

DEPARTMENT OF TRANSPORTATION**Federal Railroad Administration**

[Docket No. FRA-2001-9486]

Trinity Industries, Incorporated; Public Hearing

On July 11, 2001, the Federal Railroad Administration (FRA) published a notice in the **Federal Register** (66 FR 36363) announcing Trinity Industries Incorporated (TII) request to obtain a permanent waiver of compliance from certain provisions of Railroad Safety Appliance Standards, 49 CFR part 231, for a new design, 100-Ton Seven Unit Articulated Intermodal Ramp Car (Ramp Car). Relief is requested from the requirements provided in title 49 CFR part 231 as follows:

49 CFR 231.18—*Cars of special construction*, which states: “Cars of construction not covered specifically in the foregoing sections in this part, relative to handholds, sill steps, ladders, hand brakes and running boards may be considered as of special construction, but shall have, as nearly as possible, the same complement of handholds, sill steps, ladders, hand brakes, and running boards as are required for cars of the nearest approximate type.” The nearest approximate type of car for this new design Ramp Car is described in 49 CFR 231.6—Flat cars. Specifically, TII is seeking relief of four (4) requirements described below:

Hand Brakes Location: 49 CFR 231.6 (a)(3)(ii) requires that “the brake shaft shall be located on the end of car to the left of center, or on side of car not more than 36 inches from right-hand end thereof.”

Sill Steps Location: 49 CFR 231.1(d)(3)(i) requires that “one near each end of each side of car, so that there shall be not more than 18 inches from end of car to center of tread of sill step.”

Side Handholds Location: 49 CFR 231.6(c)(3)(i) requires that “horizontal, one on face of each side sill near each end. Clearance of outer end of handhold shall be not more than 12 inches from end of car.”

End Handholds Location: 49 CFR 231.6(d)(3)(i) requires that “horizontal, one near each side of each end of car on face of end sill. Clearance of outer end of handhold shall be not more than 16 inches from side of car.”

Due to the uniqueness of the car design, special construction considerations, operation, and comments received by FRA concerning this waiver petition, FRA has determined that a public hearing is necessary before a final decision is

made on this petition. Accordingly, a public hearing is hereby set for 1:30 p.m. on October 18, 2001, in Conference Room #1 on the seventh floor, at the FRA Headquarters Building, 1120 Vermont Avenue, N.W., Washington, D.C. 20005. Interested parties are invited to present oral statements at this hearing. The hearing will be informal and will be conducted in accordance with Rule 25 of the FRA Rules of Practice (49 CFR 211.25) by a representative designated by the FRA. The FRA representative will make an opening statement outlining the scope of the hearing, as well as any additional procedures for the conduct of the hearing. The hearing will be a non-adversarial proceeding in which all interested parties will be given the opportunity to express their views regarding this waiver petition, without cross-examination. After all initial statements have been completed, those persons wishing to make a brief rebuttal will be given an opportunity to do so in the same order in which initial statements were made.

Issued in Washington, DC on September 19, 2001.

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 Title 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 with certain requirements of the Federal safety laws and regulations. The 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.

Union Pacific Railroad Company

[Docket Number FRA-2001-10235]

Union Pacific Railroad Company (UP), a Class I railroad, requests a waiver of compliance with certain provisions of 49 CFR part 214, *Railroad Workplace Safety*. The specific sections of the rule for which waiver is sought are 49 CFR 214.329, *Train approach warning provided by watchmen/lookouts*, and 49 CFR 214.337, *On-track safety procedures for lone workers*.

UP requests relief that will permit the use of a system described by UP as the automatic train approach warning system (TAWs). UP proposes that roadway work groups be permitted to substitute TAWs for watchmen/lookouts as the method of train approach warning when fouling a track within equipped interlockings and controlled points. UP also proposes that lone workers be permitted to use TAWs as a method of train approach warning within the limits of those interlockings and controlled points without a requirement to establish working limits.

On December 16, 1996, the FRA published a final rule amending 49 CFR part 214 with the addition to it of the Roadway Worker Protection Standards, which became effective on January 15, 1997. The regulation mandates clearly defined methods of protection against moving trains and railroad equipment for railroad employees who perform certain maintenance and inspection duties on and near railroad tracks. UP previously filed a petition for waiver of certain provisions of that rule to permit the use of TAWs in place of watchmen/lookouts (Docket Number FRA 2000-7912). On December 13, 2000, UP withdrew this petition.

In its new petition, Docket Number 2001-10235, UP states that TAWs will exceed the minimum requirements for warning roadway workers of the approach of trains and will be used at selected control points on the railroad. UP also states that this system will be an integral part of the signal and train control system which includes, incorporating the same level of reliability and principles of a fail-safe design.

Interested parties are invited to participate in this proceeding by submitting written views, data, or comments. If any interested party desires an opportunity for oral comment, he or she should notify FRA, in writing, before the end of the comment period and specify the basis for his or her request. All communications concerning these proceedings should identify the appropriate docket number (Docket Number FRA-2001-10235) and must be submitted to the DOT Docket Management Facility, Room PL-401 (Plaza level) 400 Seventh Street, S.W., Washington, D.C. 20590. Communications received within 45 days of the date 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 this proceeding are available for examination during regular business