

Issued in Washington, DC, on June 17, 2013.

Robert C. Lauby,

Deputy Associate Administrator for Regulatory and Legislative Operations.

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA-2013-0061]

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that by a document dated May 29, 2013, the Commuter Rail Division of the Regional Transportation Authority (Metra) and its operating company, the Northeast Illinois Regional Commuter Railroad Corporation, have petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR Part 236, Rules, Standards, and Instructions Governing the Installation, Inspection, Maintenance, and Repair of Signal and Train Control Systems, Devices, and Appliances. FRA assigned the petition Docket Number FRA-2013-0061.

Metra seeks a waiver from the requirements of 49 CFR 236.566, *Locomotive of each train operating in train stop, train control or cab signal territory; equipped*. Specifically, Metra seeks FRA's approval to operate nonequipped Metra switch engines over Metra's Rock Island District (RID) in cab signal territory. The RID automatic cab signal territory begins at Joliet, IL, Milepost (MP) 40.2, and ends at Blue Island, IL, MP 14.5.

Metra seeks this waiver for two reasons: (1) Because its switch engines are not equipped with cab signals and (2) because of the occasional use of mainline trackage, there is no economic justification for the installation of such cab signals. Metra's justification for the request is that the movement without cab signals can be made safely when the following proposed procedure is followed:

1. The train dispatcher or control operator is advised that the equipment is non-cab signal-equipped switch engines prior to entering main track.
2. The maximum authorized speed is 30 mph for non-cab signal-equipped switch engines.
3. An absolute block must be established in advance of the movement.

4. The equipment does not operate during the hours of peak commuter train service.

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 Avenue 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 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 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 by August 5, 2013 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

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 document, if submitted on behalf of an association, business, labor union, etc.). See <http://www.regulations.gov/#/privacyNotice> for the privacy notice of regulations.gov or interested parties may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477).

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Robert C. Lauby,

Deputy Associate Administrator for Regulatory and Legislative Operations.

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA-2013-0014]

Petition for a Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that Bombardier Transportation North America (BTNA) has petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR Part 242, Qualification and Certification of Conductors, at two of its maintenance operations. BTNA's first operation serves the Southern California Regional Rail Authority with locations in Los Angeles, Lancaster, and San Bernardino, CA. BTNA's second operation serves the South Florida Regional Transportation Authority in Miami, FL. BTNA services and maintains the commuter train equipment for these commuter rail lines, and Transportation Certification Services, Inc. administers BTNA's operating crew certification programs. FRA assigned the petition Docket Number FRA-2013-0014.

The conductor certification regulations provide that every train or yard crew, as defined in 49 CFR 218.5, Definitions, are required to have a certified conductor as a member of the crew and, in the case of a single person train or yard crew, the regulation provides that the employee must be dual-certified as a locomotive engineer and a conductor.

In its petition, BTNA states that virtually all of the employees responsible for equipment movements at the above-referenced facilities are certified locomotive engineers pursuant to 49 CFR Part 240, Qualification and Certification of Locomotive Engineers. In addition to the locomotive engineer training, the employees receive additional training to cover ground-switching duties. BTNA states that the additional training required under 49 CFR Part 242 would not increase the level of safety at these facilities and would create a cost burden for it.

In its petition, BTNA also notes that 49 CFR 242.123, Monitoring operational

performance, requires that specific operating rule efficiency tests be performed on conductors in addition to the operational testing required under 49 CFR Part 240. Consequently, BTNA will conduct the operational testing required by 49 CFR 242.123 for all employees who are engaged in the movement of equipment at the above-referenced facilities.

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 Avenue 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 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 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 by July 22, 2013 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

Anyone is able to search the electronic form of any written communications and comments received into 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.). See <http://www.regulations.gov/#!privacyNotice> for the privacy notice of regulations.gov or interested parties may review DOT's complete Privacy Act Statement in the

Federal Register published on April 11, 2000 (65 FR 19477).

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Robert C. Lauby,

Deputy Associate Administrator for Regulatory and Legislative Operations.

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA-2001-9998]

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that by a document dated March 5, 2013, Farmrail System, Inc. (Farmrail) has petitioned the Federal Railroad Administration (FRA) for an extension of a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 223, Safety Glazing Standards—Locomotives, Passenger Cars and Cabooses. FRA assigned the petition Docket Number FRA-2001-9998.

Specifically, Farmrail petitioned FRA to grant an extension of a waiver of compliance from 49 CFR 223.15, *Requirements for existing passenger cars*. Farmrail seeks this relief for three passenger cars, numbered FMRC 5627, FMRC 5478, and FMRC 5560. These cars are used in excursion service, on a limited seasonal basis, through a sparsely populated area on trackage owned by the Oklahoma Department of Transportation. The cars are former VIA Rail Canada equipment and have a double-pane combination of 3/4-inch thick safety glass inside and plate glass outside. Farmrail states that there has been no breakage of the existing glazing, and it has continued to operate these cars in accordance with the conditions of the waiver granted in Docket Number FRA-2001-9998 without accident, incident, or any condition that has posed a safety hazard to passengers, employees, or the public. In addition, Farmrail states that the waiver should be extended because of the infrequent usage of the subject cars, the fact that they operate in excursion service, and the cost of installing FRA-compliant glazing.

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 Avenue 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 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 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 by August 5, 2013 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

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 document, if submitted on behalf of an association, business, labor union, etc.). See <http://www.regulations.gov/#!privacyNotice> for the privacy notice of regulations.gov or interested parties may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477).

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Robert C. Lauby,

Deputy Associate Administrator for Regulatory and Legislative Operations.

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