

Equipment servicing and storage facilities (yards) on NJ Transit have often evolved from older facilities with limited area for expansion. Tack lengths are limited, while equipment consists have been lengthened to accommodate increased passenger ridership. Newer facilities are restricted by the cost or unavailability of required land. Therefore, at certain locations, track must typically be utilized to its capacity.

Morrisville Yard is a facility where the tracks are utilized to capacity. The current Mechanical Department workforce at this facility includes approximately 200 employees servicing approximately 30 trains per day. The allotted times for servicing equipment is restricted due to train availability, time of day, and train scheduling requirements. Currently, there are 18 tracks utilized for inspection, servicing, and repair, which require Blue Signal Protection. The maximum track space on each track is being used to accommodate the current length of the train consists. A Transportation Department Yardmaster is responsible for controlling train movements within the facility, and to coordinate maintenance with the Mechanical Department. Since these 18 tracks are not under the control of the Mechanical Department, if a derail is used for the protection of workers, Federal law requires the derail to be placed 150 feet away from the equipment requiring Blue Signal Protection. This greatly restricts the train lengths that can be placed on these tracks. In addition, lining and locking a track switch away from the track being protected will restrict the amount of equipment that can be simultaneously inspected, serviced, or repaired.

NJ Transit believes that the current 5 mph speed limit in effect at the Morrisville facility along with positioning a locked derail 50 feet from the equipment being protected, as prescribed in § 218.29(a)(4), will provide effective Blue Signal Protection for employees working on the equipment. In addition, a Transportation Department Yardmaster is on duty 24 hours a day, seven days a week, to control train movements and coordinate maintenance activities with Mechanical Department Supervisors. NJ Transit Timetable Special Instructions restricts the speed of Morrisville facility tracks 1–18 to not more than 5 mph. NJ Transit declares that this waiver is needed to ensure timely inspections, servicing, and repairs to trains, so that they can meet the needs of their customers.

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–2008–0097) 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 within 30 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://www.regulations.gov>.

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 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).

Issued in Washington, DC on January 14, 2009.

**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.

#### Port Authority Trans-Hudson Corporation

[Docket Number FRA–2008–0143]

The Port Authority Trans-Hudson Corporation (PATH), seeks a waiver of compliance from certain provisions of Safety Appliance Standards, Title 49 CFR Part 231, that requires a sill step, a side and end handhold, handbrake, end handrails, side door steps and uncoupling levers on newly built PA–5 cars. Specifically, PATH's request is to use an alternate compliance of safety appliance arrangements for the production of PATH's new fleet of passenger cars in passenger train service.

PATH operates on 13.8 miles of an interstate rail transit system between five major terminals and eight intermediate stations linking New Jersey and New York. The PATH system is a closed system, does not interchange and has no highway rail crossings. Currently PATH is an inter-urban rapid transit system operating 326 electrically powered, multiple unit vehicles that receive 650 volts transmitted by third rail of similar comparable design. PATH operates with relatively short headways and high platforms over a system that one-half of which is located in tunnels below ground level carrying 250,000 passengers in a 24-hour period. There is no interchange of car equipment between PATH and any rapid transit system or railroad. Because of the unique characteristics of PATH, that is more representative of an inter-urban rapid transit system, PATH requests waiver of certain provisions of FRA requirements related to safety appliances which they believe are not totally applicable. PATH also believes that in the past, FRA, while asserting jurisdiction over PATH, has acknowledged that PATH's operations are analogous to that of an inter-urban rapid transit system.

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 2008-0143) 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 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://www.regulations.gov>.

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Issued in Washington, DC on January 14, 2009.

**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) has received a request for a waiver of compliance from 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.

#### R. J. Corman Railroad

[Docket Number FRA-2008-0099]

R.J. Corman (RJC), a Class III Railroad, petitioned for waiver of compliance from certain provisions of the steam locomotive safety standards as prescribed by 49 CFR 230.105(a) *Lateral motion*, for one steam locomotive used in tourist/excursion service. Specifically, this waiver request applies to locomotive number RJC 2008, with boiler number 7040. The Class QJ, 2-10-2 locomotives were built by the Datong Locomotive Works, China. The Datong Works constructed 4,714 locomotives of this type between 1967 and 1988. The maximum operating speed for this type of locomotive is 50 mph.

Locomotive number RJC 2008 received a standard 250,000 km overhaul, a Class 3 repair in China prior to being shipped to the United States. The manufacturer's specifications for the QJ Class locomotive require a total lateral clearance of 20 mm (0.787 inch) on the number 1 and 5 driving axle, with a 4 mm (0.157 inch) clearance for the three center axles (no. 2-4). All tire back-to-back spacing is at 1,252 mm (53.267 inches). The purpose for this specification is to allow a locomotive with a long rigid wheelbase to negotiate a curve up to 15.2 degrees. The lateral wear limit for all driving axles is 10 mm (0.393 inch) over the original dimensions. In summary, by design and as built, model QJ locomotive exceeds the U.S. limit of 0.75 inch for allowable lateral clearance for driving axles number 1 and 5 as specified by 49 CFR 230.105(a).

RJC requests relief from the requirements of 49 CFR 230.105(a) for driving axles numbers 1 and 5 to allow for a maximum lateral clearance of up to 30 mm (1.181 inches). This is consistent with the manufacturer's design specification, and the operating experience of the China National

Railway. In addition, the locomotive will be maintained in accordance with the requirements of 49 CFR 230.105(c) to ensure that no part of the running gear interfere with any other part of the steam locomotive.

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-2008-0099) 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.
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