

Centro, California (a distance of approximately 10.1 miles).

FRA received comments from interested parties requesting a public hearing on the issue and FRA subsequently scheduled a public hearing for March 29, 2007 in the **Federal Register** on March 5, 2007 (72 FR 9831). At the same time, FRA extended the public comment period in the proceeding to April 13, 2007.

By letters dated March 13, 2007, March 15, 2007, and March 19, 2007, the interested parties withdrew their requests for a public hearing.

Accordingly, the public hearing scheduled for March 29, 2007, in El Centro, California, is hereby canceled. The comment period will remain open until April 13, 2007, as previously announced. All communications concerning this waiver petition should identify the appropriate docket number (e.g. Waiver Petition Docket Number FRA-2006-25764) and may be submitted by one of the following methods:

- *Web site:* <http://dms.dot.gov>. Follow the instructions for submitting comments on the DOT electronic site;
- *Fax:* 202-493-2251;
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL-401, Washington, DC 20590-0001; or
- *Hand Delivery:* Room PL-401 on the Plaza Level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.-5 p.m.) at the above facility. Documents in the public docket are also available for review and copying on the Internet at the docket facility Web site at <http://dms.dot.gov>.

Issued in Washington, DC on March 22, 2007.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

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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.

Union Pacific Railroad Company

[Docket Number FRA-2006-25564]

The Union Pacific Railroad Company (UPRR) seeks a test waiver (WAIVER) of 49 CFR 232.207 Class IA brake tests—1,000-mile inspection based on current technology of wayside detection systems presently deployed by UPRR. The waiver is sought for two “cyclic” coal trains from South Powder River Basin (SPRB) to the power plants in Pleasant Prairie, WI, and White Bluff, AR, respectively. These round trips are of loaded trains from SPRB to the power plants and empty trains from the power plants to SPRB.

Since this is the first time that such a relief is requested based on detection and alert thresholds from wayside detection systems, the UPRR prepared a detailed “Pilot” test plan (latest revision dated February 6, 2007) with narrative describing, step-by-step, how the various requirements in 49 CFR 232.207 Class IA brake tests—1,000-mile inspection will be satisfied and verified by the wayside detection technology now being deployed by UPRR on the designated routes in the letter. UPRR states that emerging technology, such as the wayside detection technology, is a reliable, performance-based and cost effective asset that can be used to enhance and/or replace existing regulatory and rules compliance.

UPRR believes that wayside detection using a proven wheel temperature detector can be used to automatically rank the braking health of each car to prioritize inspections and repairs. The brake performance detector will utilize a brake shoe and thermal scanning module (brake shoe presence and its position, and hot/cold wheels) to determine that all brake components are in proper working order. The cars with suspect braking force will have colder wheels requiring inspections for problems such as air brake leaks, inoperative valves, and non-functioning slack adjusters. Using such a performance-based approach to find, document and track suspect brake problems allows UPRR to significantly increase the ability of the maintenance organizations to find and repair brake systems. Though this results in an increased workload to support the higher maintenance standard, it will also result in higher reliability of freight cars. Braking problems on these cars

would normally be found by “visual-only” methods at a later date, resulting in less reliability. Also, the “visual-only” methods are sometimes imposed at undesirable locations that significantly impede train operations.

UPRR contends that predictive maintenance using wayside data is beneficial to manage freight car defects that cannot be effectively found or tracked with “visual-only” methods. Furthermore, exceedingly higher levels of safety and reliability can only be attained by modifying the existing paradigm for equipment and infrastructure maintenance by expanding the operational procedures to include performance measures. Current standards inadvertently limit reliability by the requirements to address every defect at the time it is discovered. This has the effect of causing all work to be reactive, which is an inherent impediment to further discovery. It is the UPRR's intention to perform more maintenance work and/or to work with its customers in joint efforts to perform the increased maintenance required at locations that are most complimentary to overall railroad productivity in order to offset the increased workload necessary to improve the overall network reliability of its train operations.

The safety evaluation to assess the validity of the waiver will require extensive collection of pertinent data and consequent validation on the two routes specified during the proposed “pilot” test program. The duration of the “pilot” test as proposed by UPRR is one year. The “Pilot” project will provide for the establishment of a data baseline (with existing regulatory inspections) in which to compare the modified inspections and operations as requested by the petition. The task will require a comprehensive review of the 49 CFR 232.207 Class IA brake tests' requirements: What requirements can be detected during the pre-departure inspection, which requirements may require regulatory modifications to provide alternate inspection criteria and determination if change toward performance-based regulations is justified or not.

Pursuant to the receipt of the waiver letter and the revised and detailed test plan (latest revision dated February 6, 2007) from UPRR, FRA is hereby providing the public an opportunity to comment on the waiver.

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 (FRA-2006-25564) and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, Room PL-401 (Plaza Level), 400 7th Street, SW., Washington, DC 20590.

Communications received within 45 days 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. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.-5 p.m.) at the above facility. 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>.

Anyone is able to search the electronic form of all 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). The statement may also be found at <http://dms.dot.gov>.

Issued in Washington, DC on March 21, 2007.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA-2007-27623]

Notice of Informal Safety Inquiry

AGENCY: Federal Railroad Administration (FRA), DOT.

ACTION: Notice of informal safety inquiry; technical conference.

SUMMARY: FRA is conducting an informal safety inquiry and technical conference to explore the safety implications associated with the use of a variety of safety-relevant technologies that while possibly providing significant efficiencies, may not be designed with

failsafe characteristics. Such technologies might range from power-assisted switches historically used in yard operations being used on main tracks, switch position detection and indication in dark territory, to train-pacing software designed for fuel savings. FRA seeks to gain a better perspective on the use of such technology and the safety concerns that may be presented.

DATES: *Technical Conference:* A technical conference will be held on April 19, 2007 at 10 a.m. in Washington, DC.

Comments: Interested parties may submit comments relevant to the issues identified in this notice or discussed at the technical conference to the address noted below. Such written materials should be submitted by May 18, 2007, however comments submitted after that date will be considered to the extent possible.

ADDRESSES: (1) *Technical Conference:* The technical conference will be held in the Washington and Jefferson Rooms at the Marriott Residence Inn, 1199 Vermont Avenue, NW., Washington, DC 20005.

(2) *Attendance:* Persons wishing to participate in the technical conference are requested to provide their names, organizational affiliation, and contact information, to Michelle Silva, Docket Clerk, FRA 1120 Vermont Avenue, NW., Washington, DC 20590 (telephone 202-493-6030).

(3) *Comments:* Anyone wishing to file a comment related to this informal safety inquiry should refer to the FRA Docket Number FRA-2007-27623. You may submit your comments and related material by only one of the following methods:

(i) By mail to the Docket Management System, U.S. Department of Transportation, Room PL-401, 400 7th Street, SW., Washington, DC 20590-0001; or

(ii) Electronically through the Web site for the Docket Management System at <http://dms.dot.gov>. For instructions on how to submit comments electronically, visit the Docket Management System Web site and click on the "help" menu.

The Docket Management Facility maintains the public docket for this proceeding. Comments and documents as indicated in this preamble will become part of this docket and will be available for inspection or copying at room PL-401 on the Plaza Level of the Nassif building at the same address during regular business hours. You may also obtain access to this docket on the Internet at <http://dms.dot.gov>.

FRA wishes to inform all potential commenters that anyone is able to search the electronic form of all 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 you may visit <http://dms.dot.gov>.

FOR FURTHER INFORMATION CONTACT: Tom McFarlin, Staff Director, Signal and Train Control Division, FRA Office of Safety Assurance and Compliance, RRS-13, 1120 Vermont Avenue, NW., Stop 25, Washington, DC 20950 (telephone 202-493-6203), or Mark Tessler FRA Office of the Chief Counsel, RCC-10, 1120 Vermont Avenue, NW., Stop 10, Washington, DC 20950 (telephone 202-493-6061).

SUPPLEMENTARY INFORMATION: The purpose of the technical conference is to permit the exchange of information, and to discuss safety considerations and concerns, regarding these various systems being developed and installed outside of the scope of a "conventional" signal or train control system. Historically, FRA has regulated existing signal and train control system configurations under the provisions of 49 Code of Federal Regulations Part 236, Subparts A through G.

During the past few years, the railroad industry has begun to deploy a variety of new devices and systems in what has traditionally been considered to be non-signalized territory. These new systems and devices, or conventional devices used in new applications, are generally constructed from aggregations of existing traditional technologies. Such systems include: remote-controlled power-operated switches in non-signalized track warrant control territory, switch position detection and indication, power-assisted switches used in main track applications, and various track integrity warning systems. Additionally, "train pacing" systems are being developed which could, in the near future, be integrated into existing positive train control (PTC) systems. Generally the separate components that make up these systems have individually proven to provide a reasonably high level of safety. When properly designed, implemented, and maintained, such integrations may result in significant safety and operational benefits; however, the level of safety of systems resulting from the integration of such technologies into new configurations has not always been