annually, broken into daily averages, for daily total, by a.m. peak, off-peak, and p.m. peak for the managed lanes by direction.

• Report actual number of incidents and identify the effect on lane availability for the managed lanes during this time, including the length of time each such lane was unavailable.

2. Changes in Mode Split/Ridership/Vehicle Occupancies of Priced vs. General Purpose Lanes (I, II, III)

• Report number of declared HOVs for the year and differences from the previous year (on a total and percentage-change basis), broken into daily averages, by a.m. peak and p.m. peak for managed lanes.

• Report number of buses (i.e. registered non-revenue accounts) for the year and differences from the previous year (on a total and percentage-change basis), broken into daily averages, by a.m. peak, off-peak, and p.m. peak for managed lanes.

• Report average toll charged for the year and differences from the previous year (on a total and percentage-change basis), by vehicle type, broken into daily averages, by a.m. peak, off-peak, and p.m. peak for managed lanes.

• If reasonably available, report ridership volumes for the year and differences from the previous year (on a total and percentage-change basis), by vehicle type; SOV, HOV2+, HOV3+, Bus, Van Pool and Other, broken into daily averages by a.m. peak, off-peak, and p.m. peak for the general purpose lanes, managed lanes, and parallel access roads as applicable.

• Report on the amount of vehicle miles traveled (VMT) for the year and differences from the previous year (on a total and percentage-change basis), by vehicle type; SOV, HOV2+, HOV3+, Bus, Van Pool and Other, broken into daily averages by a.m. peak, off-peak, and p.m. peak on the managed lanes.

• Report Metropolitan Planning Organization (MPO) rideshare payments, HOV subsidy and other disbursements.

3. Transit Schedule Adherence (II, III)

• To the extent the information is reasonably available, report on transit service reliability—percentage of on-time performance of transit service.

• To the extent the information is reasonably available, report on any existing bus transit routes or sanctioned van-pool accounts utilizing the corridor in advance of opening the project for tolling. This is to be used as a benchmark for added bus transit routes or sanctioned van-pool accounts utilizing the corridor after tolling begins.

4. Application of Revenue Reinvestment (II, IV)

• Report breakdown of the use of revenues.

• Report percentage of revenue used to mitigate impacts.

5. Change in Criteria Pollutant Emissions for the Region (I)

• Report on the concentrations of six criteria pollutants (particle pollution, ground-level ozone, carbon monoxide, sulfur oxides, nitrogen oxides, and lead) during the current year and differences from the previous year (on a total and percentage-change basis) utilizing reasonably available and reliable air quality reporting tools and mechanisms.

• Utilize the results of the core performance sub-elements B.I(a) (Travel-time reliability in tolled lanes) and B.III(a) (Changes in mode split/ridership/vehicle occupancies of tolled vs. general purpose lanes) to the extent possible to assist in utilizing the NCTCOG's air quality modeling tools and mechanisms to demonstrate any reductions in criteria pollutant emissions.

C. Monitoring and Reporting Program

I. Performance Monitoring and Evaluation Manual

Prior to commencement of pricing operations on the facility, TxDOT will prepare a Performance Monitoring and Evaluation Manual document that will describe the information to be collected, the methodology for identifying baseline values and approach for developing the annual reports that assess facility performance. It will serve as a tool to facilitate achievement of the performance goals identified in Part A by documenting the program for regular monitoring and reporting to be utilized in the assessment of the Core Performance Measures identified in Part B.

The Performance Monitoring and Evaluation Manual will be in the form of an instruction manual, and will address the following subject areas.

1. Project Overview
2. Purpose and Need
3. Organization of Document
4. Overview of Project Goals
5. Overview of Core Performance Measures
   a. Key Questions and definition of Core Performance Measures
   b. Description of how specific reported information relates to Core Performance Measures and Performance Goals
6. Methodology for Determining Baseline Measurements
7. Annual Monitoring Program Measurement Processes and Procedures
8. Coordination with other Transportation Providers
9. Reference Documentation Listing as Applicable

II. Monitoring and Reporting Annual Report

The annual monitoring and reporting program measurement processes and procedures will be documented in an annual report that shall include the following sections.

1. Project Information
2. Performance Highlights
3. Performance Summary
4. Performance Details

D. Timeline and Process for Submission of ELDP Monitoring Report

The annual reporting period for the Express Lanes Demonstration Program is between January 1st and December 31st of each year. Data collected and reported will align with this time period. The first year's data after tolling commences will be data collected from the date of service commencement to December 31st of that year.TxDOT's submission to FHWA of the Monitoring and Reporting Annual Report will occur no later than March 31st of each year.

Authority: Section 1604(b)(7) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU) (Pub. L. 109–59; Aug. 10, 2005).

Issued on: January 8, 2009.

Thomas J. Madison, Jr.,

Federal Highway Administrator.

[FR Doc. E9–1174 Filed 1–21–09; 8:45 am]

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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.

Iowa Interstate Railroad

[Docket Number FRA–2008–0105]

The Iowa Interstate Railroad (IAIS), a Class III Railroad, petitioned for a

waiver of compliance from certain provisions of the steam locomotive safety standards as prescribed by CFR 230.105(a) *Lateral motion,* for two steam locomotives used in tourist/excursion service. Specifically, this waiver request applies to locomotives number RDC 6988 and 7081. These Class QJ, 2–10–2 locomotives were built by the Datong Locomotive Works, China. The Datong Works constructed 4,714 locomotives of this type between 1967 and 1988. The maximum operating speed for this type of locomotive is 50 mph.

Both locomotive numbers 6988 and 7081 received a standard 250,000 km overhaul, a Class 3 repair, in China prior to being shipped to the United States. The manufacturer's specifications for the QJ Class locomotive require a total lateral clearance of 20 mm (0.787 inch) on the number 1 and 5 driving axle, with a 4 mm (0.157 inch) clearance for the three center axles (no. 2–4). All tire back-to-back spacing is at 1,252 mm (53.267 inches). The purpose for this specification is to allow a locomotive with a long rigid wheelbase to negotiate a curve up to 15.2 degrees. The lateral wear limit for all driving axles is 10 mm (0.393 inch) over the original dimensions. In summary, by design and as built, model QJ locomotive exceeds the U.S. limit of 0.75 inch for allowable lateral clearance for driving axles number 1 and 5 as specified by 49 CFR § 230.105(a)

IAIS requests relief from the requirements of 49 CFR 230.105(a) for driving axles numbers 1 and 5 to allow for a maximum lateral clearance of up to 30 mm (1.181 inches). This is consistent with the manufacturer's design specification, and the operating experience of the China National Railway. In addition, the locomotive will be maintained in accordance with the requirements of 49 CFR 230.105(c) to ensure that no part of the running gear interfere with any other part of the steam locomotive.

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–2008–0105) 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 January 14, 2009.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. E9–1202 Filed 1–21–09; 8:45 am]

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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.

Iowa Interstate Railroad

[Docket Number FRA–2008–0098]

The Iowa Interstate Railroad (IAIS), a Class III Railroad, petitioned for a waiver of compliance from certain provisions of the safety glazing standards as prescribed by 49 CFR * 223.15 *Requirements for existing passenger cars,* for 14 open-window coach cars used in tourist/excursion service. Specifically the car numbers are: RRDX 804, 806, 810, 814, 816, 819, 820, 822, 826, 831, 834, 836, 837, and 838. These cars were built by the Canadian Car & Foundry Company in 1953, for the Canadian Pacific Railway, and used in Montreal, Quebec, in commuter service until 2005.

The cars were purchased by the parent company of IAIS, Railroad Development Corporation in the fall of 2006, for excursion service on an infrequent basis. The trains are proposed to be locomotive-hauled and operate over a mixture of urban/rural areas at speeds up to 45 mph. The glazing in these coaches are made of Lexan® polycarbonate plastic, and meet the requirement for Canadian passenger equipment glazing, but may not meet the requirements of 49 CFR Part 223. Since the cars were purchased and delivered to IAIS, there have been no acts of vandalism against the glazing.

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–2008–0098) 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