

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-2008-0020) 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 September 3, 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 Informational Filing

In accordance with § 236.913 of Title 49 of the Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) has received an informational filing

from the Norfolk Southern Railway (NS) to permit field testing of the railroad's processor-based train control system. The informational filing is described below, including the requisite docket number where the informational filing and any related information may be found. The document is also available for public inspection; however, FRA is not accepting public comments.

#### Norfolk Southern Railway

[Docket Number FRA-2008-0083]

NS has submitted an informational filing to FRA to permit field testing of the railroad's processor-based train control system identified as Optimized Train Control (OTC) Positive Train Control (PTC) System. The informational filing addresses the requirements under 49 CFR 236.913(j)(1).

Specifically, the informational filing contains a description of the NS OTC PTC product and an operational concepts document pursuant to 49 CFR 236.913(j)(1). The NS OTC PTC system is designed to assist train crews in situational awareness, prevent authority limit and over-speed violations, provide open switch protection in non-signalized Track Warrant Control territory, and to prevent equipped trains from entering the limits without authorization of on-track authority granted to employees. NS desires to commence field testing on or after September 1, 2008, or as soon as practicable thereafter, contingent upon FRA's acceptance and approval of their informational filing.

Interested parties are invited to review the informational filing and associated documents at the DOT Docket Management facility during regular business hours (9 a.m.-5 p.m.) at 1200 New Jersey Avenue, SE., Room W12-140, Washington, DC 20590. All documents in the public docket are also available for inspection and copying on the Internet at <http://www.regulations.gov>.

Anyone is able to search the electronic form of any written communications received into any of our dockets by name of the individual submitting the document (or signing the document, if submitted on behalf of an association, business, labor union, etc.). You may review the 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 September 3, 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.

#### Austin & Texas Central Railroad

[Waiver Petition Docket Number FRA-2008-0066]

The Austin & Texas Central Railroad (ATCX) of Austin, Texas, has petitioned for an extension of an existing safety glazing waiver (RSGM-97-02) of compliance from Title 49 CFR Part 223 to increase running track speed for four sleeper/lounge passenger cars operated by ATCX in excursion service. These cars are two sleeper lounge passenger cars NKP-151 and ATSF 1343, and two Pullman Coach Cars ATCX 107 and ATCX 325.

ATCX intends to use the cars in passenger excursion service at speeds not to exceed 25 miles per hour (mph) over 154 miles of track owned by the city of Austin, Texas, between Cedar Park, TX, and Burnette, TX. ATCX operates one train daily on weekends from March to December, with occasional weekday trains. The original waiver specified that the maximum track speed shall not exceed 20 mph under condition #7. The following are reasons for the request to increase the track speed to 25 mph:

- The authority to occupy the main track is now in the form of Track Warrant Control for the majority of the line and yard limits in a few limited areas.

- Track warrants are issued by controllers in a centralized dispatching center and apply to all rail line traffic including passenger, commuter, freight, and Hyrail and Maintenance of Way Operations.

- Maximum authorized speed is now 25 mph as per ATCX Timetable 2.

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-2008-0066) 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 September 3, 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) received a request for temporary waiver of compliance with certain requirements of its safety standards. The individual petition is described below, including the parties seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

#### Norfolk Southern Railway

[Waiver Petition Docket Number FRA-2008-0083]

The Norfolk Southern Railway (NS) has submitted a temporary waiver petition to support field testing of its processor-based train control system identified as NS Optimized Train Control (OTC) system, pursuant to 49 CFR 211.7 and 211.51.

An informational filing, as required under 49 CFR Part 236, Subpart H, has also been prepared and submitted in conjunction with this waiver petition, and can be found in the same docket as this waiver petition.

The NS OTC Positive Train Control (PTC) system is designed to assist train crews in situational awareness, prevent authority limit and over-speed violations, provide open switch protection in non-signalized Track Warrant Control (TWC) territory, and to prevent equipped trains from entering the limits, without authorization, of on-track authority granted to employees.

NS desires to commence field testing of the NS OTC PTC system on or after September 1, 2008, or as soon as practicable thereafter, contingent upon FRA's acceptance and approval of the informational filing and waiver petition. NS intends to test and develop the NS OTC PTC system on its Charleston district between milepost SC7.0 (Charleston Station) and milepost SC128.9 (Andrews Yard Station, as well as on its Columbia district between milepost R0.0 Charlotte Junction station) and milepost R108.5 (Andrews Yard station). During this initial test phase, NS does not intend to activate the NS OTC PTC system's locomotive enforcement functionality.

NS is seeking regulatory relief for development testing and demonstration purposes only. Specifically, NS is requesting regulatory relief from the following FRA requirements:

49 CFR 216.13 (Special Notice for Repairs—Locomotive);

49 CFR 217.9 (Program of Operational Tests and Inspections—Recordkeeping); 49 CFR 217.11 (Program of Instruction on Operating Rules—Recordkeeping, Electronic Recordkeeping);

49 CFR Part 218 [Subpart D] (Prohibition against tampering with safety devices);

49 CFR 229.7 (Prohibited Acts); 49 CFR 229.135 (Event Recorders); 49 CFR 233.9 (Annual Reports); 49 CFR 235.5 (Changes Requiring

Filing of Application); 49 CFR 240.127 (Criteria for Examining Skill Performance); and 49 CFR 240.129 (Criteria for Monitoring Operational Performance of Certified Engineers).

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. All communications concerning these proceedings should identify the appropriate docket number (Docket Number FRA-2008-0083) and may be submitted by one 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.

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.

Communications received within 30 days of the date of this notice will be considered by FRA before final action being taken. Comments received after this period 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 DOT Docket Management Facility, 1200 New Jersey Avenue, SE., Room W12-140, in Washington DC. All documents in the public docket are also available for inspection and copying on the internet at <http://www.regulations.gov>.

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