

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 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 RSGM-94-21) and must be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, FRA, Nassif Building, 400 Seventh Street, SW., Washington, DC 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, DC 20590.

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

West Jersey Railroad Company (WJ) (Waiver Petition Docket Number RSGM-94-21)

The WJ seeks a permanent waiver of compliance with certain provisions of the Safety Glazing Standards (Title 49 CFR Part 223) for one locomotive. The locomotive WJ 56, an ALCO model T-6 Switcher, will be operated on 17.44 miles of track between Salem and Swedesboro, New Jersey. The area is very rural and not subject to vandalism. The WJ has operated two locomotives under Waiver Docket Number RSGM-88-28 since 1991.

Cornhusker Railcar Services Incorporated (CRCX)

(Waiver Petition Docket Number RSGM-94-22)

The CRCX operates railcar repair shops at Grand Island and Hastings, Nebraska. Company owned locomotives are employed at each facility for switching, however only the EMD SW-8 locomotive at Hastings operates on track outside their plant. Approximately 10 percent of the time this locomotive operates on trackage jointly owned by Burlington Northern Railroad Company and Union Pacific Railroad Company. The locomotive is presently undergoing repairs at Grand Island.

NEBKOTA Railway, Incorporated (NRI)

(Waiver Petition Docket Number RSGM-94-24)

The NRI seeks a permanent waiver of compliance with certain provisions of the Safety Glazing Standards (Title 49 CFR Part 223) for two locomotives and one caboose. The NRI operates on 73.2 miles of track between Merriman, Nebraska, and near Chadron, Nebraska. The largest city on this line has a population of 1,800. NRI also has trackage rights on 28.3 miles of Chicago and North Western Transportation Company track between near Chadron and Crawford, Nebraska. The largest city on this segment has a population of 5,500. The NRI states there have been no incidents of vandalism on either line in the past five years. The area is predominantly devoted to farming and ranching.

Semo Port Railroad, Incorporated (SE)

(Waiver Petition Docket Number RSGM-94-25)

The Southeast Missouri Regional Port Authority on behalf of SE seeks a permanent waiver of compliance with certain provisions of the Safety Glazing Standards (Title 49 CFR Part 223) for one locomotive. The locomotive is an EMD GP-7-L road switcher built in 1953 for the United States Army and used solely by them since then. The SE is located at Scott City, Missouri, and operates on FRA excepted track at a maximum speed of 10 mph.

Yakima Valley Rail and Steam Museum (YVRX)

(Waiver Petition Docket Number RSGM-94-27)

The YVRX seeks a permanent waiver of compliance with certain provisions of the Safety Glazing Standards (Title 49 CFR Part 223) for one locomotive. Locomotive number 12, a GE 65-ton center cab switcher built in 1942, had

previously been in service at the Puget Sound Naval Ship Yards in Bremerton, Washington. The locomotive will be operated on the Simcoe Branch of the Toppenish Simcoe and Western Railroad, a 21 mile rural short line. The line is under the auspices of the YVRX whose intent is to help preserve railroading history in the State of Washington and provide both passenger and freight services.

Pittsburgh and Conneaut Dock Company (PCDX)

(Waiver Petition Docket Number RSGM-95-1)

The PCDX seeks a permanent waiver of compliance with certain provisions of the Safety Glazing Standards (Title 49 CFR Part 223) for four locomotives. The locomotives, EMD model F-7's built in 1952, are used in yard switching service at the P&C Dock facilities at Conneaut, Ohio. Three of the locomotives are normally not manned since they are operated by remote control. Normal maintenance is performed in the Bessemer and Lake Erie Railroad Company (BLE) repair facilities at Conneaut. When heavy repairs are needed, the locomotives are hauled dead-in-tow to the BLE shop at Greenville, Pennsylvania. The petition requests that this movement be allowed to continue.

Econo Rail Corporation (TXTX)

(Waiver Petition Docket Number RSGM-95-2)

The TXTX seeks a permanent waiver of compliance with certain provisions of the Safety Glazing Standards (Title 49 CFR Part 223) for three locomotives. The TXTX operates 3 miles of track inside the Port of Beaumont at Beaumont, Texas. All work is performed within a fenced and guarded area. Maximum operating speed is 15 mph. The railroad states that there has been no vandalism since operations began in 1978.

ISS Rail, Incorporated (ISSR)

(Waiver Petition Docket Number RSGM 95-3)

The ISSR seeks a permanent waiver of compliance with certain provisions of the Safety Glazing Standards (Title 49 CFR Part 223) for one locomotive. The locomotive, ISSR 3003, an ALCO 1000 HP switcher built in 1946 operates on approximately 10 track miles in New Castle, Pennsylvania. ISSR interchanges with Conrail and CSX Transportation on jointly accessed track. The locomotive is presently equipped with shatterproof safety glass.

Southern Railroad Company of New Jersey (SRNJ)

(Waiver Petition Docket Number RSGM-95-4)

The SRNJ seeks a permanent waiver of compliance with certain provisions of the Safety Glazing Standards (Title 49 CFR Part 223) for three locomotives. The SRNJ operates exclusively in southern New Jersey which is primarily rural in nature. Much of the trackage is within the "Pinelands" which is protected from residential and industrial development. SRNJ states that there is approximately one grade crossing per mile of track.

Northern Indiana Commuter Transportation District (NICD)

(Waiver Petition Docket Number LI-94-12)

The NICD seeks a temporary waiver of compliance with certain provisions of the Locomotive Safety Standards (Title 49 CFR Part 229) for their locomotives. NICD is seeking relief from the requirements of Section 229.135 that all trains operating over 30 mph shall be equipped with an event recorder by May 5, 1995. NICD requests an extension of one year.

The Locomotive Safety Standards were revised on July 8, 1993, to require each lead locomotive of trains operating over 30 mph to be equipped with an event recorder by May 5, 1995. NICD operates 48 electric MU cars and 10 nonpowered trailer cars from Michiana Regional Airport at South Bend, Indiana, to Randolph Street Station in Chicago, Illinois. Approximately 1/6 of this route (15 miles) is operated over trackage owned by Northeast Illinois Railroad Corporation (METRA). All NICD equipment was built by Sumitomo Corporation of America and operates at a maximum speed of 79 mph. Standard locomotive event recorders are not applicable to the NICD cars and attempts to interest manufacturers to produce an acceptable recorder have been delayed until recently. Due to the competitive bid process, vendor's ability to deliver and installation of the systems, NICD will be unable to comply with the May 5, 1995 date and has requested an extension until May 5, 1996.

Long Island Rail Road (LI)

(Waiver Petition Docket Number LI-95-1)

The LI seeks a temporary waiver of compliance with certain provisions of the Locomotive Safety Standards (Title 49 CFR Part 229) for their locomotives and electric MU cars. LI is seeking relief from the requirements of Section

229.135 that all trains operating over 30 mph shall be equipped with an event recorder by May 5, 1995. LI requests the compliance date be extended to November 5, 1995, for their 71 diesel-electric locomotives and to December 5, 1996, for their 466 electric MU cars.

The Locomotive Safety Standards were revised on July 8, 1993, to require each lead locomotive of trains operating over 30 mph to be equipped with an event recorder by May 5, 1995. LI cites four factors which have an adverse impact on compliance with the May 5, 1995, date for the electric MU cars; nonavailability of off-the-shelf event recorders, impact on car availability, limited physical plant/manpower resources and energy conservation/cost savings. To optimize these factors and complete the installation, LI estimates will require the program be extended to December 5, 1996. While off-the-shelf event recorders are available for the diesel-electric locomotives, a compatibility problem arose on the initial installation and a new speed sensing system must also be installed. LI projects this application to be completed by November 5, 1995.

Frederick W. Seibold (Central Plateau) (CEPX)

(Waiver Petition Docket Number RSRM-95-1)

Frederick W. Seibold, owner of private rail car "Central Plateau" seeks a permanent waiver of compliance with certain provisions of the Rear End Marking Device Standards (Title 49 CFR Part 221) for a new design rear end marking device. Mr. Seibold has requested approval of an "antique" marking device consisting of the industry standard light bulb mounted in a vintage Handlan Number 79 Rear End Marker shell. This will enhance the restoration of the private car "Central Plateau" while meeting the rear end marking device requirements for passenger cars.

"Guidelines For Testing FRA Rear End Marking Devices" specifies the test procedures for approval of new marking devices. Tests are conducted and approval is granted for the complete device (light source and housing). There is no separate test of the light source. The guidelines require that five samples of the marking device be tested. Mr. Seibold's proposal includes 60PAR/2/R sealed beam lamp. This same lamp has been approved as part of all marking devices used by Amtrak and others. To forego the specific testing requirements of Part 221, which are written for commercially produced devices, Mr. Seibold requests an FRA identification

number be assigned to his marking device which includes a lamp already approved in other devices.

Issued in Washington, DC on April 25, 1995.

Phil Olekszyk,

Deputy Associate Administrator for Safety Compliance and Program Implementation.

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Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System or Relief From the Requirements of 49 CFR Part 236

Pursuant to Title 49 CFR Part 235 and 49 U.S.C. App. 26, the following railroads have petitioned the Federal Railroad Administration (FRA) seeking approval for the discontinuance or modification of the signal system or relief from the requirements of Title 49 CFR Part 236 as detailed below.

Block Signal Application (BS-AP)-No. 3352

Applicant: Canadian American Railroad Company, Mr. Alfred E. Michon, President, Northern Maine Junction Park, RR2 Box 45, Bangor, Maine 04401-9602

The Canadian American Railroad Company seeks approval of the proposed discontinuance and removal of the automatic block signal system, of the single main track and sidings, between "Boundary", milepost 101.7 and Brownsville Junction, milepost 0.0, on the Moosehead Subdivision; and between milepost 104.84 and milepost 105.15, on the Mattawamkeag Subdivision, in the State of Maine, a distance of approximately 102 miles.

The reason given for the proposed changes is the abandonment of passenger service and changes in freight train service has altered operations, and the maintenance and repair of the signal system is very expensive.

BS-AP-No. 3353

Applicant: Eastern Maine Railway Company, Mr. E. Scott Smith, 11 Gifford Road, P.O. Box 5666, Saint John, New Brunswick, Canada, E21 5B6

The Eastern Maine Railway Company seeks approval of the proposed discontinuance and removal of the automatic block signal system, of the single main track and sidings, between Vanceboro, milepost 5.6 and Brownsville Junction, milepost 104.84, Maine, on the Mattawamkeag Subdivision, a distance of approximately 99.2 miles.