

**DEPARTMENT OF TRANSPORTATION****Federal Railroad Administration****Petition for Special Approval of Alternate Standard**

In accordance with § 238.21 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received a request for approval of an Alternate Standard 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.

**American Public Transportation Association**

[Special Approval Petition Docket Number FRA-2005-20853]

American Public Transportation Association (APTA) seeks approval for use of an alternate standard required to be used in accordance with the Passenger Equipment Safety Standards, 49 CFR Part 238. Section 311, single car test of passenger equipment brakes. Section 311(a) requires single car air brake test on *all passenger cars and all unpowered vehicles used in passenger trains shall be performed in accordance with either APTA Standard SS-M-005-98, "Code of Tests for Passenger Car Equipment Using Single Car Testing Device," published March, 1998; or an alternative procedure approved by FRA pursuant to § 238.21.* APTA requests that the requirement refer to a revised standard dated April 12, 2003, the revisions require a railroad to perform the single car test procedure at the same working pressure as the car being tested utilizes in revenue service. The March 1998 standards requires that the test be performed at 90 psi while some trains operate their brake systems at 110 psi.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. Each comment shall set forth specifically the basis upon which it is made, and contain a concise statement of the interest of the commenter in the proceeding. 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 (FRA-2005-20853) 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 May 17, 2005.

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

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

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**BILLING CODE 4910-06-P**

**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. 20502(a), the following railroad has 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.

**Docket Number FRA-2005-21015**

*Applicants:* Central, New York Railroad Corporation, Mr. Nathan R. Fenno, Executive Vice President, 1 Railroad Avenue, Cooperstown, New York 13326.

Norfolk Southern Corporation, Mr. Brian L. Sykes, Chief Engineer, C&S

Engineering, 99 Spring Street, SW., Atlanta, Georgia 30303.

The New York, Susquehanna and Western Railway Corporation, Mr. Richard J. Hensel, Vice President—Engineering, 1 Railroad Avenue, Cooperstown, New York 13326.

The Central New York Railroad Corporation (CNYK), Norfolk Southern Corporation (NS), and The New York, Susquehanna and Western Railway Corporation (NYSW) jointly seek approval of the discontinuance and removal of the interlocking, automatic block signal, and traffic control systems, on the single and double main tracks, between CP Sparrow Bush, milepost 89.9, near Port Jervis, New York, and, CP BD, milepost 213.0, near Binghamton, New York, a distant of approximately 123 miles. The proposed changes consist of the following:

- (1) Convert the all power-operated and spring switches to hand operation;
- (2) Modification of Signal 92E to fixed approach for CP Sparrow Bush, and modification of Signal 2SW at CP Coles to a fixed approach for CP BD;
- (3) Installation of a stick release timer at River Lane MP 199.1; and
- (4) Installation of a block signal system to provide broken rail protection on a five-mile section of track in the area of Shohola.

The reason given for the proposed change is that the online freight traffic has dwindled to the point that there were only seven active online shippers in 2004. Since 1982, the line has been used by NYSW solely for "overhead" traffic, *i.e.*, the movement of rail cars between NYSW's New Jersey rail lines and Central New York rail lines, and the NYSW is a subsidiary of the Delaware Otsego Corporation. In late in 2004, NS and the Delaware Otsego Corporation officials met to discuss the future of the line. As a result of the discussion, NS decided to lease the line to CNYK for nominal consideration, if it undertook the operation of the line, including maintenance and payment of taxes, but subject to a right to cancel if it is unable to achieve its plan.

Any interested party desiring to protest the granting of an application shall set forth specifically the grounds upon which the protest is made, and include 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.,