

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 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 February 4, 2013 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 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), or online at <http://www.dot.gov/privacy.html>.

Issued in Washington, DC, on December 17, 2012.

**Robert C. Lauby,**

*Deputy Associate Administrator for Regulatory and Legislative Operations.*

[FR Doc. 2012-30873 Filed 12-20-12; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket Number FRA-2012-0077]

#### Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that by a document dated August 28, 2012, the Orrville Railroad Heritage Society, Inc. (ORHS) of Orrville, OH, 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 223 (Safety

Glazing Standards—Locomotives, Passenger Cars and Caboose). FRA assigned the petition Docket Number FRA-2012-0077.

ORHS has petitioned for a permanent waiver of compliance for three passenger cars, numbered RPCX 101 (named "William B Baer"), RPCX 102 (named "HH Wade"), and RPCX 103 (named "Robert S Bixler"), each manufactured as a coach car by The Budd Company. RPCX 101 (a 60-seater built in 1947), RPCX 102 (a 56-seater built in 1947), and RPCX 103 (a 68-seater built in 1946) have operated since 1985, 1986, and 1986, respectively. They are on lease for passenger excursions that are limited to regional railroads, namely Buffalo and Pittsburgh Railroad, Columbia and Ohio River Railroad, Ohio Central Railroad (Genesee and Wyoming), and the Wheeling and Lake Erie Railway. The cars typically operate between 1,000 and 2,000 miles per year on about six weekends at speeds 45 mph or less, mostly on single-track rail lines through areas largely rural in nature. When not being used, these cars are stored at the ORHS Pine Street Yard in Orrville, OH, on the Wheeling and Lake Erie Railway.

There are no end windows except for end doors. No Type I or Type II FRA-certified glazing is currently installed in the cars either in end windows or side windows. However, all windows, end and side, are ¼-inch panes of Duplate ASI PPG Safety Glass. ORHS states that barring one incident of vandalism on RPCX 101 in the spring of 2010 when the car was in storage—resulting in one cracked window—there has been no accident or injury attributed to window glazing of these cars came under their present ownership in 1985. ORHS states that besides the prohibitive cost (approximately \$33,600 for RPCX 101; \$32,200 for PRCX 102; and \$33,800 for RPCX 103) involved in retrofitting the cars with FRA-certified glazing, sidelining the cars for this purpose will be catastrophic because most of its revenue comes from the operation of these cars on steam and diesel powered excursions. Therefore, ORHS is requesting this relief.

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 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 and may be submitted by any of the following methods:

- *Web site:* <http://www.regulations.gov/>. Follow the online instructions for submitting comments.

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Communications received by February 4, 2013 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

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Issued in Washington, DC, on December 17, 2012.

**Robert C. Lauby,**

*Deputy Associate Administrator for Regulatory and Legislative Operations.*

[FR Doc. 2012-30870 Filed 12-20-12; 8:45 am]

**BILLING CODE 4910-06-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket Number FRA-2012-0089]

#### Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that by a document dated September 12, 2012, Capital Metropolitan Transportation Authority

(CMTA) 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 213.57—*Curves; elevation and speed limitations*. FRA has assigned the petition Docket Number FRA–2012–0089.

CMTA seeks a waiver of compliance from provisions regarding “cant deficiency” contained at 49 CFR 213.57. Cant deficiency is a technical term describing the imbalance of inner and outer wheel loads when a rail vehicle traverses a curve. With the right combination of speed, curvature, and superelevation (the amount the outer rail is elevated above the inner rail), the loads on both inner and outer wheels will be equal, i.e., balanced. The curving speed corresponding to this balanced state is referred to as “balance speed.” At speeds higher than the balance speed, the centrifugal force will cause the outer wheel load to increase and the inner wheel load to decrease. The manifestation of this load imbalance is that a lateral throw will be sustained by the passengers when the vehicle is traversing the curve. To counter the imbalance, the superelevation on the curve would have to be increased. The necessary amount of the increase in the superelevation is the amount of cant deficiency.

CMTA intends to operate its Stadler Diesel Multiple Unit (DMU) fleet on curves at speeds which will generate a cant deficiency up to, but not more than, 5 inches; but no more than the maximum authorized speed.

In support of its petition, CMTA has conducted a “static lean test,” a test to demonstrate that the Stadler DMU fleet can safely be operated at the requested 5 inches of cant deficiency.

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 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 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 February 4, 2013 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 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), or online at <http://www.dot.gov/privacy.html>.

Issued in Washington, DC, on December 17, 2012.

**Robert C. Lauby,**

*Deputy Associate Administrator for Regulatory and Legislative Operations.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket Number FRA–2012–0078]

#### Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that by a document dated August 28, 2012, the North Coast Line, Inc. (NCL) of Doylestown, OH, 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 223 (Safety Glazing Standards—Locomotives, Passenger Cars and Cabooses). FRA

assigned the petition Docket Number FRA–2012–0078.

NCL has petitioned for a permanent waiver of compliance for a 26-seat diner lounge car, RPCX 3125, named “Paul Revere.” This car was built by The Budd Company in 1952, and since 2007 has operated on lease for passenger excursions that are limited to regional railroads, namely Buffalo and Pittsburgh Railroad, Columbia and Ohio River Railroad, Ohio Central Railroad (Genesee and Wyoming), and Wheeling and Lake Erie Railway. The car typically operates between 1,000 and 2,000 miles per year on about six weekends at speeds 45 mph or less, mostly on single-track rail lines through areas largely rural in nature. When not being used, this car is stored at the Orrville Railroad Heritage Society, Inc. Pine Street Yard in Orrville, OH, on Wheeling and Lake Erie Railway.

There are no end windows except for the end doors. The left side of the car contains six windows while the right side contains seven windows. No Type I or Type II FRA-certified glazing is currently installed in the car. All windows have two panes. Except for the end windows and four emergency windows, all other windows are ¼-inch panes of Duplate ASI PPG Safety Glass. The emergency windows and the end windows are ¼-inch panes of GE Marguard/Lexan. NCL states that there has been no accident or injury attributed to window glazing while under the present ownership since 2007. NCL further states that besides the prohibitive cost (approximately \$23,800) involved in retrofitting the car with FRA-certified glazing, side-lining the car for this purpose will be catastrophic because most of its revenue comes from the operation of this car on steam and diesel powered excursions. Therefore, NCL is requesting this relief.

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 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