

by FRA in which the agency finds the bridge properly repaired to safe condition, the Administrator will rescind this Emergency Order.

#### Penalties

Any violation of this order shall subject the person committing the violation to a civil penalty of up to \$22,000. 49 U.S.C. 21301. FRA may, through the Attorney General, also seek injunctive relief to enforce this order. 49 U.S.C. Sec. 20112.

#### Effective Date and Notice to Affected Persons

This Emergency Order shall take effect at 12:01 a.m. (PST) on December 17, 1999 and apply to all operations of trains or railroad on-track equipment on the Johnson Creek Bridge on or after that time. Notice of this Emergency Order will be provided by publishing it in the **Federal Register**. Copies of this Emergency Order will be sent by mail or facsimile prior to publication to Mr. Richard A. Samuels, President, Chief Executive Officer and General Manager, Oregon Pacific Railroad Company, P.O. Box 22548, Portland, Oregon 97269; the Union Pacific Railroad Company; the City of Milwaukie, Oregon; AmeriCold Logistics; Oregon Department of Transportation; the Association of American Railroads; and the American Short Line and Regional Railroad Association.

#### Review

Opportunity for formal review of this Emergency Order will be provided in accordance with 49 U.S.C. 20104(b) and section 554 of Title 5 of the United States Code. Administrative procedures governing such review are found at 49 CFR part 211. See 49 CFR 211.47, 211.71, 211.73, 211.75, and 211.77.

Issued in Washington, DC on December 16, 1999.

**Jolene M. Molitoris,**  
*Administrator.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket Number FRA-1999-5756]

#### Canadian National Railway; Public Hearing

Canadian National Railway (CN) has petitioned the Federal Railroad Administration (FRA) seeking a permanent waiver of compliance with the Locomotive Safety Standards, Title 49, Code of Federal Regulations,

§ 229.47(a), which requires each car body type road locomotive be equipped with an emergency brake valve attached to the wall adjacent to the end exit door. CN seeks this waiver for 178 car body locomotives built between 1985 and 1990 and used to haul freight that have never been equipped with an emergency brake valve at the rear exit door.

This proceeding is identified as FRA-1999-5756. FRA issued a public notice seeking comments of interested parties and conducted a field investigation in this matter. After examining the carrier's proposal, letters of protest, and field report, FRA has determined that a public hearing is necessary before a final decision is made on this proposal.

Accordingly, a public hearing is hereby set for 9 a.m. on Thursday, January 27, 2000, at FRA headquarters located at 1120 Vermont Avenue, NW, Washington, DC, 7th floor, Conference Room 1. Interested parties are invited to present oral statements at the hearing.

The hearing will be an informal one and will be conducted in accordance with Rule 25 of FRA's rules of practice (49 CFR 211.25) by a representative designated by FRA.

The hearing will be a nonadversary proceeding and, therefore, there will be no cross-examination of persons presenting statements. FRA's representative will make an opening statement outlining the scope of the hearing. After all initial statements have been completed, those persons wishing to make brief rebuttal statements will be given the opportunity to do so in the same order in which they made their initial statements. Additional procedures, if necessary for the conduct of the hearing, will be announced at the hearing.

Issued in Washington, DC, on December 17, 1999.

**Grady C. Cothen, Jr.,**

*Deputy Associate Administrator for Safety Standards and Program Development.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket No. FRA-1999-6404]

#### Extension of Comment Period; Petition for Grandfathering of Non-compliant Equipment National Railroad Passenger Corporation

On October 18, 1999, the National Railroad Passenger Corporation (Amtrak) petitioned the Federal Railroad Administration (FRA) for grandfathering of non-compliant

passenger equipment for use on rail lines between Vancouver, British Columbia and Eugene, Oregon; between Las Vegas, Nevada and Los Angeles, California; and between San Diego, California and San Luis Obispo, California. Notice of receipt of such petition was published in the **Federal Register** on November 2, 1999, at 64 FR 59230. Interested parties were invited to comment on the petition before the end of the comment period of December 2, 1999.

On December 2, 1999, FRA extended the comment period in this proceeding until December 15, 1999, following a Freedom of Information Act request that certain items in FRA files referenced in Amtrak's petition be made available for review (see 64 FR 68195, Dec. 6, 1999). FRA is currently processing this request, and has provided, in part, such information to the requestor in accordance with the provisions of the Freedom of Information Act. FRA has also submitted to the public docket in this proceeding such information provided to the requestor, and FRA will further submit to the public docket any such additional information that may be provided to the requestor pursuant its request.

FRA's processing of the request is not complete, however, and FRA is further extending the comment period in this proceeding until 10 a.m. on December 27, 1999 in order to provide the requestor, and other interested parties, an opportunity to review any additional information that may be submitted to the public docket in this proceeding. Comments received after that date will be considered to the extent possible. Amtrak's petition and all written communications concerning this proceeding are available for examination during regular business hours (9 a.m. to 5 p.m.) at DOT Central Docket Management Facility, Room PL-401 (Plaza Level), 400 Seventh, SW, Washington, DC 20590-0001. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at <http://dms.dot.gov>.

Issued in Washington, D.C. on December 16, 1999.

**Jolene M. Molitoris,**

*Administrator, Federal Railroad Administration.*

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