

Agendas of the Meetings

Houston/Galveston Navigation Safety Advisory Committee (HOGANSAC). The tentative agenda includes the following:

(1) Opening remarks by the Committee Sponsor (RADM Pluta) (or the Committee Sponsor's representative), Executive Director (CAPT Gusman) and Chairman (Tim Leitzell).

(2) Approval of the November 23, 1999 minutes.

(3) Report from the Waterways Subcommittee.

(4) Report from the Navigation Subcommittee.

(5) Status reports on Baytown Tunnel removal, Army Corps of Engineers' dredging projects and pipeline safety, and comments and discussions from the floor.

(6) New business.

Subcommittee on Waterways. The tentative agenda includes the following:

(1) Presentation by each work group of its accomplishments and plans for the future.

(2) Review and discuss the work completed by each work group.

Subcommittee on Navigation. The tentative agenda includes the following:

(1) Presentation by each work group of its accomplishments and plans for the future.

(2) Review and discuss the work completed by each work group.

Procedural

All meetings are open to the public. Please note that the meetings may adjourn early if all business is finished. Members of the public may make oral presentations during the meetings.

Information on Services for the Handicapped

For information on facilities or services for the handicapped or to request special assistance at the meetings, contact the Executive Director as soon as possible.

Dated: December 10, 1999.

Paul J. Pluta,

Rear Admiral, U.S. Coast Guard Commander, Eighth Coast Guard District.

[FR Doc. 99-33211 Filed 12-21-99; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF TRANSPORTATION**Communications/Surveillance Operational Implementation Team (C/SOIT); Cancellation of Meeting**

AGENCY: Federal Aviation Administration, DOT.

ACTION: Communications/Surveillance Operational Implementation Team (C/SOIT); Cancellation of Meeting.

SUMMARY: Notice is hereby given of the cancellation of the Communications/Surveillance Operational Implementation Team (C/SOIT) meeting.

DATES: January 11-13, 2000, 8:30 a.m. to 5 p.m.

ADDRESSES: Holiday Inn Rosslyn WestPark Hotel, 1900 Fort Myer Drive, Arlington, VA, (703) 807-2000.

FOR FURTHER INFORMATION: E-mail Don Streeter at donald.w.streeter@faa.gov. Notification will be published regarding future C/SOIT activities.

Issued in Washington, DC, on December 16, 1999.

Donald W. Streeter,
C/SOIT Co-Chairman.

[FR Doc. 99-33218 Filed 12-21-99; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION**Federal Railroad Administration**

[FRA Emergency Order No. 22, Notice No. 1]

Oregon Pacific Railroad; Emergency Order To Prevent Operation of Trains on the Railroad Bridge Crossing Johnson Creek in the City of Milwaukie, Oregon

The Federal Railroad Administration (FRA) of the United States Department of Transportation (DOT) has determined that public safety compels issuance of this Emergency Order requiring the Oregon Pacific Railroad Company (OPR) to discontinue operation of trains or any railroad on-track equipment on a railroad bridge it owns spanning Johnson Creek (hereinafter designated as the "Johnson Creek Bridge") in the City of Milwaukie, Oregon. The bridge shall remain out of service until it has been properly repaired and its capacity determined by a registered professional engineer licensed to practice in the State of Oregon and who is technically proficient in the field of timber railroad bridge engineering.

Authority

Authority to enforce Federal railroad safety laws has been delegated by the Secretary of Transportation to the Federal Railroad Administrator. 49 CFR 1.49. Railroads are subject to FRA's safety jurisdiction under the Federal railroad safety laws, 49 U.S.C. 20101, 20103. FRA is authorized to issue emergency orders where an unsafe

condition or practice "causes an emergency situation involving a hazard of death or personal injury." 49 U.S.C. Sec. 20104. These orders may impose such "restrictions and prohibitions * * * that may be necessary to abate the situation." (Ibid.)

Background

The Oregon Pacific Railroad Company, a common carrier, is a part of the general railroad system of transportation and operates two principal segments of track. The segment in which the Johnson Creek Bridge is located consists of 4.28 miles of main track and 2.11 miles of secondary or yard trackage, or a total trackage of 6.39 miles, extending from milepost 0.26 (at its connection with Union Pacific Railroad Company's Portland-Eugene mainline at UP MP 769) at or near East Portland, Oregon, to milepost 4.54 at Milwaukie, all of which is located in Clackamas County, Oregon. The Oregon Pacific Railroad acquired this segment from East Portland Traction Company on January 1, 1997, and commenced railroad operation on that date.

The other segment of railroad operated by the Oregon Pacific Railroad is not contiguous with the first. It extends 9.93 miles from Canby to Molalla, Oregon, and includes a total of 11.38 miles of trackage. The Oregon Pacific Railroad likewise commenced railroad operations on that segment on January 1, 1997.

The President, Chief Executive Officer and General Manager of the Oregon Pacific Railroad is Mr. Richard A. Samuels, whose office mailing address is Oregon Pacific Railroad Company, P.O. Box 22548, Portland, Oregon 97269. Mr. Samuels is also the principal stockholder of the company.

The Oregon Pacific Railroad crosses Johnson Creek in Milwaukie, Oregon, on a timber trestle bridge not identified by number and located approximately one-half mile upstream from the point where Johnson Creek empties into the Willamette River. The location is also approximately 300 feet west of S.E. McLoughlin Boulevard (Oregon State Highway 99E) between its intersections with S.E. Harrison Street and S.E. Jackson Street. Geographic coordinates are 45°26'41" North latitude and 122°38'38" West longitude. There is no commercial water traffic on Johnson Creek.

The Oregon Pacific Railroad crosses the bridge to serve one shipper, AmeriCold Logistics, located south of the bridge. AmeriCold Logistics transports frozen food products in mechanical refrigerator cars at a rate of

about two cars per week, typically hauled in one train. Each refrigerator car has a gross weight of 220,000 pounds. The Oregon Pacific Railroad uses a small locomotive whose weight is undetermined.

Condition of the Bridge

The bridge is 127 feet long and consists of a nine-span open-deck timber trestle carrying a single track in a twelve-degree curve to the west. For reference in this emergency order and other documents relating to this emergency order, the bridge components are numbered from north to south and from east to west, with the north dump bent or abutment numbered as 0.

Intermediate bents one through seven nominally consist of four driven timber piles. Bent 8 is framed on a mud sill. Caps measure 14 inches by 14 inches by 12 feet on bents 1 through 5, and bent 8. Caps in bents 6 and 7 are 14 inches by 13 inches by 12 feet, with the large side horizontal. Each span has eight stringers, with four stringers essentially centered under each rail, 8 inches by 18 inches by 32 feet, with stringer joints alternating between bents. The clear space under the bridge is approximately six feet above the water level of the stream.

Track ties of 7 inches by 9 inches by 9 feet rest directly on top of the stringers, and support in turn tie plates and the two running rails, 75 pounds per yard, one 75-pound-per-yard guard rail connected to the west running rail, and two 55-pound-per-yard inner guard rails. The track is of conventional bolted rail construction.

Bent 5 is missing piles 1 and 2, and is supported by only piles 3 and 4, both under its west side. An outrigger beam has been placed under span 5, under the stringers and directly against the north face of the cap of bent 5. This beam consists of several timbers, 8 inches by 16 inches in cross section, placed vertically. These timbers are packed in four plies. Plies 1 and 3 each consist of two 16-foot timbers butt joined at the center of the beam. Plies 2 and 4 each consist of one 30-foot timber and one 2-foot timber, butt joined two feet from the west end of the beam, nearest the bridge. The beam is oriented with its individual plies placed on their short edges.

The outrigger beam is supported on its east end by a track tie resting on the ground on the south bank of Johnson Creek where the creek makes a sharp bend to the north on the east side of the bridge. The outrigger beam is supported on its west end by a $\frac{3}{8}$ -inch diameter chain wrapped once around two track

ties. Wooden blocks and wedges are placed between the bottoms of the stringers and the top of the outrigger beam. The east, or "free" end of the cap of bent 5 has settled approximately five inches from the bottoms of stringers 1 through 4.

Stringer 1 over spans 5 and 6 has essentially failed, with a deep shear crack near its neutral axis for its full length. The cap of bent 6 is demonstrating severe crushing over piles 3 and 4. The bridge shows signs of heavy vertical deflection under load on the east side.

On December 1, 1999, a track safety inspector and a bridge inspector from the Oregon Department of Transportation (ODOT), and a track safety specialist from FRA inspected the bridge. On December 2, 1999, they advised Mr. Samuels of the unsafe condition of the bridge. Mr. Samuels verbally agreed to immediately remove the bridge from service until it could be properly repaired. This discussion and agreement were memorialized in a letter dated December 6, 1999, to Mr. Samuels from FRA's regional administrator for Region 8, Dick L. Clairmont. Subsequent investigation by FRA has revealed, however, that the Oregon Pacific Railroad did not take the bridge out of service, but instead placed more blocking and wedges between the stringers and the top of the outrigger beam and continued to operate railroad rolling stock over the bridge.

The ODOT inspectors, along with an FRA inspector who has received specialized training in timber bridge inspection, then performed a more detailed measurement of the components of the bridge which are summarized in the paragraphs above. Using those measurements, FRA has determined that the Johnson Creek Bridge is in danger of imminent, catastrophic failure at any time that a railroad load passes over the bridge. The configuration of the outrigger beam arrangement overly stresses the stringers, caps, and piles of piers 4, 5 and 6 far beyond their normal capacity, and even the outrigger beam itself could fail at any time. Depending on the amount and direction of deflection of the bridge components, the $\frac{3}{8}$ -inch diameter chain which secures the west end of the outrigger beam also may become stressed far beyond its ultimate capacity. Merely replacing or reinforcing the chain would not correct the unstable condition created by the lack of piles 1 and 2 in bent 5.

Failure of the bridge under load could have very serious consequences. The bridge failure could cause the train to fall into Johnson Creek, killing or

injuring any railroad crew members operating rolling stock, killing or injuring any innocent bystanders using Johnson Creek or its banks, and possibly blocking the creek resulting in widespread flooding in the immediate area. Locomotive diesel fuel and/or fuel and contents of a mechanical refrigerator car could cause severe environmental damage to Johnson Creek and the nearby Willamette River.

Finding and Order

FRA has concluded that any future railroad use of the Johnson Creek Bridge on the Oregon Pacific Railroad poses an imminent and unacceptable threat to public and employee safety. The past failure of the Oregon Pacific Railroad to voluntarily remove the bridge from service and perform proper repairs persuades FRA that the agency cannot rely upon the cooperation of the railroad to protect public safety in relation to the Johnson Creek Bridge. I find that these unsafe conditions create an emergency situation involving a hazard of death or injury to persons.

Accordingly, pursuant to the authority of 49 U.S.C. 20104 delegated to me by the Secretary of Transportation (49 CFR 1.49), it is ordered that the Oregon Pacific Railroad Company shall discontinue, and shall not permit, the operation of trains or any railroad on-track equipment over the Johnson Creek Bridge while this Emergency Order remains in effect.

Relief

The Oregon Pacific Railroad Company may obtain relief from this Emergency Order by providing the Federal Railroad Administrator with a report of inspection and evaluation of repairs, indicating to FRA's satisfaction that the Johnson Creek Bridge has been acceptably repaired. The report shall be prepared and sealed by a registered professional engineer who is licensed to practice in the State of Oregon and is technically proficient in the field of timber railroad bridge engineering. The report shall state that the capacity of the bridge to carry safely railroad cars and locomotives has been restored. The configuration and weights of the loads for which the determination has been made shall be stated in the report, together with all calculations upon which that determination is based. The original of the engineer's report, bearing the embossed imprint of the seal of the engineer, shall be provided to the regional administrator of FRA's Region 8 before the report will be considered by FRA. Upon FRA's approval of the engineer's assessment of the bridge restoration, and following an inspection

by FRA in which the agency finds the bridge properly repaired to safe condition, the Administrator will rescind this Emergency Order.

Penalties

Any violation of this order shall subject the person committing the violation to a civil penalty of up to \$22,000. 49 U.S.C. 21301. FRA may, through the Attorney General, also seek injunctive relief to enforce this order. 49 U.S.C. Sec. 20112.

Effective Date and Notice to Affected Persons

This Emergency Order shall take effect at 12:01 a.m. (PST) on December 17, 1999 and apply to all operations of trains or railroad on-track equipment on the Johnson Creek Bridge on or after that time. Notice of this Emergency Order will be provided by publishing it in the **Federal Register**. Copies of this Emergency Order will be sent by mail or facsimile prior to publication to Mr. Richard A. Samuels, President, Chief Executive Officer and General Manager, Oregon Pacific Railroad Company, P.O. Box 22548, Portland, Oregon 97269; the Union Pacific Railroad Company; the City of Milwaukie, Oregon; AmeriCold Logistics; Oregon Department of Transportation; the Association of American Railroads; and the American Short Line and Regional Railroad Association.

Review

Opportunity for formal review of this Emergency Order will be provided in accordance with 49 U.S.C. 20104(b) and section 554 of Title 5 of the United States Code. Administrative procedures governing such review are found at 49 CFR part 211. See 49 CFR 211.47, 211.71, 211.73, 211.75, and 211.77.

Issued in Washington, DC on December 16, 1999.

Jolene M. Molitoris,
Administrator.

[FR Doc. 99-33209 Filed 12-21-99; 8:45 am]

BILLING CODE 4910-06-P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA-1999-5756]

Canadian National Railway; Public Hearing

Canadian National Railway (CN) has petitioned the Federal Railroad Administration (FRA) seeking a permanent waiver of compliance with the Locomotive Safety Standards, Title 49, Code of Federal Regulations,

§ 229.47(a), which requires each car body type road locomotive be equipped with an emergency brake valve attached to the wall adjacent to the end exit door. CN seeks this waiver for 178 car body locomotives built between 1985 and 1990 and used to haul freight that have never been equipped with an emergency brake valve at the rear exit door.

This proceeding is identified as FRA-1999-5756. FRA issued a public notice seeking comments of interested parties and conducted a field investigation in this matter. After examining the carrier's proposal, letters of protest, and field report, FRA has determined that a public hearing is necessary before a final decision is made on this proposal.

Accordingly, a public hearing is hereby set for 9 a.m. on Thursday, January 27, 2000, at FRA headquarters located at 1120 Vermont Avenue, NW, Washington, DC, 7th floor, Conference Room 1. Interested parties are invited to present oral statements at the hearing.

The hearing will be an informal one and will be conducted in accordance with Rule 25 of FRA's rules of practice (49 CFR 211.25) by a representative designated by FRA.

The hearing will be a nonadversary proceeding and, therefore, there will be no cross-examination of persons presenting statements. FRA's representative will make an opening statement outlining the scope of the hearing. After all initial statements have been completed, those persons wishing to make brief rebuttal statements will be given the opportunity to do so in the same order in which they made their initial statements. Additional procedures, if necessary for the conduct of the hearing, will be announced at the hearing.

Issued in Washington, DC, on December 17, 1999.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 99-33208 Filed 12-21-99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA-1999-6404]

Extension of Comment Period; Petition for Grandfathering of Non-compliant Equipment National Railroad Passenger Corporation

On October 18, 1999, the National Railroad Passenger Corporation (Amtrak) petitioned the Federal Railroad Administration (FRA) for grandfathering of non-compliant

passenger equipment for use on rail lines between Vancouver, British Columbia and Eugene, Oregon; between Las Vegas, Nevada and Los Angeles, California; and between San Diego, California and San Luis Obispo, California. Notice of receipt of such petition was published in the **Federal Register** on November 2, 1999, at 64 FR 59230. Interested parties were invited to comment on the petition before the end of the comment period of December 2, 1999.

On December 2, 1999, FRA extended the comment period in this proceeding until December 15, 1999, following a Freedom of Information Act request that certain items in FRA files referenced in Amtrak's petition be made available for review (see 64 FR 68195, Dec. 6, 1999). FRA is currently processing this request, and has provided, in part, such information to the requestor in accordance with the provisions of the Freedom of Information Act. FRA has also submitted to the public docket in this proceeding such information provided to the requestor, and FRA will further submit to the public docket any such additional information that may be provided to the requestor pursuant its request.

FRA's processing of the request is not complete, however, and FRA is further extending the comment period in this proceeding until 10 a.m. on December 27, 1999 in order to provide the requestor, and other interested parties, an opportunity to review any additional information that may be submitted to the public docket in this proceeding. Comments received after that date will be considered to the extent possible. Amtrak's petition and all written communications concerning this proceeding are available for examination during regular business hours (9 a.m. to 5 p.m.) at DOT Central Docket Management Facility, Room PL-401 (Plaza Level), 400 Seventh, SW, Washington, DC 20590-0001. 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, D.C. on December 16, 1999.

Jolene M. Molitoris,

Administrator, Federal Railroad Administration.

[FR Doc. 99-33210 Filed 12-21-99; 8:45 am]

BILLING CODE 4910-06-P