

**Michigan State Trust Railway
Preservation, Inc.—FRA Waiver
Petition Docket No. FRA-2003-15514**

In 2001, Michigan State Trust Railway Preservation, Inc. ("MSTP") and the Institute for Steam Railroading in conjunction with the Tuscola and Saginaw Bay Railway (TSBY) sought and was granted a waiver (Docket No. FRA-2001-10379) of compliance from Title 49, part 240 of the Code of Federal Regulations (49 CFR part 240)—Qualification and Certification of Locomotive Engineers. MSTP requested relief from that part of the regulation (49 CFR 240.201(d)) which provides that only certified persons may operate locomotives and trains. MSTP plans to offer noncertified persons the opportunity to operate a locomotive when participating in its "engineer-for-an-hour" program. The waiver would only apply to persons participating in the program. MSTP has purchased a second locomotive and now seeks to expand its operations to a third location.

The MSTP is a nonprofit educational corporation. It owns and operates a 1941 Lima-built steam locomotive. The locomotive, ex-Pere Marquette No. 1225, has operated approximately 6200 miles since 1988 over the general railroad system of transportation. The newly purchased and restored locomotive is Engine No. 75 (0-4-0). The MSTP is located at the steam locomotive restoration facility (Institute for Steam Railroading) in Owosso, Michigan. The MSTP gains access to TSBY trackage at this location. It does not own or control any trackage with the exception of two lead tracks extending from siding tracks, each approximately 130 feet in length. These tracks are leased from the TSBY. The MSTP plans to conduct this program in two of three locations. The first is the San Yard between Mile Post (MP) 105.2 on the TSBY track at the point where it meets the Central Michigan Railroad which is west of Legion Road to MP 106.1 and south of the highway/railroad grade crossing at Gould and Corunna Road. The second location is at the Henderson, Michigan Grain Elevator. It is on the St. Charles Branch of the TSBY between MP 70.2 and MP 69.2, north of the highway/railroad grade crossing at Riley Road. The third location is at the TSBY Shop Yard at their repair shops on the main line along Howard Street between mile markers 106.4 and 107. This operation will remain between the switch leading from the Main Track to the Scale Track with a Blue Flag placed to the east side of that switch. The proposed dates of operation will be three weekends

between the months of May and October inclusive.

MSTP's reason for granting this waiver is two-folded. First, to accomplish a part of its mission statement, *i.e.*, to educate the public on steam era railroad technology and its impact on the culture and economy of the Great Lakes Region. Second, to generate needed interest and revenue so that it may continue to educate the public about steam locomotive technology in an effort that the next generation will keep the knowledge and the 1225 alive into the future.

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 No. FRA-2003-15514) and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, Room PL-401, Nassif Building, 400 Seventh Street SW., Washington, DC 20590. 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 at the above address. All written communications are also accessible on the Internet at <http://dms.dot.gov>.

Anyone is able to search the electronic form of all 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). The Statement may also be found at <http://dms.dot.gov>.

Issued in Washington, DC, on September 8, 2003.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Docket No. FRA-2000-7257

[Notice No. 30]

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 (RSAC) working group activities.

SUMMARY: FRA is updating its announcement of RSAC's working group activities to reflect their current status. For additional details on completed activities see prior working group activity notices (68 FR 25677).

FOR FURTHER INFORMATION CONTACT: Trish Butera or Lydia Leeds, RSAC Coordinators, FRA, 1120 Vermont Avenue, NW., Mailstop 25, Washington, DC 20590, (202) 493-6213 or Grady Cothen, Deputy Associate Administrator for Safety Standards and Program Development, FRA, 1120 Vermont Avenue, NW., 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 of May 13, 2003, (68 FR 25677). The twenty-first full Committee meeting was held May 20, 2003. The twenty-second meeting is scheduled for September 18, 2003, at the Washington Plaza Hotel.

Since its first meeting in April of 1996, the RSAC has accepted eighteen tasks. Status for each of the tasks is provided below:

Task 96-1—(Withdrawn) Revising the Freight Power Brake Regulations. This task was withdrawn following discussion by the Working Group, and the rulemaking was completed (49 CFR part 232).

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

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

*Task 96-4—*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