

Background

I. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315 to grant exemptions from certain parts of the Federal Motor Carrier Safety Regulations (FMCSRs). FMCSA is required to publish notice of exemption requests in the **Federal Register** (49 U.S.C. 31315(b)(6)(A)). This notice seeks public comment on the request posted to the docket referenced above; the Agency takes no position on its merits. FMCSA will review the request and all comments submitted to the docket before deciding whether to grant or deny the exemption.

II. Robert Bosch LLC and Mekra Lang North America LLC Application for Exemption

Section 393.80(a) of the FMCSRs requires that each bus, truck, and truck-tractor be equipped with two rear-vision mirrors, one at each side. The mirrors must be positioned to reflect to the driver a view of the highway to the rear and the area along both sides of the CMV. Section 393.80(a) cross-references the National Highway Traffic Safety Administration's standard for mirrors on motor vehicles (49 CFR 571.111, Federal Motor Vehicle Safety Standard [FMVSS] No. 111). Paragraph S7.1 of FMVSS No. 111 provides requirements for mirrors on multipurpose passenger vehicles and trucks with a gross vehicle weight rating (GVWR) greater than 4,536 kg and less than 11,340 kg and each bus, other than a school bus, with a GVWR of more than 4,536 kg. Paragraph S8.1 provides requirements for mirrors on multipurpose passenger vehicles and trucks with a GVWR of 11,340 kg or more. Robert Bosch LLC and Mekra Lang North America LLC have applied for an exemption from 393.80(a) to allow motor carriers to operate CMVs equipped with the company's CV Digital Mirror System installed as an alternative to the two rear-vision mirrors required by the FMCSRs. A copy of the application is included in the docket referenced at the beginning of this notice.

III. Request for Comments

In accordance with 49 U.S.C. 31315(b)(6), FMCSA requests public comment from all interested persons on the application for an exemption from 49 CFR 393.80(a). All comments received before the close of business on the comment closing date indicated at the beginning of this notice will be considered and will be available for examination in the docket at the location listed under the **ADDRESSES** section of this notice. Comments

received after the comment closing date will be filed in the public docket and will be considered to the extent practicable. In addition to late comments.

FMCSA will also continue to file, in the public docket, relevant information that becomes available after the comment closing date. Interested persons should continue to examine the public docket for new material.

Issued on: January 27, 2020.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2020-01763 Filed 1-29-20; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA-2020-0009]

Petition for Waiver of Compliance

Under part 211 of title 49 Code of Federal Regulations (CFR), this provides the public notice that on January 13, 2020, the Metropolitan Council's Metro Transit Division (Metro Transit), petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR parts 214, 219, 220, 229, 235, and 236. FRA assigned the petition Docket Number FRA-2020-0009.

Metro Transit operates two rail fixed guideway transit systems in Minnesota—the METRO Blue and Green light rail transit (LRT) Lines. Currently, the Green Line is 11 miles in length with 18 stations between Target Field Station in downtown Minneapolis, and Union Depot Station in downtown St. Paul, sharing 5 stations in downtown Minneapolis with the Blue Line. The Green Line LRT Extension Project, also known as Southwest Light Rail Transit Line (SWLRT), will add approximately 14.5 miles of standard-gage light rail double-track with 16 new passenger stations within Hennepin County, Minnesota, to the existing Green Line LRT operations. The SWLRT project will extend the existing Green Line from the Target Field/Interchange Station near the central business district of downtown Minneapolis through the communities of St. Louis Park, Hopkins, Minnetonka, and Eden Prairie, passing near Edina. The SWLRT line will terminate at the Southwest Station in Eden Prairie. Construction of the SWLRT Project began in 2019 with the projected opening for revenue service operations in 2023.

SWLRT will be constructed adjacent to freight rail service operated by Twin Cities & Western Railroad (TCWR) in the Kenilworth Corridor and a portion of the Bass Lake Spur, and adjacent to freight rail service operated by BNSF Railway (BNSF) in the Wayzata Subdivision. Typical track center spacing averages 25 feet or more throughout this shared corridor. SWLRT and TCWR will share use of five highway-rail grade crossings (HRGC) on the Kenilworth Corridor and Bass Lake Spur located at 21st Street South in Minneapolis, Beltline Boulevard and Wooddale Avenue in St. Louis Park, and 5th Avenue South and Blake Road North in Hopkins. There are no shared HRGCs on the BNSF Wayzata Subdivision. An intrusion detection system will be installed wherever typical spacing for track centers between SWLRT and freight tracks is less than 50 feet.

On the Bass Lake Spur (Milepost (MP) 16.3/428.38 to MP 435.06), the Metropolitan Council has, on Hennepin County Regional Railroad Authority's behalf, contracted with third parties to perform freight rail operations maintenance, dispatching, and flagging services. The SWLRT track and signal system is wholly separate and distinct from any adjacent freight tracks and related equipment. Metro Transit will maintain its own track and signals in the SWLRT, and only Metro Transit Signal and Train Control employees will be working on signal and train control equipment at the five shared HRGCs.

Specifically, Metro Transit seeks a waiver of compliance from certain provisions of FRA regulations applicable to the limited connections of the SWLRT to the general railroad system at five shared HRGCs, stating it has alternative procedures in place on its existing Green Line operations which are comparable from a substantive perspective to FRA safety regulations. Moreover, Metro Transit states the waivers would promote consistency in the standard operating procedures followed by Metro Transit in its Green Line LRT operations and provide an equivalent level of safety to the corresponding FRA regulations.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at www.regulations.gov and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Ave. SE, W12-140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

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 parties desire an opportunity for oral comment and a public hearing, 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 and may be submitted by any of the following methods:

- **Website:** <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 Ave. SE, W12-140, Washington, DC 20590.
- **Hand Delivery:** 1200 New Jersey Ave. SE, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Communications received by March 16, 2020 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable.

Anyone can 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 document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <https://www.transportation.gov/privacy>. See also <https://www.regulations.gov/privacyNotice> for the privacy notice of [regulations.gov](http://www.regulations.gov).

Issued in Washington, DC.

John Karl Alexy,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2020-01670 Filed 1-29-20; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA-2019-0099]

Program Approval: Norfolk Southern Railway Company

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

ACTION: Notice of approval.

SUMMARY: FRA is issuing this notice to explain its rationale for approving a Norfolk Southern Railway Company (NS) petition for a Test Program designed to test track inspection technologies (*i.e.*, an autonomous locomotive-mounted geometry measurement system and an automated optical system) and new operational approaches to track inspections and its rationale for granting a limited, temporary suspension of a substantive FRA rule that is necessary to facilitate the conduct of the Test Program.

FOR FURTHER INFORMATION CONTACT: Yu-Jiang Zhang, Staff Director, Track Division, Office of Railroad Safety, FRA, 1200 New Jersey Avenue SE, Washington, DC 20590, telephone (202) 493-6460 or email yujiang.zhang@dot.gov; Aaron Moore, Attorney, Office of Chief Counsel, FRA, 1200 New Jersey Avenue SE, Washington, DC 20590, telephone (202) 493-7009 or email aaron.moore@dot.gov.

SUPPLEMENTARY INFORMATION: On November 1, 2019, NS petitioned FRA under Title 49 Code of Federal Regulations (CFR) Section 211.51 to suspend certain requirements of FRA's track safety regulations to conduct a program to test new track inspection technologies (*i.e.*, an autonomous locomotive-mounted geometry measurement system and an automated optical system) and new operational approaches to track inspections. NS also submitted a written Test Program providing a description of the proposed tests and the geographic scope of the testing territory.

The Test Program specifies that the tests will be conducted on approximately 1,042 miles of main and siding tracks of the former Norfolk & Western route from Norfolk, Virginia to Portsmouth, Ohio on NS's Pocahontas Division.

The Test Program is designed to test autonomous locomotive-mounted geometry measurement systems and gradually decreased manual visual inspections as an alternative to FRA's inspection frequency requirements. NS

indicates that it will continue to use other inspection technologies during the Test Program, including (1) Sperry rail flaw and joint bar inspections, and (2) Vehicle/Track Interaction, a locomotive-based ride quality inspection system. The Test Program will be carried out in three separate phases over the course of one year as detailed in Exhibit C of the Test Program (available for review at www.regulations.gov (docket number FRA-2019-0099)).

After review and analysis of NS's petition for a Test Program, subject to certain conditions designed to ensure safety, FRA approved NS's Test Program and suspended the requirements of 49 CFR 213.233(b)(3) ¹ and (c) as necessary to carry out the Test Program. A copy of FRA's letter approving NS's Test Program and granting the requested limited temporary suspension of 49 CFR 213.233(b)(3) and (c), as well as a complete copy of the Test Program, is available in docket number FRA-2019-0099 at www.regulations.gov. FRA's letter approving NS's Test Program and granting the requested limited temporary suspension of certain regulations specifically details the conditions NS will need to undertake during the Test Program. As required by 49 CFR 211.51(c), FRA is providing this explanatory statement describing the Test Program.

As explained more fully in its approval letter, FRA finds that the temporary, limited suspension of 49 CFR 213.233(b)(3) and (c) is necessary to the conduct of the approved Test Program, which is specifically designed to evaluate the effectiveness of new automated track inspection technologies and operational methods. Furthermore, FRA also finds that the scope and application of the granted suspension of 49 CFR 213.233(b)(3) and (c) as applied to the Test Program are limited to that necessary to conduct the Test Program. Finally, FRA's approval letter outlines the conditions of the Test Program that will ensure standards sufficient to assure safety.

Issued in Washington, DC, on January 27, 2020.

John Karl Alexy,

Associate Administrator for Railroad Safety, Chief Safety Officer.

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¹ The suspension of 49 CFR 213.233(b)(3) only applies to Phase 3 of the Test Program.