

grandfathered in the exceptions to extraterritorial dispatching contained in FRA's Interim Final Rule (see 66 FR 63942, December 11, 2001).

In this regard, the track segments identified in the Interim Final Rule remains the same as identified above. With respect to the Sprague Subdivision, this is part of a continuous line extending between Rainy River, Ontario, and Navin, Manitoba, Canada, a distance of 145.2 miles, a portion of which cuts across a corner of the State of Minnesota, from the U.S./Canadian border near Baudette, Minnesota (milepost 1.1), and the U.S./Canadian border at a point identified as International Boundary, Minnesota, milepost 44.9, a distance of approximately 43.8 miles. Approximately 15 trains per day are operated over this segment. Each train that traverses this territory is operated by the same crew. The entire Sprague Subdivision is single track and is operated under a Centralized Traffic Control system, controlled from a single dispatching desk at CN's Rail Traffic Control Center in Edmonton, Alberta, Canada. With respect to the Strathroy and Flint Subdivisions, this is part of a continuous line extending between London, Ontario, Canada, and Port Huron, Michigan, a distance of 61.7 miles, a 3.1 mile portion of which is located in the United States.

Approximately 26 trains per day are operated over this segment. Each train that traverses this territory is operated by the same crew. This segment consists of a single track for approximately 1.1 miles, and two main tracks for the remaining 2.0 miles, and is operated under a Centralized Traffic Control system, controlled from a single dispatching desk at CN's Rail Traffic Control Center in Toronto, Ontario, Canada. Dispatching of all trackage of the Sprague Subdivision and the Strathroy and Flint Subdivisions is an entirely English operation and fully dispatched in English. Canadian Rail Operating Rules (CROR) and CN's Timetable and Special Instructions govern train operations on this trackage. CN uses English (or Imperial) units for all aspects of railroad operations, including distance, speed, and location. The CN dispatchers are covered under their company drug and alcohol policies and their dispatching office is under 24-hour security. Transport Canada Rail Safety Directorate has the legislative safety jurisdiction over CN in accordance with the provisions contained in the Railway Safety Act over all federally regulated railways operating in Canada.

Based on the foregoing, CN seeks a permanent waiver of compliance from 49 CFR 241.7(c), *United States Locational Requirements for Dispatching of United States Rail Operations*, to allow the continuation of Canadian dispatching on that part of the Sprague Subdivision located in the United States and on those parts of the Strathroy and Flint Subdivisions located in the United States, as described above.

Interested parties are invited to participate in this proceeding by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with the request for a waiver of certain regulatory provisions. If any interested party desires an opportunity for oral comment, he or she should notify FRA, in writing, before the end of the comment period and specify the basis for his or her request. All communications concerning these proceedings should identify the appropriate docket number (Docket Number FRA 2003-15012) and must be submitted to the DOT Docket Management Facility, Room PL-401 (Plaza level) 400 Seventh Street, SW., Washington, DC 20590. All documents in the public docket, including CN's detailed waiver request, are also available for inspection and copying on the Internet at the docket facility's Web site at <http://dms.dot.gov>. 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 this proceeding are available for examination during regular business hours (9 a.m.-5 p.m.) at the above facility.

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>.

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Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petitions for Waivers of Compliance

In accordance with Title 49 Code of Federal Regulations (CFR) section 211.41, and 49 U.S.C. 20103, this notice is hereby given that the Federal Railroad Administration (FRA) has received a request for a waiver of compliance from certain requirements of its safety regulations. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being sought, and the petitioner's argument in favor of relief.

Canadian Pacific Railway; FRA Waiver Petition No. FRA-2003-15010

Canadian Pacific Railway (CP) located in Montreal, Canada, seeks a permanent waiver of compliance from 49 CFR 241.7(c), *United States Locational Requirements for Dispatching of United States Rail Operations* to allow the continuation of Canadian dispatching of that part of the Windsor Subdivision located in the United States, extending between Windsor, Ontario, Canada, and Detroit, Michigan, approximately 1.8 miles, as defined in appendix A to part 241. This request formalizes the request for waiver requirement contained in part 241, specifically § 241.7(c)(3), which refers to territory that was previously grandfathered in the exceptions to extraterritorial dispatching contained in FRA's Interim Final Rule (see 66 FR 63942, December 11, 2001).

In this regard, the track segment identified in the Interim Final Rule remains the same as identified above. All trains operated into the United States are of very short distances to an interchange point with a U.S. railroad and are always under the control of a single crew. All dispatching is conducted in English. All units of measure are the same as those used in the U.S. Because of the very short distances, all train operations in the U.S. are under the control of a single dispatching desk, located in CP's Network Management Center in Montreal, Quebec, Canada. CP operates approximately 6 to 8 trains a day over this segment. The trackage is operated under a Centralized Traffic Control system and consists of two main tracks for the entire 1.8 mile distance. Movements are governed by the Canadian Rail Operating Rules (CROR) and CP's Timetable and Special Instructions. CP's train dispatchers are covered under their company drug and

alcohol policies and their dispatching office is under 24-hour security. Transport Canada Rail Safety Directorate has the legislative safety jurisdiction over CP in accordance with the provisions contained in the Railway Safety Act over all federally regulated railways operating in Canada.

Based on the foregoing, CP seeks a permanent waiver of compliance from 49 CFR 241.7(c), *United States Locational Requirements for Dispatching of United States Rail Operations*, to allow the continuation of Canadian dispatching on that part of the Windsor Subdivision located in the United States, between Windsor, Ontario, Canada, and Detroit, Michigan, approximately 1.8 miles.

Interested parties are invited to participate in this proceeding by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with the request for a waiver of certain regulatory provisions. If any interested party desires an opportunity for oral comment, he or she should notify FRA, in writing, before the end of the comment period and specify the basis for his or her request. All communications concerning these proceedings should identify the appropriate docket number (Docket Number FRA 2003-15010) and must be submitted to the DOT Docket Management Facility, Room PL-401 (Plaza level) 400 Seventh Street, SW., Washington, DC 20590. All documents in the public docket, including CP's detailed waiver request, are also available for inspection and copying on the Internet at the docket facility's Web site at <http://dms.dot.gov>. 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 this proceeding are available for examination during regular business hours (9 a.m.-5 p.m.) at the above facility.

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>.

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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.

Dakota, Minnesota & Eastern Railroad

[Docket Number FRA-2003-14986]

Dakota, Minnesota & Eastern Railroad (DM&E) seeks a waiver of compliance from the provisions of the *Track Safety Standards*, 49 CFR 213.113(a), regarding defective rails.

The DM&E is petitioning for a waiver which would provide relief from replacing rails that contain bolt hole/rail crack-outs that emanate from the edge of the rail to the bolt hole 'one' location of various rail joint locations.

The petitioner states that rails with bolt-hole/rail crack-outs up to 6" maximum from the end of the rail to the bolt hole 'one' location can be allowed to remain in service as the broken-out piece of rail remains tightly held by the joint bars and thus poses less danger of breaking loose. The petitioner proposes to institute a 10 MPH slow order at these locations as well as schedule daily visual inspections in lieu of constant visual inspection of each operation over that defect (for up to no more than 30 days for any instance) by qualified personnel as per 49 CFR 213.7. If the cracks grow greater than 6" from the edge of rail or the rail section becomes loose, priority will be given to that location for an immediate rail replacement. The petitioner feels that this will enable the DM&E to more efficiently utilize its limited resources.

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 2003-14986) 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 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://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>.

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petitions for Waivers of Compliance

In accordance with title 49 Code of Federal Regulations (CFR) section 211.41 and 49 U.S.C. 20103, this notice is hereby given that the Federal Railroad Administration (FRA) has received a request for a waiver of compliance from certain requirements of its safety regulations. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being