

Project are evaluated and described in the Final Environmental Impact Report (EIR)/Environmental Impact Statement (EIS), a joint document pursuant to the California Environmental Quality Act and the National Environmental Policy Act. Key issues identified in the Final EIR/EIS include impacts to community character and cohesion, growth-related effects, biological resources, aquatic resources, cultural resources, aesthetics, residential relocations, business relocations, traffic noise, and temporary construction effects. Measures to avoid, minimize, and mitigate adverse environmental effects are included in the Environmental Commitments Record in the Final EIR/EIS. The Final EIR/EIS identified Alternative 9 Modified with the San Jacinto River Bridge Design Variation and the Base Case Alignment through the City of San Jacinto, and, as further refined, to avoid the permanent incorporation of land from the San Jacinto Wildlife Area, as the preferred alternative.

The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Final EIR/EIS for the project, approved on April 15, 2015, in the FHWA Record of Decision (ROD) issued on August 17, 2015, and in other documents in the FHWA project records. The Final EIR/EIS, ROD, and other project records are available by contacting FHWA at the address provided above. The Final EIR/EIS and ROD can be viewed and downloaded from the project Web site at <http://midcountyparkway.org/> or viewed at public libraries in the project area.

This notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. General: National Environmental Policy Act (NEPA) (42 U.S.C. 4321–4351 *et seq.*).
2. Council on Environmental Quality Regulations.
3. Federal-Aid Highway Act of 1970, 23 U.S.C. 109.
4. MAP–21, the Moving Ahead for Progress in the 21st Century Act.
5. Clean Air Act (42 U.S.C. 7401–7671(q)).
6. Migratory Bird Treaty Act (16 U.S.C. 703–712).
7. Historic and Cultural Resources: Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470(f) *et seq.*).
8. Clean Water Act (Section 401) (33 U.S.C. 1251–1377) of 1977 and 1987 (Federal Water Pollution Control Act of 1972).

9. Federal Endangered Species Act of 1973 (16 U.S.C. 1531–1543).
10. Fish and Wildlife Coordination Act of 1934, as amended.
11. Noise Control Act of 1972.
12. Safe Drinking Water Act of 1944, as amended.
13. Executive Order 11990—Protection of Wetlands
14. Executive Order 11988—Floodplain Management
15. Executive Order 13112, Invasive Species.
16. Executive Order 12898, Federal Actions to Address Environmental Justice and Low-Income Populations
17. Title VI of the Civil Rights Act of 1964, as amended.
18. Department of Transportation Act of 1966, Section 4(f) (49 U.S.C. 303) (Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing E. O. 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

**Authority:** 23 U.S.C. 139 (l)(1).

**Shawn Oliver,**

*Acting Director, Program Development,  
Federal Highway Administration,  
Sacramento, California.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Safety Advisory 2015–04]

#### **Ballast Defects and Conditions— Importance of Identification and Repair in Preventing Development of Unsafe Combinations of Track Conditions**

**AGENCY:** Federal Railroad Administration (FRA) Department of Transportation (DOT).

**ACTION:** Notice of Safety Advisory.

**SUMMARY:** FRA is issuing this safety advisory to emphasize the importance of timely repairing ballast defects and conditions on main tracks. FRA notes that ballast defects and ballast conditions that are not repaired in a timely manner can lead to future defects. FRA believes it is important for track inspectors to be aware that ballast defects and conditions can cause track components to deteriorate rapidly and compromise the stability of the track structure, and that inspectors are trained to identify and repair ballast defects and conditions. This safety advisory recommends that track owners and

railroads: (1) Assess current engineering instructions on ballast safety and update them to provide specific guidance to track inspectors (designated personnel that are qualified to inspect and repair track) on how to identify and initiate remedial action under 49 CFR 213.233(d) for ballast defects and conditions, as well as on the appropriate remedial action to implement, particularly in areas with one or more additional track conditions; (2) train track inspectors on the updated engineering instructions and this safety advisory to ensure they understand how to identify and initiate remedial action for ballast defects and conditions in a timely manner, and understand the importance of such remedial action in preventing the development of unsafe combinations of track conditions; and (3) ensure that supervisors provide adequate oversight of track inspectors to achieve identification and remediation of ballast defects and other track conditions.

**FOR FURTHER INFORMATION CONTACT:** Mr. Kenneth Rusk, Staff Director, Track Division, Office of Railroad Safety, FRA, 1200 New Jersey Avenue SE., Washington, DC 20590, telephone (202) 493–6236; or Ms. Anna Nassif Winkle, Attorney Advisor, Office of Chief Counsel, FRA, 1200 New Jersey Avenue SE., Washington, DC 20590, telephone (202) 493–6166.

#### **SUPPLEMENTARY INFORMATION:**

**Background—**Ballast may consist of crushed stone, crushed slag, screened gravel, and other materials; ballast is an integral part of the track structure. Ballast, regardless of the material, must satisfy all four of the requirements in FRA's track safety standards in 49 CFR part 213. See §§ 213.103 and 213.334.<sup>1</sup>

The sole appearance of fouled ballast (*i.e.*, ballast contaminated with broken-down particles, mud, coal dust, or other foreign material) may not warrant immediate corrective action if the ballast is properly transmitting and distributing the load, restraining the track, providing adequate drainage, and maintaining proper geometry. However, when ballast cannot adequately drain free-standing water, wheel loads are likely to be concentrated, rather than distributed. The concentrated wheel loads can cause rapid deterioration of track components and track instability, which can increase the risk of derailment. In addition, as noted below in the discussion regarding an accident that occurred at a fouled ballast location, track instability can not only

<sup>1</sup> All references to sections or part in this safety advisory are to a section or part of Title 49 of the CFR.

result from an individual track defect, but from a combination of track conditions. FRA reminds track owners and railroads of their responsibility under § 213.7 to ensure all persons they designate as qualified to either supervise certain renewals of track or inspect track for defects know and understand the requirements of part 213, are able to detect deviations, and can prescribe appropriate remedial action.

Ballast defects are often readily apparent through indications of poor geometry and structure degradation. FRA believes that a location with a combination of a ballast defect with a marginal geometry condition<sup>2</sup> warrants additional monitoring, more restrictive remedial action, or both, to correct or safely compensate for the combined defect and condition.

Railroad track inspectors should exercise their technical knowledge and professional experience to identify and record ballast defect or condition locations, and should take into account the severity of any geometry conditions along with the following factors to determine appropriate remedial action:

- Operating practice: Train speed, loading environment, route type and density, proximity to population centers;
- Track structure: rail, crossties, and fastener deterioration (mechanical wear from impact force), condition causing excessive rail cant (particularly abraded concrete crossties), concentrated support under ties, and localized excessive loading of ties;
- Roadbed and right-of-way condition: Sufficiently maintained to allow free-draining shoulder and crib ballast, unrestricted cross and lateral drainage;
- Special trackwork and transition points:<sup>3</sup> Turnouts, bridges, rail crossings, and highway/rail crossings.

Ballast defects are not associated with a track classification under §§ 213.9 and 213.307 requirements. Normally, ballast degradation is a gradual process. However, environmental conditions can accelerate the degradation rate and pose a safety threat to train operations. The safe passage of trains is reliant on the track inspector to recognize and assess

the safety risk through training and experience.

Ballast conditions that produce a derailment risk must be corrected by repair or by applying appropriate restrictions upon discovery. The railroad's designated track inspector is responsible for conducting a proper inspection and applying appropriate remedial action.

**Highlighted Accident**—On July 18, 2013, at approximately 8:29 p.m., northbound CSX Transportation Train Q70419 derailed at Milepost 9.99 while traversing the No. 2 Main Track on the Metro-North Commuter Railroad Company's Hudson Line. FRA and the National Transportation Safety Board (NTSB) investigated the accident.

The accident was caused by the rail canting outward under increased dynamic wheel-rail loads due to the combination of gage and profile deviations and center-bound concrete crossties resulting in damage sufficient to reduce their ability to hold gage. These conditions developed from the ballast failing to properly support the track structure, which itself was the result of inadequate drainage. A track inspector performing proficient track inspections should have recognized the degrading ballast and geometry conditions, and the likelihood for center-bound crossties, and taken responsible corrective action. To prevent the development of such unsafe combinations of track conditions, FRA believes it is important that track owners and railroads assess current internal engineering instructions and update them to provide specific guidance to track inspectors on how to identify ballast defects and other track conditions. It is also important that track owners and railroads provide clear guidance on how to determine and apply appropriate remedial action, particularly in locations where the combination of track geometry and structure conditions produces an increased risk of derailment.

FRA further believes that alerting track owners or railroads to the issue of unsafe combinations of track conditions and highlighting a derailment resulting from a combination of marginal track conditions at a fouled ballast location provides a sufficient basis for these entities to review engineering standards and to consider requiring additional attention and action in areas with multiple track conditions. This is particularly true when geometry and structural deviations are produced by poorly-performing ballast.

The NTSB's safety recommendations resulting from its investigation of the derailment discussed above are on its

Web site at [www.nts.gov](http://www.nts.gov). The NTSB recommended that FRA define specific allowable limits for combinations of track conditions, none of which individually amount to a deviation from FRA regulations that require remedial action.

**Recommended Action**—In light of the above discussion, and in addition to complying with the requirements of part 213, including §§ 213.7 and 213.103, FRA recommends that track owners and railroads take the following actions:

1. Assess current internal engineering instructions in view of the concerns raised in this Safety Advisory 2015–04, and update them to ensure that the instructions provide specific guidance to track inspectors on how to identify and initiate remedial action under § 213.233(d) for ballast defects and other ballast conditions, and on the appropriate remedial action to implement, particularly in areas with one or more additional track conditions.
2. Train track inspectors on the updated engineering instructions and this safety advisory. Such training should ensure that each track inspector understands the following:

a. *Identification of Ballast Defects and Conditions.* Know the requirements and purpose of track subgrade and ballast and understand the circumstances that can lead to ballast failure and other ballast defects and conditions, such as inadequate drainage, saturated subgrade, and transition points (e.g., highway-rail grade crossings and approaches to bridges).

b. *Remedial Action for Ballast Defects and Conditions.* Understand the importance of maintaining ballast and initiating remedial action for any ballast defects or conditions in preventing the development of one or more additional track conditions (e.g., gage widening, alinement and track surface deviations) or track structure conditions (e.g., center-bound crossties, loose or missing fasteners, rail cant, etc.), especially around transition points or other areas susceptible to ballast degradation.

3. Ensure that supervisors provide oversight of track inspectors to achieve proper identification and remediation of ballast defects and other track conditions.

FRA encourages the railroad industry to take appropriate action consistent with the preceding recommendations and any other actions to ensure the safety of the Nation's railroad employees, passengers, and the general public. FRA may modify this Safety Advisory 2015–04, issue additional safety advisories, or take other appropriate actions it deems necessary to ensure the highest level of safety,

<sup>2</sup> A geometry condition means a track surface, gage, or alinement irregularity that does not exceed the allowable threshold for the designated track class in the track safety standards.

<sup>3</sup> Transition points occur at locations where there is an abrupt change in the vertical stiffness (support) of the track, such as the approach to a bridge. Transition points increase the dynamic loading of the track, causing more rapid deterioration of track components (e.g., ballast, crossties, rail fasteners, and rail).

including pursuing other corrective measures under its rail safety authority.

Issued in Washington, DC, on August 20, 2015.

**Robert C. Lauby,**

*Associate Administrator for Railroad Safety  
Chief Safety Officer.*

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## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

#### Office of Hazardous Materials Safety; Notice of Actions on Special Permit Applications

**AGENCY:** Pipeline And Hazardous  
Materials Safety Administration  
(PHMSA), DOT.

**ACTION:** Notice of actions on Special  
Permit Applications.

**SUMMARY:** In accordance with the  
procedures governing the application  
for, and the processing of, special  
permits from the Department of  
Transportation's Hazardous Material  
Regulations (49 CFR part 107, subpart

B), notice is hereby given of the actions  
on special permits applications in (July  
to July 2015). The mode of  
transportation involved are identified by  
a number in the "Nature of  
Application" portion of the table below  
as follows: 1—Motor vehicle, 2—Rail  
freight, 3—Cargo vessel, 4—Cargo  
aircraft only, 5—Passenger-carrying  
aircraft. Application numbers prefixed  
by the letters EE represent applications  
for Emergency Special Permits. It  
should be noted that some of the  
sections cited were those in effect at the  
time certain special permits were  
issued.

Issued in Washington, DC, on August 5,  
2015.

**Donald Burger,**

*Chief, General Approvals and Permits.*

S.P. No.	Applicant	Regulation(s)	Nature of special permit thereof
<b>MODIFICATION SPECIAL PERMIT GRANTED</b>			
11666-M .....	SGL Carbon, LLC (SGL), Charlotte, NC.	49 CFR 173.240(6) .....	To modify the special permit to authorize green graphite products being shipped on open flat-bed trailers to be secured with plastic bandings.
10232-M .....	ITW Sexton, Decatur, AL ..	49 CFR 173.304(d) and 173.306(a)(3).	To modify the special permit to authorize an additional hazardous material and limited quantity authorized.
14848-M .....	Corning Incorporated, Cor- ning, NY.	49 CFR 172.202, 172.301, 172.400, 172.504 and 177.834(h).	To modify the special permit by incorporating the provisions of systems authorized under DOT-SP 14274 and DOT-SP 13107 so that it is a stand alone special permit.
15583-M .....	Northern Air Cargo Inc., Anchorage, AK.	49 CFR 172.101 Column (9B).	To modify the special permit by adding the following paragraph in 7.(g)(3) "or alternatively—FAA-as- signed Principal Operations or Maintenance Program".
15747-M .....	United Parcel Service, Inc., Atlanta, GA.	49 CFR 177.817(a), 177.817.(e), 172.606(b), and 172.203(a).	To modify the special permit to authorize marking on two sides of certain trailers.
14349-M .....	Matheson Tri-Gas, Basking Ridge, NJ.	49 CFR 173.3(d)(2)(ii) .....	To modify the special permit to authorize additional hazardous materials to be transported in a salvage cylinder.
16333-M .....	Liberty Industrial Gases & Welding Supply Inc., Brooklyn, NY.	49 CFR 171.2(e) and 177.801.	To modify the special permit originally issued on an emergency basis to authorize an additional two years.
16340-M .....	Praxair Distribution Mid-At- lantic, LLC, Newark, NJ.	49 CFR 171.2 and 177.801	To reissue the special the permit that was originally issued on an emergency basis with a 2 year re- newal.
<b>EMERGENCY SPECIAL PERMIT GRANTED</b>			
15515-M .....	National Aeronautics and Space Administration (NASA), Houston, TX.	49 CFR 173.302a, 173.301(f)(1), 173.301(h)(3), 173.302(f)(2), and 173.302(f)(4).	To authorize an active PRD and add operational con- trols to authorized an alternative to the requirement for a rigid outer packaging. (modes 1, 2, 3, 4).
15999-M .....	National Aeronautics and Space Administration (NASA), Washington, DC.	49 CFR part 172 and 173	To modify the special permit by adding a Class 8 ma- terial (modes 1, 3).
16513-N .....	U.S. Department of Jus- tice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Wash- ington, DC.	49 CFR 173.56(b), and 172.320.	An emergency special permit to authorize the one-way transportation in commerce of unapproved fireworks for use in a research testing project. (mode 1).
16528-N .....	Worthington Cylinder Cor- poration, Columbus, OH.	49 CFR 173.301(a)(9) .....	To authorize the transportation in commerce of certain DOT Specification 39 cylinders in strong outer pack- agings without marking each package with an indi- cation that the inner packagings conform to the pre- scribed specifications. (mode 1).