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**Robert C. Lauby,**

*Associate Administrator for Railroad Safety,  
 Chief Safety Officer.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket Number FRA-2016-0018]

#### Petition for Waiver of Compliance and Statutory Exemption

In accordance with part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that by a document received February 5, 2016, the Association of American Railroads (AAR), on behalf of itself and its member railroads, has petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 232—Brake System Safety Standards for Freight and Other Non-Passenger Trains and Equipment; End-of-Train Devices. FRA assigned the petition Docket Number FRA-2016-0018.

In its petition, AAR seeks a waiver of compliance from 49 CFR 232.213—*Extended haul trains*, 49 CFR 232.15—*Movement of defective equipment*, and 49 CFR 232.103(f)—*General requirements for all train brake systems*. The current rules state that extended haul trains are permitted to move a train up to, but not exceeding, 1,500 miles between brake tests and inspections [49 CFR 232.213(a)]. In addition, current rules require that equipment with defective or insecure power brakes only be moved from the place at which the defect or insecurity was first discovered to the nearest available place at which the repairs can be made (49 CFR 232.15 and 49 U.S.C. 20303), and each car in a train must have the air brakes in effective operating conditions unless the car is being moved for repairs in accordance with 49 CFR 232.15 [49 CFR 232.103(f)]. AAR presently petitions FRA for a 5-year waiver from these requirements to permit a limited pilot program conducted on a segment of the Union Pacific Railroad (UP) system to demonstrate that the use of wheel temperature detectors (WTD) to determine brake effectiveness will improve safety and eliminate unnecessary costs to the industry. AAR previously submitted a waiver petition

in this matter on July 19, 2013. That waiver petition was denied by FRA in a letter dated June 20, 2014 (see Docket Number FRA-2013-0080). AAR has revised that waiver petition and accompanying Safety Assurance Plan (SAP) in accordance with further technical considerations and an evaluation of the similar exemption currently in effect in Canada.

Through a limited pilot effort, AAR intends to demonstrate the effectiveness of using wayside WTD data to ensure safe braking performance. The focus of this pilot will be revenue service unit coal trains running on the UP system between Wyoming's Powder River Basin and an unloading facility in White Bluff, AR, a round trip of approximately 2,600 miles. The WTD that monitors the system is located at Sheep Creek, WY. Under current UP operating practices, the coal trains running in this service are classified as extended haul trains and operate intact up to 1,500 miles between brake tests required under 49 CFR part 232. The waiver requested would extend the distance between required tests up to an additional potential 1,100 miles, bypassing approximately one visual inspection. Each test train will receive a Class 1 brake test in accordance with 49 CFR 232.205 and a predeparture inspection in accordance with 49 CFR 215.13 at North Platte, NE. The trains will then leave North Platte and travel to a coal loading facility in the Powder River Basin. The train cars will be loaded with coal and then return to North Platte, passing the WTD monitors at Sheep Creek for recording of braking performance, continuing through North Platte through Van Buren, AR, and then to an unloading facility in White Bluff. The train cars will be unloaded in White Bluff, and then the train will return to the terminus at North Platte via Van Buren.

In its petition, AAR states preliminary tests conducted with the WTD system indicate that the system identifies cars with ineffective brakes at a significantly higher rate (about four times more) than Intermediate Brake Tests. This is because the WTD system detects cars with ineffective brakes, even though they might still meet the criteria of a Class 1 or Intermediate Brake Test. Identification of such cars by the WTD system will result in those cars being repaired earlier, with the eventual result that a greater percentage of cars in any train would have effective brakes. AAR expects this will result in improved train safety.

Finally, AAR also requests an exemption from the statutory requirements at 49 U.S.C. 20303, which

mandate that a rail vehicle with defective or insecure equipment may be moved to make repairs only to the nearest available place at which the repairs can be made. In requesting this exemption, AAR invokes the process at 49 U.S.C. 20306, which states that the U.S. Secretary of Transportation may provide such an exemption when existing requirements preclude the development or implementation of more efficient railroad transportation equipment or other transportation innovations under existing law. As delineated in the SAP, the WTD system is a superior method to manage brake health as compared with the current process found in the Federal brake system safety standards. AAR requests a hearing during which evidence can be developed per 49 U.S.C. 20306 for a statutory exemption to 49 U.S.C. 20303.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at [www.regulations.gov](http://www.regulations.gov) and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Avenue SE., W12-140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA will in the future schedule a public hearing in connection with these proceedings as requested by AAR pursuant to 49 U.S.C. 20306. 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 and may be submitted by any of the following methods:

- *Web site:* <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- *Fax:* 202-493-2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., W12-140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue SE., Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by May 5, 2016 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to [www.regulations.gov](http://www.regulations.gov), as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at [www.dot.gov/privacy](http://www.dot.gov/privacy). See also <http://www.regulations.gov/#!privacy>. Notice for the privacy notice of regulations.gov.

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[U.S. DOT Docket No. NHTSA-2016-0034]

#### Reports, Forms, and Record Keeping Requirements

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), DOT.

**ACTION:** Request for public comment on proposed collection of information.

**SUMMARY:** Before a Federal agency can collect certain information from the public, it must receive approval from the Office of Management and Budget (OMB). Under procedures established by the Paperwork Reduction Act of 1995, before seeking OMB approval, Federal agencies must solicit public comment on proposed collections of information, including extensions and reinstatements of previously approved collections.

This document describes the collection of information for which NHTSA intends to seek OMB approval.

**DATES:** Comments must be received on or before May 20, 2016.

**ADDRESSES:** You may submit comments identified by DOT Docket ID Number NHTSA-2016-0034 using any of the following methods:

*Electronic submissions:* Go to <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.

*Mail:* Docket Management Facility, M-30, U.S. Department of Transportation, 1200 New Jersey

Avenue SE., West Building Ground Floor, Room W12-140, Washington, DC 20590.

*Hand Delivery:* West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

*Fax:* 1-202-493-2251.

*Instructions:* Each submission must include the Agency name and the Docket number for this Notice. Note that all comments received will be posted without change to <http://www.regulations.gov> including any personal information provided.

**FOR FURTHER INFORMATION CONTACT:** Dr. Kristie Johnson, Office of Behavioral Safety Research (NPD-310), National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE., W46-498, Washington, DC 20590. Dr. Johnson's phone number is 202-366-2755 and her email address is [kristie.johnson@dot.gov](mailto:kristie.johnson@dot.gov).

**SUPPLEMENTARY INFORMATION:** Under the Paperwork Reduction Act of 1995, before an agency submits a proposed collection of information to OMB for approval, it must publish a document in the *Federal Register* providing a 60-day comment period and otherwise consult with members of the public and affected agencies concerning each proposed collection of information. The OMB has promulgated regulations describing what must be included in such a document. Under OMB's regulations (at 5 CFR 1320.8(d)), an agency must ask for public comment on the following:

(i) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) How to enhance the quality, utility, and clarity of the information to be collected; and

(iv) How to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

In compliance with these requirements, NHTSA asks public comment on the following proposed collection of information:

*Title:* Countermeasures That Work (9th and 10th Editions) and Countermeasures At Work (1st and 2nd Editions).

*Type of Request:* New information collection requirement.

*OMB Clearance Number:* None.

*Form Numbers:* NHTSA 1343 and NHTSA 1344.

*Requested Expiration Date of Approval:* 3 years from date of approval.

*Summary of the Collection of Information:* The National Highway Traffic Safety Administration (NHTSA) proposes to collect user feedback on the *Countermeasures That Work* and *Countermeasures At Work* guides. These guides were developed for the State Highway Safety Offices (SHSOs) to assist them in developing programs for implementing safety countermeasures in nine program area of alcohol-impaired and drugged driving, seat belt use and child restraints, aggressive driving and speeding, distracted and drowsy driving, motorcycle safety, young drivers, older drivers, pedestrians, and bicyclists. The *Countermeasures That Work* guide covers each of these program areas in separate chapters that include a short background section relating current data trends, which is followed by a description of applicable countermeasures, and an explanation their effectiveness, use, costs, and time to implement. The *Countermeasures At Work* guide will elaborate on some of the countermeasures contained in the *Countermeasures That Work* guide by providing real world examples and details on localities where specific countermeasures were put into place. The countermeasure descriptions may include details about locality size, implementation issues, cost, stakeholders to involve, challenges, evaluation, and outcomes. To collect this information for the new guide NHTSA proposes to collect information from representatives from the SHSOs and/or local jurisdictions, in addition to representative from Governors Highway Safety Association (GHSA), State Coordinators, and other relevant stakeholders. The survey will ask the representatives about the following information:

- Their background, including job roles and responsibilities, which provide context for document use,
- What are their key information needs for the document, including obtaining details of specific use-case examples such as locality size, implementation issues, cost, stakeholders to involve, challenges, evaluation, and outcomes,
- Opinions on document structure, format, and content, which includes using a consistent question format for different information items/sections in the document,