

required to perform the stow and deploy portions of the tests.

\* \* \* \* \*

S7.13.2 Position the platform surface 90 mm  $\pm$  10 mm (3.5 in  $\pm$  0.4 in) above the ground level loading position. Apply 7,117 N (1,600 lbf) to the wheelchair retention device in a direction parallel to both the platform lift and platform reference planes. Attain the force within 1 minute after beginning to apply it.

\* \* \* \* \*

S7.14.1 Perform the test procedures as specified in S7.14.2 through S7.14.4 to determine compliance with S6.5.3.

\* \* \* \* \*

■ 3. Amend § 571.404 by revising S3 and S4.3 and adding S4.1.5 to read as follows:

**§ 571.404 Standard No. 404; Platform lift installations in motor vehicles.**

\* \* \* \* \*

S3. *Application.* This standard applies to motor vehicles equipped with a platform lift designed to carry standing passengers who may be aided by canes or walkers, as well as, persons seated in wheelchairs, scooters and other mobility aids, into and out of the vehicle.

\* \* \* \* \*

S4.1.5 *Platform lighting on public use lifts.* Public use lifts must have a light or a set of lights that provide at least 54 lm/m<sup>2</sup> (5 lm/sqft) of luminance on all portions of the surface of the platform, throughout the range of passenger operation. The luminance on all portions of the surface of the passenger-unloading ramp at ground level must be at least 11 lm/m<sup>2</sup> (1 lm/sqft).

\* \* \* \* \*

S4.3 *Control panel switches.*

\* \* \* \* \*

Issued: September 24, 2004.

Jeffrey W. Runge,  
Administrator.

[FR Doc. 04-21976 Filed 9-30-04; 8:45 am]

BILLING CODE 4910-59-P

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

#### 49 CFR Part 1002

[STB Ex Parte No. 542 (Sub-No. 11)]

#### Regulations Governing Fees for Services Performed in Connection With Licensing and Related Services—2004 Update

AGENCY: Surface Transportation Board, DOT.

**ACTION:** Final rules.

**SUMMARY:** The Board adopts its 2004 User Fee Update and revises its fee schedule to recover the costs associated with the January 2004 Government salary increases and to reflect changes in overhead costs to the Board.

**EFFECTIVE DATE:** These rules are effective October 31, 2004.

**FOR FURTHER INFORMATION CONTACT:** David T. Groves, (202) 565-1551, or Anne Quinlan, (202) 565-1727. [TDD for the hearing impaired: 1-800-877-8339.]

**SUPPLEMENTARY INFORMATION:** The Board's regulations at 49 CFR 1002.3 require that the Board's user fee schedule be updated annually. The regulation at 49 CFR 1002.3(a) provides that the entire fee schedule or selected fees can be modified more than once a year, if necessary. Fees are revised based on the cost study formula set forth at 49 CFR 1002.3(d).

Because Board employees received a salary increase of 4.42% in January 2004, the Board is updating its user fees to recover the increased personnel costs. With certain exceptions, all fees, including those recently adopted or amended in *Regulations Governing Fees For Services Performed In Connection With Licensing And Related Services—2002 New Fees*, STB Ex Parte No. 542 (Sub-No. 4) (STB served Mar. 29, 2004) will be updated based on the cost formula contained in 49 CFR 1002.3(d). In addition, changes to the overhead costs borne by the Board are reflected in the revised fee schedule.

The fee increases adopted here result from the mechanical application of the update formula in 49 CFR 1002.3(d), which was adopted through notice and comment procedures in *Regulations Governing Fees for Services—1987 Update*, 4 I.C.C.2d 137 (1987). No new fees are being proposed in this proceeding. Therefore, the Board finds that notice and comment are unnecessary for this proceeding. See *Regulations Governing Fees For Services—1990 Update*, 7 I.C.C.2d 3 (1990); *Regulations Governing Fees For Services—1991 Update*, 8 I.C.C.2d 13 (1991); and *Regulations Governing Fees For Services—1993 Update*, 9 I.C.C.2d 855 (1993).

The Board concludes that the fee changes adopted here will not have a significant economic impact on a substantial number of small entities because the Board's regulations provide for waiver of filing fees for those entities that can make the required showing of financial hardship.

Additional information is contained in the Board's decision. To obtain a free copy of the full decision, visit the Board's Web site at <http://www.stb.dot.gov> or call the Board's Information Officer at (202) 565-1500. To purchase a copy of the decision, write to, call, e-mail, or pick up in person from ASAP Document Solutions, 9332 Annapolis Road, Suite 103 Lanham, Maryland 20706, (301) 577-2600, [asapdc@verizon.net](mailto:asapdc@verizon.net). [Assistance for the hearing impaired is available through Federal Information Relay Services (FIRS): (800) 877-8339.]

#### List of Subjects in 49 CFR Part 1002

Administrative practice and procedure, Common carriers, Freedom of information, User fees.

Decided: September 24, 2004.

By the Board, Chairman Nober, Vice Chairman Mulvey and Commissioner Buttrey.

Vernon A. Williams,  
Secretary.

■ For the reasons set forth in the preamble, title 49, chapter X, part 1002, of the Code of Federal Regulations is amended as follows:

#### PART 1002—FEES

■ 1. The authority citation for part 1002 continues to read as follows:

**Authority:** 5 U.S.C. 552(a)(4)(A) and 553; 31 U.S.C. 9701 and 49 U.S.C. 721(a).

■ 2. Section 1002.1 is amended by revising paragraphs (a) through (d) and (f)(1); the table in paragraph (g)(6); and paragraph (g)(7) to read as follows:

#### § 1002.1 Fees for record search, review, copying, certification, and related services.

\* \* \* \* \*

(a) Certificate of the Secretary, \$13.00.

(b) Service involved in examination of tariffs or schedules for preparation of certified copies of tariffs or schedules or extracts therefrom at the rate of \$33.00 per hour.

(c) Service involved in checking records to be certified to determine authenticity, including clerical work, etc., incidental thereto, at the rate of \$23.00 per hour.

(d) Photocopies of tariffs, reports, and other public documents, at the rate of \$1.10 per letter or legal size exposure. A minimum charge of \$5.50 will be made for this service.

\* \* \* \* \*

(f) \* \* \*

(1) A fee of \$58.00 per hour for professional staff time will be charged when it is required to fulfill a request for ADP data.

\* \* \* \* \*

(g) * * *		Grade	Rate	(7) The fee for photocopies shall be \$1.10 per letter or legal size exposure with a minimum charge of \$5.50.
(6) * * *				* * * * *
Grade	Rate	GS-7 .....	18.56	
		GS-8 .....	20.56	
		GS-9 .....	22.71	
GS-1 .....	\$9.72	GS-10 .....	25.01	■ 2. In § 1002.2, paragraph (f) is revised as follows:
GS-2 .....	10.59	GS-11 .....	27.47	
GS-3 .....	11.93	GS-12 .....	32.93	
GS-4 .....	13.39	GS-13 .....	39.16	<b>1002.2 Filing fees.</b>
GS-5 .....	14.99	GS-14 .....	46.27	* * * * *
GS-6 .....	16.71	GS-15 and over .....	54.43	(f) <i>Schedule of filing fees.</i>

Type of proceeding	Fee
<b>PART I: Non-Rail Applications or Proceedings to Enter Upon a Particular Financial Transaction or Joint Arrangement</b>	
(1) An application for the pooling or division of traffic .....	\$3,500
(2) (i) An application involving the purchase, lease, consolidation, merger, or acquisition of control of a motor carrier of passengers under 49 U.S.C. 14303 .....	1,600
(ii) A petition for exemption under 49 U.S.C. 13541 (other than a rulemaking) filed by a non-rail carrier not otherwise covered .....	2,600
(iii) A petition to revoke an exemption filed under 49 U.S.C. 13541(d) .....	2,100
(3) An application for approval of a non-rail rate association agreement. 49 U.S.C. 13703 .....	22,100
(4) An application for approval of an amendment to a non-rail rate association agreement:	
(i) Significant amendment .....	3,700
(ii) Minor amendment .....	80
(5) An application for temporary authority to operate a motor carrier of passengers. 49 U.S.C. 14303(i) .....	400
(6) A notice of exemption for transaction within a motor passenger corporate family that does not result in adverse changes in service levels, significant operational changes, or a change in the competitive balance with motor passenger carriers outside the corporate family .....	1,400
(7)–(10) [Reserved].	
<b>PART II: Rail Licensing Proceedings other than Abandonment or Discontinuance Proceedings</b>	
(11) (i) An application for a certificate authorizing the extension, acquisition, or operation of lines of railroad. 49 U.S.C. 10901 .....	5,800
(ii) Notice of exemption under 49 CFR 1150.31–1150.35 .....	1,500
(iii) Petition for exemption under 49 U.S.C. 10502 .....	10,000
(12) (i) An application involving the construction of a rail line .....	59,600
(ii) A notice of exemption involving construction of a rail line under 49 CFR 1150.36 .....	1,500
(iii) A petition for exemption under 49 U.S.C. 10502 involving construction of a rail line .....	59,600
(iv) A request for determination of a dispute involving a rail construction that crosses the line of another carrier under 49 U.S.C. 10902(d) .....	200
(13) A Feeder Line Development Program application filed under 49 U.S.C. 10907(b)(1)(A)(i) or 10907(b)(1)(A)(ii) .....	2,600
(14) (i) An application of a class II or class III carrier to acquire an extended or additional rail line under 49 U.S.C. 10902 ....	4,900
(ii) Notice of exemption under 49 CFR 1150.41–1150.45 .....	1,500
(iii) Petition for exemption under 49 U.S.C. 10502 relating to an exemption from the provisions of 49 U.S.C. 10902 .....	5,300
(15) A notice of a modified certificate of public convenience and necessity under 49 CFR 1150.21–1150.24 .....	1,300
(16)–(20) [Reserved].	
<b>PART III: Rail Abandonment or Discontinuance of Transportation Services Proceedings</b>	
(21) (i) An application for authority to abandon all or a portion of a line of railroad or discontinue operation thereof filed by a railroad (except applications filed by Consolidated Rail Corporation pursuant to the Northeast Rail Service Act [Subtitle E of Title XI of Pub. L. 97–35], bankrupt railroads, or exempt abandonments) .....	17,700
(ii) Notice of an exempt abandonment or discontinuance under 49 CFR 1152.50 .....	3,000
(iii) A petition for exemption under 49 U.S.C. 10502 .....	5,000
(22) An application for authority to abandon all or a portion of a line of a railroad or operation thereof filed by Consolidated Rail Corporation pursuant to Northeast Rail Service Act .....	350
(23) Abandonments filed by bankrupt railroads .....	1,500
(24) A request for waiver of filing requirements for abandonment application proceedings .....	1,400
(25) An offer of financial assistance under 49 U.S.C. 10904 relating to the purchase of or subsidy for a rail line proposed for abandonment .....	1,200
(26) A request to set terms and conditions for the sale of or subsidy for a rail line proposed to be abandoned .....	18,000
(27) (i) A request for a trail use condition in an abandonment proceeding under 16 U.S.C.1247(d) .....	200
(ii) A request to extend the period to negotiate a trail use agreement .....	350
(28)–(35) [Reserved].	
<b>PART IV: Rail Applications to Enter Upon a Particular Financial Transaction or Joint Arrangement</b>	
(36) An application for use of terminal facilities or other applications under 49 U.S.C. 11102 .....	15,100
(37) An application for the pooling or division of traffic. 49 U.S.C. 11322 .....	8,200
(38) An application for two or more carriers to consolidate or merge their properties or franchises (or a part thereof) into one corporation for ownership, management, and operation of the properties previously in separate ownership 49 U.S.C. 11324:	
(i) Major transaction .....	1,191,400

Type of proceeding	Fee
(ii) Significant transaction .....	238,200
(iii) Minor transaction .....	6,200
(iv) Notice of an exempt transaction under 49 CFR 11802(d) .....	1,400
(v) Responsive application .....	6,200
(vi) Petition for exemption under 49 U.S.C. 10502 .....	7,500
(vii) A request for waiver or clarification of regulations filed in a major financial proceeding as defined at 49 CFR 1180.2(a) .....	4,400
(39) An application of a non-carrier to acquire control of two or more carriers through ownership of stock or otherwise 49 U.S.C. 11324:	
(i) Major transaction .....	1,191,400
(ii) Significant transaction .....	238,200
(iii) Minor transaction .....	6,200
(iv) A notice of an exempt transaction under 49 CFR 11802(d) .....	1,100
(v) Responsive application .....	6,200
(vi) Petition for exemption under 49 U.S.C. 10502 .....	7,500
(vii) A request for waiver or clarification of regulations filed in a major financial proceeding as defined at 49 CFR 1180.2(a) .....	4,400
(40) An application to acquire trackage rights over, joint ownership in, or joint use of any railroad lines owned and operated by any other carrier and terminals incidental thereto 49 U.S.C. 11324: .....	
(i) Major transaction .....	1,191,400
(ii) Significant transaction .....	238,200
(iii) Minor transaction .....	6,200
(iv) Notice of an exempt transaction under 49 CFR 1180.2(d) .....	1,000
(v) Responsive application .....	6,200
(vi) Petition for exemption under 49 U.S.C. 10502 .....	7,500
(vii) A request for waiver or clarification of regulations filed in a major financial proceeding as defined at 49 CFR 1180.2(a) .....	4,400
(41) An application of a carrier or carriers to purchase, lease, or contract to operate the properties of another, or to acquire control of another by purchase of stock or otherwise 49 U.S.C. 11324: .....	
(i) Major transaction .....	1,191,400
(ii) Significant transaction .....	238,200
(iii) Minor transaction .....	6,200
(iv) Notice of an exempt transaction under 49 CFR 1180.2(d) .....	1,100
(v) Responsive application .....	6,200
(vi) Petition for exemption under 49 U.S.C. 10502 .....	5,300
(vii) A request for waiver or clarification of regulations filed in a major financial proceeding as defined at 49 CFR 1180.2(a) .....	4,400
(42) Notice of a joint project involving relocation of a rail line under 49 CFR 1180.2(d)(5) .....	1,900
(43) An application for approval of a rail rate association agreement 49 U.S.C. 10706 .....	55,700
(44) An application for approval of an amendment to a rail rate association agreement 49 U.S.C. 10706:	
(i) Significant amendment .....	10,300
(ii) Minor amendment .....	80
(45) An application for authority to hold a position as officer or director under 49 U.S.C. 11328 .....	600
(46) A petition for exemption under 49 U.S.C. 10502 (other than a rulemaking) filed by rail carrier not otherwise covered .....	6,400
(47) National Railroad Passenger Corporation (Amtrak) conveyance proceeding under 45 U.S.C. 562 .....	200
(48) National Railroad Passenger Corporation (Amtrak) compensation proceeding under Section 402(a) of the Rail Passenger Service Act .....	200
(49)–(55) [Reserved].	

**PART V: Formal Proceedings**

(56) A formal complaint alleging unlawful rates or practices of carriers:	
(i) A formal complaint filed under the coal rate guidelines (Stand-Alone Cost Methodology) alleging unlawful rates and/or practices of rail carriers under 49 U.S.C. 10704(c)(1) .....	66,600
(ii) A formal complaint involving rail maximum rates filed under the small rate case procedures .....	150
(iii) All other formal complaints (except competitive access complaints) .....	6,600
(iv) Competitive access complaints .....	150
(v) A request for an order compelling a rail carrier to establish a common carrier rate .....	200
(57) A complaint seeking or a petition requesting institution of an investigation seeking the prescription or division of joint rates or charges. 49 U.S.C. 10705. ....	7,000
(58) A petition for declaratory order:	
(i) A petition for declaratory order involving a dispute over an existing rate or practice which is comparable to a complaint proceeding .....	1,000
(ii) All other petitions for declaratory order .....	1,400
(59) An application for shipper antitrust immunity. 49 U.S.C. 10706(a)(5)(A) .....	5,600
(60) Labor arbitration proceedings .....	200
(61) (i) An appeal of a Surface Transportation Board decision on the merits or petition to revoke an exemption pursuant to 49 U.S.C. 10502(d) .....	200
(ii) An appeal of a Surface Transportation Board decision on procedural matters except discovery rulings .....	300
(62) Motor carrier undercharge proceedings .....	200
(63) (i) Expedited relief for service inadequacies: A request for expedited relief under 49 U.S.C. 11123 and 49 CFR part 1146 for service emergency .....	200
(ii) Expedited relief for service inadequacies: A request for expedited relief under 49 U.S.C. 10705 and 11102, and 49 CFR part 1147 for service inadequacies .....	200

Type of proceeding	Fee
(64) A request for waiver or clarification of regulations except one filed in an abandonment or discontinuance proceeding, or in a major financial proceeding as defined at 49 CFR 1180.2(a) .....	450
(65)–(75) [Reserved].	

**PART VI: Informal Proceedings**

(76) An application for authority to establish released value rates or ratings for motor carriers and freight forwarders of household goods under 49 U.S.C. 14706 .....	950
(77) An application for special permission for short notice or the waiver of other tariff publishing requirements .....	100
(78) The filing of tariffs, including supplements, or contract summaries .....	<sup>1</sup> 1
(79) Special docket applications from rail and water carriers:	
(i) Applications involving \$25,000 or less .....	50
(ii) Applications involving over \$25,000 .....	100
(80) Informal complaint about rail rate applications .....	450
(81) Tariff reconciliation petitions from motor common carriers:	
(i) Petitions involving \$25,000 or less .....	50
(ii) Petitions involving over \$25,000 .....	100
(82) Request for a determination of the applicability or reasonableness of motor carrier rates under 49 U.S.C. 13710(a)(2) and (3) .....	150
(83) Filing of documents for recordation. 49 U.S.C. 11301 and 49 CFR 1177.3(c). .....	<sup>2</sup> 32
(84) Informal opinions about rate applications (all modes) .....	200
(85) A railroad accounting interpretation .....	900
(86) (i) A request for an informal opinion not otherwise covered .....	1,100
(ii) A proposal to use on a voting trust agreement pursuant to 49 CFR 1013 and 49 CFR 1180.4(b)(4)(iv) in connection with a major control proceeding as defined at 49 CFR 1180.2(a) .....	4,000
(iii) A request for an informal opinion on a voting trust agreement pursuant to 49 CFR 1013(a) not otherwise covered ...	400
(87) Arbitration of Certain Disputes Subject to the Statutory Jurisdiction of the Surface Transportation Board under 49 CFR 1108:	
(i) Complaint .....	75
(ii) Answer (per defendant), Unless Declining to Submit to Any Arbitration .....	75
(iii) Third Party Complaint .....	75
(iv) Third Party Answer (per defendant), Unless Declining to Submit to Any Arbitration .....	75
(v) Appeals of Arbitration Decisions or Petitions to Modify or Vacate an Arbitration Award .....	150
(88) Basic fee for STB adjudicatory services not otherwise covered .....	200
(89)–(95) [Reserved].	

**PART VII: Services**

(96) Messenger delivery of decision to a railroad carrier's Washington, DC, agent .....	<sup>3</sup> 25
(97) Request for service or pleading list for proceedings .....	<sup>4</sup> 19
(98) Processing the paperwork related to a request for the Carload Waybill Sample to be used in a Surface Transportation Board or State proceeding that:	
(i) Does not require a FEDERAL REGISTER notice:	
(a) Set cost portion .....	100
(b) Sliding cost portion .....	<sup>5</sup> 37
(ii) Does require a FEDERAL REGISTER notice:	
(a) Set cost portion .....	350
(b) Sliding cost portion .....	<sup>5</sup> 37
(99) (i) Application fee for the Surface Transportation Board's Practitioners' Exam .....	150
(ii) Practitioners' Exam Information Package .....	25
(100) Uniform Railroad Costing System (URCS) software and information:	
(i) Initial PC version URCS Phase III software program and manual .....	50
(ii) Updated URCS PC version Phase III cost file—per year .....	<sup>6</sup> 25
(iii) Public requests for <i>Source Codes</i> to the PC version URCS Phase III .....	100
(101) Carload Waybill Sample data on recordable compact disk (R-CD):	
(i) Requests for Public Use File on R-CD—per year .....	<sup>6</sup> 250
(ii) Waybill—Surface Transportation Board or State proceedings on R-CD—per year .....	<sup>6</sup> 500
(iii) User Guide for latest available Carload Waybill Sample .....	50
(iv) Specialized programming for Waybill requests to the Board .....	<sup>7</sup> 87

<sup>1</sup> Per page. (\$19 minimum change.)<sup>2</sup> Per document.<sup>3</sup> Per delivery.<sup>4</sup> Per list.<sup>5</sup> Per party.<sup>6</sup> Per year.<sup>7</sup> Per hour.

\* \* \* \* \*

[FR Doc. 04–21984 Filed 9–30–04; 8:45 am]

BILLING CODE 4915–01–P