

involved, the nature of the relief being requested, and the petitioner's arguments in favour of relief.

#### Association of American Railroads

[Docket Number FRA-2005-21325]

The Association of American Railroads (AAR), on behalf of itself and its member railroads, seeks a permanent waiver of compliance from certain provisions of the Railroad Locomotive Safety Standards, 49 CFR Part 229. Specifically, the AAR requests to change the time interval requirements of 49 CFR 229.27 Annual Tests and 49 CFR 229.29 Biennial Tests for all locomotives equipped with 26-L type brake systems and air dryers, by extending the testing interval to four years.

In 1981, FRA granted a test waiver (H-80-7) to eight railroads, permitting them to exceed the annual and biennial testing requirements of § 229.27 and § 229.29, in order to conduct a study of the safe service life and reliability of the locomotive brake components. On January 29, 1985, FRA expanded the waiver to permit all railroads to inspect the 26-L type brake equipment on a triennial basis. In the 1990's, the Canadian Pacific Railroad (CP) and the Canadian National Railroad (CN) petitioned the FRA to allow them to operate locomotives into the United States that received periodic attention every four years. The requests were based on a decision by Transport Canada to institute a four-year inspection program following a thorough test program in Canada. In November 2000, FRA granted conditional waivers to both the CN and CP Railroads, extending the testing interval to four years for Canadian-based locomotives equipped with 26-L type brake systems and air dryers. The waiver also requires all air brake filtering devices be changed annually and the air compressor to be overhauled not less than every six years.

AAR does not see any rational basis for permitting Canadian-based locomotives with 26-L type brakes and air dryers to operate four years between inspections, while subjecting U.S.-based locomotives with the same brake systems and air dryers to a three-year inspection interval. AAR makes this conclusion based on the fact that Transport Canada has permitted this practice without any accident caused by the malfunction of a 26-L type brake system, and because the FRA approved the CN and CP waiver requests in 2000. Accordingly, AAR requests that the inspection interval for all locomotives equipped with 26-L type brake systems and air dryers be extended to four years.

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 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 (e.g., Waiver Petition Docket Number FRA-2005-21325) and must be submitted in triplicate to the Docket Clerk, DOT Central Docket Management Facility, Room Pl-401, Washington, DC 20590-0001. 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 DOT Central Docket Management Facility, Room Pl-401 (Plaza Level), 400 Seventh Street SW., Washington. 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 19377-78). The statement may also be found at <http://dms.dot.gov>.

Issued in Washington, DC on August 8, 2005.

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

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

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received a request for a waiver 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 favour of relief.

#### Association of American Railroads

[Docket Number FRA-2005-21613]

The Association of American Railroads (AAR), on behalf of itself and its member railroads, seeks a permanent waiver of compliance from certain provisions of the Railroad Locomotive Safety Standards, 49 CFR part 229. Specifically, the AAR requests relief from the requirements of 49 CFR 229.27(a)(2) Annual Tests and 49 CFR 229.29(a) Biennial Tests, as solely applicable to all present and future installations of the New York Air Brake Corporation (NYAB) and Wabtec Corporation electronic brake systems. AAR is requesting this waiver with the intent to move to a "performance-based criterion," with air brake components repaired or replaced as required. AAR makes this request based on their belief that electronic brake systems are inherently more reliable than their predecessors, along with the system's utilization of diagnostic tools which continuously monitor the function of critical components. AAR proposes a test program be permitted, similar to the CSX Transportation (CSXT) waiver test program, under which the performance of locomotive electric brake systems would be monitored.

On September 1, 2000, FRA granted CSXT a conditional waiver (FRA-1999-6252) from the annual and biennial test requirements for NYAB's Computer Controlled Brake (CCB) systems installed on CSXT locomotives, with a requirement that a Joint CSX/CCB Committee be established to monitor and approve all testing parameters and test functions. The committee is comprised of individuals from rail labor, railroad management, manufacturers, suppliers, and the FRA. The committee meets 2 to 4 times a year to perform functional tests and tear-down inspections on locomotives that have operated for specific periods of time without any air brake components being replaced. In AAR's written request for this waiver, they make a general statement that the CCB brake system has successfully operated for over eight years and that the CSXT test program has shown that the existing requirements for tests every five years is too restrictive.

The facts related to waiver FRA-1999-6252 are as follows: The CSXT test program has only evaluated and

approved one brake system at the 8½ year time period, the NYAB-CCB I brake system equipped on GE locomotives with air dryers. The Committee has determined that 8½ years is the limit for all of the brake components for that system, except the 20 Block, which is limited to 6½ years. Time intervals for the CCB I system on EMD locomotives, and CCB II systems on both GE and EMD locomotives have yet to be determined, as the committee continues the evaluation process. All CSXT locomotives are equipped with functioning air dryers.

Under AAR's proposal, categories would be established for each combination of locomotive manufacturer and brake types, with and without air dryers, for testing and evaluation purposes. AAR has allocated the responsibility for testing the different categories of brake systems among six of its member railroads, the Union Pacific, BNSF, the Canadian Pacific, CSXT, the Canadian National, and Norfolk Southern. These six railroads have agreed to conduct testing similar to the same conditions imposed on the CSXT waiver.

AAR assumes that as each category of brake system/locomotive reaches a certain time period, that all locomotives in the same category belonging to AAR's members would be permitted to operate to that same time period without having to perform any of the 229.27(a)(2) and 229.29(a) inspections and tests. Furthermore, with the CSXT test program already underway, AAR would like to have all of its member railroads afforded the same time intervals that have been established for the CSXT locomotives, for locomotives in the same categories as the CSXT locomotives. For example, all GE locomotives with air dryers that are operated by AAR members and are equipped with NYAB's CCB I brake systems, would be permitted to operate for 8½ years before 229.27(a)(2) and 229.29(a) attention is required.

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 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 (e.g., Waiver Petition Docket Number FRA-2005-21613) and must be submitted in

triplicate to the Docket Clerk, DOT Central Docket Management Facility, Room PL-401, Washington, DC 20590-0001. 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 DOT Central Docket Management Facility, Room PL-401 (Plaza Level), 400 Seventh Street SW., Washington. 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>.

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

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

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received a request for a waiver 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.

#### Red River Valley & Western Railroad

[Waiver Petition Docket Number FRA-2005-21037]

The Red River Valley & Western Railroad (RRVW), seeks a waiver of compliance from certain provisions of the Safety Glazing Standards, Title 49, CFR 223.11(c) (safety glazing for existing locomotives) on locomotive

RRVW 1276. The RRVW 1276 operates from the RRVW switching yard to Red River Grain Cooperative under yard limits on approximately 5 miles of track at a speed not to exceed 25 miles per hour.

The FRA field investigation reveals the glazing material for locomotive RRVW 1276 is equipped with automotive type safety glass. There is no evidence of any personal injuries and no incidents of vandalism in the history of the RRVW. The RRVW also operates over Class I track at all times.

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 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 (e.g., Waiver Petition Docket Number 2005-21037) 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>.

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