

Association of American Railroads

[Docket Number FRA-2004-19402]

On behalf of the members of both companies, the Association of American Railroads (AAR) and the Railway Supply Institute (RSI), hereafter referred to as petitioners, seek to amend the original waiver that was granted by the FRA regarding minimum piston travel as prescribed by 49 CFR 232.205(b)(5) Class I Brake Test—Initial Terminal Inspection.

On October 4, 2004, a waiver petition was submitted for the piston travel requirements contained in § 232.205(b)(5), to reduce the minimum length of piston travel for cars equipped with 8½-inch or 10-inch diameter brake cylinders from seven inches to six inches. *See* 69 FR 64625. On February 23, 2005, FRA granted conditional approval of this request with respect to light-weight cars with empty/load valves rated below 50 percent. FRA granted this limited approval because the data and analysis submitted addressed only the cars for which the relief was granted. The petitioner contends that FRA's decision to limit the waiver to only light-weight cars with empty/load valves rated at below 50 percent will adversely affect safety because braking performance will be impaired. Therefore, the petitioner is submitting this request to modify the original waiver to include the entire fleet of cars equipped with 8½-inch or 10-inch diameter brake cylinders that are subject to the minimum piston travel requirements contained in § 232.205(b)(5).

The current minimum piston travel requirement of seven-inches dates from a time when automatic slack adjusters and empty/load devices were not widely used. Advances in empty/load valve technology have enabled AAR to upgrade its original brake ratio specifications for new cars. Effective January 1, 2004, AAR's minimum loaded brake ratio was increased and the maximum empty brake ratio decreased. This results in higher minimum braking forces for loaded cars and lower maximum braking forces for empty cars, which results in a reduction in adverse effects from excessive brake forces being applied to wheels on empty cars. However, these improvements result in less than a nominal seven-inches of piston travel on many empty cars. The problem is not limited to cars of a particular type, such as light-weight cars or cars with empty/load valves rated at less than 50 percent. Some cars of concern include, but are not limited to: 89' flat cars weighing 82,000 pounds (lbs) equipped with 60 percent empty/

load valves, covered hopper cars (including grain, cement, pressure differential, and pellet cars), mill gondolas weighing 48,000 lbs with 50 percent empty/load valves, and cars that have empty/load valves rated below the original waiver's threshold of 50 percent but weigh more than the 45,000 lbs, such as rapid discharge-type coal hoppers weighing 48,500 lbs and small-cube covered hoppers weighing 53,000 lbs.

The petitioner contends that even if the seven-inch minimum piston travel provision could be complied with, it would be counterproductive because a seven-inch piston travel minimum forces car builders to set loaded piston travel as close as possible to the maximum piston travel allowed under AAR rules (7¾ inches) in an attempt to meet the seven-inch minimum piston travel for empty cars. This results in reduced braking forces because of the larger brake-cylinder volume and correspondingly lower brake-cylinder pressure. Stopping distance is thereby increased. Concomitantly, if empty cars are found with piston travel of less than seven-inches and are adjusted to 7½ inches while still empty, their piston travel could exceed the maximum nine-inch piston travel requirement when loaded. This might not be discovered until the next required testing.

Moreover, the petitioner contends that Transport Canada has long permitted a minimum piston travel of six-inches for cars equipped with 8½-inch or 10-inch diameter brake cylinders. The petitioner states that the six-inch minimum piston travel requirement has been in effect in Canada since 1986, and there have been no adverse consequences from permitting piston travel under seven-inches.

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-2004-19402) 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 30 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 DOT Central Docket Management Facility, Room Pl-401 (Plaza Level), 400 Seventh Street, SW., Washington. 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 19377–78). The statement may also be found at <http://dms.dot.gov>.

Issued in Washington, DC on May 20, 2005.

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 from certain requirements of its safety regulations. 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.

BNSF Railway

[Docket Number FRA-2003-15339]

In 2003, BNSF Railway (BNSF) petitioned FRA requesting a waiver of compliance from certain provisions of 49 CFR part 232, Brake System Safety Standards for Freight and Other Non-Passenger Trains and Equipment. Specifically, § 232.103(n)(3)(i), that requires "all hand brakes shall be fully applied on all locomotives in the lead consist of an unattended train." *See* 68 FR 38740. FRA denied the petition without prejudice on December 3, 2003. It was stated in the denial letter that,

"FRA is not inclined to grant a "blanket" waiver for the entire BNSF system. We suggest that any future request should be more narrowly focused and supported by very specific data."

BNSF is now petitioning the FRA to reconsider the waiver by offering a more focused request that lists specific yard and terminal locations that are manned 24 hours—7 days week. BNSF claims that the reasons for seeking this relief is that injuries related to locomotive hand brakes continue to increase with no increased benefit of applying all the hand brakes to a locomotive consist. BNSF also contends that this request is in response to concerns expressed by Labor Organizations to the Transportation Group of BNSF's Safety Assurance and Compliance Program (SACP), in hopes of seeking resolution to this requirement. BNSF has listed 75 locations for FRA's consideration for exclusion from the requirements of applying hand brakes to every locomotive in a consist of an unattended train. These locations are available for review and copying on the Internet at the docket facility's Web site <http://dms.dot.gov>.

Interested parties are invited to submit written comments to FRA. All written communications concerning this petition should identify the appropriate docket number (e.g., Docket Number FRA-2002-15339) and must be submitted in triplicate to the Associate Administrator for Safety, Federal Railroad Administration, 400 7th Street, SW., Washington, DC 20590-0001. Comments received within 30 days of the date of this notice will be considered by FRA before any final action is taken. Although FRA does not anticipate scheduling a public hearing in connection with these proceedings, 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 written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) at the Central Docket Management Facility, Room PL-401 (Plaza Level), 400 7th Street, SW., Washington, DC 20590. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site <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) at <http://dms.dot.gov>.

Issued in Washington, DC on May 24, 2005.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA-2005-21180]

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.

Applicant: CSX Transportation, Incorporated, Mr. N. Michael Choat, Chief Engineer, Communications and Signal, 4901 Belfort Road, Suite 130, Jacksonville, Florida 32256.

CSX Transportation, Incorporated seeks approval of the proposed modification of the traffic control system, on the two main tracks and sidings, between CP Crown Hill, milepost CA 433.7, near Cabin Creek, West Virginia and CP 461, milepost CA 461.0, near Charleston, West Virginia, on the Huntington Division East, Kanawha Subdivision, associated with a major pole line elimination and signal rationalization project. The proposed changes consist of the following:

1. At CP Crown Hill, milepost 433.7, discontinuance and removal of the four controlled absolute holdout signals;
2. At CP EE Cabin Creek, milepost CA 438.0, conversion of the No. 1 power-operated switch to hand operation, and relocation of the governing eastbound absolute signal eastward;
3. At CP Chesapeake, milepost CA 441.5, discontinuance and removal of the four controlled absolute holdout signals;
4. At mileposts CA 443.6 and CA 443.9, discontinuance and removal of the two dwarf signals governing train movements from the hand-operated

switches, and designation of the switches as non clearing;

5. At CP Marmet, milepost CA 444.5, discontinuance and removal of the four controlled absolute holdout signals;

6. At CP 447, milepost CA 447.4, discontinuance and removal of the four controlled absolute holdout signals;

7. At CP Elk, milepost CA 455.6, conversion of the power-operated crossover to hand operation, removal of the governing absolute signals, and installation of a dwarf signal to govern cleared movements onto the main track;

8. At CP South Charleston, milepost CA 457.0, discontinuance and removal of switching signals 26R and 28L, and removal of the electric lock from the hand-operated switch at milepost CA 457.7, retaining the existing dwarf signal to govern train movements over the switch;

9. At CP 461, milepost CA 461.0, discontinuance and removal of the four controlled absolute holdout signals;

The reason given for the proposed changes is to eliminate facilities no longer needed in present day operation.

Any interested party desiring to protest the granting of an application shall set forth specifically the grounds upon which the protest is made, and include 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 this proceeding should be identified by the docket number and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, Room PL-401 (Plaza Level), 400 7th Street, SW., Washington, DC 20590-0001.

Communications received within 45 days of the date of this notice will be considered by the 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>.

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