

**Railserve Inc.**

[Docket Number FRA-2008-0138]

The Railserve Inc. (RASX) of Atlanta, Georgia, has petitioned for a permanent waiver of compliance for fifteen (15) locomotives from the requirements of the Railroad Safety Glazing Standards, Title 49 CFR Part 223, which requires certified glazing in all windows. The reporting marks on these locomotives are RASX 5487, RASX 1078, RASX 2460, RASX 2558, RASX 8959, RASX 5489, RASX 5077, RASX 1037, RASX 356, RASX 4487, RASX 4489, RASX 8999, RASX 103, RPRY 2402, and LTEX 2503.

These locomotives are used in switching operations inside the DOW A & B Chemical Plants in Freeport, Texas. The switching operations involve interchange with the Union Pacific Railroad Company for inbound and outbounds only on the trackage that is less than ¼ mile long. RASX states that there is no history of vandalism at the DOW A & B Chemical Plants in Freeport, Texas, and that all of the locomotives are parked inside the plants at all times. The top speed of operations is 5 miles per hour. RASX has stated that to install glass at FRA specifications would be cost prohibitive.

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-2008-0138) and may be submitted by any of the following methods:

- **Web site:** <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- **Fax:** 202-493-2251.
- **Mail:** Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., W12-140, Washington, DC 20590.
- **Hand Delivery:** 1200 New Jersey Avenue, SE., Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

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://www.regulations.gov>.

Anyone is able to search the electronic form of any written communications and 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).

Issued in Washington, DC on March 26, 2009.

**Grady C. Cothen, Jr.,**

*Deputy Associate Administrator for Safety Standards and Program Development.*

[FR Doc. E9-7247 Filed 3-31-09; 8:45 am]

**BILLING CODE 4910-06-P**

**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.

**SMS Rail Service**

[Docket Number FRA-2009-0018]

The SMS Rail Service (SMS Lines) of Bridgeport, New Jersey, has petitioned for a permanent waiver of compliance for three locomotives (SLRS 304, SLRS 305 and SLRS 306) from the requirements of the Railroad Safety Glazing Standards, Title 49 CFR Part 223, which requires certified glazing in all windows. The locomotives are in good condition with no defective glass. SMS Lines operates these locomotives in back-up service within the Pureland Industrial Park in Bridgeport, NJ, and the Valero Refinery in Paulsboro, NJ. There has been no history of broken glass at these locations and there are no overhead bridges or tunnels. The maximum operating speed is 10 miles

per hour. SMS Lines states that they plan to upgrade all three locomotives to FRA Safety Glazing Standards as and when these locomotives are overhauled and repaired. SMS Lines is, therefore, seeking interim relief from the FRA Safety Glazing Standards.

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-2009-0018) and may be submitted by any of the following methods:

- **Web site:** <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- **Fax:** 202-493-2251.
- **Mail:** Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., W12-140, Washington, DC 20590.
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**Grady C. Cothen, Jr.,**

*Deputy Associate Administrator for Safety Standards and Program Development.*

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**BILLING CODE 4910-06-P**

## 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.

#### Sunflour Railroad Inc./Denver Rock Island Railroad

[Docket Number FRA-2003-15513]

The Sunflour Railroad Inc./Denver Rock Island Railroad (SNR) of Commerce City, Colorado, has petitioned for a permanent waiver of compliance for one locomotive (SNR 61) from the requirements of the Railroad Safety Glazing Standards, Title 49 CFR Part 223, which require certified glazing in all windows. The locomotive is equipped with automotive type safety glass that is in good condition with no discoloration. SNR operates over 26.3 miles of excepted track in primarily rural territory at speeds not exceeding 10 miles per hour. There has been no instances of vandalism from the time the original waiver was granted in 2003. As stated in their original petition for waiver in 2003, SNR states that the expense of retrofitting the locomotive to comply with FRA Safety Glazing Standards would impose an undue financial burden on the company to protect against situations they do not encounter.

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-2003-15513) and may be submitted by any of the following methods:

- *Web site:* <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- *Fax:* 202-493-2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., W12-140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue, SE., Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

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://www.regulations.gov>.

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Issued in Washington, DC on March 26, 2009.

**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-2008-0178]

#### Amendments to Highway Safety Program Guidelines

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

**ACTION:** Revisions to highway safety program guidelines.

**SUMMARY:** Section 402 of title 23 of the United States Code requires the Secretary of Transportation to promulgate uniform guidelines for State highway safety programs.

This notice revises five of the existing guidelines and adds a new one to reflect program methodologies and approaches that have proven to be successful and are based on sound science and program administration. The revised guidelines are Guideline No. 4 Driver Education; Guideline No. 5 Non-Commercial Driver Licensing; Guideline No. 7 Judicial and Court Services; Guideline No. 10 Traffic Records; and Guideline No. 17 Pupil Transportation. The new guideline is Guideline No. 12 Prosecutor Training.

**DATES:** The revised guidelines become effective as of the date of publication of this document in the **Federal Register**.

#### FOR FURTHER INFORMATION CONTACT:

Susan Kirinich, Research and Program Development, NTI-100, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590; *Telephone:* 202-366-1755; *Fax:* 202-366-7721.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

Section 402 of title 23 of the United States Code requires the Secretary of Transportation to promulgate uniform guidelines for State highway safety programs. As the highway safety environment changes, it is necessary for NHTSA to update the guidelines to provide current information on effective program content for States to use in developing and assessing their traffic safety programs. Each of the revised guidelines reflects the best available science and the real-world experience of NHTSA and the States in developing and managing traffic safety program content. Specifically, NHTSA will update the guidelines periodically to address new issues and to emphasize program methodology and approaches that have proven to be effective in these program areas.

The guidelines offer direction to States in formulating their highway safety plans for highway safety efforts that are supported with Section 402 grant funds as well as safety activities funded from other sources. The guidelines provide a framework for developing a balanced highway safety program and serve as a tool with which States can assess the effectiveness of their own programs. NHTSA encourages States to use these guidelines and build upon them to optimize the effectiveness of highway safety programs conducted at the State and local levels.