

NS accepted delivery of 50 new ES40DC locomotives from General Electric, which were equipped with DBSR systems as specified in the Association of American Railroads (AAR) Standard S-5509 (S-5509). At that time, S-5509 required the DBSR systems to operate on ANSI/EIA 709.2 (Echelon PL-22) communication frequency on the C-band, which is the same communication band used by the Electronically Controlled Pneumatic (ECP) brake systems. On February 14, 2008, AAR modified S-5509 by requiring the DBSR systems to use a communication frequency on A-band, instead of the C-band, to eliminate any interference problems the two systems could encounter using the same frequency band. This modification applies to all new locomotives, as well as a retrofit of locomotives presently equipped with DBSR systems employing the C-band.

NS currently operates trains equipped with ECP brake technology that utilize many of the 50 locomotives that were equipped with the DBSR systems using the C-band communication configuration. These trains have experienced communication interference problems due to the two systems using the same C-band channel. Tests have shown that electrically disconnecting the DBSR system from the affected locomotives causes the communication interference to subside. Therefore, NS requests a temporary waiver of § 232.109(g)(2) in order to electrically disconnect the DBSR system until the locomotives are modified with the new A-band DBSR system. In addition to these locomotives being equipped with functioning acceleration/deceleration displays per § 232.109(h)(2), NS will continue to inform the locomotive engineer of the operational status of dynamic brakes on all locomotives, pursuant to § 232.109(a) and (i). The locomotive numbers for this waiver request are NS 7670-7719.

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-2008-0042) 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 20 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://www.regulations.gov>.

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 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).

Issued in Washington, DC on May 29, 2008.

**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) has received a request for a waiver of compliance from 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.

### San Manuel Arizona Railroad Company

*(Waiver Petition Docket Number FRA-2008-0043)*

The San Manuel Arizona Railroad Company (SMAR) seeks a petition for a permanent waiver of compliance from the requirements of 49 CFR Part 223 *Safety Glazing—223.11, Requirement for Existing Locomotives*. This waiver request is specifically for locomotive numbers 16, 18 and 19.

Locomotive numbers 18 and 19 are equipped with Type I and locomotive number 16 is equipped with Type I-A DOT Glazing. SMAR states that equipping their locomotives with FRA Type Certified Glazing would be a financial burden.

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-2008-0043) 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 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://www.regulations.gov>.

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 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).

Issued in Washington, DC on May 29, 2008.

**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–2008–0047]

#### Petition for Waiver of Compliance; Correction

**SUMMARY:** The Federal Railroad Administration (FRA) published a document in the **Federal Register** on April 28, 2008 announcing receipt of a joint request for waiver of compliance from the City of Seattle, Washington and the BNSF Railway Company. This notice corrects that document by acknowledging that the request for waiver of compliance from a certain provision of 49 CFR Part 222 was solely filed by the City of Seattle, Washington.

#### FOR FURTHER INFORMATION CONTACT:

Ronald Ries, Office of Safety, FRA, 1200 New Jersey Avenue, SE., Washington, DC 20590 (telephone: 202–493–6299 or e-mail: [Ronald.Ries@dot.gov](mailto:Ronald.Ries@dot.gov)); or Kathryn Shelton, Office of Chief Counsel, FRA, 1200 New Jersey Avenue, SE., Washington, DC 20590 (telephone: 202–493–6038 or e-mail: [Kathryn.Shelton@dot.gov](mailto:Kathryn.Shelton@dot.gov)).

**SUPPLEMENTARY INFORMATION:** On April 28, 2008, FRA published a document announcing its receipt of a joint request for permanent waiver of compliance from a certain provision of 49 CFR Part 222 pertaining to the establishment of Pre-Rule Quiet Zones. However, BNSF Railway Company subsequently filed written correspondence asserting that it did not consent to the filing of the request for waiver of compliance that was allegedly submitted on its behalf by the City of Seattle, Washington. In light of this additional information, FRA will treat the request for waiver of compliance as having been solely filed by the City of Seattle, Washington.

Issued in Washington, DC on May 28, 2008.

**Grady C. Cothen, Jr.,**

*Deputy Associate Administrator for Safety Standards and Program Development.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System or Relief From the Requirements of Title 49 Code of Federal Regulations Part 236

Pursuant to Title 49 Code of Federal Regulations (CFR) Part 235 and 49 U.S.C. 20502(a), the following railroad has petitioned the Federal Railroad Administration (FRA) seeking approval for the discontinuance or modification of the signal system or relief from the requirements of 49 CFR Part 236 as detailed below.

#### Docket Number FRA–2008–0056

*Applicant:* Utah Transit Authority, Ms. Jennifer Rigby, General Counsel, 3600 South 700 West, P.O. Box 30810, Salt Lake City, Utah 84130.

The Utah Transit Authority (UTA) seeks relief from the requirements of the Rules, Standards, and Instructions, Title 49 CFR Part 236, Section 236.310, Signal governing approach to home signal, for its planned commuter rail system “FrontRunner”, to the extent that UTA be permitted to utilize cab signals in place of wayside approach signals to home signals. The location of the request is the entire current and planned FrontRunner system. Phase 1 will be approximately 44 miles between Pleasant View, in Weber County, and Salt Lake City, Utah.

Applicant's justification for relief:

(1) The wayside portion of the automatic train control system continually monitors the track conditions ahead of a train. These conditions are continually transmitted to the train by the cab signals and impose the proper speed limit based upon the conditions that exist in advance of the train.

(2) There are 21 control points located on phase 1 of the FrontRunner system. There are no roadway signals in approach to these control point locations. Rather, the cab signal system will register the approach to a control point and display a cab signal to the operator. Visibility of cab signals is superior to that of roadway signals because the signal aspects are located within the operating cab in clear view

of the operator where visibility is not hampered by weather or debris. The cab signal system permits automatic enforcement of adherence to speed limits and to the proper approach to the home signal. If the operator does not respond to the cab signal appropriately, an irrevocable penalty brake application will be provided.

(3) The cab signal system design as implemented provides an equivalent, if not higher, level of safety than that required under Section 236.310 because the visibility of cab signals is superior to that of roadway signals. Moreover, the cab signal system continually monitors the adherence to the speed limit and automatically warns the operator when the limit is exceeded and implements a penalty brake application if the operator fails to take appropriate action. Accordingly, relief from the requirements of Section 236.310 is justified.

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.

Any interested party desiring to protest the granting of an application shall set forth specifically the grounds upon which the protest is made, and it shall contain a concise statement of the interest of the party in the proceeding. Additionally, one copy of the protest shall be furnished to the applicant at the address listed above.

All communications concerning these proceedings should be identified by Docket Number FRA–2008–0056 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 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