

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.<sup>1</sup>

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,

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.*

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## 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

<sup>1</sup> 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.

number. The OCC is soliciting comment concerning its information collection titled, "Disclosure and Reporting of CRA-Related Agreements (12 CFR part 35)."

**DATES:** Comments must be received by March 23, 2010.

**ADDRESSES:** Communications Division, Office of the Comptroller of the Currency, Mailstop 2-3, Attention: 1557-0219, 250 E Street, SW., Washington, DC 20219. In addition, comments may be sent by fax to (202) 874-5274, or by electronic mail to [regs.comments@occ.treas.gov](mailto:regs.comments@occ.treas.gov). You may personally inspect and photocopy the comments at the OCC, 250 E Street, SW., Washington, DC. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 874-4700. Upon arrival, visitors will be required to present valid government-issued photo identification and to submit to security screening in order to inspect and photocopy comments.

Additionally, you should send a copy of your comments to: OCC Desk Officer, [1557-0219], by mail to U.S. Office of Management and Budget, 725 17th Street, NW., #10235, Washington, DC 20503, or by fax to (202) 395-6974.

**FOR FURTHER INFORMATION CONTACT:** You can request additional information or a copy of the collection from Mary H. Gottlieb, OCC Clearance Officer, (202) 874-5090, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 250 E Street, SW., Washington, DC 20219.

**SUPPLEMENTARY INFORMATION:**

The OCC is proposing to extend OMB approval of the following information collection:

*Title:* Disclosure and Reporting of CRA-Related Agreements (12 CFR part 35).

*OMB Control No.:* 1557-0219.

*Description:* This submission covers an existing regulation and involves no change to the regulation, the information collection requirements, or the burden estimates. The OCC requests only that OMB extend its approval of the information collection.

National banks and their affiliates (hereinafter referred to collectively as national banks) occasionally enter into agreements with nongovernmental entities or persons (NGEPs) that are related to national banks' Community Reinvestment Act (CRA) responsibilities. Section 48 of the Federal Deposit Insurance Act (FDI Act) requires disclosure of certain of these agreements, and imposes reporting requirements on national banks and

other insured depository institutions (IDIs), their affiliates, and NGEPs. 12 U.S.C. 1831y. As mandated by the FDI Act, the OCC, the Federal Deposit Insurance Corporation, the Federal Reserve Board, and the Office of Thrift Supervision issued regulations to implement these disclosure and reporting requirements. The reporting provisions of these regulations constitute collections of information under the Paperwork Reduction Act (PRA). The regulation issued by the OCC is codified at 12 CFR 35; the collections of information contained in that regulation are known as "CRA Sunshine."

Section 48 of the FDI Act applies to written agreements that: (1) Are made in fulfillment of the CRA, (2) involve funds or other resources of an IDI or affiliate with an aggregate value of more than \$10,000 in a year, or loans with an aggregate principal value of more than \$50,000 in a year, and (3) are entered into by an IDI or affiliate of an IDI and an NGEP. 12 U.S.C. 1831y(e).

The parties to a covered agreement must make the agreement available to the public and the appropriate agency. The parties also must file a report annually with the appropriate agency concerning the disbursement, receipt, and use of funds or other resources under the agreement. The collections of information in CRA Sunshine implement these statutorily mandated disclosure and reporting requirements. The parties to the agreement may request confidential treatment of proprietary and confidential information in an agreement or annual report. 12 CFR 35.8. 12 U.S.C. 1831y(a)-(c).

The information collections are found in 12 CFR 35.4(b); 35.6(b)(1); 35.6(c)(1); 35.6(d)(1)(i) and (ii); 35.6(d)(2); 35.7(b); and 35.7(f)(2)(ii).

*Type of Review:* Extension of a currently approved collection.

*Affected Public:* Individuals; Businesses or other for-profit.

*Estimated Number of Respondents:* 573.

*Estimated Total Annual Responses:* 1,161.

*Frequency of Response:* On occasion.

*Estimated Total Annual Burden:* 1,206.

Comments submitted in response to this notice will be summarized, included in the request for OMB approval, and become a matter of public record. Comments are invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility;

(b) The accuracy of the agency's estimate of the burden of the collection of information;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: January 15, 2010.

**Michele Meyer,**

*Assistant Director, Legislative and Regulatory Activities Division.*

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## DEPARTMENT OF THE TREASURY

### Office of Foreign Assets Control

#### Unblocking of Specially Designated Nationals and Blocked Persons Pursuant to Executive Order 12978

**AGENCY:** Office of Foreign Assets Control, Treasury.

**ACTION:** Notice.

**SUMMARY:** The Treasury Department's Office of Foreign Assets Control ("OFAC") is publishing the names of four individuals and one entity whose property and interests in property have been unblocked pursuant to Executive Order 12978 of October 21, 1995, *Blocking Assets and Prohibiting Transactions with Significant Narcotics Traffickers*.

**DATES:** The unblocking and removal from the list of Specially Designated Nationals and Blocked Persons ("SDN List") of the four individuals and one entity identified in this notice whose property and interests in property were blocked pursuant to Executive Order 12978 of October 21, 1995, is effective on January 8, 2010.

**FOR FURTHER INFORMATION CONTACT:** Assistant Director, Compliance Outreach & Implementation, Office of Foreign Assets Control, Department of the Treasury, Washington, DC 20220, tel.: 202/622-2490.

**SUPPLEMENTARY INFORMATION:**

#### Electronic and Facsimile Availability

This document and additional information concerning OFAC are available from OFAC's Web site (<http://www.treas.gov/ofac>) or via facsimile through a 24-hour fax-on demand service, tel.: (202) 622-0077.