

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: September 25, 2008.

Larry W. Minor,

Associate Administrator for Policy and Program Development.

[FR Doc. E8-24380 Filed 10-14-08; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Notice of Closing of Funding Availability and Request for Comments for the Capital Assistance to States—Intercity Passenger Rail Service Program for Fiscal Year 2008

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Closing of Funding Availability and Request for Comments.

SUMMARY: On February 19, 2008, FRA issued a Notice of Funding Availability and Solicitation of Applications for the Capital Assistance to States—Intercity Passenger Rail Service Program for Fiscal Year (FY) 2008. On September 30, 2008, DOT announced the selection of awardees for the available FY 2008 funding. Therefore, FRA is now announcing that it will no longer be accepting applications for awards of the FY 2008 funding. FRA is also requesting, in preparation for a possible FY 2009 Notice of Funding Availability and Solicitation of Applications, that past and prospective applicants (or associations representing past and prospective applicants) submit comments regarding their experience with the program and suggestions for possible improvements.

DATES: Comments should be submitted no later than December 5, 2008.

ADDRESSES: Past and prospective applicants (or associations representing past and prospective applicants) may submit comments identified by the docket number FRA-2008-0115 by any of the following methods:

- **Federal eRulemaking Portal:** <http://www.regulations.gov>. Follow the instructions for submitting comments.

- **Mail:** U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

- **Hand Delivery:** U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

- **Fax:** 1-202-493-2251.

Instructions: All submissions must include the agency name and docket number (FRA-2008-0115) for this program. Note that all comments received will be posted, without change, to <http://www.regulations.gov>, including any personal information. Please see the Privacy Act heading in the **SUPPLEMENTARY INFORMATION** section of this document for Privacy Act information related to any submitted comments or materials. Internet users may access comments received by DOT at <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: Peter Schwartz, Office of Railroad Development (RDV-11), Federal Railroad Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590. Phone: (202) 493-6360; Fax: (202) 493-6330.

SUPPLEMENTARY INFORMATION: FRA anticipates that it will publish during the second quarter of FY 2009 a Notice of Funding Availability and Solicitation of Applications for the Capital Assistance to States—Intercity Passenger Rail Service Program for funding made available for FY 2009. In preparation for such an announcement, FRA is requesting that past and prospective applicants submit comments regarding their experience with the program during FY 2008 and their suggestions for possible improvements. Those interested in submitting comments should do so by the methods specified in the **ADDRESSES** heading above no later than December 5, 2008.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of FRA's dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of a State, association, business, or labor union). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78), or you may visit <http://DocketsInfo.dot.gov>.

Issued in Washington, DC, on October 8, 2008.

Mark E. Yachmetz,

Associate Administrator for Railroad Development.

[FR Doc. E8-24524 Filed 10-14-08; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA-2008-0009, Notice No. 4]

Declaration of Emergency Event

AGENCY: Federal Railroad Administration, Department of Transportation.

ACTION: Notice of declaration of emergency event.

SUMMARY: On September 26, 2008, the Administrator of the Federal Railroad Administration (FRA) determined that the impending landfall of tropical storm Kyle on the coast of the United States and the potential of that storm to reach hurricane status constituted an emergency event as related to railroad operations. Accordingly, the Administrator activated the Emergency Relief Docket. This document provides notice of the Administrator's determination.

SUPPLEMENTARY INFORMATION: On September 26, 2008, the Administrator of FRA determined that the impending landfall of tropical storm Kyle on the coast of the United States and that potential of that storm to reach hurricane status constituted an emergency event pursuant to Title 49 Code of Federal Regulations (CFR) Part 211.45(c) and that public safety required the implementation of FRA's emergency waiver rule directly related to the emergency. Accordingly, the Administrator activated the Emergency Relief Docket (Docket Number FRA-2008-0009) and in accordance with 49 CFR Part 211.45(g), petitions received in that docket pursuant to this emergency event will be handled according to the requirements of 49 CFR Part 211.45(g)-(j).

Interested parties are reminded that the procedures in 49 CFR Part 211.45 provide for expedited review and processing of emergency waiver petitions. Accordingly, in accordance with 49 CFR Part 211.45(h), any person wishing to comment on petitions for emergency waivers should submit their comments to the docket within 72 hours from the close of business on the day that the petition is posted in the public docket. Any person desiring a public