

*Parties:* Members of the International Air Transport Association.

*Subject:* TC2/TC12 Mail Vote 739, Rescission of Fare Increase from Sudan.

*Proposed Effective Date:* May 1, 1995.

**Paulette V. Twine,**

*Chief, Documentary Services Division.*

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## Federal Railroad Administration

### Petition for Exemption or Waiver of Compliance

In accordance with Title 49 CFR 211.9 and 211.41, notice is hereby given that the Federal Railroad Administration (FRA) has received requests for exemptions from or waivers of compliance with a requirement of its safety standards. The individual petitions are described below, including the party seeking relief, the regulatory provisions involved, and the nature of the relief being requested.

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 Number RSOP-95-1) and must be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, FRA, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590. Communications received within 45 days of the date of publication 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 (9:00 a.m.-5:00 p.m.) in Room 8201, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590.

The individual petitions seeking an exemption or waiver of compliance are as follows:

*American President Lines, Limited and APL Land Transport Services, Incorporated (APL) (Waiver Petition Docket Number RSOP-95-1)*

The American President Lines, Limited and APL seek a permanent waiver of compliance with certain

provisions of the Railroad Operating Practices regulation (Title 49 CFR Part 218) for derail and blue signal requirements. APL is seeking relief from the requirements of § 218.29(c)(1) which states: "(c) Except as provided in paragraphs (a) and (b) of this section, when workers are on, under, or between rolling equipment on any track, other than main track: (1) A derail capable of restricting access to that portion of the track on which such equipment is located, will fulfill the requirements of a manually operated switch when positioned no less than 150 feet from the end [of] such equipment \* \* \*"

A new container port facility and rail yard, which will be operated by an APL subsidiary, are being designed and built by the Port of Seattle. The new facility is designed to load and unload intermodal trains and is expected to be occupied by the last quarter of 1996. The yard will have the capacity to store up to 56 stack train cars with each such car being a maximum of 337 feet long. There will be 6 parallel spur tracks entering the yard from the south end with a single run-around track to the west of the working tracks. The 6 spurs are arranged in sets of 2 parallel tracks which will be serviced by gantry cranes or top-picks for loading and unloading. The 6 spurs rejoin at the north end to service a single spur which runs north to a "dead end." In the center of the yard is a 70-foot wide crossing aisle that divides each spur. On each side of the aisle, APL plans to load and unload 3 to 5 stack cars on each of the 6 tracks. The 6 tracks will each be about 3,100 feet in length, and the yard will be approximately 3,200 feet in length by about 300 feet in width. APL intends to load or unload trains on all 6 spurs simultaneously. To protect its workmen, APL plans to install blue lights and derailleurs 5 feet beyond the edge on both sides of the aisle. The 5-foot area between the edge of the aisle and the derailer and blue light signal will be a surface that will immediately dampen the progress of any car that is derailed, so that the car will stop moving before the face of the coupler reaches the aisle. The blue light, derail and red light will all be remotely and automatically controlled from a tower that is within 1,500 feet of the aisle and will have a continuous uninterrupted view of the yard. There will also be a blue light signal and derail across the aisle, 80 feet from the other blue light and derail, which would, APL claims, in essence provide dual protection for the workmen.

The facility will load and unload ships and intermodal unit trains. In a typical operation, a loaded train will

enter the yard from the south, pulling enough cars to fill the first track. The speed limit in the yard will be 5 mph. The locomotive will pull these cars onto the first track, where a cut will be made just before the aisle, and those cars to be unloaded on the southeast side of the aisle will be set out. The locomotive will then pull the rest of the cars onto the track north of the aisle where they will be set out. The locomotive will then exit the first track, proceed south on the run-around track to the west of the yard and pickup another cut of cars to fill the second track. This will continue until the incoming train is spotted or all six tracks are filled. Excess cars can be spotted in a storage yard west of and adjacent to the main yard. During the process, once each cut of cars is set out on the appropriate track, the blue lights and derails will be set.

At that point, top lifting type container handling equipment will be used to unload the railroad cars on any given spur. Tractors will move the trailers or containers either to a storage area, or directly to ships that are berthed at the facility. These tractors will use the aisle as the means of access to and from the yard with both chassis and containers. A similar process will be followed when loading unit trains from a ship or the container storage yard.

APL requests waiver of the 150-foot requirement for the blue lights and derail devices to be used in the center aisle in the yard. Each group of workmen will be protected by blue light signals 80 feet apart across the aisle. Each group of workmen will also be protected by two derail devices. The first will be within 5 feet of the coupling face, and the other will be 80 feet from the first derail device, across the aisle. Workmen will not begin working to load or unload the cars on any given spur until the cars have come to a complete stop and are protected as set out in this waiver request. They will be protected by two blue light signals and by two derail devices.

APL states that it "is working with the Port in the process of designing the yard. One important facet of this design is that workmen be able to work in close proximity to the aisle to increase efficiency. As indicated in the Notice of Proposed Rulemaking, when certain criteria are present, a railroad may safely use different approaches to afford blue signal protection." APL states they will meet those criteria. "First, slow speeds are involved since there is a 5 mph speed limit in the yard. Next, control over the movement of the equipment will be placed in the hands of individuals directly responsible for the people who need to be protected. In

the Final Rule, FRA expressed its goal of assuring workers' safety." APL states that "the combination of very low speed, a movement dampening surface, and derails in close proximity to cars that are standing still will limit travel to not more than 5 feet after derailment which is well within FRA's goal to assure that rolling equipment will not travel more than 50 feet after derailment."

APL states that "the waiver sought by APL will allow construction a modern and efficient rail yard as part of an intermodal facility at the Port of Seattle. By operating with a reduced distance for blue lights and derail devices, APL will be able to fit the yard to the property available. This project will substantially increase the amount of rail business at the Port and in the region. Shorter train movements in the yard will also reduce air emissions in the Port, thereby reducing harm to the environment."

Issued in Washington, D.C. on April 25, 1995.

**Phil Olekszyk,**

*Deputy Associate Administrator for Safety Compliance and Program Implementation.*  
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**Petition for Exemption or Waiver of Compliance**

In accordance with title 49 CFR sections 211.9 and 211.41, notice is hereby given that the Federal Railroad Administration (FRA) has received from the Port Authority Trans-Hudson Corporation (PATH) requests for waivers of compliance with requirements of Federal rail safety standards. The petitions are described below, including the regulatory provisions involved and the nature of the relief being requested.

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 Number LI-94-1) and must be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, FRA, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590. Communications received within 45

days of the date of publication 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 (9:00 a.m.-5:00 p.m.) in Room 8201, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590.

**Port Authority Trans-Hudson Corporation [Waiver Petition Docket Number LI-94-1]**

The Port Authority Trans-Hudson Corporation (PATH) seeks a permanent exemption from the requirement of installing and maintaining event recorders on each of its multiple unit (MU) electric cars, as required by Title 49 CFR Part 229. Section 229.135 requires that all trains operating over 30 mph be equipped with event recorders by May 5, 1995.

PATH operates a 13.8 mile rapid transit system between New Jersey and New York. Approximately one-half of the trackage is below ground level. Over 1,248 train movements per day carry approximately 199,000 passengers five days per week. Four major terminals and nine intermediate stations serve the closed system. Of PATH's total fleet of 342 cars, 260 would require event recorders. PATH has 10 different speed limits ranging from 8 to 55 mph with average speed over the system being approximately 20 mph.

In FRA Docket LI-81-9, the requirements of Title 49 CFR 229.117 were waived as they pertain to PATH. That section required that all locomotives operating over 20 mph must be equipped with a speed indicator. The requirement that each lead locomotive be equipped with a pilot, snow plow or end plate was also waived.

The petitioner cites that since they are excluded from the speed indicator requirements, then they likewise should be excluded from the event recorder requirements since speed is the most important of the recorded functions.

**Port Authority Trans-Hudson Corporation [Waiver Petition Docket Number PB-94-2]**

The Port Authority Trans-Hudson Corporation (PATH) seeks a permanent waiver of compliance with certain provisions of the Railroad Power Brake and Drawbars Regulation, Title 49 CFR Part 232. PATH is requesting an exemption from the requirement of conducting a rear car application and release test of the air brakes at stub end or intermediate terminals when

changing operating ends on rapid transit passenger trains. Title 49 CFR Section 232.13(c)(1) states:

At a point other than an initial terminal where a locomotive or caboose is changed, or where one or more consecutive cars are cut off from the rear end or head end of a train with the consist otherwise remaining intact, after the train brake system is charged to within 15 pounds of the feed valve setting on the locomotive, but not less than 60 pounds as indicated at the rear of a freight train and 70 pounds on a passenger train, a 20-pound brake pipe reduction must be made and it must be determined that the brakes on the rear car apply and release. As an alternative to the rear car brake application and release test, it shall be determined that brake pipe pressure of the train is being reduced as indicated by a rear car gauge or device and then that brake pipe pressure of the train is being restored as indicated by a rear car gauge or device.

PATH's MU electric cars utilize a dynamic brake through the propulsion system, an electropneumatic tread brake actuated at each wheel and a hand operated parking brake. During service braking the dynamic brake is fully effective down to 10 mph after which the friction brake is used to stop the car. An emergency brake application provides maximum braking effort by the electropneumatic system with the dynamic nullified.

PATH's present operation requires the FRA mandated initial terminal train air brake test when a train is first put in service or the consist is changed. At stub end or intermediate terminals where the engineer changes operating ends, no operation is performed that would interrupt the air lines. PATH states that should a failure occur that interrupted the flow of air on the train, the engineer, on changing ends and charging his train, would not get proper brake pipe pressure nor engineer's indication in his operating cab. This lack of indication advises the engineer that something is wrong and procedures are implemented to determine the source of the problem. PATH believes this indication circuit provides adequate and reliable protection in the event of a trainline failure, and performing a stub end or intermediate terminal air brake test is unnecessary. PATH estimates that compliance with Section 232.13(c)(1) would require 21 additional cars, 6 additional engineers and 6 additional conductors to maintain the present level of service due to the increased time required for the test.