

**DEPARTMENT OF TRANSPORTATION****Federal Railroad Administration****[Docket No. FRA 2000-7290]****Petition for Waiver To Operate Special Train**

The National Railroad Passenger Corporation (Amtrak) has filed a letter with the Federal Railroad Administration (FRA) seeking approval to operate a special non-revenue train for the Arizona Department of Transportation on May 5, 2000. A copy of this letter is included in the docket. The two-hour train run will use track owned by the Union Pacific between Phoenix and Tucson, Arizona. The train proposed for use will include two Amtrak locomotives, one at each end, and a 12-car trainset manufactured by Talgo. The Talgo trainset is currently being operated by Amtrak in the Pacific Northwest Rail Corridor between Eugene, Oregon and Vancouver, British Columbia. FRA is treating the request as a temporary waiver request from the requirements of 49 CFR 238.203.

Amtrak has previously filed a grandfathering petition with FRA for approval to continue using the trainset in question and four other Talgo trainsets; these trainsets do not meet the static end strength standards specified in 49 CFR 238.203. This grandfathering petition has been docketed as Docket No. FRA-1999-6404. Paragraph (d) of section 238.203 allows a railroad to continue using railroad passenger equipment that does not conform to FRA's static end strength requirements on a particular rail line or lines while a petition for grandfathering approval is being processed. None of the five trainsets has been used on the Union Pacific's rail line between Phoenix and Tucson.

Amtrak's letter includes the following discussion of the special precautions Amtrak is taking to protect the safety of the special train run.

The precautions that we are prepared to take—such as: (i) ensuring that an Amtrak locomotive will be on each end of the Talgo trainset, followed by a Talgo power or baggage car that carries no passengers; (ii) operating the equipment during daylight hours only; (iii) ensuring operating supervision by both the Union Pacific and Amtrak; (iv) maintaining speed restrictions within yard limits; and (v) having the State of Arizona provide increased grade crossing protection—when coupled with the fact that we will be using equipment that is currently operating safely under similar conditions in the Pacific Northwest, demonstrates that this special train will in no way compromise the safety of the passengers, railroad employees or the general public.

Interested parties are invited to participate in this proceeding (Docket No. FRA-2000-7290) by submitting written views, data, or comments. In accordance with 49 CFR 211.25, FRA has decided to hold a public hearing on Amtrak's request to use the trainset on the special train run. A public hearing is hereby set for 1 p.m. on Wednesday, May 3, 2000, at the Federal Railroad Administration, 7th floor, conference room 2, 1120 Vermont Ave., NW, Washington, DC 20590. Interested parties are invited to present oral statements at the hearing. The hearing will be an informal one and will be conducted in accordance with FRA's Rules of Practice (49 CFR 211.25) by a representative designated by FRA. The hearing will be a non-adversarial proceeding; therefore, there will be no cross-examination of persons presenting statements. The FRA representative will make an opening statement outlining the scope of the hearing. After all initial statements have been completed, those persons wishing to make a brief rebuttal will be given the opportunity to do so in the same order in which initial statements were made. Additional procedures, if necessary for the conduct of the hearing, will be announced at the hearing.

Written comments should identify Docket No. FRA-2000-7290 and must be submitted to the Docket Clerk, DOT Management Facility, Room PL-401 (Plaza Level), 400 7th Street, SW, Washington, DC 20590. Communications received by May 3, 2000 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 this proceeding 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://dms.dot.gov>.

FRA makes clear that the hearing scheduled for May 3, 2000 is not a hearing on the merits of Amtrak's grandfathering petition, identified as Docket No. FRA-1999-6404.

Issued in Washington, DC, on April 26, 2000.

**S. Mark Lindsey,**

*Acting Deputy Administrator, Federal Railroad Administration.*

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**BILLING CODE 4910-06-P**

**DEPARTMENT OF TRANSPORTATION****Federal Transit Administration****Notice of Granted Buy America Waiver**

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

**ACTION:** Notice of Granted Buy America Waiver.

**SUMMARY:** This waiver allows Orion Bus Industries (Orion) to count the axle used in the Orion II paratransit vehicle as a domestic component for the purposes of calculating overall domestic content and was predicated on the non-availability of the item domestically. A similar waiver was granted by FTA to Orion in 1998 for the period of two years. Because the market has not changed in the intervening two years, Orion requested that FTA extend this waiver. It was extended on February 28, 2000, for the period of two years, or until such time as a domestic source for this heavy-duty axle becomes available. This notice shall insure that the public, particularly potential manufacturers, is aware of this waiver. FTA requests that the public notify it of any relevant changes in the domestic market of heavy-duty axles.

**FOR FURTHER INFORMATION PLEASE**

**CONTACT:** Meghan G. Ludtke, FTA Office of Chief Counsel, Room 9316, (202) 366-4011 (telephone) or (202) 366-3809 (fax).

**SUPPLEMENTARY INFORMATION:** The above referenced waiver is as follows:

February 28, 2000.

Mr. Paul Royal,  
*Executive Vice President, Orion Bus Industries, A Division of Western Star Trucks, Inc., 350 Hazelhurst Road, Mississauga, Ontario.*

Re: Application for Extension of Buy America Waiver for Orion II Component

Dear Mr. Royal: This letter responds to your correspondence of January 19, 2000, in which you request an extension of a Buy America waiver granted for the procurement of the GNX axle for use in your Orion II paratransit vehicle. The original two-year waiver was granted on February 27, 1998, per your request of December 22, 1997. This letter incorporates, by reference, the information contained in the above letters.

The Federal Transit Administration's (FTA) requirements concerning domestic preference for federally funded transit projects are set forth in 49 U.S.C. 5323(j). Section 5323(j)(2)(C) addresses the general requirements for the procurement of rolling stock. This section provides that all rolling stock procured with FTA funds must have a domestic content of at least 60 percent and must undergo final assembly in the U.S.

This waiver would allow Orion to count the axle as domestic for the purposes of calculating overall domestic content of the vehicle. You request a waiver under 49