it operational.

Any interested party desiring to protest the granting of an application shall set forth specifically the grounds upon which the protest is made, and contain a concise statement of the interest of the party in the proceeding. Additionally, one copy of the protest shall be furnished to the applicant at the address listed above.

All communications concerning this proceeding should be identified by the docket number and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, Room PL-401 (Plaza Level), 400 7th Street, SW., Washington, DC 20590-0001.

Communications received within 45 days of the date of this notice will be considered by the 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://dms.dot.gov>.

FRA wishes to inform all potential commenters that anyone is able to search the electronic form of all 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 you may visit <http://dms.dot.gov>.

FRA expects to be able to determine these matters without an oral hearing. However, if a specific request for an oral hearing is accompanied by a showing that the party is unable to adequately present his or her position by written statements, an application may be set for public hearing.

Issued in Washington, DC on August 1, 2006.

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

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

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**DEPARTMENT OF TRANSPORTATION**

**Federal Railroad Administration**

**Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System or Relief From Requirements**

Pursuant to Title 49 Code of Federal Regulations (CFR) part 235 and 49 U.S.C. 20502(a), the following railroad has petitioned the Federal Railroad Administration (FRA) seeking approval for the discontinuance or modification of the signal system or relief from the requirements of 49 CFR part 236 as detailed below.

*Docket Number:* FRA-2006-25083.

*Applicant:* Union Pacific Railroad, Mr. John C. Estes, Jr., Superintendent Locomotive, 1400 Douglas Stop 1050, Omaha, Nebraska 68179.

The Union Pacific Railroad Company (UP) seeks relief from the requirements of the Rules, Standards and Instructions, Title 49 CFR, part 236, Section 236.588, Periodic test. Specifically, UP is seeking to change the requirement as defined in the Technical Manual for Signal and Train Control Rules which requires disassembly of the receiver bar junction box during periodic inspection.

Applicant's justification for relief: Harmon, the manufacturer of UP's Ultra Cab II equipment does not recommend the removal of the junction box cover, except for replacement of the cab signal discriminators (receiver bars). Electrical qualification and integrity tests are conducted from the LCU ( Logic Control Unit) located in the locomotive cab area. Harmon and UP believe that removing the junction box cover during periodic inspections will, over time, degrade the integrity of the junction box and reduce overall reliability of the Harmon Ultra Cab II equipment.

Any interested party desiring to protest the granting of an application shall set forth specifically the grounds upon which the protest is made, and include a concise statement of the interest of the party in the proceeding. Additionally, one copy of the protest shall be furnished to the applicant at the address listed above.

All communications concerning this proceeding should be identified by the docket number and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, Room PI-401, 400 7th Street, SW., Washington, DC 20590-0001. Communications received within 45 days of the date of this notice will be considered by the FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications