

**DEPARTMENT OF TRANSPORTATION****Federal Railroad Administration****Petition for Waiver 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 a request for a waiver of compliance with certain requirements of its safety standards. 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.

**Wallowa Union Railroad (WURR)**

[Waiver Petition Docket Number FRA-2004-18494]

Wallowa Union Railroad seeks a waiver of compliance from certain provisions of the Safety Glazing Standards, 49 CFR Part 223, which requires certified glazing in all windows. The railroad operates an excursion train that consists of trips ranging from five miles to sixty miles and mainly runs through pastures or river canyons. Speeds are approximately 10 mph; however, there is a relatively straight section of track between MP 57 and MP 83 that is operated at 15 mph. The largest town that the railroad runs through has a population of 2,020 with the county having a population of just over 7,000. Two of the total sixty-three miles of track are located within the largest town. The most frequently used public grade crossing has an ADT of 3,250.

This request is for one locomotive, specifically locomotive number WURR 1120, which was originally purchased from the Idaho Northern and Pacific Railroad in May, 2003. The engine was built by Pullman, standard in 1947 and has no glazing material in the side facing windows. The company claims that the railroad is located in rural Northeastern Oregon with very limited access to the line outside of the railroad itself.

The railroad also requests that two locomotives, the above mentioned WURR 1120 as well as WURR 2636, both built in 1947, be classified as antiquated equipment that is used only for excursion purposes per 49 CFR 223.3(b)3.

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 2004-18494) and must be submitted to the Docket Clerk, DOT Docket Management Facility, Room PL-401 (Plaza Level), 400 7th Street, SW., Washington, DC 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 these proceedings are available for examination during regular business hours (9 a.m.-5 p.m.) at the above facility. 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>.

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477-78). The Statement may also be found at <http://dms.dot.gov>.

Issued in Washington, DC, on August 2, 2004.

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

*Acting Associate Administrator for Safety.*

[FR Doc. 04-18198 Filed 8-9-04; 8:45 am]

**BILLING CODE 4910-06-P**

**Docket Number FRA-2004-18644**

*Applicant:* New Jersey Transit, Mr. William B. Duggan, Vice President and General Manager, Rail Operations, One Penn Plaza East, Newark, New Jersey 07105-2246.

New Jersey Transit (NJT) seeks temporary relief from the requirements of Part 236, Section 236.566, of the Rules, Standard and Instructions, to the extent that NJT be permitted to operate non-equipped, New York Susquehanna and Western (NYS&W) steam locomotive Number 142, in automatic train control territory on NJT's Raritan Valley Line, between milepost 18.2, near Cranford, New Jersey and milepost 52.2, at High Bridge, New Jersey. The relief is requested for Saturday and Sunday, September 18 and 19, 2004, in celebration of the "Dunellen Railroad Days" event for the City of Dunellen, New Jersey, and for Saturday and Sunday, October 2 and 3, 2004, in celebration an event for the City of Westfield, New Jersey.

Applicant's justification for relief: The three NJT lines are equipped with automatic block signals and operate under NORAC Rules 251 and 261, and the steam excursion train movements for each event would be limited to no more than four trips daily, would not exceed 50 mph, and would establish an absolute block ahead of each movement.

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 party in the proceeding. Additionally, one copy of the protest shall be furnished to the applicant at the address listed above.

All communications concerning this proceeding should be identified by the docket number and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, Room PL-401 (Plaza Level), 400 7th Street, SW., Washington, DC 20590-0001.

Communications received within 30 days of the date of this notice will be considered by the 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.) at the above facility. 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>.

FRA wishes to inform all potential commenters that anyone is able to search the electronic form of all

**DEPARTMENT OF TRANSPORTATION****Federal Railroad Administration****Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System or Relief From Requirements**

Pursuant to Title 49 Code of Federal Regulations (CFR) part 235 and 49 U.S.C. 20502(a), 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.

comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477-78) or you may visit <http://dms.dot.gov>.

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, DC, on August 2, 2004.

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

*Acting Associate Administrator for Safety.*

[FR Doc. 04-18196 Filed 8-9-04; 8:45 am]

**BILLING CODE 4910-06-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### Petition for Waiver 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 a request for a waiver of compliance with certain requirements of its safety standards. 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.

#### **St. Lawrence & Atlantic Railroad, Quebec, Inc.**

[Docket Number FRA-2001-11068]

The St. Lawrence & Atlantic Railroad, Quebec, Inc. has petitioned for a permanent waiver of compliance from the requirements of the Control of Alcohol and Drug Use, 49 CFR part 219, final rule effective June 11, 2004, on the expanded application of FRA alcohol and drug rules to its 6 to 8 foreign-railroad foreign-based employees who perform train service duties in the United States. Part 219 is FRA's alcohol and drug regulation that governs prohibitions, post-accident testing, testing for cause, identification of troubled employees, pre-employment testing, and random testing. The petitioner states that the United States operations of the railroad are only five miles longer than the ten-mile limit specified in the amended part 219 and that there are no affordable means of

conducting random alcohol and drug testings in Island Pond, Vermont. The railroad, a Genesee & Wyoming Company is headquartered in Auburn, Maine. Train crews based in Richmond, Quebec cross the United States border at Norton, Vermont and proceed 15 miles into the United States to Island Pond, Vermont.

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 FRA-2001-11068) and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, Room PL-401, Washington, DC 20590-0001. 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 these proceedings are available for examination during regular business hours (9 a.m.-5 p.m.) at the above facility. 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>.

FRA wishes to inform all potential commenters that anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (volume 65, number 70; pages 19477-78), or you may visit <http://dms.dot.gov>.

Issued in Washington, DC, on August 3, 2004.

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

*Acting Associate Administrator for Safety.*

[FR Doc. 04-18194 Filed 8-9-04; 8:45 am]

**BILLING CODE 4910-06-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### Notice of Safety Advisory 2004-02

**AGENCY:** Federal Railroad Administration (FRA), DOT.

**ACTION:** Notice of safety advisory.

**SUMMARY:** The Federal Railroad Administration (FRA) is issuing Safety Advisory 2004-02 to address the importance of having clear safety and response procedures for use in the event of reports of railroad signal system problems.

#### **FOR FURTHER INFORMATION CONTACT:**

Mark Jones, Signal and Train Control Division, Office of Safety Assurance and Compliance, FRA, 1120 Vermont Avenue, SW., Washington, DC 20590 (telephone 202-493-6232; e-mail: [mark.jones@fra.dot.gov](mailto:mark.jones@fra.dot.gov)) or Cynthia Walters, Office of Chief Counsel, FRA, 1120 Vermont Avenue, NW., Washington, DC 20590 (telephone 202-493-6064; e-mail: [cynthia.walters@fra.dot.gov](mailto:cynthia.walters@fra.dot.gov)).

#### **SUPPLEMENTARY INFORMATION:**

*Background:* The National Transportation Safety Board (NTSB) and FRA conducted an investigation following a major train derailment. The conclusions of this investigation and the report issued by the NTSB, RAR-03/05, provide the underlying basis for the recommendations issued in this Safety Advisory. The derailment occurred on September 15, 2002, at Farragut, Tennessee, when a westbound Norfolk Southern train consisting of 3 locomotives, and 142 cars, traversed a defective switch and derailed two locomotives and the first 25 cars. This derailment caused a tank car containing sulfuric acid to puncture. The resultant spill produced a cloud of toxic fumes, prompting the evacuation of approximately 2,600 residents, from a 4.4 square mile area around the derailment site. While there were no fatalities, a number of the local residents required treatment for minor respiratory difficulties. Damages were estimated to be in excess of \$1 million.

The post-accident investigation revealed that an eastbound freight train traversing the territory approximately two hours prior to the derailment received an approach and then a restricting signal indication at the west end of a siding in approach to a spring switch. In accordance with railroad operating instructions, the train speed was reduced from the normal track speed of 50 m.p.h. to 30 m.p.h. and the train crew was prepared to stop at the next signal, which was indicating