

extension of a waiver granted in Docket Number FRA–2012–0056 on January 15, 2013, that provided relief from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 242, Qualification and Certification of Conductors, for a period of 5 years. The requested waiver extension will align the effective periods of the companion waiver granted in Docket Number FRA–2009–0096 for 49 CFR 240, Qualification and Certification of Locomotive Engineers, with the instant waiver in FRA–2012–0056, both of which are contingent on the railroad's continued participation in the Confidential Close Call Reporting System (C3RS) pilot project.

The April 10, 2014, letter provides the current IMOU dated June 11, 2009, and all subsequent amendments that govern the C3RS pilot program will be modified and replaced. The new IMOU is dated August 20, 2014, and is based on a revised template provided by the FRA. The new IMOU provides similar provisions to those of the current IMOU with three changes:

1. The addition of Article 3.2 will extend protections to tenant locomotive engineers and conductors in tenant/host operations on the NJTR system.

2. Article 6.4 will permit relief for all covered events under the FRA Reporting threshold pursuant with 49 CFR Part 225, Railroad Accidents/Incidents: Reports Classification, and Investigation.

3. The National Aeronautics and Space Administration will replace the Bureau of Transportation Statistics as the third participating party.

NJTR; the Brotherhood of Locomotive Engineers and Trainmen, and Sheet Metal, Air, Rail and Transportation Workers Transportation Division seek to shield the reporting employees and the railroad from punitive sanctions that would otherwise arise as provided in selected sections of 49 CFR 242.403, *Criteria for revoking certification*, to encourage locomotive engineer reporting of close calls and protect locomotive engineers and NJTR from discipline or sanctions arising from the incidents reported pursuant to the new IMOU.

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.
- 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 October 14, 2014 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.

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.). See <http://www.regulations.gov/#/privacyNotice> for the privacy notice of [www.regulations.gov](http://www.regulations.gov) or interested parties may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477).

Issued in Washington, DC, on September 4, 2014.

**Ron Hynes,**

*Director, Office of Technical Oversight.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket Number FRA–2014–0081]

#### 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 8, 2014, the City of San Clemente, CA, (City) 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 222, Use of Locomotive Horns at Public Highway-Rail Grade Crossings. FRA assigned the petition Docket Number FRA–2014–0081.

The City is seeking a waiver from various requirements of 49 CFR part 222 in order to eliminate the routine sounding of locomotive horns by trains approaching six pedestrian crossings and one private highway-rail grade crossing. The City proposes the use of a wayside horn in lieu of the locomotive horn to provide an audible warning at the crossings. The City's petition for a waiver proposes three options as a means to silence the routine sounding of the locomotive horn when a train approaches the pedestrian and private crossings.

- Option 1—Redefine the Length of a Quiet Zone. The City seeks a waiver from the requirement of 49 CFR 222.21(b)(3) that trains traveling in excess of 60 mph must not begin sounding the horn more than one-quarter mile in advance of the nearest public highway-rail grade crossing. The City requests a waiver that would change the distance from one-quarter mile to 2½ miles. This would allow the seven crossings to be included in the City's existing Federal quiet zone. Option 1 also requests that waivers be granted from the following regulations: 49 CFR 222.25(b)(1) and (2) so that an additional diagnostic team evaluation is not necessary at the private highway-rail crossing, 49 CFR 222.27(b) and (c) so that additional diagnostic team evaluations are not necessary at the six pedestrian crossings, 49 CFR 222.43(a)(1) so that a Notice of Intent is not necessary, and 49 CFR 222.39(b)(3) to allow a 20-day comment period instead of a 60-day comment period on a public authority application for FRA approval. The City also requests the following waivers be granted pertaining to the use of a wayside horn: 49 CFR 222.59(a)(1) to allow the use of a wayside horn at a pedestrian crossing and 49 CFR part 222, Appendix E, Paragraphs 4 and 6, to allow a minimum sound level of 80 dB(A) when measured 20 feet from the crossing gate and that a wayside horn does not need to be directed toward approaching traffic.

- Option 2—One-for-One Replacement. The City requests the following waivers be granted pertaining to the use of a wayside horn in lieu of the locomotive horn: 49 CFR

222.59(a)(1) to allow the use of a wayside horn at a pedestrian crossing and Appendix E to 49 CFR part 222, Paragraphs 4 and 6, to allow a minimum sound level of 80 dB(A) when measured 20 feet from the crossing gate and that a wayside horn does not need to be directed toward approaching traffic.

- Option 3—Establish a New Quiet Zone Without a Public Highway-Rail Crossing. The City requests a waiver from the definition of a new quiet zone as found in 49 CFR 222.9 so that a new quiet zone could be established without a public highway-rail grade crossing. Option 3 also requests that waivers be granted from the following regulations: 49 CFR 222.25(b)(1) and (2) so that an additional diagnostic team evaluation is not necessary at the private highway-rail crossing, 49 CFR 222.27(b) and (c) so that additional diagnostic team evaluations are not necessary at the six pedestrian crossings, 49 CFR 222.43(a)(1) so that a Notice of Intent is not necessary, and 49 CFR 222.39(b)(3) to allow a 20-day comment period instead of a 60-day comment period on a public authority application for FRA approval.

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.

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Communications received by October 27, 2014 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.). See <http://www.regulations.gov#!privacyNotice> for the privacy notice of regulations.gov or interested parties may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477).

Issued in Washington, DC, on September 4, 2014.

**Ron Hynes,**

*Director, Office of Technical Oversight.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket Number FRA-2014-0085]

#### 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, June 10, 2014, the Association of American Railroads, on behalf of CSX Transportation, Inc., the National Railroad Passenger Corporation, Norfolk Southern Railway Company, and Union Pacific Railroad Company, (collectively, "petitioners") petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR 236.586, *Daily or after trip test*, and § 236.588, *Periodic test*. Section 236.586(a) provides that, except where tests prescribed by § 236.588 are performed at intervals of not more than 2 months, each locomotive equipped with an automatic cab signal or train stop or train control device operating in equipped territory shall be inspected for damage to the equipment and tested at least once each calendar day or within 24 hours before departure upon each trip. Section 236.588 provides that, except as provided in § 236.586, periodic test of the automatic train stop, train control, or cab signal apparatus shall be made at least once every 92

days, and on multiple-unit cars as specified by the carrier, subject to approval by FRA. The petitioners request to be permitted to increase the time between inspections to 184 days for a 5-year period. FRA assigned the petition Docket Number FRA-2014-0085.

The petitioners note that today's automatic train stop, train control, and cab signal apparatus use microprocessor-based technology. This technology provides enhanced safety because the microprocessor-based system has diagnostics that monitor the functioning of cab signal equipment and records faults, particularly with respect to features relevant to the periodic inspection. Major faults are instantly addressed; minor faults are addressed through later data analysis. In some cases, railroads have the capability of analyzing the data remotely, without the need for the locomotive to be shopped; and if the system detects a failure, the system goes into fail-safe mode and triggers a penalty air brake application.

Performing signal inspections pursuant to 49 CFR 236.588 in conjunction with and under the same schedule as the locomotive inspections under 49 CFR 229.23(b) would increase efficiency without compromising safety.

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 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.

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