

<http://www.regulations.gov> at any time or to the Docket Management Facility in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Les Taylor (816-329-4134), Small Airplane Directorate (ACE-111), Federal Aviation Administration, 901 Locust St., Kansas City, MO 64106; or Brenda Sexton (202-267-3644), Office of Rulemaking (ARM-200), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on January 15, 2010.

Pamela Hamilton-Powell,

Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA-2009-1161.

Petitioner: Cubcrafters, Inc.

Section of 14 CFR Affected: 14 CFR 23.562, Amendments 23-50.

Description of Relief Sought: This exemption, if granted, would allow for type certification of the Model CC18-181 aircraft with seats that have not shown compliance with the emergency landing dynamic conditions.

Cubcrafters proposes the use of static tests on the seat and harnesses and to equip the aircraft with a four-point harness by using a Technical Standards Order (TSO).

[FR Doc. 2010-1106 Filed 1-21-10; 8:45 am]

BILLING CODE 4910-13-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) 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.

Adrian and Blissfield Railroad

[Waiver Petition Docket Number FRA-2009-0113]

The Adrian and Blissfield Railroad (ADBF), a Class III railroad located in Lenawee County in the State of Michigan, seeks a waiver of compliance

from the requirements of 49 CFR 223.15 *Requirements for existing passenger cars*. Specifically, ADBF has petitioned FRA for a waiver for passenger coach ADBF 3370, *Columbia River*, which was built for the Union Pacific Railroad in 1949. ADBF operates this car in a dinner train exclusively on ADBF tracks in a rural area at speeds not exceeding 15 miles per hour on a 16-mile round trip.

ADBF states that passenger car ADBF 3370 is equipped with double pane safety glass. In the 15 years of operation in its present service, neither this car nor the two passenger cars it normally operates with have suffered any glazing breakage due to an accident or act of vandalism. The petitioner additionally states that preliminary estimates for upgrading this car to FRA Type I and II glazing are in the range of \$20,000 to \$30,000, which is the approximate value of the railcar.

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-2009-0113) 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>.

Issued in Washington, DC on January 19, 2010.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 2010-1228 Filed 1-21-10; 8:45 am]

BILLING CODE 4910-06-P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Safety Advisory 2009-03

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

ACTION: Notice of Safety Advisory; Identification and Handling of Highway-Rail Grade Crossings with Vertical Profile Conditions.

SUMMARY: FRA is issuing Safety Advisory 2009-03 to address Safety Recommendations H-96-01, H-96-02, and H-96-04, issued by the National Transportation Safety Board (NTSB) that relate to vertical roadway profile conditions at highway-rail grade crossings. This safety advisory reminds States of their responsibility to identify and document in the U.S. DOT National Highway-Rail Grade Crossing Inventory ("DOT Crossing Inventory") highway-rail crossings where "Low Ground Clearance" signs have been installed. This safety advisory also recommends that States implement policies and procedures to identify public highway-rail grade crossings that do not satisfy the standard for vertical profile conditions set forth in the American Association of State Highway and Transportation Officials' Policy on Geometric Design of Highways and Streets ("AASHTO Green Book") and recommends that corrective action be taken to bring them into compliance.

FOR FURTHER INFORMATION CONTACT: Ron Ries, Staff Director, Highway-Rail Grade Crossing & Trespasser Prevention Division, FRA, RRS-23, Mail Stop 25, 1200 New Jersey Avenue, SE., Washington, DC 20590 (telephone: (202) 493-6299), or Kathryn Shelton,

Attorney, Office of Chief Counsel, FRA, RCC-11, Mail Stop 10, 1200 New Jersey Avenue, SE., Washington, DC 20590 (telephone: (202) 493-6038).

SUPPLEMENTARY INFORMATION:

Background

In Safety Recommendation H-96-01, the NTSB recommended that DOT expand its DOT Crossing Inventory to include vertical profile information on all highway-rail grade crossings in the United States. The NTSB advised that this additional data, which could be obtained in a cost-effective manner by simply training the survey teams that currently collect State grade crossing data to make vertical profile measurements, would facilitate the identification of existing crossings that do not meet the AASHTO Green Book standard for vertical profile conditions.¹

FRA determined, however, that requiring States to take vertical profile measurements of each highway-rail grade crossing could be very burdensome and costly on State highway transportation departments who would likely bear the brunt of additional costs associated with required training and/or employment of additional personnel. Therefore, FRA modified the DOT Crossing Inventory Form in March 1999 to include a data field that would identify crossings equipped with Low Ground Clearance signs (W10-5 in the Federal Highway Administration's Manual on Uniform Traffic Control Devices). However, based on a recent review of DOT Crossing Inventory records, it appears that States have not been submitting this information, even though use of this relatively new sign is understood to be increasing.

FRA has been statutorily mandated by the Rail Safety Improvement Act of 2008 (RSIA08) to prescribe regulations that would require States and railroads to submit current information and periodic updates for public, private, and pedestrian crossings. Rail Safety Improvement Act of 2008, 49 U.S.C. 20160, 23 U.S.C. 130 (2008). Therefore,

¹ AASHTO's Green Book standard for vertical profile conditions states that the crossing surface should be at the same plane as the top of the rails for a distance of two feet outside the rails. Additionally, the surface of the highway should not be more than three inches higher or lower than the top of the nearest rail at a point 30 feet from the rail (except where track superelevation makes a different level necessary). A copy of AASHTO's Green Book standard for vertical profile conditions may be obtained from AASHTO at the following address: 444 North Capitol Street, NW., Suite 249, Washington, DC 20001. A copy of AASHTO's Green Book standard for vertical profile conditions is also available at the Federal Railroad Administration, Docket Office, 1200 New Jersey Avenue, SE., Washington, DC 20590.

given the lack of current data on the prevalence of crossings with substandard vertical profiles, FRA intends to address this issue during the course of the upcoming rulemaking. In addition, FRA is currently funding a pilot demonstration project that utilizes LIDAR (light detection and ranging) mounted on a track inspection vehicle to determine if this technology is an economical and efficient way to collect vertical profile data at crossings. A successful project could lead to an automated method to collect the data, thus reducing the potential burden on State highway transportation departments who would likely be required to provide this information for public highway-rail grade crossings.

In Safety Recommendation H-96-02, the NTSB recommended that DOT encourage and coordinate efforts between the railroad industry and State and local highway transportation officials to identify crossings with substandard vertical profiles and close or take appropriate corrective action to eliminate them. FRA believes that the rulemaking mandated by RSIA08 will play an important role in facilitating joint efforts by the railroad industry and State and local highway officials to identify crossings with substandard vertical profile conditions and take appropriate corrective action to eliminate them. As stated above, FRA intends to address the absence of current data on the prevalence of crossings with substandard vertical profiles in this upcoming rulemaking.

In Safety Recommendation H-96-04, the NTSB recommended that DOT develop procedures and processes that will facilitate improved communication and coordination between the railroad industry and State and local highway transportation officials regarding crossing maintenance activities so as to prevent the creation of crossings with substandard vertical profile conditions. FRA intends to comply with this Safety Recommendation by participating in a joint effort with the Federal Highway Administration to develop and propose guidance for inclusion in the next revision of the AASHTO Green Book that would require prior communication and coordination of any changes in highway approach elevation or roadway width with appropriate railroad personnel. FRA has been informed that similar revisions have been proposed by the American Railway Engineering and Maintenance of Way Association (AREMA) for the railroad industry. FRA believes that revision of these AASHTO and AREMA standards will facilitate improved communication and coordination between the railroad

industry and State and local highway transportation officials regarding crossing maintenance activities, so as to reduce and/or eliminate the creation of new crossings with substandard vertical profile conditions.

Recommended Action: Based on the foregoing discussion and to promote the safety of highway-rail grade crossings on the Nation's railroads, FRA recommends that each State:

(1) Identify public highway-rail grade crossings where Low Ground Clearance signs have been installed and submit updated data on these crossings to the DOT Crossing Inventory; and

(2) implement policies and procedures to identify public highway-rail grade crossings that do not satisfy the AASHTO Green Book standard for vertical profile conditions and take corrective action to bring them into compliance.

States are encouraged to take action consistent with the preceding recommendations and to take other actions to help ensure the safety of highway-rail grade crossings on the Nation's railroads. FRA may modify this Safety Advisory 2009-03, issue additional safety advisories, or take other appropriate action necessary to ensure the highest level of safety on the Nation's railroads.

Issued in Washington, DC, on December 31, 2009.

Jo Strang,

*Associate Administrator for Railroad Safety/
Chief Safety Officer.*

[FR Doc. 2010-1118 Filed 1-21-10; 8:45 am]

BILLING CODE 4910-06-P

DEPARTMENT OF THE TREASURY

**Office of the Comptroller of the
Currency**

**Agency Information Collection
Activities: Proposed Information
Collection; Comment Request**

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Notice and request for comment.

SUMMARY: The Office of the Comptroller of the Currency (OCC), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a continuing information collection, as required by the Paperwork Reduction Act of 1995. An agency may not conduct or sponsor, and a respondent is not required to respond to, an information collection unless it displays a currently valid OMB control