

with all applicable Federal motor vehicle safety standards, including those for which dynamic crash testing is prescribed.

By submitting the petition at issue, AAS is requesting that NHTSA reevaluate this policy for an RHD vehicle that is manufactured in the same plant, and on the same assembly line, as its U.S.-certified counterpart. In processing this petition, we have decided that a comment period of 45 days is necessary to afford interested parties an opportunity to respond to the issues that it raises. We are particularly interested in comments concerning the likelihood that the RHD vehicle at issue, which is assembled on the same assembly line as its U.S.-certified LHD counterpart, would, by virtue of that fact, perform the same as the U.S.-certified vehicle in dynamic crash tests as well as crash avoidance tests.

Comments should refer to the docket number and be submitted to: Docket Management, Room PL-401, 400 Seventh St., SW., Washington, DC 20590. (Docket hours are from 9 a.m. to 5 p.m.) It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

**Authority:** 49 U.S.C. 30141(a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

**Claude H. Harris,**

*Director, Office of Vehicle Safety Compliance.*

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 34526]

#### Union Pacific Railroad Company— Trackage Rights Exemption—The Burlington Northern and Santa Fe Railway Company

The Burlington Northern and Santa Fe Railway Company (BNSF) has agreed to a modified trackage rights agreement governing Union Pacific Railroad Company's (UP) <sup>1</sup> overhead trackage

rights over a BNSF line of railroad between BNSF milepost 1406.3 near Dover, ID, and BNSF milepost 1402.41 near Sandpoint, ID, including to ES 49+88.2, a total distance of approximately 5.24 miles.<sup>2</sup> The modified agreement will change the compensation and maintenance terms of an existing 1992 Agreement.

The transaction was scheduled to be consummated on July 30, 2004.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). If it contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34526, must be filed with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Robert T. Opal, General Commerce Counsel, 1400 Douglas Street, Stop 1580, Omaha, NE 68179.

Board decisions and notices are available on our Web site at <http://www.stb.dot.gov>.

Decided: August 6, 2004.

By the Board, David M. Konschnik,  
Director, Office of Proceedings.

**Vernon A. Williams,**

*Secretary.*

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Docket No. AB-307 (Sub-No. 5X)]

#### Wyoming and Colorado Railroad Company, Inc.—Abandonment Exemption—in Carbon County, WY

On July 23, 2004, Wyoming and Colorado Railroad Company, Inc. (WYCO) filed with the Board a petition under 49 U.S.C. 10502 for exemption

UP filed a copy of the final agreement, dated July 30, 2004, as executed by the parties.

<sup>2</sup> The trackage rights were originally exempted in *Union Pacific Railroad Company and Burlington Northern Railroad Company—Joint Relocation Project Exemption*, Finance Docket No. 32081 (ICC served July 2, 1992).

from the provisions of 49 U.S.C. 10903 to abandon a 23.71-mile line of railroad between milepost 0.57, near Walcott and milepost 24.28, at Saratoga, in Carbon County, WY. The line traverses United States Postal Service Zip Codes 82331 and 82335 and includes no stations.

The line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

The interests of railroad employees will be protected by the conditions set forth in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

By issuance of this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by November 10, 2004.

Any offer of financial assistance (OFA) under 49 CFR 1152.27(b)(2) will be due no later than 10 days after service of a decision granting the petition for exemption. Each OFA must be accompanied by a \$1,100 filing fee. See 49 CFR 1002.2(f)(25).

All interested persons should be aware that, following abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use. Any request for a public use condition under 49 CFR 1152.28 or for trail use/rail banking under 49 CFR 1152.29 will be due no later than September 1, 2004. Each trail use request must be accompanied by a \$200 filing fee. See 49 CFR 1002.2(f)(27).

All filings in response to this notice must refer to STB Docket No. AB-307 (Sub-No. 5X) and must be sent to: (1) Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001, and (2) Karl Morell, Of Counsel, Ball Janik LLP, 1455 F Street, NW., Suite 225, Washington, DC 20005. Replies to the WYCO petition are due on or before September 1, 2004.

Persons seeking further information concerning abandonment procedures may contact the Board's Office of Public Services at (202) 565-1592 or refer to the full abandonment or discontinuance regulations at 49 CFR part 1152.

Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis (SEA) at (202) 565-1539. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339.]

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by SEA will be served upon all parties of record and

<sup>1</sup> UP submitted, as Exhibit 2 to the notice of exemption, a draft agreement. On August 5, 2004,