Administration, FMCSA's predecessor, in 1993.[2]

FMCSA Requests Comments on the Exemption Applications

FMCSA requests comments from all interested parties on whether a driver who cannot meet the hearing standard should be permitted to operate a CMV in interstate commerce. Further, the Agency asks for comments on whether a driver who cannot meet the hearing standard should be limited to operating only certain types of vehicles in interstate commerce, for example, vehicles without air brakes. The statute and implementing regulations concerning exemptions require that the Agency request public comments on all applications for exemptions. The Agency is also required to make a determination that an exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption before granting any such requests. 49 U.S.C.

Information on Individual Applicants

Michael Desarmeaux

Mr. Desarmeaux holds a driver's license from Ohio. He would like to drive any type of CMV, if he is granted an exemption.

Daniel I. Grossinger

Mr. Grossinger holds a driver's license from Maryland. His family owns a landscaping business and if granted the exemption, he would like to drive heavy equipment for the business.

David W. Hoffman

Mr. Hoffman holds a class A Commercial driver's license (CDL) from South Dakota. He has been driving a range of different trucks in intrastate commerce for more than 5 years. He would like to continue to drive a range of different trucks if granted an exemption.

Christopher A. Jayne

Mr. Jayne holds a class A Commercial driver's license (CDL) from Missouri. He has experience driving a tractor trailer until recently when he lost his hearing. He would like to resume driving tractor trailer trucks in interstate commerce, if granted an exemption.

Jayson Lawson

Mr. Lawson holds a driver's license from Arkansas. He would like to drive a CMV in interstate commerce, if he is granted an exemption.

Jeffrey Pagenkopf

Mr. Pagenkopf holds a driver's license from Minnesota. He would like to drive a CMV in interstate commerce, if he is granted an exemption.

Gilbert Partida

Mr. Partida holds a class A Commercial driver's license from Texas. He has over 20 years of driving experience and currently drives a tractor trailer. He would like to resume driving a tractor trailer in interstate commerce, if he is granted an exemption.

Jacob Paullin

Mr. Paullin holds a driver's license from Wisconsin. He would like to drive a semi-truck in interstate commerce, if he is granted an exemption.

Fernando Ramirez-Savon

Mr. Ramirez-Savon holds a class A Commercial driver's license from New Mexico. He has been driving a CMV in interstate commerce until recently when he failed to pass the hearing test. He would like to resume driving in interstate commerce, if he is granted an exemption.

Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315(b)(4), FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. The Agency will consider all comments received before the close of business June 3, 2013. Comments will be available for examination in the docket at the location listed under the **ADDRESSES** section of this notice. The Agency will file comments received after the comment closing date in the public docket, and will consider them to the extent practicable. In addition to late comments, FMCSA will also continue to file, in the public docket, relevant information that becomes available after the comment closing date. Interested persons should monitor the public docket for new material.

Issued on: April 23, 2013.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2013–10516 Filed 5–2–13; 8:45 am]

BILLING CODE 4910–EX–P

[2] This report is available on the FMCSA Web site at *http://www.fmcsa.dot.gov/facts-research/research-technology/publications/medreport_archives.htm.*

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Safety Advisory 2013–03]

Kicking Cars and Going Between Rolling Equipment During Flat Switching Operations

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of Safety Advisory.

SUMMARY: A fatality occurred during a railroad switching operation that involved a railroad employee kicking cars and subsequently going between rolling equipment. In response, FRA is publishing this Safety Advisory 2013–03 to make recommendations to railroads regarding the adoption of car-handling procedures during flat switching operations at certain locations and to re-emphasize the importance of following procedures when going between rolling equipment due to the hazards involved. FRA previously made related recommendations to railroads and their employees regarding going between rolling equipment in Safety Advisory 2011–02.

FOR FURTHER INFORMATION CONTACT: Ron Hynes, Director, Office of Safety Assurance and Compliance, Office of Railroad Safety, FRA, 1200 New Jersey Avenue SE., Washington, DC 20590, telephone (202) 493–6404; Douglas H. Taylor, Staff Director, Operating Practices Division, Office of Safety Assurance and Compliance, FRA, 1200 New Jersey Avenue SE., Washington, DC 20590, telephone (202) 493–6255; or Joseph St. Peter, Trial Attorney, Office of Chief Counsel, FRA, 1200 New Jersey Avenue SE., Washington, DC 20590, telephone (202) 493–6047.

SUPPLEMENTARY INFORMATION: The overall safety of railroad operations has improved in recent years. However, in July 2012, a fatal event occurred during a switching operation which involved a railroad employee going between rolling equipment after kicking[1] two loaded tank cars up a 0.2-percent ascending grade. This 2012 incident illustrates the safety risks that are present when railroads allow the kicking of cars in flat switching operations at locations where the cars will likely roll back out toward the employees conducting such operations if the cars do not couple to secured standing equipment as

[1] As referenced in 49 CFR 218.99(a)(2), kicking cars refers to the common railroad switching practice of shoving or pushing rolling equipment and then uncoupling the equipment and allowing it to roll free.

intended. This incident also highlights the need for the railroad industry to again focus its attention on compliance with safety rules and procedures that apply to employees who, in the course of their work, must place themselves between rolling equipment.

As background, FRA previously published a safety advisory regarding the importance of following procedures when going between rolling equipment. Safety Advisory 2011–02 [2] was issued in response to a series of fatal switching accidents that also involved employees placing themselves between rolling equipment. As discussed in that safety advisory, FRA previously established a group of industry stakeholders to examine and address a past trend of increasing deaths occurring during railroad switching operations. The group included representatives from both industry and labor organizations, and was named the Switching Operations Fatality Analysis (SOFA) Working Group. In 1999, the SOFA Working Group issued a report that contained five major findings with an accompanying recommendation and discussion for each finding.[3] The first of these five recommendations is directly applicable to situations where employees go between rolling equipment, or otherwise foul track or equipment. That recommendation reads as follows:

> Any crew member intending to foul track or equipment must notify the locomotive engineer before such action can take place. The locomotive engineer must then apply locomotive or train brakes, have the reverser centered, and then confirm this action with the individual on the ground. Additionally, any crew member that intends to adjust knuckles/drawbars, or apply or remove EOT device, must insure that the cut of cars to be coupled into is separated by no less than 50 feet. *Also, the person on the ground must physically inspect the cut of cars not attached to the locomotive to insure that they are completely stopped and, if necessary, a sufficient number of hand brakes must be applied to insure the cut of cars will not move.* [Emphasis added]

Most railroads have procedures similar to those described in this SOFA recommendation, and other railroads have adopted or modified their procedures to be utilized when going between rolling equipment to respond to this recommendation. However, as discussed further below, in flat switching operations where cars are kicked into a coupling rather than shoved, it may be more difficult for railroad employees engaged in such operations to make the determination that cars not attached to the locomotive are stopped and secured in compliance with this SOFA recommendation. That difficulty in making the determination that cars are stopped and secured is heightened at locations where grade or other conditions can cause kicked cars to roll back out towards crews conducting switching operations, and correspondingly can lead to increased safety risks when employees then have to place themselves between rolling equipment.

Incident Summary

As noted above, Safety Advisory 2011–02 discussed the circumstances surrounding five switching fatalities that occurred between 2009 and 2011. The following is an overview of the circumstances surrounding the most recent fatal switching incident that occurred in July 2012. Information regarding this incident is based on FRA's preliminary investigatory findings. The probable cause of this incident has not yet been established. Accordingly, nothing in this safety advisory is intended to attribute a definitive cause to this incident, or place responsibility for the incident on the acts or omissions of any specific person or entity.

• On July 31, 2012, at approximately 2:30 a.m., a conventional three-person crew, consisting of an engineer, a footboard yardmaster, and a conductor/switchman (switchman) were conducting switching operations. The crew kicked—rather than shoved—two loaded tank cars southward into a yard track with the goal of coupling them to other cars that had been previously placed into the yard track and secured. The yard track had a 0.2-percent ascending grade (southward). The switchman had originally positioned himself to verify that the cars kicked into the track coupled to the standing equipment. However, after the footboard yardmaster was not able to uncouple the cars and kick them into the track, he shoved the cars toward the switchman's location so that the switchman could make the cut and kick the cars into the standing equipment. After the two tank cars were kicked into the yard track by the switchman, he noticed that the knuckle on the last car of the block of cars still attached to the crew's locomotive had fallen to the ground and needed to be reinserted. The switchman then informed the crew that the knuckle pin was missing. Following applicable railroad rules, prior to reinserting and adjusting the knuckle, the switchman first requested and received ''Red Zone'' protection. However, the two loaded tank cars that had previously been kicked into the yard track did not couple to the standing cars on that track as intended, and the uncoupled cars rolled back northward. As the switchman adjusted the knuckle, the two loaded tank cars struck him and the standing equipment attached to the locomotive. The conductor sustained fatal injuries.

In the incident discussed above, the switchman did not physically inspect the cut of cars to verify that they were stopped and secured prior to going between them and the cars still attached to the locomotive. Further, because the tank cars were kicked toward the standing equipment rather than shoved into a coupling, and, thus, not stretched as is standard railroad operating practice to ensure that a coupling is made, it may have been more difficult for the switchman to ascertain whether the cars had coupled. These factors became particularly significant because the switching operation occurred on a track with a 0.2-percent grade, and because the sloshing action that typically occurs in loaded tank cars can cause the cars to roll in the opposite direction after they have stopped. Environmental factors such as the time of day (light) and noise interference from a refrigerated car standing approximately 50 feet away from the incident location on an adjacent track may have also interfered with the employee's ability to see and hear the two approaching free rolling tank cars. In addition, during flat switching operations when cars are kicked into a coupling, and, thus, have to roll free for a certain distance, employees are often physically located farther from the location where a coupling is to be made than if the cars are shoved into a coupling, dependent on the number of cars to be cut off and distance that the cars have to travel into a track. The farther an employee is from the location of an intended coupling, the more difficult it may be to make a proper determination that cars are stopped and secured.

As a result, in such situations, it is imperative that railroad employees adhere to—and the railroads require—verification that the cars the employees go between are completely stopped, and, if necessary, secured with handbrakes. Depending on a track's grade and the type of equipment being switched, kicking cars rather than shoving them into a coupling increases

[2] 76 FR 62894 (Oct. 11, 2011).

[3] See ''Findings and Recommendations of the SOFA Working Group''; available online at: *http://www.fra.dot.gov/eLib/details/L03078*. More recently, in March 2011, the SOFA Working Group issued a report titled ''Findings and Advisories of the SOFA Working Group''; available online at: *http://www.fra.dot.gov/eLib/details/L03071*.

safety risks because if the kicked cars fail to couple, there is a likelihood that the equipment may roll backward toward employees who have to place themselves between rolling equipment in the course of conducting switching operations. Thus, one of FRA's recommendations below is that railroads adopt procedures to prohibit crews from kicking cars in flat switching operations at locations where the physical characteristics make it likely that such cars will roll back out toward the crew if a proper coupling is not made.

The discussion contained in this safety advisory is not intended to place blame on or assign responsibility to individuals or railroads, but rather to emphasize the fact that a culture of safety and rules compliance is everyone's responsibility. FRA encourages railroad management to adopt and adhere to policies that promote the safest course of action in conducting switching operations, particularly by taking into account unique characteristics that exist at different locations when adopting those policies. Further, a culture of performing each task safely and as instructed in training in accordance with applicable railroad operating rules must be reinforced not only by management, but by railroad employees as well. Railroad management must positively reinforce, via job briefings and other appropriate means, safe job performance in accordance with established rules and procedures. Support from railroad management and positive peer pressure from fellow railroad employees encouraging individuals to perform each task in a safe manner via the proper procedures will help railroad employees maintain responsibility for their own safety.

Recommended Railroad Action: In light of the above discussion, and in an effort to maintain a heightened sense of vigilance among railroads and their employees who conduct switching operations, FRA recommends that railroads:

(1) Review with their employees the circumstances of the fatal incident described in this Safety Advisory 2013–03.

(2) Evaluate locations where flat switching operations are conducted and identify those where the physical characteristics and the types of cars being switched heighten the possibility that cars will roll out toward the employees conducting such operations. After identifying such locations, FRA recommends that railroads adopt procedures requiring that cars be shoved into couplings rather than kicked during such operations in an effort to lessen the potential safety risks, particularly when employees have to go between equipment.

(3) Review with their employees, including management employees, SOFA Safety Recommendation # 1, *Adjusting Knuckles, Adjusting Drawbars, and installing End of Train Devices,* reproduced above, and communicate its procedures implementing that recommendation to employees working in yards or other locations where the possibility of entering between rolling equipment exists. FRA recommends that railroads place emphasis on the portion of SOFA Safety Recommendation #1 discussing the need to ensure that equipment not attached to the locomotive is stopped, and is secured with handbrakes when necessary, before employees go between rolling equipment. Inherent in complying with SOFA Safety Recommendation #1 is recognition of the physical characteristics of the track on which switching operations are being conducted and the rolling characteristics of the type of equipment being switched, particularly as related to the handling of loaded tank cars.

(4) Re-emphasize the recommendations contained in previous Safety Advisory 2011–02 with all of their employees, including railroad management.

FRA encourages railroad industry members to take actions that are consistent with the preceding recommendations, and to take other complementary actions to help ensure the safety of the Nation's railroad employees. FRA may modify this Safety Advisory 2013–03, issue additional safety advisories, or take other appropriate actions necessary to ensure the highest level of safety on the Nation's railroads, including pursuing other corrective measures under its rail safety authority.

Issued in Washington, DC, on April 29, 2013.

Joseph C. Szabo,

Administrator.

[FR Doc. 2013–10545 Filed 5–2–13; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Limitation on Claims Against Proposed Public Transportation Projects; Correction

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice; correction.

SUMMARY: The Federal Transit Administration (FTA) published a notice in the **Federal Register** on April 22, 2013, concerning a limitation on claims for certain specified public transportation projects. The notice contained an incorrect description of one project.

FOR FURTHER INFORMATION CONTACT: Nancy-Ellen Zusman, Assistant Chief Counsel, Office of Chief Counsel, (312) 353–2577 or Terence Plaskon, Environmental Protection Specialist, Office of Human and Natural Environment, (202) 366–0442. FTA is located at 1200 New Jersey Avenue SE., Washington, DC 20590. Office hours are from 9:00 a.m. to 5:30 p.m., Monday through Friday, except Federal holidays.

Correction

In the **Federal Register** notice dated April 22, 2013, FR Doc. E6–14314, on page 23817, in the third column, the Crenshaw/LAX Transit Corridor Project was incorrectly described as a *heavy rail* project; a corrected project description should read:

Project description: The project will extend *light rail transit* from the existing Metro Exposition Line at Crenshaw and Exposition Boulevards to the Metro Green Line's Aviation/LAX Station. LACMTA proposes three modifications to the project. These modifications resulted from refinements to design and efforts to reduce cost, to respond to community concerns, reduce right-of-way acquisition, and to improve circulation. The proposed modifications and refinements include reconfiguration of a mid-block at-grade pedestrian crossing to an undercrossing at Faithful Central Bible Church; reconfiguration of a below-grade trench to an aerial guideway over La Brea Avenue; and elevation of the planned at-grade Florence/La Brea Station to street level. This notice only applies to the discrete actions taken by FTA at this time, as described below. Nothing in this notice affects FTA's previous decisions, or notice thereof, for this project.

This correction does not alter the statute of limitations (SOL) for modifications to the Crenshaw/LAX Transit Corridor Project previously noticed on April 22, 2013, and described above. The SOL on claims still will expire on September 19, 2013.

Issued On: April 30, 2013.

Lucy Garliauskas,

Associate Administrator for Planning and Environment, Washington, DC.

[FR Doc. 2013–10512 Filed 5–2–13; 8:45 am]

BILLING CODE 4910–57–P