

resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

If the exemption is still effective at the end of the two year period, the person may apply to FMCSA for a renewal under procedures in effect at that time.

Issued on: July 19, 2017.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2017-15839 Filed 7-26-17; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA-2016-0058]

Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System

Under part 235 of Title 49 of the Code of Federal Regulations (CFR) and 49 U.S.C. 20502(a), this provides the public notice that on June 30, 2017, Watco Companies LLC (Watco) petitioned the Federal Railroad Administration (FRA) seeking reconsideration of a decision regarding the discontinuance or modification of a signal system. FRA assigned the petition Docket Number FRA-2016-0058.

Applicant: Watco Companies LLC, Anthony Cox, VP of Engineering, 315 E. 3rd St., Pittsburg, KS 66762.

Watco is the owner-operator of the Grand Elk Railroad LLC (GDLK), which operates on track that is currently leased from Norfolk Southern Railway Company (NS). Watco requests reconsideration under 49 CFR 235.13(a) of FRA's denial of its application to discontinue and remove the traffic control system (TCS) from mile post (MP) 33.00 at Park, in Grand Rapids, MI to MP 1.4 at the end of GDLK, in Elkhart, IN. FRA issued its decision letter denying the application on November 29, 2016, and issued a second letter to clarify the basis of its decision on January 10, 2017.

Based on new facts and new evidence, Watco is seeking reconsideration of its application on behalf of GDLK. Watco asserts that FRA's Railroad Safety Board (Board) based its denial on erroneous information. Watco believes the hazardous materials (hazmat) information provided in the field report considered by the Board was out of date or incorrect.

Watco owns and operates 20 railroads on 3570 miles of main line that is track warrant controlled (TWC) and Watco

states that of those railroads, 5 safely transport more hazmat than GDLK. GDLK conducts ultrasonic rail and geometry testing twice per year over the entire railroad. GDLK operates to the north of subject trackage from milepost 33 to milepost 102.3 a mix of TWC and yard limits (YL). There are two manual interlockings on the north section of track using TWC as an acceptable method of operation. TWC is the method of operation used by all dispatched Watco railroads, including parts of the GDLK. Watco states that the discontinuance of the TCS section and converting it to TWC maintains the consistency of dispatching and standardization of training for the GDLK, and will provide a higher level of safety through simplified operations by having one method of controlled operation rather than the two it has now. Watco further states that this consistency and standardization of dispatching and training will enhance the safety of GDLK operations.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at www.regulations.gov and in person at the U.S. Department of Transportation's 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 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 parties desire 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 September 11, 2017 will be considered

by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

Anyone can 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, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <https://www.transportation.gov/privacy>. See also <https://www.regulations.gov/privacyNotice> for the privacy notice of [regulations.gov](http://www.regulations.gov).

Robert C. Lauby,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2017-15789 Filed 7-26-17; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA-2017-0059]

Petition for Waiver of Compliance

Under part 211 of Title 49 of the Code of Federal Regulations (CFR), this provides the public notice that on June 27, 2017 the San Bernardino Railroad Historical Society Inc. (SBRHS) 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 230, *Steam Locomotive Inspection and Maintenance Standards*. FRA assigned the petition docket number FRA-2017-0059.

SBRHS maintains and operates No. 3751, a 4-8-4 "Northern" type steam locomotive built by the Baldwin Locomotive Works in 1927 for the Atchison, Topeka & Santa Fe Railroad. SBRHS requests relief from performing the 1472 service day inspection (SDI), for No. 3751, as it pertains to the inspection of the boiler every 15 calendar years or 1472 service days under 49 CFR 230.17—*One thousand four hundred seventy-two (1472) service day inspection*. SBRHS is requesting an additional 139 calendar days before performing a 1472 SDI. The previous SDI was performed on August 14, 2002. Granting relief will allow No. 3751 an

SDI period of 15 calendar years and 139 calendar days while not exceeding 1472 service days.

SBRHS sporadically operates No. 3751 for display in the Los Angeles area as well as excursions to San Diego and San Bernardino, CA and Williams, AZ. SBRHS's justification for requesting relief is that No. 3751 has only operated for a total of 141 service days within the 15-calendar year period. SBRHS anticipates approximately 10 additional service days for the locomotive during the requested time extension.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at www.regulations.gov and in person at the Department of Transportation's Docket Operations Facility, 1200 New Jersey Ave. 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 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 parties desire 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 September 11, 2017 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable.

Anyone can 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, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <https://www.transportation.gov/privacy>. See also <https://www.regulations.gov/privacyNotice> for the privacy notice of www.regulations.gov.

Issued in Washington, DC.

Robert C. Lauby,

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

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BILLING CODE 4910-06-P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA-2017-0061]

Petition for Waiver of Compliance

Under Part 211 of Title 49 of the Code of Federal Regulations (CFR), this provides the public notice that on June 28, 2017 the National Railroad Passenger Corporation (Amtrak) petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations in 49 CFR part 214. FRA assigned the petition docket number FRA-2017-0061.

Amtrak is requesting relief from the definition of "fouling a track" found at 49 CFR 214.7 at certain locations within Amtrak's New York Penn Station. The waiver is sought for the express purpose of increasing the number of areas considered a "place of safety" under 214.329 to improve the safety and efficiency of roadway maintenance procedures at that location. Safety will be improved by reducing the distance roadway workers must move and lessening the number of live tracks they may have to cross to reach a place of safety upon receiving warning of an approaching train. Efficiency of roadway maintenance procedures will be improved by increasing the number of clearing locations, thereby reducing time spent moving to and from places of safety.

The area under consideration in New York Penn Station lies between the Hudson River and Empire Connection tunnels to the west and the East River tunnels to the east when certain conditions, identified below, are met. If approved, when train approach warning is used as the method of protection, roadway workers may move to a

previously arranged place of safety designated as a "clearance area" that may be slightly less than four feet from the near running rail but, due to track and station structure configurations, provide a safe haven from the risk of being struck by moving trains or on-track equipment.

Amtrak's waiver request states that it faces operational problems complying with new provisions in 49 CFR 214.329(a), effective April 1, 2017, while operating an average of approximately 1,100 weekday, and 700 weekend departures and arrivals. Penn Station has 21 tracks fed by seven tunnels (the two Hudson River Tunnels, the four East River Tunnels, and the single Empire Connection tunnel). It is at the center of the Northeast Corridor as well as the main intercity railroad station in New York City. Intercity trains are operated by Amtrak, which owns the station, while commuter rail services are operated by the Long Island Rail Road and New Jersey Transit. In its waiver request, Amtrak also states that, prior to the new rule, Amtrak roadway workers using train approach warning as a method of protection in Penn Station would clear to another track as their place of safety when the Watchman/Lookout provided a warning of an impending movement on the track which they occupied or fouled. In addition, Amtrak's waiver request states that the revised rule now prohibits making the place of safety another track unless working limits are established on that track and movement authority is withheld or not authorized by the roadway worker-in-charge. Finally, the waiver request states that the additional constraints and disruption of movement, and subsequent delays to trains and passengers required to establish working limits, could be significantly offset if Amtrak could utilize existing places of refuge that do not meet the requirements of the regulation.

Amtrak explains in its request that New York Penn Station was built between 1901 and 1910, and is entirely underground. As such, Amtrak asserts the architecture and track configurations within the station area provide several locations where it is physically impossible to be struck by moving equipment despite being within four feet of the near rail. Amtrak believes these areas provide the same level of safety as a tunnel niche without the restrictions of a confined space. Amtrak explains that except for the use of tunnel niches and clearing bays provided for in 49 CFR 214.317(d), the 214.7 definition of "fouling a track" prevents the use of other infrastructure