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Decided: April 13, 2010.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

**Kulunie L. Cannon,**  
*Clearance Clerk.*

[FR Doc. 2010-8782 Filed 4-15-10; 8:45 am]

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**DEPARTMENT OF TRANSPORTATION**

**Federal Transit Administration**

**Over-the-Road Bus Accessibility Program Grants: Corrections**

**AGENCY:** Federal Transit Administration (FTA), DOT.

**ACTION:** Notice; corrections and deadline extension.

**SUMMARY:** This notice corrects dollar thresholds and revenue classifications for large and small intercity fixed-route Class I carriers, and labor protection information, among other things, published in the January 15, 2010 Federal Transit Administration (FTA) Notice titled "Over-the-Road Bus Accessibility Program Grants," extends the application deadline, and allows applicants to submit a single application for Fiscal Year (FY) 2009 and FY 2010 funding.

**FOR FURTHER INFORMATION:** Contact the appropriate FTA Regional Office (Appendix A) or Blenda Younger, Office of Program Management, (202) 366-2053.

**Corrections**

On page 2584, in the second column, the text following "D. Vehicle and Service Definitions:" is revised to read: "The application includes six criteria factors that will be reviewed to determine eligibility for a portion of the funding available to operators that qualify under this definition."

On page 2584, in the third column, the text following 1. Eligible Applicants: is revised to read: "Intercity, fixed-route

OTRB service providers may apply for the funds that were appropriated for intercity fixed-route providers in FY 2009 and FY 2010."

On page 2585, in the second column, the text following "Application Content," is revised to read, "For fixed-route carriers, whether you are a large (Class I, with gross annual transportation revenues of \$8.6 million or more) or small (gross transportation revenues of less than \$8.6 million annually) carrier."

On page 2586, in the first column, the text following III. Labor Information: is revised to read: "The Applicant agrees to comply with the terms and conditions of the Special Warranty for the Over-the-Road Bus Accessibility Program that is most current as of the date of execution of the Grant Agreement or Cooperative Agreement for the project, and any alternative comparable arrangements specified by U.S. DOL for application to the Applicant's project, in accordance with U.S. DOL guidelines, "Section 5333(b), Federal Transit Law," 29 CFR part 215, and any revisions thereto. Any U.S. DOL Special Warranty that may be provided and any documents cited therein are incorporated by reference and made part of the Grant Agreement."

Additional information regarding grants that require referral can be found on DOL's Web site: [https://www.dol.gov/esa/olms/regs/compliance/redesign\\_2006/redesign2006\\_transitemplprotect.htm](https://www.dol.gov/esa/olms/regs/compliance/redesign_2006/redesign2006_transitemplprotect.htm).

On page 2586, in the second column, the text following "Note:" is revised to read: "Applicants will not be considered for funding as intercity fixed-route operators unless they satisfy, at a minimum, the first two criteria and at least one of criteria three through six listed in the Project Information section of the application; these criteria are applicable to intercity fixed-route applicants."

On page 2587, in the first, second, and third columns, the text following "C. Labor Protection:" is revised to read: "Section 3013(h) of SAFETEA-LU

amended 49 U.S.C. Section 5311(j)(1) to permit the Secretary of Labor to utilize a special warranty that provides a fair and equitable arrangement to protect the interest of employees as set forth in 49 U.S.C. 5333(b). Pursuant to this authorization, the Department of Labor (DOL) amended its implementing regulations at 29 CFR part 215 (73 FR 47046, Aug. 13, 2008). On October 1, 2008, DOL began using a revised special warranty for the Section 5311 program which is appropriate for use with OTRB grants. All OTRB grants awarded after October 1, 2008 will be subject to the special warranty for labor protective arrangements under the Section 5311 program, which will be incorporated by reference in the grant agreement."

On page 2588, in the first column, the text following "E. Standard Assurances" on page 2587: is revised to read: "Certifications and Assurances for grants to be awarded under this program in FY 2009 are included in the FTA Certifications and Assurances for FY 2010 which were published in the **Federal Register** of October 19, 2009, and made available for electronic signature in FTA's grants system."

On page 2588, in the second column, the text following "E. Intercity Fixed-Route Carriers:" is revised to read: "Large/Class I (gross annual transportation revenues of \$8.6 million or more). Small (gross annual transportation revenues of less than \$8.6 million)."

This Notice also extends the application deadline to May 10, 2010. FTA may use additional discretionary funding made available in FY 2010 for allocation under the OTRB program. Therefore applicants may apply for FY 2009 and FY 2010 funds in a single application.

Issued in Washington, DC, this 12th day of April 2010.

**Peter Rogoff,**  
*Administrator.*

**Appendix A**  
**FTA Regional and Metropolitan Offices**

<p>Richard H. Doyle, Regional Administrator, Region 1-Boston, Kendall Square, 55 Broadway, Suite 920, Cambridge, MA 02142-1093, Tel. 617-494-2055. States served: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.</p>	<p>Robert C. Patrick, Regional Administrator, Region 6-Ft. Worth, 819 Taylor Street, Room 8A36, Ft. Worth, TX 76102, Tel. 817-978-0550. States served: Arkansas, Louisiana, Oklahoma, New Mexico and Texas.</p>
<p>Brigid Hynes-Cherin, Regional Administrator, Region 2-New York, One Bowling Green, Room 429, New York, NY 10004-1415, Tel. 212-668-2170. States served: New Jersey, New York. New York Metropolitan Office, Region 2-New York, One Bowling Green, Room 428, New York, NY 10004-1415, Tel. 212-668-2202.</p>	<p>Mokhtee Ahmad, Regional Administrator, Region 7-Kansas City, MO, 901 Locust Street, Room 404, Kansas City, MO 64106, Tel. 816-329-3920. States served: Iowa, Kansas, Missouri, and Nebraska.</p>

<p>Letitia Thompson, Regional Administrator, Region 3-Philadelphia, 1760 Market Street, Suite 500, Philadelphia, PA 19103-4124, Tel. 215-656-7100.</p> <p>States served: Delaware, Maryland, Pennsylvania, Virginia, West Virginia, and District of Columbia.</p> <p>Philadelphia Metropolitan Office, Region 3-Philadelphia, 1760 Market Street, Suite 500, Philadelphia, PA 19103-4124, Tel. 215-656-7070.</p> <p>Washington, DC Metropolitan Office, 1990 K Street, NW., Room 510, Washington, DC 20006, Tel. 202-219-3562.</p>	<p>Terry Rosapep, Regional Administrator, Region 8-Denver, 12300 West Dakota Ave., Suite 310, Lakewood, CO 80228-2583, Tel. 720-963-3300.</p> <p>States served: Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming.</p>
<p>Yvette Taylor, Regional Administrator, Region 4-Atlanta, 230 Peachtree Street, NW., Suite 800, Atlanta, GA 30303, Tel. 404-865-5600.</p> <p>States served: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee, and the Virgin Islands.</p>	<p>Leslie T. Rogers, Regional Administrator, Region 9-San Francisco, 201 Mission Street, Room 1650, San Francisco, CA 94105-1926, Tel. 415-744-3133.</p> <p>States served: American Samoa, Arizona, California, Guam, Hawaii, Nevada, and the Northern Mariana Islands.</p> <p>Los Angeles Metropolitan Office, Region 9-Los Angeles, 888 S. Figueroa Street, Suite 1850, Los Angeles, CA 90017-1850, Tel. 213-202-3952.</p>
<p>Marisol Simon, Regional Administrator, Region 5-Chicago, 200 West Adams Street, Suite 320, Chicago, IL 60606, Tel. 312-353-2789.</p> <p>States served: Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin.</p> <p>Chicago Metropolitan Office, Region 5-Chicago, 200 West Adams Street, Suite 320, Chicago, IL 60606, Tel. 312-353-2789.</p>	<p>Rick Krochalis, Regional Administrator, Region 10-Seattle, Jackson Federal Building, 915 Second Avenue, Suite 3142, Seattle, WA 98174-1002, Tel. 206-220-7954.</p> <p>States served: Alaska, Idaho, Oregon, and Washington.</p>

[FR Doc. 2010-8963 Filed 4-14-10; 4:15 pm]

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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) has received a request for a waiver of compliance from 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.

#### City of Jasper, Indiana

[Docket Number FRA-2009-0112]

The City of Jasper, Indiana (Jasper) acquired a railroad passenger car, number XCJI 200, built in 1947, and offers it for use in tourist/excursion service over the Dubois County Railroad and the French Lick, West Baden & Southern Railway. The railroad distance between Jasper and French Lick, Indiana, is approximately 25 miles. The car is currently equipped with automotive-type laminated glazing, which is non-compliant with FRA safety requirements.

Jasper petitioned FRA for a waiver of compliance from certain provisions of the Safety Glazing Standards—Locomotives, Passenger Cars and Caboose, as prescribed by 49 CFR

223.15(c) *Requirements for existing passenger cars*. Specifically, this waiver request applies to only passenger car number XCJI 200 because all other cars operating on the tourist/excursion train were built prior to 1946, and considered "antiquated" under § 223.3 *Application*.

Jasper states that the reason for the waiver request is the high cost of compliant FRA Types I & II glazing material, and that the automotive-type glass is similar to the glazing installed on other cars operating over the French Lick, West Baden & Southern Railway. Further, Jasper states in their petition, there have been no reported acts of vandalism to the refurbished passenger cars.

In summary, Jasper requests relief from the regulatory requirements of 49 CFR 223.15(c) *Requirements for existing passenger cars* (including the required four emergency windows) for one passenger car, built in 1947, used in tourist/excursion service at a maximum authorized speed of 15 mph.

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-

0112) 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 document (or signing the document, 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 (65 FR 19477) or at <http://www.dot.gov/privacy.html>.