snowstorms that severely disrupted aviation and other modes of transportation.\(^1\)

ATA also stated the National Oceanic and Atmospheric Administration reported New York City and Newark, New Jersey, experienced the snowiest month of January on record. New York City recorded 36 inches of snow that month, surpassing the previous record of 27.4 inches; Newark recorded 37.4 inches, surpassing its previous January record of 31.6 inches. ATA highlights three major snowstorms in the regions occurring from January 9 through 13; from January 25 through 27, which also affected the D.C. metro area; and from February 1 through 3.

ATA asserts the effects of the weather events at DCA, JFK, EWR, and LGA were dramatic and lingering, disrupting operations during January and into early February. Twelve U.S. air carriers reported cancellations totaling 10,944 flights at the airports in the January 7 through 12, January 18, January 26 through 27, and February 1 through 4 periods. ATA also states that major snowstorms in the Midwest and New England further disrupted operations at DCA, JFK, EWR, and LGA because of network-wide weather disruptions and corresponding recovery programs.

By e-mail dated March 15, 2011, AirTran Airways stated its support for the ATA request for waiver. FAA Analysis

Under the FAA’s High Density Rule and Orders limiting scheduled operations at LGA, JFK, and EWR, slots must be used at least 80 percent of the time. These rules are expected to accommodate routine weather and other cancellations under all but the most unusual circumstances. Slots not meeting the minimum usage rules will be withdrawn or not receive historic precedence for the following scheduling season, depending on the airport.\(^2\)

The FAA may grant a waiver from the minimum usage requirements in highly unusual and unpredictable conditions that are beyond the control of the carrier and affect carrier operations for a period of five or more consecutive days. However, the FAA does not routinely grant general waivers to the usage requirements except under the most unusual circumstances.

The FAA is sympathetic to the disruptions created by winter weather. In February 2010, the FAA granted a general waiver because unusual

\(^1\) 75 FR 9017 (Feb. 26, 2010).
during this period. In making a waiver determination, the FAA will consider a significant number of cancellations during those periods because of weather at a destination airport.

**FAA Decision**

In consideration of the foregoing, ATA’s request for a grant of waiver is DENIED. Carriers who were uniquely affected by winter weather during January and February 2011 may request a limited grant of waiver. However, any request must detail the hardship caused by the snowstorms and demonstrate that hardship was not caused or exacerbated by underutilization of allocated slots. The FAA will carefully consider these individual requests for waiver.

Issued in Washington, DC on March 28, 2011.

J. David Grizzle,
Chief Counsel.

**SUMMARY:** The FAA invites public comment on the request to release property at the Northeast Philadelphia Airport under the provisions of Section 47125(a) of Title 49 U.S.C. On March 28, 2011, the FAA determined that the request to release property at the Northeast Philadelphia Airport submitted by the City of Philadelphia (City) met the procedural requirements.

The following is a brief overview of the request:

The City requests the release of real property, totaling 3.5 acres, of aeronautical airport property, to Biagio DeSimone. The land was originally purchased with City funds in 1945. The purpose of the release is to sell the land that was airport property to Biagio DeSimone, the current tenant. The property is located at 11295 E. Roosevelt Boulevard. The Parcel is currently leased to a tenant operating as a dealership and is improved with a 6,225 square foot building being used by the tenant in the operation of its automobile dealership and a gravel parking lot for customers of the dealership. The Parcel is not contiguous to the area being operated as the Northeast Philadelphia Airport. The subject land does not serve an aeronautical purpose and is not needed for airport development, as shown on the Airport Layout Plan. All proceeds from the sale of property are to be used for the capital development of the airport. Fair Market Value (FMV) will be obtained from the land sale and reinvested back in the airport. Any person may inspect the request by appointment at the FAA office listed above. Interested persons are invited to comment on the proposed release from obligations. All comments will be considered by the FAA to the extent practicable.

**SUPPLEMENTARY INFORMATION:** The overall safety of railroad operations in the area of equipment securement and protection has improved in recent years. However, two recent fatal incidents highlight the need to review and adhere to existing Federal regulations and railroad operating rules pertaining to rolling equipment being left in a location that is clear of any adjacent tracks.

On May 18, 2005, the Railroad Safety Advisory Committee (RSAC) authorized the RSAC Operating Rules Working Group to address eight human factors (HF) train accident report cause codes that were attributed to nearly half (47 percent) of all HF-caused train accidents nationwide. On February 13, 2008, FRA published a final rule addressing those HF causes, which was codified at Title 49 Code of Federal Regulations (CFR) Part 218, Subpart F (Subpart F). Two of those eight HF cause codes, H301 and H302, were designed for rolling equipment left out to foul. From 2005 to 2010, HF-caused train accidents, attributed to these two cause codes, were reduced by 66 percent. Unfortunately, despite that overall improvement, the rail industry experienced two recent railroad employee fatalities that appear to have been related to equipment being left in a location where it fouled an adjacent track.

**Recent Incidents**

The following is a discussion of the circumstances surrounding two recent fatal incidents, and is based only on FRA’s preliminary investigations. The incidents are still under investigation by FRA. The causes and contributing factors, if any, have not yet been established. Therefore, nothing in this safety advisory is intended to attribute a cause to the incidents or place