

I-77/I-81 Improvement Project in Wythe County; (3) Interstate 66 Multimodal Transportation and Environmental Study in Fairfax and Prince William Counties; (4) Route 29 South Bypass Improvement Project near Lynchburg; and (5) Spotsylvania Parkway in Spotsylvania County.

FOR FURTHER INFORMATION CONTACT: Ken Myers, Planning and Environmental Program Manager, Federal Highway Administration, 400 North 8th Street, Suite 750, Richmond, Virginia 23219-4825. Telephone: (804) 775-3353.

SUPPLEMENTARY INFORMATION: The FHWA is rescinding the Notice of Intent to prepare an Environmental Impact Statement for the following five proposals: (1) Outer Connector in Stafford and Spotsylvania Counties; (2) I-77/I-81 Improvement Project in Wythe County; (3) Interstate 66 Multimodal Transportation and Environmental Study in Fairfax and Prince William Counties; (4) Route 29 South Bypass Improvement Project near Lynchburg; and (5) Spotsylvania Parkway in Spotsylvania County. The corresponding Notice of Intent publication dates for each of the EISs are as follows: (1) June 1, 1995; (2) May 10, 2001; (3) January 11, 2002; (4) March 4, 2002; and (5) November 15, 2002.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this proposed action.)

Authority: 23 U.S.C. 315; 49 CFR 1.48.

Issued on: May 12, 2008.

Kenneth Myers,

Planning and Environmental Program Manager.

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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.

Long Island Railroad Company

(Waiver Petition Docket Number FRA-2008-0045)

The Long Island Railroad Company (LIRR) seeks a permanent waiver of compliance from a certain provision of the Use of Locomotive Horns at Highway-Rail Grade Crossings, 49 CFR Part 222. LIRR is seeking a waiver to permit trains to sound one short blast of the train horn when departing from 24 specific train stations, which are located no more than 50 feet from a public highway-rail grade crossing. Specifically, LIRR is seeking a waiver from the provisions of 49 CFR Part 222.21. The waiver petition is supported by the ten public authorities that are responsible for the roadways near the 24 train stations listed in the petition.

LIRR states that the modification to the final rule 49 CFR 222.21 on August 17, 2006, by the addition of 49 CFR 222.21(d), which provides that under certain conditions trains stopped in the vicinity of public highway-rail grade crossings would be able to sound their horn less than 15 seconds, still requires the railroad to blow its horn in required sequence (two longs, one short and two longs) until the lead locomotive blocks the crossing from all approaches.

LIRR states that its previous practice at these 24 train stations were to sound a short blast as the train departed the station and approached the nearby highway-rail grade crossing. LIRR states that a review of internal and FRA records for the past 10 years show no incidents occurring when trains departed from any of these stations. The approximate distance between the edge of the road to the station platform varies between 8 to 50 feet. All of the crossings are equipped with gates, flashing lights and bells. LIRR requests to return to its prior policy of sounding one short blast of its train horn when departing from the 24 train stations. It believes, based upon the lack of any incidents when trains departed from the stations under its previous practice, that the safety of those traversing the crossings, as well as LIRR's customers and employees, will not be adversely affected. It has received numerous complaints about the additional train horn noise since 49 CFR Part 222 went into effect.

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-2008-0045) and may be submitted by any of the following methods:

1. *Web site:* <http://www.regulations.gov>. Follow the online instructions for submitting comments.
2. *Fax:* 202-493-2251.
3. *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., W12-140, Washington, DC 20590.
4. *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 May 16, 2008.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. E8-11457 Filed 5-21-08; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA-2000-7257; Notice No. 47]

Railroad Safety Advisory Committee (RSAC); Working Group Activity Update

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

ACTION: Announcement of Railroad Safety Advisory Committee working group activities.

SUMMARY: FRA is updating its announcement of RSAC's Working Group activities to reflect its current status.

FOR FURTHER INFORMATION CONTACT: Larry Woolverton, RSAC Coordinator, FRA, 1200 New Jersey Avenue, SE., Mailstop 25, Washington, DC 20590, (202) 493-6212, or Grady Cothen, Deputy Associate Administrator for Safety, FRA, 1200 New Jersey Avenue, SE., Mailstop 25, Washington, DC 20590, (202) 493-6302.

SUPPLEMENTARY INFORMATION: This notice serves to update FRA's last announcement of working group activities and status reports as of February 1, 2008, (73 FR 6257). The 34th full RSAC Committee meeting was held February 20, 2008, and the 35th meeting is scheduled for June 11, 2008, at the National Housing Center in Washington, DC.

Since its first meeting in April of 1996, the RSAC has accepted 25 tasks. The status for each of the tasks is provided below.

Open Tasks

Task 96-4—Tourist and Historic Railroads. Reviewing the appropriateness of the agency's current policy regarding the applicability of existing and proposed regulations to tourist, excursion, scenic, and historic railroads. This task was accepted on April 2, 1996, and a working group was established. The working group monitored the steam locomotive regulation task. Planned future activities involve the review of other regulations for possible adaptation to the safety needs of tourist and historic railroads. Contact: Grady Cothen, Jr., (202) 493-6302.

Task 03-01—Passenger Safety. This task includes updating and enhancing the regulations pertaining to passenger safety, based on research and experience. This task was accepted on May 20, 2003, and a working group was established. Prior to embarking on substantive discussions of a specific task, the working group set forth in writing a specific description of the task. The working group reports planned activities to the full Committee at each scheduled full RSAC meeting, including milestones for completion of projects and progress toward completion. At the first meeting held September 9-10, 2003, a consolidated list of issues was completed. At the second meeting held November 6-7,

2003, four task groups were established: Emergency preparedness, mechanical, crashworthiness, and track/vehicle interaction. The task groups met and reported on activities for working group consideration at the third meeting held May 11-12, 2004, and a fourth meeting was held October 26-27, 2004. The working group met on March 21-22, 2006, and again on September 12-13, 2006, at which time the group agreed to establish a task force on general passenger safety. The full Passenger Safety Working Group met on April 17-18, 2007, and again on December 11-12, 2007. The next meeting is scheduled for June 18, 2008. Contact: Charles Bielitz, (202) 493-6314.

(Emergency Preparedness Task Force) At the working group meeting of March 9-10, 2005, the working group received and approved the consensus report of the Emergency Preparedness Task Force related to emergency communication, emergency egress, and rescue access. These recommendations were presented to, and approved by, the full RSAC on May 18, 2005. The working group met on September 7-8, 2005, and additional supplementary recommendations were presented to, and accepted by, the full RSAC on October 11, 2005. The Notice of Proposed Rulemaking (NPRM) was published on August 24, 2006, and was open for comments until October 23, 2006. The working group agreed upon recommendations for resolution of final comments during the April 17-18, 2007, meeting. The recommendations were presented to, and approved by, the full RSAC on June 26, 2007. The final rule regarding emergency communication, emergency egress, and rescue access was published on February 1, 2008 (73 FR 6370). The task force met on October 17-18, 2007, and the group reached consensus on draft rule text for a followup NPRM on passenger train emergency systems. The task force presented the draft rule text to the Passenger Safety Working Group on December 11-12, 2007, and the consensus draft rule text was presented and approved by a full RSAC vote during the February 20, 2008, meeting. The next meeting is scheduled for May 13-14, 2008. Contact: Brenda Moscoso, (202) 493-6282.

(Mechanical Task Force) (Completed) Initial recommendations on mechanical issues (revisions to Title 49 Code of Federal Regulations (CFR) part 238) were approved by the full Committee on January 26, 2005. At the working group meeting of September 7-8, 2005, the task force presented additional perfecting amendments and the full RSAC approved them on October 11, 2005. An NPRM was published in the

Federal Register on December 8, 2005, (70 FR 73070). Public comments were due by February 17, 2006. The final rule was published in the **Federal Register** on October 19, 2006, (71 FR 61835) effective December 18, 2006.

(Crashworthiness Task Force) Among its efforts, the Crashworthiness Task Force provided consensus recommendations on static-end strength that were adopted by the working group on September 7-8, 2005. The full Committee accepted the recommendations on October 11, 2005. The Front-End Strength of Cab Cars and Multiple-Unit Locomotives NPRM was published in the **Federal Register** on August 1, 2007 (72 FR 42016), with comments due by October 1, 2007. A number of comments were entered into the docket and FRA is considering each of them in drafting a final rule. To demonstrate the means of determining compliance with the crashworthiness requirements of the rule, FRA scheduled deformation tests as prescribed in the NPRM. A dynamic impact test per the performance standard was conducted on April 16, 2008. Additionally, two quasi-static tests are planned for May 22, 2008 and June 25, 2008. The objectives of the tests are to show alternative means for demonstrating compliance with dynamic performance and quasi-static strength-based standard outlined in the NPRM. Contact: Gary Fairbanks, (202) 493-6322.

(Vehicle/Track Interaction Task Force) The task force is developing proposed revisions to 49 CFR Parts 213 and 238 principally regarding high-speed passenger service. The task force met on October 9-11, 2007, and again on November 19-20, 2007, in Washington, DC and presented the final task force report and final recommendations and proposed rule text for approval by the Passenger Safety Working Group at the December 11-12, 2007, meeting. The final report and the proposed rule text were approved by the working group and were presented to, and approved by, full RSAC vote during the February 20, 2008, meeting. The group last met on February 27-28, 2008, and FRA is currently drafting an NPRM. No additional task force meetings are currently scheduled. Contact: John Mardente, (202) 493-1335.

(General Passenger Safety Task Force) At the working group meeting on April 17-18, 2007, the task force presented a progress report to the working group. The task force met on July 18-19, 2007, and afterward it reported proposed reporting cause codes for injuries involving the platform gap that were approved by the working group by mail ballot in September 2007. The full

RSAC approved the recommendations for changes to 49 CFR Part 225 accident/incident cause codes on October 25, 2007. The task force continues work on passenger train door securement, "second train in station," trespasser incidents, and system safety based solutions by developing a regulatory approach to system safety. The General Passenger Safety Task Force presented draft guidance material for management of the gap that was considered and approved by the working group during the December 11–12, 2007, meeting and was presented and approved by full RSAC vote during the February 20, 2008, meeting. The group met last on April 23–24, 2008. Contact: Dan Knotte, (631) 567–1596.

Task 05-01—Review of Roadway Worker Protection Issues. This task was accepted on January 26, 2005, to review 49 CFR Part 214, Subpart C, Roadway Worker Protection, and related sections of Subpart A; recommend consideration of specific actions to advance the on-track safety of railroad employees and contractors engaged in maintenance-of-way activities throughout the general system of railroad transportation, including clarification of existing requirements. A working group was established and reported to the RSAC any specific actions identified as appropriate. The first meeting of the working group was held on April 12–14, 2005. The group drafted and accepted regulatory language for various revisions, clarifications, and additions to 32 separate items in 19 sections of the rule. However, two parties raised technical concerns regarding the draft language concerning electronic display of track authorities. The working group reported recommendations to the full Committee at the June 26, 2007, meeting. FRA, through the NPRM process, is to address this issue along with eight additional items on which the working group was unable to reach a consensus. Comments were received and were considered during the drafting of the NPRM. In early 2008, the external working group members were solicited to review the consensus text for errata review. A draft NPRM is currently under review for legal sufficiency by the Office of Safety staff and legal counsel, and is expected to be published in late 2008. Contact: Christopher Schulte, (610) 521–8201.

Task 05-02—Reduce Human Factor-Caused Train Accident/Incidents. This task was accepted on May 18, 2005, to reduce the number of human factor-caused train accidents/incidents and related employee injuries. The Railroad Operating Rules Working Group was formed and the group extensively

reviewed the issues presented. The final working group meeting devoted to developing a proposed rule was held February 8–9, 2006. The working group was not able to deliver a consensus regulatory proposal, but did recommend that it be used to review comments on FRA's NPRM, which was published in the **Federal Register** on October 12, 2006, (FR 71 60372) with public comments due by December 11, 2006. Two reviews were held, one February 8–9, 2007, and the other April 4–5, 2007. Consensus was reached on four items and those items were presented and accepted by the full RSAC Committee at the June 26, 2007, meeting. A final rule was published in the **Federal Register** on February 13, 2008 (73 FR 8442) with an effective date of April 14, 2008. The most recent working group meetings were held September 27–28, 2007, and January 17–18, 2008. The next meeting is scheduled for May 21–22, 2008. Contact: Douglas Taylor, (202) 493–6255.

Task 06-01—Locomotive Safety Standards. This task was accepted on February 22, 2006, to review 49 CFR Part 229, Railroad Locomotive Safety Standards, and revise as appropriate. A working group was established with the mandate to report any planned activity to the full Committee at each scheduled full RSAC meeting, to include milestones for completion of projects and progress toward completion. The first working group meeting was held May 8–10, 2006. Working group meetings were held on August 8–9, 2006; September 25–26, 2006; October 30–31, 2006; January 9–10, 2007; and the working group presented recommendations regarding revisions to requirements for locomotive sanders to the full RSAC on September 21, 2006. The NPRM regarding Sanders was published in the **Federal Register** on March 6, 2007 (72 FR 9904). Comments received were discussed by the working group for clarification, and FRA published a final rule on October 19, 2007 (72 FR 59216). The working group is continuing the review of 49 CFR Part 229 with a view to proposing further revisions to update the standards. The working group met on November 27–28, 2007, and February 5–6, 2008. The next meeting is scheduled for May 20–21, 2008, and a followup meeting is scheduled for August 5–6, 2008. Contact: George Scerbo, (202) 493–6249.

Task 06-02—Track Safety Standards and Continuous Welded Rail. Section 9005 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Pub.L. No. 109–59, "SAFETEA-LU"), the 2005 Surface

Transportation Authorization Act, requires FRA to issue requirements for inspection of joint bars in continuous welded rail (CWR) to detect cracks that could affect the integrity of the track structure. (49 U.S.C. 20142(e)). FRA published an interim final rule (IFR) establishing new requirements for inspections on November 2, 2005 (70 FR 66288). On October 11, 2005, FRA offered the RSAC a task to review comments on this IFR, but the conditions could not be established under which the Committee could have undertaken this with a view toward consensus. Comments on the IFR were received through December 19, 2005, and FRA reviewed the comments. On February 22, 2006, the RSAC accepted this task to review and revise the CWR related to provisions of the Track Safety Standards, with particular emphasis on reduction of derailments and consequent injuries and damage caused by defective conditions, including joint failures, in track using CWR. A working group was established. The working group will report any planned activity to the full Committee at each scheduled full RSAC meeting, including milestones for completion of projects and progress toward completion. The first working group meeting was held April 3–4, 2006, at which time the working group reviewed comments on the IFR. The second working group meeting was held April 26–28, 2006. The working group also met May 24–25, 2006, and July 19–20, 2006. The working group reported consensus recommendations for the final rule that were accepted by the full RSAC Committee by mail ballot on August 11, 2006. The final rule was published in the **Federal Register** on October 11, 2006, (71 FR 59677). The working group is continuing its review of 49 CFR Section 213.119 with a view to proposing further revisions to update the standards. The working group met January 30–31, 2007; April 10–11, 2007; June 27–28, 2007; August 15–16, 2007; October 23–24, 2007; and January, 8–9, 2008. The working group reported consensus recommendations for revisions to 49 CFR Section 213.119 regulations to the full RSAC Committee on February 20, 2008, and the recommendations were accepted. The next meeting is scheduled for September 16–17, 2008. Contact: Ken Rusk, (202) 493–6236.

Task 06-03—Medical Standards for Safety-Critical Personnel. This task was accepted on September 21, 2006, to enhance the safety of persons in the railroad operating environment and the public by establishing standards and

procedures for determining the medical fitness for duty of personnel engaged in safety-critical functions. A working group has been established and will report any planned activity to the full Committee at each scheduled full RSAC meeting, including milestones for completion of projects and progress toward completion. The first working group meeting was held December 12–13, 2006. The working group met on February 20–21, 2007; July 24–25, 2007; August 29–30, 2007; October 31–November 1, 2007; December 4–5, 2007; February 13–14, 2008; March 26–27, 2008; and April 22–23, 2008. A task force of physicians was established in May 2007 to work on specific medical exam-related issues. The task force of physicians has had meetings or conference calls on July 24, 2007; August 20, 2007; October 15, 2007; and October 31, 2007, and is scheduled to meet again on June 23–24, 2008. Contact: Alan Misiaszek, (202) 493–6002.

Task 07-01—Track Safety Standards. This task was accepted on February 22, 2007, to consider specific improvements to the Track Safety Standards (TSS) or other responsive actions, supplementing work already underway on CWR specifically: review controls applied to reuse of rail in CWR “plug rail,” review the issue of cracks emanating from bond wire attachments, consider improvements in the TSS related to fastening of rail to concrete ties, and ensure a common understanding within the regulated community concerning requirements for internal rail flaw inspections. These tasks were assigned to the Track Safety Standards Working Group. The working group will report any planned activity to the full Committee at each scheduled full RSAC meeting, including milestones for completion of projects and progress toward completion. The first working group meeting was held on June 27–28, 2007, and the group met again on August 15–16, 2007, and October 23–24, 2007. Two task forces were created under the working group: the Concrete Ties Task Force and the Rail Integrity Task Force. The Concrete Ties Task Force met on November 26–27, 2007; February 13–14, 2008; and April 16–17, 2008, and the next meeting is scheduled for July 9–10, 2008. The Rail Integrity Task Force met on November 28–29, 2007; February 12–13, 2008; and April 15–16, 2008, and the next meeting is scheduled for July 8–9, 2008. Contact: Ken Rusk, (202) 493–6236.

Task 08-01—Report on the Nation’s Railroad Bridges. This task was accepted on February 20, 2008, to report to the Federal Railroad Administrator

on the current state of railroad bridge safety management, update the findings and conclusions of the 1993 Summary Report of the FRA Railroad Bridge Safety Survey, and include recommendations for further action with a target date of November 3, 2008. The working group first met on April 24–25, 2008 and the next meeting is scheduled for June 12–13, 2008.

Completed Tasks

Task 96-1—(Completed) Revising the Freight Power Brake Regulations.

Task 96-2—(Completed) Reviewing and recommending revisions to the TSS (49 CFR part 213).

Task 96-3—(Completed) Reviewing and recommending revisions to the Radio Standards and Procedures (found under 49 CFR part 220).

Task 96-5—(Completed) Reviewing and recommending revisions to Steam Locomotive Inspection Standards (49 CFR part 230).

Task 96-6—(Completed) Reviewing and recommending revisions to miscellaneous aspects of the regulations addressing Locomotive Engineer Certification (49 CFR part 240).

Task 96-7—(Completed) Developing Roadway Maintenance Machines (On-Track Equipment) Safety Standards.

Task 96-8—(Completed) This planning task evaluated the need for action responsive to recommendations contained in a report to Congress, titled, “Locomotive Crashworthiness & Working Conditions.”

Task 97-1—(Completed) Developing crashworthiness specifications (49 CFR part 229) to promote the integrity of the locomotive cab in accidents resulting from collisions.

Task 97-2—(Completed) Evaluating the extent to which environmental, sanitary, and other working conditions in locomotive cabs affect the crew’s health and the safe operation of locomotives, proposing standards where appropriate.

Task 97-3—(Completed) Developing event recorder data survivability standards.

Task 97-4 and Task 97-5—(Completed) Defining positive train control functionalities, describing available technologies, evaluating costs and benefits of potential systems, and considering implementation opportunities and challenges, including demonstration and deployment.

Task 97-6—(Completed) Revising various regulations to address the safety implications of processor-based signal and train control technologies, including communications-based operating systems.

Task 97-7—(Completed) Determining damages qualifying an event as a reportable train accident.

Task 00-1—(Completed-task withdrawn) Determining the need to amend regulations protecting persons who work on, under, or between rolling equipment and persons applying, removing, or inspecting rear-end marking devices (Blue Signal Protection).

Task 01-1—(Completed) Developing conformity of FRA’s regulations for accident/incident reporting (49 CFR Part 225) to revised regulations of the Occupational Safety and Health Administration, U.S. Department of Labor, and to make appropriate revisions to the FRA Guide for Preparing Accident/Incident Reports (Reporting Guide).

Please refer to the notice published in the **Federal Register** on March 11, 1996, (61 FR 9740) for more information about the RSAC.

Issued in Washington, DC on May 15, 2008.

Michael J. Logue,

Associate Administrator for Safety Compliance and Program Implementation.
[FR Doc. E8–11532 Filed 5–21–08; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[Docket No. FTA–2008–0024]

Notice of Proposed Buy America Waiver for the National Fuel Cell Bus Technology Development Program

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice of proposed Buy America waiver and request for comment.

SUMMARY: The Federal Transit Administration (FTA) proposes to waive its Buy America requirements for projects funded under the National Fuel Cell Bus Technology Development Program (Fuel Cell Bus Program). This Notice sets forth FTA’s justification and seeks comment thereon. The purpose of the Fuel Cell Bus Program is to facilitate the development of commercially viable fuel cell bus technology and related infrastructure.

DATES: Comments must be received by May 29, 2008. Late-filed comments will be considered to the extent practicable.

ADDRESSES: Please submit your comments by only one of the following means; identifying your submissions by docket number FTA–2008–0024. All electronic submissions must be made to