

complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477).

Robert C. Lauby,

*Associate Administrator for Railroad Safety,
Chief Safety Officer.*

[FR Doc. 2014-02870 Filed 2-10-14; 8:45 am]

BILLING CODE 4910-06-P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA-2013-0145]

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 December 20, 2013, Mr. Burt Mall, Partner of 1003 Operations LLP, and Mr. Zachary Hall, mechanical manager, Steam Locomotive Heritage Association (SLHA), have jointly 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 215, Railroad Freight Car Safety Standards; Part 223, Safety Glazing Standards—Locomotives, Passenger Cars and Caboosees; and Part 224, Reflectorization of Rail Freight Rolling Stock. FRA assigned the petition Docket Number FRA-2013-0145.

Mr. Mall owns Soo Line Steam Locomotive #1003 and several historic cars (specifically, Box Car LLTX 10559, Caboose LLTX 2012, and Caboose LLTX 238). This petition is for these three cars. Mr. Mall leases the equipment to SLHA. SLHA, based in Hartford, WI, is a 501(c)(3) non-profit organization created to reconstruct, maintain, and display steam locomotives and associated historic railroad equipment for educational purposes. SLHA controls the operation and maintenance of the leased equipment.

The petitioners state that while Mr. Mall has owned these cars, their use has been restricted. The cars have not been interchanged in regular freight operations with other railroads. The primary use of the cars is transporting equipment and crews in support of Steam Locomotive #1003. At no time are the cars used to transport passengers or freight in revenue service. SLHA also at times receives inquiries for the operation of historic demonstration trains using the cars and Steam Locomotive #1003. The purposes of these trains are for photography, historic documentation, film production, and community involvement.

The petitioners further state that the operation of the equipment is primarily confined to Wisconsin and Southern Railroad (WSOR) trackage (although in the future, SLHA may operate on other railroads). The equipment is operated at a maximum speed of 49 mph on WSOR trackage. In addition, the equipment is moved under the direction of the mechanical manager or a qualified SLHA member during deadhead or light equipment moves. The maximum load that each car would be permitted to carry, if any, is provided in Exhibit A attached to the petition letter. Each car is inspected and maintained on a regular basis by qualified car inspectors and mechanics to ensure safe operations under the conditions of use.

The petitioners request that the stenciling requirement in 49 CFR 215.303, *Stenciling of restricted cars*, and the reflectorization requirements in 49 CFR part 224 be waived for Box Car LLTX 10559, Caboose LLTX 2012, and Caboose LLTX 238. In addition, the petitioners request that the glazing requirement of 49 CFR 223.13, *Requirements for existing cabooses*, be waived for the two cabooses, LLTX 2012 and LLTX 268.

As information, the petitioners have also requested a Special Approval to continue in service the above-mentioned three cars in accordance with 49 CFR 205.203(c).

A copy of the petition, as well as any written communications concerning the petition, is available for review online at 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 by March 28, 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).

Robert C. Lauby,

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[FR Doc. 2014-02869 Filed 2-10-14; 8:45 am]

BILLING CODE 4910-06-P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA-2008-0010]

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 December 19, 2013, the Sonoma-Marín Area Rail Transit District (SMART), owner of 77 miles of former Northwestern Pacific Railroad Company trackage in Marin, Sonoma, and Napa Counties, CA, has petitioned the Federal Railroad Administration (FRA) for a reconsideration of an approval condition on the Brazos Drawbridge at Milepost 64.7. SMART asked FRA to reconsider Condition 4 of FRA-2008-0010, granted on February 24, 2009, which states, "Approval is for freight movements only and shall be revisited prior to any passenger operations."

SMART, Amtrak, and the Capitol Corridor Joint Powers Authority are asking for an exception to the condition cited above to permit the operation of two round-trip, chartered Amtrak passenger trains over the Brazos Drawbridge to Sonoma Raceway on

Sunday, June 22, 2014, for a NASCAR Special, and on Sunday, August 24, 2014, for an Indy Car Special. The two passenger trains are an 11-car train from and to Sacramento, CA, and a 5-car train from and to San Jose, CA.

FRA previously granted an exception to the condition cited above to allow a chartered Amtrak special train a 1-day movement on June 23, 2013, over the Brazos Drawbridge while operating between Sacramento and Sonoma Raceway. That special train was considered a great success, and the Sonoma Raceway has requested SMART's cooperation in arranging for the operation of two special trains on June 22, 2014, as well as two special trains on August 24, 2014.

The intended operating route of these special trains is from Sacramento and San Jose on the Union Pacific Railroad to Suisun-Fairfield, via the California Northern Railroad from Suisun-Fairfield to Brazos Junction, and over SMART trackage from Brazos Junction over the Brazos Drawbridge to Sonoma Raceway and return.

As in 2013, a specific operating plan will be in place to ensure correct operation of the Brazos Drawbridge and the safety of train operations, equipment, passenger boarding and alighting, staffing, and raceway access and egress.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at 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.
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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 March 28, 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).

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[FR Doc. 2014-02863 Filed 2-10-14; 8:45 am]

BILLING CODE 4910-06-P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA-2013-0128]

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 October 9, 2013, the National Railroad Passenger Corporation (Amtrak) 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 chapter II, subtitle B. The request was assigned Docket Number FRA-2013-0128.

Amtrak would like to increase Acela trainset maximum authorized speeds (MAS) on its Northeast Corridor (NEC) in limited locations (in Rhode Island from Kingston Milepost 154.3 to Warwick Milepost 171.7) from 150 mph to 160 mph. As part of this gradual process to safely increase Acela speeds, Amtrak is requesting permission from FRA to permanently waive certain provisions of 49 CFR Chapter II, Subtitle B, particularly the provisions of the Advanced Civil Speed Enforcement System (ACSES) Final Order of Particular Applicability, which was issued on July 22, 1998 [FRA Docket No.

87-2, Notice No.7], for this single location.

In 1998, FRA issued an Order of Particular Applicability requiring all trains operating on the NEC between New Haven, CT, and Boston, MA (NEC-North End), to be equipped to respond to Amtrak's ACSES as a supplement to its Automatic Train Control (ATC) system. In response, Amtrak installed a system designed to enforce civil speed restrictions, both permanent and temporary, and to enforce a positive stop at interlocking home signals. This system was installed and placed in service beginning in 2000 with the startup of premium Acela service. At the same time that ACSES was installed, additional cab signal codes and aspects were provided to support higher speed operations for civil speed enforcement. The combination of ACSES and the existing ATC system, supported by the underlying traffic control system, provided the core requirements of a Positive Train Control system. The ATC system enforces all speeds associated with the signal system preventing train-to-train collisions (49 CFR 236.1005(a)(1)(i)), and the ACSES system prevents trains from passing stop signals at interlocking home signals. ACSES enforces all permanent civil speed restrictions and temporary restrictions (slow orders), thereby preventing overspeed derailments (49 CFR 236.1005(a)(1)(ii)). With time, improvements have been made to the initial ACSES configuration to expedite train movements at home signals and obviate the need for placement of temporary transponders. The current configuration of this technology is known as ACSES II.

As part of its risk and hazard assessment, Amtrak recognizes that the safety of the signal and train control system must be established. ACSES and Amtrak's nine-aspect cab signal/ATC system are presently configured to enforce relevant signals, as well as permanent and temporary speed restrictions, by equipment class. Modifications to the transponder database will be required and existing transponders will be reprogrammed through the affected area. It will be necessary to demonstrate that both systems function as intended through testing designed to validate and verify the modifications. This includes reading transponders and receiving cab signal code at the higher speeds. Furthermore, analysis and testing will be required to associate stopping distances from MAS with existing signal spacing based on all relevant factors. Amtrak will initially seek to gain approval of a test plan for this activity under 49 CFR 236.1035.