

Pursuant to part 205, all direct air carriers and foreign air carriers, including U.S. commuters and air taxis (14 CFR 298.2) as well as Canadian charter air taxi operators (14 CFR 294.2(c)), are required to carry minimum "aircraft accident liability insurance coverage" for "bodily injury to or death of aircraft passengers" as well as "persons, including non-employee cargo attendants, other than passengers, and for damage to property." Each carrier must file a certificate of insurance with the Department, signed by an authorized representative of the insurer or insurance broker, stating that the carrier has in effect insurance coverage meeting the requirements of Part 205. Minimum coverage amounts depend on the class of carrier and aircraft size.

Section 205.6 of the Department's regulations, 14 CFR 205.6, prohibits the effectiveness of any liability insurance policy exclusion not specifically approved by the Department. The Department and the Civil Aeronautics Board before it have permitted exclusions from liability coverage only in a very limited number of circumstances. These exclusions cover, in essence, the following risks:

- (1) War and insurrection;
- (2) Noise, pollution, and other effects not caused by a "crash, fire, explosion, or collision, or a recorded in-flight emergency causing abnormal aircraft operation" (an accident);
- (3) Nuclear risks;
- (4) Damages incurred by an employee arising out of and in the course of his/her employment; and
- (5) Injury to property owned, leased, occupied or used by the insured.

The Department recently established a public docket, OST-99-5051, that contains correspondence regarding exclusions requested in the past, including those described above. All future correspondence regarding requests for exclusions will also be placed in the docket, which can be accessed through the Internet at <http://dms.dot.gov>. You should be aware that, although the Department may not have permitted a particular exclusion, section 205.6 also specifically provides that insurers retain the right to recover from carriers any amounts paid under the policy. For example, although an insurer may be obligated to make payments to claimants because the regulations require a particular

coverage, the regulations would not prohibit a provision in a policy requiring a carrier to reimburse an insurer for Y2K-related claims where the carrier has failed to satisfy the insurer that it has in place a program to become Y2K compliant.

Any carrier operating with a Y2K exclusion in place covering passenger, third party, or property liability for aircraft accidents would not be in compliance with the insurance requirements contained in part 205. All U.S. carriers should be aware that, under 49 U.S.C. 41112(a), any certificate to provide air transportation ceases to be effective if an air carrier fails to comply with part 205. This condition is also specifically made a part of the operating certificate of each U.S. carrier. Likewise, pursuant to 14 CFR 298.37 air taxis and commuter air carriers are prohibited from conducting operations not properly covered under part 205. In addition, all foreign air carriers should be aware that all permit and exemption authority of foreign air carriers is also specifically conditioned on compliance with part 205. Consequently, any operations performed without lawful insurance coverage as required by part 205 would be unauthorized.

The Department has been approached by a major aviation industry insurer requesting approval of its Y2K exclusion. In addition, other major insurers have attempted to impose such an exclusion on carriers without first seeking Department approval of the exclusion. The exclusions of which we are aware would involve immediate imposition of a Y2K exclusion, with the insured carrier given the right to obtain a limited "write-back" of coverage, provided it demonstrates adequate Y2K compliance or planning to the insurer's satisfaction. The write-back coverage would be designed to meet Part 205 requirements. We urge carriers that have not done so to implement programs to ensure that they will achieve timely Y2K compliance and to work with their insurers to ensure that there is no lapse in required coverage. We wish to make clear, however, that the Department has not approved any insurance arrangement for Y2K-related problems that does not provide continuous coverage meeting the minimum coverage requirements set forth in part 205.

Certain insurers have assured us they recognize that, in the absence of Department approval, any Y2K exclusion written into the policies of their particular airline clients will not be applicable to the minimum liability requirements of part 205. However, we are concerned that other carriers may

have had Y2K exclusions written into their liability policies by insurers with different views and that such carriers may not yet have obtained coverage meeting the requirements of part 205 under a "write-back" clause, or otherwise. Any carrier operating without the liability coverage required by part 205, including coverage for Y2K-related problems, is subject to immediate enforcement action, which could include civil penalties assessed under 49 U.S.C. 46301 and action against its operating authority. Section 46301 provides for civil penalties of \$1,100 per violation and, in the case of a continuing violation, \$1,100 per day for each day each violation continues. In addition, carriers and their responsible officials should be aware that 49 U.S.C. 46316 provides for criminal penalties in the event of knowing and willful violations of the Department's regulations and Title 49.

This notice is not concerned with Y2K exclusions from insurance coverage not included in the minimum passenger, third-party, or property liability limits set forth in 14 CFR part 205, such as loss of business by an airline or other liability not resulting directly from operation of an aircraft.

If you have any questions, you may contact Dayton Lehman, Deputy Assistant General Counsel, Office of Aviation Enforcement and Proceedings, on 202-366-9342.

Dated: April 19, 1999.

An electronic version of this document is available on the World Wide Web at <http://dms.dot.gov>.

Nancy E. McFadden,
General Counsel.

[FR Doc. 99-10245 Filed 4-22-99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[FHWA Docket No. FHWA-1999-5382]

Fiscal Year (FY) 2000 Implementation Guidance for Interstate Maintenance Discretionary Program Funds

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice; FHWA solicitation memorandum for FR 2000 funds; request for comments on selection criteria for FY 2001 and beyond.

SUMMARY: This document provides implementation guidance on the Interstate maintenance discretionary (IMD) program for FY 2000 and beyond. On March 4, 1999, a memorandum on

from computer-related problems in connection with "any other change in time, date, or year," including the reset of the Global Positioning Satellite system that will occur on August 21-22, 1999. As with the Y2K exclusion, the Department has not approved any such exclusion.

this topic was issued to division offices soliciting candidate projects from State transportation agencies for FY 2000 IMD funding. The memorandum also contains information of criteria used by the FHWA in evaluating candidate projects. This document seeks comments from all interested parties on the selection criteria and their continued use by the FHWA for FY 2001 and beyond.

DATES: Comments on the selection criteria for IMD funding for FY 2001 and beyond must be received on or before June 22, 1999.

ADDRESSES: Your signed, written comments on project selection criteria for IMD funding for FY 2001 and beyond must refer to the docket number appear at the top of this document and you must submit the comments to the Docket Clerk, U.S. DOT Dockets, Room PL 401, Seventh Street, SW, Washington, DC 20590-0001. All comments received will be available for examination at the above address between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. Those desiring notification of receipt of comments should include a self-addressed, stamped envelope or postcard.

Applications for candidate projects for FY 2000 funding should be submitted to the FHWA Division Office in the State of the applicant in accordance with the guidance provided in the solicitation memorandum.

FOR FURTHER INFORMATION CONTACT: Cecilio Leonin, Office of Program Administration, (202) 366-4651; or Wilbert Baccus, Office of the Chief Counsel, (202) 366-1396; Federal Highway Administration, 400 Seventh Street SW., Washington DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

Internet users can access all comments received by the U.S. DOT Dockets, Room PL-401, by using the universal resource locator (URL): <http://www.dmsm.dot.gov>. It is available 24 hours each day, 365 days each year. Please follow the instructions online for more information and help.

An electronic copy of this document may be downloaded using a modem and suitable communications software from the Government Printing Office Electronic Bulletin Board Service at (202) 512-1661. Internet users may reach the **Federal Register** home page at: <http://www.nara.gov/fedreg> and the

Government Printing Office's database at: <http://www.access.gpo.gov/nara>.

The solicitation memorandum is available on the FHWA web site at <http://www.fhwa.dot.gov/discretionary>.

Background

On March 4, 1999, the FHWA issued a memorandum to its division offices, located in each State, the District of Columbia and Puerto Rico, soliciting from the State transportation agencies candidate projects for FY 2000 IMD funding. This memorandum is published for informational purposes. The memorandum contains information on the IMD program, eligible activities, the application process, and the selection criteria used by the FHWA in evaluating candidate projects.

Also, the purpose of this document is to invite comments on the selection criteria used by the FHWA for evaluating candidate projects for FY 2001 and beyond. The attachment to the March 4, 1999, memorandum presents the selection criteria that the FHWA will be using for FY 2000. These criteria reflect areas which are given preference when evaluating candidate projects; however, any project submitted by a State transportation agency which meets the eligibility requirements for this discretionary program can potentially be selected for funding. These are the same general selection criteria that the FHWA has used for several years to evaluate candidates for this discretionary program. Occasionally, a selection criterion may be added for an individual year that reflects a special emphasis area, but for the most part the selection criteria have remained unchanged.

The FHWA plans to continue to use these same basic selection criteria for FY 2001 and beyond for this discretionary program. However, before doing so, the FHWA is interested in the views of the States or others on these selection criteria. Accordingly, comments are invited to this docket on the selection criteria that the FHWA will use for the IMD program for funding available during FY 2001 and beyond.

Publication of the implementation guidance for the Interstate maintenance discretionary program satisfies the requirement of section 9004(a) of the TEA-21 Restoration Act, Pub. L. 105-206, 112 Stat. 685, 842 (1998).

Authority: 23 U.S.C. 118 and 315; 49 CFR 1.48.

Issued on: April 12, 1999.

Kenneth R. Wykle,

Federal Highway Administrator.

The text of the FHWA solicitation and implementation guidance memorandum follows:

ACTION: Request for Project for FY 2000 Interstate Maintenance Discretionary (IMD) Funds—March 4, 1999 (Reply Due: July 1, 1999)
Henry H. Rentz for Vincent F. Schimmoller, Program Manager, Infrastructure, HIPA
Division Administrators

We are requesting submission of eligible candidate projects for FY 2000 IMD funds. It appears that approximately \$90 million will be available for allocation in FY 2000. Candidate project submissions are to be received in Headquarters no later than July 1, 1999.

Please work with the States to identify viable projects to assure high quality candidates for this program. The attached program guidance for the IMB program provides information on eligibility, selection criteria, and submission requirements. Your office should review all candidates submitted by a State to ensure the application is complete and contains all of the requested information as outlined in the attached program guidance. After review, please forward candidate project submissions to the Director of Program Administration, HIPA.

When sending in candidate projects, the States must understand that any qualified project may or may not be selected, and it may be necessary to supplement allocated IMD funds with other Federal-aid and/or State funds to construct a section of highway which will be usable to the traveling public in as short a period of time as possible.

Any allocations in FY 2000 will be made on the assumption that proposed projects are viable and implementation schedules are realistic. Obligation limitation will be distributed with each allocation of funds.

In 1992, Headquarters established a policy (reference Mr. Willett's November 3, 1992, memorandum to the regions; Subject: Transfer of Funds/Discretionary Allocations) that Interstate 4R discretionary funds would not be allocated to a State that had, in the preceding fiscal year, transferred either National Highway System (NHS) or Interstate Maintenance (IM) funds to the Surface Transportation Program (STP) apportionment. This policy was based on the tremendous Interstate System needs across the country and FHWA's belief that congressional intent was to give priority consideration to high cost

projects in States where available apportionments were insufficient to allow such projects to proceed on a timely basis. We believe this policy is still appropriate at this time, and it will continue to be applied to IMD funds, with modifications to reflect the uniform transfer provisions enacted by the Transportation Equity Act for the 21st Century. Our policy is:

The IMD funds will not be allocated to a State that has, in the preceding year, transferred either NHS or IM funds to the STP, the Congestion Mitigation and Air Quality Improvement Program, the Bridge Replacement and Rehabilitation Program, or to Recreational Trails apportionments. However, this restriction will not apply to transfers from (IM to NHS or vice-versa.

As a reminder, any requests to adjust the amount of IMD funds allocated to a specific project or to shift funds among previously approved IMD projects must

be forwarded in writing to the Director of Program Administration, HIPA, for approval.

Questions concerning preparation of applications and other matters may be directed to Mr. Cecilio Leonin of the Office of Program Administration, HIPA, telephone (202) 366-4651.

Attachment

**INTERSTATE MAINTENANCE
DISCRETIONARY PROGRAM PROGRAM
GUIDELINES**

Background

The Interstate Maintenance Discretionary Program provides funding for resurfacing, restoration, rehabilitation and reconstruction (4R) work, including added lanes to increase capacity, on most existing Interstate System routes. This discretionary program was first established by the Surface Transportation Assistance Act

of 1982, where funding were derived from lapsed I-4R apportionments, and was known as the I-4R Discretionary Program. The Surface Transportation and Uniform Relocation Assistance Act of 1987 and the Intermodal Surface Transportation Efficiency Act of 1991 continued funding with set asides from I-4R and NHS authorizations, respectively, for each of fiscal years 1988 through 1997. The 1998 Transportation Equity Act for the 21st Century (TEA-21) continued this program by authorizing set asides from the Interstate Maintenance (IM) funds for fiscal years 1998 through 2003. This is now called the Interstate Maintenance Discretionary (IMD) Program.

Statutory References

23 U.S.C. 118.

Funding

Fiscal year	1998	1999	2000	2001	2002	2003
Authorization	\$50M	\$100M	\$100M	\$100M	\$100M	\$100M

TEA-21 provides \$2,914 million in FY 1998 and increasing each year to \$4,218 million in FY 2003 for the Interstate Maintenance Program. In accordance with 23 U.S.C. 118(c), before any apportionment is made under 23 U.S.C. 104(b)(4), the Secretary shall set aside \$50 million in FY 1998 and \$100 million for each of FY's 1999 through 2003 for the IMD program.

The amount of available funding is impacted by any obligation limitation imposed on the Federal-aid highway program under the provisions of TEA-21 Section 1102(f), Redistribution of Certain Authorized Funds. Under this provision, any funds authorized for the program for the fiscal year, which are not available for obligation due to the imposition of an obligation limitation, are not allocated for the IMD program, but are redistributed to the States by formula as STP funds.

After the Section 1102(f) reduction, it is expected that approximately \$90 million will be available for candidate projects in each of fiscal years 2000 through 2003. This available funding may also increase or decrease each year depending on the obligation limitation calculation and on the estimated receipts to the Highway Trust Fund.

Federal Share

In accordance with 23 U.S.C. 120 the normal pro-rata Federal share of the costs for any project eligible under this program is 90 percent.

Obligation Limitation

The IMD discretionary funds are subject to obligation limitation. The obligation limitation reduces the available funding for the program under the provisions of TEA-21 Section 1102(f) discussed above.

Eligibility

The eligibility for IMD projects is provided in Section 118(c) of 23 U.S.C., as follows:

1. IMD funds are available for resurfacing, restoring, rehabilitating and reconstructing (4R) work, including added lanes, on the Interstate System. However, not eligible for allocation of IMD funds are projects on any highway designated as a part of the Interstate System under Section 139 of 23 U.S.C., as in effect before the enactment of TEA-21 and any toll road on the Interstate System not subject to an agreement under Section 119(e) of 23 U.S.C., as in effect on December 17, 1991.

2. A State is eligible to receive an allocation of IMD funds if it has obligated or demonstrates that it will obligate in FY 2000 all of its IM funds apportioned under Section 104(b)(4) of 23 U.S.C. other than an amount which, by itself, is insufficient to pay the Federal share of the cost of a project for resurfacing, restoring, rehabilitating and reconstructing the Interstate System which has been submitted by the State to the Secretary for approval.

3. The applicant must be willing and able to obligate the IMD funds within a year of the date the funds are made available, apply them to a ready-to-commence project, and in the case of construction work, begin work within 90 days of obligation.

In 1992, Headquarters established a policy that Interstate 4R discretionary funds would not be allocated to a State that had, in the preceding fiscal year, transferred either National Highway System (NHS) or Interstate Maintenance (IM) funds to the Surface Transportation Program (SIP) apportionment. This policy was based on the tremendous Interstate System needs across the country and FHWA's belief that congressional intent was to give priority consideration to high cost projects in States where available apportionments were insufficient to allow such projects to proceed on a timely basis. This policy is still appropriate at this time, and will continue to be applied to IMD funds, with modifications to reflect the uniform transfer provisions enacted by the Transportation Equity Act for the 21st Century. The policy is: IMD funds will not be allocated to a State that has, in the preceding year, transferred either NHS or IM funds to the STP, the Congestion Mitigation and Air Quality Improvement Program, the Bridge Replacement and Rehabilitation Program, or to Recreational Trails apportionments. However, this restriction will not apply to transfers from IM to NHS or vice-versa.

Selection Criteria

The following criteria are used to evaluate the submitted candidates for selection. The statutory criteria for priority consideration are found in 23 U.S.C. 118(c)(3) and Section 1223 of TEA-21, as follows:

- Any project the cost of which exceeds \$10 million (23 U.S.C. 118(c)(3)).
- A project on any high volume route in an urban area or high truck-volume route in a rural area (23 U.S.C. 118(c)(3)).
- Priority may be given to funding a transportation project relating to an international quadrennial Olympic or Paralympic event, or a Special Olympics International event if the project meets the extraordinary needs associated with such events and is otherwise eligible for assistance with IMD funds (Section 1223, TEA-21).

There are no regulatory criteria for selection of IMD discretionary projects; however, the following criteria are also considered in the evaluation of candidates for his program:

- Leveraging of private or other public funding—Because the annual requests for funding far exceed the available IMD funds, commitment of other funding sources to complement the requested IMD funds is an important factor.
- State priorities—For States that submit more than one project, consideration is given to the individual State's priorities if specified.
- Expeditious completion of project—Preference is also given to requests that will expedite the completion of a viable project over requests for initial funding of a project that will require a long-term commitment of future IMD funding. For large-scale projects consideration is given to the State's total funding plan to expedite the completion of the project.

Because the concept of equity was important in the development of TEA-21, project selection will also consider national geographic distribution among all of the discretionary programs as well as congressional direction or guidance provided on specific projects or programs.

Solicitation Procedure

Each year, usually around March, a memorandum is sent from the FHWA Headquarters Office of Program Administration to the FHWA division offices requesting the submission of candidate projects for the following fiscal year's funding. This solicitation is also published in the **Federal Register**. The FHWA division offices provide this solicitation request to the State

transportation departments, who are the only agencies that can submit candidates. The State transportation departments coordinate with local and Federal agencies within their respective States in order to develop viable candidate projects. The State transportation departments submit the candidate applications to the FHWA division offices, who send them in to the Office of Program Administration. Candidate projects are due in FHWA Headquarters usually around the first of July. The specific timetable for the solicitation process for any particular fiscal year is provided in the solicitation memorandum. The most recent solicitation is provided in these Guidelines for reference.

The candidate project applications are reviewed and evaluated by the Office of Program Administration and an allocation plan is prepared for presentation of the candidate projects to the Office of the Federal Highway Administrator, where the final selection of projects for funding is made. The announcement of the selected projects and the allocation of funds is usually accomplished by the middle of November.

Submission Requirements

Only State transportation departments may submit applications for funding under this program. Although there is not a prescribed format for a project submission, the following information must be included to properly evaluate the candidate projects. With the exception of the project area map, all of the following must be included to consider the application complete. Those applications that do not include these items are considered incomplete and returned.

1. State in which the project is located.
2. Federal-Aid Project Number
3. Project Location—Describe the specific location of the project, including route number and mileposts, if applicable.
4. County or Counties in which the project is located.
5. U.S. Congressional District No.(s) in which the project is located.
6. U.S. Congressional District Member's Name(s).
7. Name of Urban Area or indicate if located in a rural area.
8. Proposed Work—Describe the project work to be completed under this particular request, and whether this is a complete project or part of a larger project. If the project is related to one of the Olympic events listed in Section 1223 of TEA-21, that relationship should be described.

9. Current 2-way Average Daily Traffic including percentage of trucks.

10. Number of lanes before and after construction of the project. The number of lanes and current ADT are used to gauge the degree of congestion on the route.

11. Project Plan Status—PS&E Status.

12. Estimated Authorization Date (month/year).

13. Total Project Cost

14. Amount of IMD funds requested—Indicate amount of IMD funds being requested. If a State is willing to accept partial funding of this amount, that should be indicated. Sometimes, partial funding of requests is utilized to provide funding for more projects since the requests far exceed the available funds.

15. An Obligation Schedule—Demonstrate how the State will obligate all of its IM apportionments before the end of FY 2000.

16. Commitment of Other Funds—Indicate the amounts and sources of any private or other public funding being provided as part of this project. Only indicate those amounts of funding that are firm with documented commitments. The submission must include written confirmation of these commitments from the entity controlling the committed funds.

17. Previous Interstate 4R Discretionary (IDR) Funding—Indicate the amount and fiscal year of any previous IDR discretionary funds received for this project or route.

18. Future Funding Needs—Indicate the estimated future funding needs for the project, including anticipated requests for additional IMD funding, the items of work to be completed and projected scheduling.

19. Talking Points Briefing—A one page talking points paper covering basic project information is also needed for use by the Office of the Secretary for the congressional notification process should a project be selected for funding. Each State's request for discretionary funds must include a talking points paper. A sample paper is included in these Guidelines.

State Transportation Agency Responsibilities

1. Coordinate with State, local, and Federal agencies within the State to develop viable candidate projects.
2. Ensure that the applications for candidate projects meet the submission requirements outlined above.
3. Establish priorities for their candidate projects if desired.
4. Submit the applications to the local FHWA division office on time so that the submission deadline can be met.

FHWA Division Office Responsibilities

1. Provide the solicitation memorandum and this program information to the State transportation agency.
2. Request candidate projects be submitted by the State to the FHWA division office to meet the submission deadline established in the solicitation.
3. Review all candidate applications submitted by the State prior to sending them to FHWA Headquarters to ensure that they are complete and meet the submission requirements.
4. Submit the candidate applications to FHWA Headquarters by the established submission deadline.

FHWA Headquarters Program Office Responsibilities

1. Solicit candidates from the States through annual solicitation memorandum.
2. Review candidate project submissions and compile program and project information for preparation of allocation plan.
3. Submit allocation plan to the Office of the Federal Highway Administrator for use in making final project selections.
4. Allocate funds for the selected projects.

FHWA Headquarters Program Office Contact

Cecilio Leonin, Highway Engineer, Office of Program Administration, Phone: (202) 366-4651, Fax: (202) 366-3988, E-mail: cecilio.leonin@fhwa.dot.gov.

Sample Talking Points Briefing for Secretary

Note: These talking points will be used by the Office of the Secretary in making congressional notification contacts. Since some of the recipients of the calls may not be closely familiar with the highway program, layman's language should be used to the extent possible. Information contained in the talking points may be used by a member of Congress in issuing a press release announcing the discretionary allocation.

Interstate Maintenance (IMD) Discretionary Funds

Grantee: <List full name of State Transportation Agency>
 Project No: IMD-xxx-x(xxx) <List each project number in this format>
 FHWA Funds: \$xx,xxx,xxx. <If more than one project, also show cost for each>

- This project provides for resurfacing ____ miles of the two northbound lanes of I-xx in _____ county, extending from the U.S. Route 1 interchange at Hometown to the State Road 2 overpass in the vicinity of Smallville.

- The project provides for a 2-inch overlay of the existing bituminous concrete pavement which is badly deteriorated and rutted. (If there is anything innovative about the project be sure to mention in layman's terms.)

- This project is part of the second phase of a 5-year program to resurface a 25-mile section of I-xx between Town-A and Town-B. In 1998, the southbound lanes at this same location are being resurfaced using State funds.

- In addition to State matching funds, a portion of the total project cost will be financed by \$ _____ in funds provided by _____.

- The project includes improvements to several safety features within the project limits including upgrading of guardrail and traffic signs.

- The project will be advertised for construction in <month/year> and is scheduled for completion in <month/year>.

[FR Doc. 99-10246 Filed 4-22-99; 8:45 am]

BILLING CODE 4910-22-M

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.

Atlantic and Western Railway, L.P. (Docket Number FRA-1998-4624)

The Atlantic and Western Railway (ATW) seeks a permanent waiver of compliance with the *Safety Glazing Standards*, 49 CFR 223.11(c), which requires certified glazing in all locomotive windows, except those locomotives used in yard service. The ATW seeks this waiver for locomotive number RSS 202. The locomotive has been leased to replace retired locomotive ATW 101 which was previously granted a waiver from the glazing requirements, FRA Docket Number RSGM-90-16. Locomotive number 202 is not equipped with FRA certified glazing but the operator states replacement of broken or damaged glazing will be made with certified glazing. ATW operates on track

consisting of approximately 10 miles under yard limits requirements.

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-1998-4624) 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 from the publication 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's Central Docket Management Facility at Room PL-401 (Plaza Level), 400 Seventh Street, SW, Washington, DC. 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>.

Issued in Washington, DC on April 15, 1999.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 99-10162 Filed 4-22-99; 8:45 am]

BILLING CODE 4910-06-P

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.