

DEPARTMENT OF TRANSPORTATION**Federal Railroad Administration****Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System or Relief From the Requirements of Title 49 Code of Federal Regulations Part 236**

Pursuant to Title 49 Code of Federal Regulations (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 49 CFR part 236 as detailed below.

Block Signal Application (BS-AP)-No. 3430

Applicant: CSX Transportation, Incorporated, Mr. R. M. Kadlick, Chief Engineer Train Control, 500 Water Street (S/C J-350), Jacksonville, Florida 32202.

CSX Transportation, Incorporated seeks approval of the proposed modification of the traffic control system, at Morton, Kentucky, milepost OHC-268.38, on the Earlington Cutoff, Henderson Subdivision, Chicago Service Lane, consisting of the discontinuance and removal of controlled signals 93RA and 93RL.

The reason given for the proposed changes is to eliminate facilities no longer needed in present day operation, due to the previous removal of the siding.

BS-AP-No. 3431

Applicant: Southeastern Pennsylvania Transportation Authority, Mr. John LaForce, P. E., Deputy Chief Engineer Power, Signals and Communications, 1234 Market Street, Philadelphia, Pennsylvania 19107.

The Southeastern Pennsylvania Transportation Authority (SEPTA) seeks approval of the proposed modification of the automatic block signal system, on the Ivy Ridge Line, between CP Valley, milepost 4.0 and Cynwyd, milepost 6.1, near Philadelphia, Pennsylvania, consisting of the conversion of eastward leaving Signal No. 62 to a controlled signal, remotely controlled by the SEPTA "A" Tower Operator, and elimination of the Train Register function located at Jeff, milepost 4.5.

The reason given for the proposed changes is that all eastward movements from the Cynwyd Turnback can be manually controlled and will no longer require each train to stop when entering and leaving the single track, thus improving operations.

Any interested party desiring to protest the granting of an application shall set forth specifically the grounds upon which the protest is made, and contain a concise statement of the interest of the protestant in the proceeding. The original and two copies of the protest shall be filed with the Associate Administrator for Safety, FRA, 400 Seventh Street, S.W., Mail Stop 25, Washington, D.C. 20590 within 45 calendar days of the date of issuance of this notice. Additionally, one copy of the protest shall be furnished to the applicant at the address listed above.

FRA expects to be able to determine these matters without an oral hearing. However, if a specific request for an oral hearing is accompanied by a showing that the party is unable to adequately present his or her position by written statements, an application may be set for public hearing.

Issued in Washington, D.C. on August 6, 1997.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

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DEPARTMENT OF TRANSPORTATION**Federal Railroad Administration****Petitions for Waivers of Compliance**

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received requests for waivers of compliance with certain requirements of its safety standards. The individual petitions are described below, including the parties seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioners' arguments in favor of relief.

CSX Transportation, Incorporated

(Waiver Petition Docket Number H-97-4)

CSX Transportation, Incorporated (CSX) seeks approval from FRA to conduct a test program for the purpose of evaluating recent technological advancements applied to equipment used in the inspection of rail for internal flaws. Specifically, CSX proposes to test a rail inspection system in which the primary rail inspection vehicle transmits, via radio modem, chart data to a secondary (chase) vehicle for the purposes of defect verification.

CSX is seeking relief from the requirements of 49 CFR Section 213.5(a), which requires certain actions be taken once the track owner has notice

that the track does not meet all of the requirements of this part. With respect to the inspection of rail for internal defects, FRA has historically interpreted this subsection to require that suspect rail flaw indications be verified by hand test equipment, and remedial action taken, if necessary, within the same day of the test.

Present practice within the industry, as is the case with current CSX procedures, is to immediately stop the rail inspection vehicle when an indication of a possible rail flaw is received by the on-board equipment. A hand test to verify the existence of the rail flaw is then performed. CSX maintains that this procedure has limited the rail inspection vehicles to an average of five miles of testing for every hour of on-track time. CSX further states that as traffic density continues to increase, the available on-track time for activities such as rail inspection continues to decrease.

CSX's petition requests that for certain non-critical rail flaw indications, hand test verification by the secondary (chase) vehicle will be accomplished within 48 hours of the time of observation by the primary test vehicle. All critical rail flaw indications recorded by the primary test vehicle will be immediately verified by hand test, and remedial action taken if necessary. In the absence of any critical rail flaw indications, the primary rail inspection vehicle would be allowed to continue to test the rail in a non-stop mode.

CSX petitions to implement this test program with dedicated equipment over approximately 4,000 miles of connected trackage on its system. CSX maintains that the procedures outlined in this test program will result in a safety benefit by increasing its on-track test mileage as well as increasing its testing cycle frequency, therefore creating additional opportunities to find rail flaws before they grow to service failure size. Critical rail flaws will be protected as in the past, while non-critical rail flaws are unlikely to grow to service failure size in the 48 hour delay time requested for verification.

CSX anticipates that there will not be any additional cost to either the private sector, consumer, Federal, State and local governments.

Burlington Northern Santa Fe Railroad Company

[Waiver Petition Docket Number LI-95-14]

The Burlington Northern Santa Fe Railroad Company (BNSF) seeks a waiver of compliance from 49 CFR 229.9, Railroad Locomotive Safety Standards—Movement of non-