

1982. This notice provides motor carriers operating specification MC 312 cargo tank motor vehicles manufactured in 1982 by Acro with information to identify the 3 remaining non-conforming cargo tank motor vehicles that have not been located.

FOR FURTHER INFORMATION CONTACT: Mr. Bill Quade, Office of Motor Carrier Safety and Technology (HSA-10), (202) 366-0476; or Mr. Joseph Solomey, Office of the Chief Counsel (HCC-20), (202) 366-1374, Federal Highway Administration, U.S. Department of Transportation, 400 Seventh Street SW., Washington, DC 20590-0001. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

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Background

Cargo tanks represented, marked, certified, or sold for use in the bulk transportation of hazardous materials must conform with the Hazardous Materials Regulations (49 CFR 171-180). Specification MC 312 cargo tanks are authorized to transport numerous hazardous materials, including flammable liquids (e.g., toluene), poisonous liquids (e.g., pesticides), corrosive liquids (e.g., sulfuric acid), and others. Due to the risk of transporting these types of materials in bulk, the regulations concerning specification MC 312 cargo tanks require that these tanks be protected from damage during rollover accidents. Requirements concerning the size and strength of these rollover damage protection devices for specification MC 312 cargo tank motor vehicles built in 1982 were outlined in the 1982 edition of title 49 of the Code of Federal Regulations (CFR). See section 178.340-8. Specification MC 312 cargo tank motor vehicles are required to meet manufacturing standards in effect at the time the cargo tank was manufactured. See 49 CFR 180.405(b).

On February 4, 1992, NTSB issued recommendation H-92-7 (Special Investigation Report on Cargo Tank Rollover Protection [NTSB/SIR-92/01])

concerning cargo tank motor vehicles. The FHWA then reviewed DOT Specification MC 312 cargo tank designs of tanks manufactured by Acro. The FHWA determined that rollover damage protection devices on thirteen tanks built by Acro in 1982 did not meet the requirements of the specifications. Since these tanks were not equipped with adequate rollover damage protection devices required by the regulations, they may not be represented as specification cargo tanks and may not be used to transport hazardous materials.

Acro installed the rollover damage protection devices on 13 tanks during 1982, but as indicated above, they were non-conforming. After the FHWA completed its investigation, Acro located 10 of the 13 affected cargo tanks and has taken steps to modify the rollover damage protection devices to meet the requirements of the MC 312 specification, or determined that the tanks are no longer in service. The remaining three cargo tanks have not been located and are, therefore, the subject of this notice. Specifically, the rollover damage protection devices installed on the following three cargo tanks as originally manufactured by Acro do not meet the requirements of specification MC 312:

Year	Vehicle identification No.	DOT specification	Serial No.	Drawing No.
1982	1A9114032C1005024	MC 312	5873	5873
1982	1A9114034C1005025	MC 312	5874	5873
1982	1A9114229C1005060	MC 312	5911	5787

If the cargo tanks listed above have rollover damage protection devices modified to a design certified by Acro, or another Design Certifying Engineer to meet the requirements of § 178.340-8, they may continue to be used to transport hazardous materials. If you own or operate one of the cargo tank motor vehicles listed above, please contact Mr. Chuck Beezley of Acro at (417) 862-1758 and the company will assist you in making appropriate modifications. Please also notify Mr. Bill Quade, the FHWA contact person listed at the beginning of this notice, so that the agency is aware that the cargo tank motor vehicles have been located and that arrangements are being made to have the vehicles modified. Cargo tanks which have non-conforming rollover damage protection devices must have the DOT specification plate removed, obliterated, or covered. Non-conforming cargo tanks may not be used to transport hazardous materials requiring a specification cargo tank.

Authority: 49 U.S.C. 5103; and 49 CFR 1.48.

Issued on: February 10, 1999.

Kenneth R. Wykle,
Federal Highway Administrator.
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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petition for Waiver of Compliance

In accordance with 49 Code of Federal Regulations (CFR), Sections 211.9 and 211.41 notice is hereby given that the Federal Railroad Administration (FRA) has received a request for a waiver of compliance from certain requirements of Federal railroad safety regulations. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being

requested and the petitioner's arguments in favor of relief.

Alaska Railroad Corporation (Waiver Petition Docket Number FRA-1998-4901)

Alaska Railroad Corporation (ARRC), seeks a waiver of compliance from certain sections of Title 49 CFR Parts 216, Special Notice and Emergency Order Procedures: Railroad Track, Locomotive and Equipment; 217, Railroad Operating Rules; 218, Railroad Operating Practices; 220, Radio Standards and Procedures; 229, Railroad Locomotive Safety Standards; 233, Signal Systems Reporting Requirements; 235, Instructions Governing Applications for Approval of a 2 Discontinuance or Material Modification of a Signal System or Relief from the Requirements Of Part 236; 236, Rules, Standards, and Instructions Governing the Installation, Inspection, Maintenance, and Repair of Signal and Train Control Systems,

Devices, and Appliances; and 240, Qualification and Certification Of Locomotive Engineers, under Part 211.51, Tests, to allow them to develop, implement, and test technology designed to prevent train collisions and overspeed violations and to protect track maintenance personnel from trains. The program will enable ARRC to demonstrate and validate the technology, referred to as Precision Train Control (PTC), before it is implemented on a larger scale.

PTC is a communications-based system designed to precisely manage the movements of trains in real time. PTC will generate a movement plan for all trains and then provide each train's engineer information necessary to keep the train on plan. PTC will monitor each train's position, velocity and acceleration in real time in respect to the movement plan and will prompt the engineer to take action before a violation occurs associated with limits of authority, track bulletins, track speed, speed restrictions, and working limits of track maintenance personnel. PTC will require the installation of a computer-aided dispatching (CAD) system from which the PTC system will be controlled. The PTC system will consist of three segments that work together to provide enforcement against train movement violations: the central office segment; the locomotive segment; and the communications segment. The central office segment will consist of the CAD, a server and movement planner that will develop and issue enforceable movement authorities and speed limits for each PTC-equipped train. This information is sent through the communications segment to the locomotive segment located onboard the controlling locomotive of each train. The locomotive segment enforces a train's movement and speed limits by monitoring and reporting the train's location and speed and applying the brakes to stop the train if necessary to prevent a violation.

The PTC program will be implemented system wide on the ARRC in the State of Alaska. All main track on all subdivisions on the ARRC will be included in the project. Total trackage will be 534.3 miles.

The following are the waiver requests and their justifications:

§ 216.13 Special notice for repairs—locomotive. Waiver is requested for PTC-equipped locomotives to the extent that non-operation of PTC equipment installed onboard (whether through malfunction or deactivation) shall not be construed as an unsafe condition requiring special notice for repairs. Waiver is also sought for non-PTC-

equipped locomotives operating in the PTC test territory to the extent that the absence of PTC equipment onboard shall not be construed as an unsafe condition requiring special notice for repairs.

Justification: With or without PTC equipment operating onboard the controlling locomotive, a train remains subject to existing operating rules. PTC tests require flexibility in installing, removing, turning on, and turning off the onboard equipment. The PTC tests will involve only a small subset of locomotives that will be PTC-equipped for testing.

§ 217.9 Program of operational tests and inspections; record keeping. Waiver is requested exempting operation of PTC equipment and procedures from the requirements for operational tests and inspections and associated record keeping.

Justification: During the PTC test phase, procedures for using PTC equipment and functions will be refined and modified. Until such procedures are defined, they cannot be addressed in the General Code of Operating Rules (GCOR). In any case, PTC is expected to have minimal impact on the operating rules.

§ 217.11 Program of instruction on operating rules; record keeping; electronic record keeping. Waiver is requested exempting operation of PTC equipment and procedures from the requirements for instruction and associated record keeping.

Justification: During the PTC test phase, procedures for using PTC equipment and functions will be refined and modified. Until such procedures are defined, they cannot be addressed in the GCOR. In any case, PTC is expected to have minimal impact on the operating rules.

Part 218 [Subpart D] Prohibition Against Tampering With Safety Devices. Waiver is requested exempting onboard PTC equipment from the requirements of § 218.51, 218.53, 218.55, 218.57, 218.59, and 128.61 to the extent that PTC equipment onboard a locomotive shall not be considered a "safety device" according to the provisions of this subpart at any time during the test phase.

Justification: PTC tests require flexibility in installing, removing, turning on, and turning off the onboard equipment. The ARRC also needs the flexibility to permanently disable or remove PTC equipment in the event that a production system is not implemented.

Part 220 Radio Standards and Procedures. Clarification is requested establishing that digital radio

communications are exempt from all requirements applicable to radio communications under Part 220.

Justification: Imposing the requirements of Part 220 would negate the efficiencies of digital data communications and adversely affect the PTC concept of operations. Digital radio communications are expected to enhance safety by eliminating the sources of human error which Part 220 is designed to mitigate.

§ 220.21 Railroad operating rules; radio communications; record keeping. Clarification is requested to establish that during PTC testing, operating rules with respect to radio communications shall not be construed or required to address procedures governing digital data communications.

Justification: The GCOR radio rules were written to enhance the safety of voice radio communications. Whether new rules are needed to accommodate digital communications is an open issue which will be decided during the PTC test phase.

§ 220.23 Publication of radio information. Clarification is requested to establish that digital radio base stations and wayside interface units are exempt from the requirements for publication of radio information including locations, channels, and periods of operation.

Justification: The safety rationale of these requirements does not apply to digital radio communications used in PTC where communication management functions occur transparently to the user.

§ 220.61 Transmission of train orders by radio. Clarification is requested establishing that both PTC digitally transmitted enforceable authorities and text authorities including track warrants, track permits and track bulletins are exempt from the requirements governing the voice transmission of train orders, especially: voice exchange prior to transmission of a train order; limitations regarding when and to which crew member a train order may be sent; copying a train order in writing; repeating a train order back to the dispatcher; and requiring the conductor and engineer to have written copies of a train order before it is acted upon.

Justification: The safety rationale of these requirements does not apply to digital transmission of either PTC enforceable authorities or displayed text authorities. PTC enforceable authorities are transparent to the train crew and are clearly outside the provisions of this section. Digitally transmitted track warrants, track permits and track bulletins are expected to enhance safety by eliminating the sources of

communication error which the requirements are designed to mitigate.

§ 229.7 Prohibited acts. Waiver is requested to the extent that PTC equipment onboard a locomotive shall not be considered "appurtenances" rendering the locomotive subject to the constraints of this section.

Justification: PTC test require flexibility in installing, removing, turning on, and turning off the onboard equipment. ARRC requires the flexibility to temporarily or permanently disable onboard PTC equipment. Whether or not PTC equipment onboard a locomotive is functioning, the train remains subject to the provisions of the rules governing the current methods of operation.

§ 229.135 Event recorders. Waiver is requested to the extent that PTC equipment onboard a locomotive shall not be considered an "event recorder" subject to the provisions of this section.

Justification: PTC equipment by design will operate intermittently during the test phase. The data accumulated by the onboard PTC equipment will be used to develop and refine PTC functions. Such data can be expected to contain anomalies that do not reflect true operating conditions, but by analysis will contribute to achieving necessary objectives in the PTC design.

§ 233.9 Reports. Waiver is requested exempting PTC operations in the test phase from the reporting requirement of this section.

Justification: ARRC recognizes that a PTC production system is subject to the provisions of this section, however, imposition of the requirements during the test phase would be an unnecessary paperwork burden.

§ 235.5 Changes requiring filing of application. Waiver is requested exempting PTC from the requirements of this section during the test phase.

Justification: PTC tests require flexibility in installing, removing, modifying, turning on, and turning off the PTC equipment. ARRC also requires the flexibility to permanently disable or remove PTC equipment in the event that a production system is not implemented.

§ 236.4 Interference with normal functioning of device. Waiver is requested to the extent that PTC equipment shall be excluded from this requirement during the test phase.

Justification: During the PTC test phase, the "normal functioning" of PTC will be identified, refined and defined. PTC tests require flexibility in installing, removing, turning on, and turning off the PTC equipment. With or without PTC equipment operating onboard the controlling locomotive, the

train remains subject to the provisions of the rules governing the existing methods of operation.

§ 236.5 Design of control circuits on closed circuit principle. Waiver is requested excepting PTC equipment from the closed circuit design requirement.

Justification: PTC is composed of solid state components that are software driven. Neither the hardware or software can technically be designed to meet the provisions of this section.

§ 236.11 Adjustment, repair, or replacement of component. Waiver is requested exempting PTC components onboard a locomotive from the requirements of this section.

Justification: PTC test require flexibility in installing, removing, modifying, turning on and turning off PTC equipment. Failure of a PTC component will not jeopardize the safety of train operations. With or without PTC equipment operating onboard the controlling locomotive, the train remains subject to the provisions of the rules governing the existing methods of operation.

§ 236.15 Timetable instructions. Waiver is requested exempting PTC territory from the timetable designation requirement of this section during the PTC test phase.

Justification: The PTC test phase will consist of tests and demonstrations, identifying the test territory in the timetable would be both premature and an unnecessary paperwork burden.

§ 236.23 Aspects and indications. Waiver is requested to the extent that the PTC display onboard an equipped locomotive shall not be construed to represent or correspond to signal aspects or indications subject to the requirements of this section.

Justification: The ARRC is a non signaled railroad. The PTC design excludes any visual display of signal aspects or indications. PTC enforceable authorities, which may or may not derive from signal indications, are not displayed onboard. Only text authorities, such as track warrants, track permits and track bulletins, are displayed to the train crew. Information on the PTC display will in no way represent authority conveyed through wayside signals.

§ 236.76 Tagging of wires and interference of wires or tags with signal apparatus. Waiver is requested exempting PTC equipment from the wire tagging requirement.

Justification: PTC hardware consists of computers, computer peripherals, and communication devices. While the inapplicability of this section to circuit boards, connectors, and cables would

appear obvious, waiver is sought for clarification.

§ 236.101 Purpose of inspection and tests; removal from service of relay or device failing to meet test requirements. Waiver is requested exempting PTC equipment from the requirement for removal of failed equipment from service.

Justification: PTC tests require flexibility in installing, removing, turning on, and turning off the onboard equipment. With or without PTC equipment operating onboard, a train remains subject to the provisions of the rules governing the existing methods of operation.

§ 236.107 Ground tests. Waiver is requested exempting PTC equipment from the requirement for ground tests during the test phase.

Justification: PTC hardware consists of computers, computer peripherals, and communication devices. Ground tests would serve no purpose in ensuring safety and could be damaging to the equipment.

§ 236.109 Time releases, timing relays and timing devices. Waiver is requested exempting PTC equipment from the testing requirement of this section during the test phase.

Justification: The timing devices in PTC equipment are software-driven, have no moving or visible parts, and are far more reliable than the devices for which this regulation was promulgated to address.

§ 236.110 Results of tests. Waiver is requested exempting PTC tests from the record keeping requirements of this section.

Justification: During the PTC test phase, the types of tests needed to ensure appropriate levels of maintenance will be defined.

§ 236.501 Forestalling device and speed control. Waiver is requested exempting PTC from the requirement for medium-speed restriction.

Justification: PTC is not connected to a signal system and will not enforce speed restrictions indicated by signal aspects. PTC will enforce speed restrictions reflected in the track database or issued through the CAD system.

§ 236.504 Operation interconnected with automatic block-signal system. Waiver is requested exempting PTC from the requirement of interconnection with an automatic block-signal system.

Justification: The ARRC is a non-sigaled railroad and PTC will have no connection to a signal system; however, PTC will operate to perform its intended function in the event of failure of the engineer to obey a restrictive condition displayed in the cab.

§ 236.511 Cab signals controlled in accordance with block conditions stopping distance in advance. Waiver is requested exempting the PTC onboard display from the cab-signal requirements in this section.

Justification: PTC is not an automatic cab signal system and will have no connection to a signal system.

§ 236.514 Interconnection of cab signal system with roadway signal system. Waiver is requested exempting PTC from the requirement of interconnection with a roadway signal system.

Justification: There are no roadway signal systems installed on the ARRC, therefore PTC will have no connection with a signal system.

§ 236.515 Visibility of cab signals. Waiver is requested exempting the PTC display from the visibility requirements of this section during the test phase.

Justification: PTC is not an automatic cab signal system and the design excludes any visual representation of signal aspects or indications. However, the visibility requirements will be met in the PTC production system.

§ 236.534 Entrance to equipped territory; requirements. Waiver is requested exempting the PTC from the requirements of this section during the test phase.

Justification: PTC tests require flexibility in installing, removing, turning on, and turning off PTC equipment.

§ 236.551 Power supply voltage; requirement. Waiver is requested exempting the onboard PTC power supply from the voltage requirement of this section.

Justification: PTC onboard equipment will function with more than a 50% variation in voltage.

§ 236.552 Insulation resistance; requirement. Waiver is requested exempting PTC equipment from the insulation resistance requirement of this section.

Justification: PTC onboard equipment consists of computers, computer peripherals, and communications equipment. Insulation resistance tests could be damaging to such components.

§ 236.553 Seal, where required. Waiver is requested exempting PTC equipment from the seal requirement of this section.

Justification: The PTC system will allow for manual disablement of onboard PTC functions and equipment both remotely from the dispatching office and through an onboard manual function. Use of the onboard cutout function will be electronically

monitored and reported to the dispatcher as an alarm.

§ 236.566 Locomotive of each train operating in train stop, train control or cab signal territory; equipped. Waiver is requested to the extent that the equipped requirements in the section shall not apply to PTC during the test phase.

Justification: A small subset of locomotives operating in the test territory will be PTC-equipped; the majority of trains will not be equipped. PTC tests require flexibility in installing, removing, turning on and turning off the onboard equipment. In any case, all PTC tests will be conducted under the provisions of the rules governing the existing methods of operation.

§ 236.567 Restrictions imposed when device fails and/or is cut out en route. Waiver is requested exempting PTC tests from the restrictions associated with device failure or cutout.

Justification: PTC tests require flexibility in installing, removing, turning on and turning off the on-board equipment. All PTC tests will be conducted under the provisions of the rules governing the existing methods of operation and a failure or deactivation of the PTC equipment will not jeopardize safety of train operations.

§ 236.586 Daily or after trip test. Waiver is requested exempting PTC from the requirements of this section during the test phase.

Justification: During the PTC test phase, the requirements for a daily or after-trip test, if necessary, will be defined. An objective is to perform this test without human intervention.

§ 236.587 Departure test. Waiver is requested exempting PTC from the test requirements of this section during the test phase.

Justification: During the PTC test phase, the requirements for a departure test will be defined. An objective is to perform this test without human intervention.

§ 236.588 Periodic test. Waiver is requested exempting PTC from the requirements of this section during the test phase.

Justification: During the PTC test phase, the requirements for periodic testing will be defined.

§ 236.703 Aspect. Clarification is requested exempting the PTC display from this definition.

Justification: PTC is not an automatic cab signal system and its design does not include any visual representation of signal aspects or indications.

§ 236.805 Signal, cab. Clarification is requested exempting the PTC display from this definition.

Justification: PTC is not an automatic cab signal system and its design does not include any visual representation of signal aspects or indications.

§ 240.127 Criteria for examining skill performance. Waiver is requested exempting PTC from the testing requirements of this section during the test phase.

Justification: Criteria and procedures for PTC performance evaluation do not yet exist; they will be identified and defined during the PTC test phase.

§ 240.129 Criteria for monitoring operational performance of certified engineers. Waiver is requested exempting PTC from the performance monitoring procedures during the test phase.

Justification: Criteria and procedures for PTC performance evaluation do not yet exist; they will be identified and defined during the test phase.

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 this proceeding should identify the appropriate docket number (e.g., Waiver Petition Docket Number FRA-1998-4901) and must be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, SW, Washington, DC 20590.

Communications received within 45 days 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 a.m.-5 p.m.) on the 7th floor, 1120 Vermont Avenue, NW, Washington, DC 20590.

Issued in Washington, DC, on February 10, 1999.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

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