

DEPARTMENT OF TRANSPORTATION**Federal Railroad Administration****Petition for Waiver of Compliance**

In accordance with Title 49 Code of Federal Regulations (CFR), Parts 211.9 and 211.41 notice is hereby given that the Federal Railroad Administration (FRA) has received a request to expand an existing waiver of compliance from certain requirements of Federal railroad safety regulations. The individual petition is described below, including the parties seeking the extension, the nature of the extension being requested and the petitioner's arguments in favor of relief.

Burlington Northern and Santa Fe Railway Company

[Docket Number FRA-2003-15432]

The Burlington Northern and Santa Fe Railway Company (BNSF) seeks permission to expand the current Electronic Train Management System (ETMS) waiver granted on June 23, 2004, into another area of their rail network. The extension of this pilot will allow BNSF to further demonstrate the objectives of ETMS on different track configurations and operational scenarios. This extension will also allow BNSF to demonstrate the ETMS technology with denser traffic patterns and give BNSF the potential to test interoperability with other railroads.

The ETMS pilot project on the Beardstown subdivision is currently in the third phase of the FRA waiver that was granted on June 23, 2004. To date, BNSF has operated nearly 1700 ETMS-activated trains over this pilot test area. BNSF has conducted over five hundred tests in cooperation with the FRA Office of Safety that have successfully demonstrated the objectives that are feasible in the first pilot test area. BNSF is prepared to continue the testing and demonstration of the ETMS technology in other areas of their rail network that will allow them to further demonstrate the safety and operational benefits that the rail industry can derive from this technology.

The ETMS expansion will be tested and demonstrated on the BNSF's Fort Worth subdivision between Fort Worth, Texas, milepost 346.67 and Gainesville, Texas, milepost 411.3. In addition, the system will be tested and demonstrated on the Red Rock subdivision between Gainesville, Texas, milepost 411.3X and Arkansas City, Kansas, milepost 264.11. The combined distance of the test territory is 329 miles. The present method of operation on the BNSF is Centralized Traffic Control. The total

trains are approximately 25 per day, 21 BNSF trains, 2 Amtrak trains, and 2 Union Pacific Railroad trains.

BNSF is currently developing an installation, test, and implementation plan for this second pilot test area. BNSF's present implementation guidelines would follow the same methodologies as previously used in the Beardstown test area with regards to personnel training and the testing of the test area's unique components such as grade, track configuration, and track database. In addition, BNSF's plan for this area would include a phased methodology as was done in the Beardstown test area where Phase 1 included no enforcement with ETMS active, Phase 2 included enforcement with ETMS active, and Phase 3 is a continuance of Phase 2 with some relief from detail reporting. This approach has proven to be productive and comprehensive.

The expansion would begin with wayside and locomotive equipment installation in the beginning of 2006. Upon completion of the wayside installation, the track database verification and locomotive testing would commence. Finally, the phased revenue demonstration would begin upon the successful completion of the verification and validation testing.

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 communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number FRA-2003-15432) and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, Room PL-401, Washington, DC, 20590-0001. 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>.

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). The Statement may also be found at <http://dms.dot.gov>.

Issued in Washington, DC on December 15, 2005.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. E5-7565 Filed 12-19-05; 8:45 am]

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DEPARTMENT OF TRANSPORTATION**Federal Railroad Administration**

[Docket Number FRA-2005-23226]

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 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.

Applicant: Burlington Northern and Santa Fe Railway, Mr. Ralph E. Young, Director Signal Engineering, 4515 Kansas Avenue, Kansas City, Kansas 66106-1199.

The Burlington Northern and Santa Fe Railway (BNSF) seeks relief from the requirements of the Rules, Standard and Instructions, Title 49 CFR, Part 236, Section 236.312, on the Hannibal Bridge, milepost 0.95, in Kansas City, Missouri, on the Nebraska Division, St. Joseph Subdivision, as follows:

1. BNSF requests relief to the extent that they be allowed to use a modified easer bar inspection and test procedure to determine compliance with the rail surface and alignment requirements. The modified procedure uses 5/8 inch as the acceptable tolerance for the amount of easer bar/casting play.

2. BNSF requests relief from the requirement that bridge locking members must be detected within one inch of their proper positions, to the extent that they be permitted to continue using an alternate method of

detecting proper swing span seating than that described in the FRA's Technical Manual.

Applicant's justification for relief: BNSF fully expects the actual rail surface and alignment to be maintained within the 3/8 inch required by 236.312; however, BNSF's Bridge Engineers feel that additional easer bar clearance is needed to reliably operate this bridge because of its particular design. The Hannibal Bridge does not have wedges or rollers, and instead has end lifts on each corner of the swing span. BNSF has installed, at great expense, a rather elaborate mechanical proximity sensor device, near the deck level at each of the four corners of the bridge, to detect that the bridge is properly seated. While this approach to detecting locking is not the same as described in the FRA's Technical Manual, BNSF's Bridge Engineers believe it accurately detects when the swing span is properly seated, clearly the intent of the rule. These devices are designed to detect that all four corners are within 3/8 inch of the proper seated position vertically and, on two of the corners, within 3/8 inch of proper horizontal alignment. BNSF respectfully submits that while the method of detecting bridge locking and rail surface/alignment on their Hannibal Bridge might not be conventional or familiar, it is completely safe and complies with the intent of 49 CFR 236.312.

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, 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 December 15, 2005.

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 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 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-2005-23065]

Applicant: Canadian Pacific Railway, Mr. Robert R. Otis, Manager Signal and Communication, Metro 94 Business Center, 425 Etna Street—Suite 38, St. Paul, Minnesota 55106.

The Canadian Pacific Railway seeks approval of the proposed modification of the traffic control system, at milepost 3.22, just west of Lyndale Avenue, on the Paynesville Subdivision, near Minneapolis, Minnesota, consisting of the discontinuance and removal of the power-operated derail. The proposed change is associated with a plan to install a new stand-alone remote-controlled derail, just outside the actual yard tracks, at milepost 3.65.

The reason given for the proposed changes is due to safety concerns about the derail's location and operation.

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 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 December 15, 2005.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-04-18765]

Frontal New Car Assessment Program

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).