

the primary person to be contacted with regard to review of the petition;

(2) The proposed locomotive design standard, in detail;

(3) The intended type of service for locomotives designed under the proposed standard; and

(4) Appropriate data and analysis showing how the proposed design standard either satisfies the requirements of § 229.205 for the type of locomotive design or provides at least an equivalent level of safety. Types of data and analysis to be considered are described in § 229.211(c)(1).

(c) *Petitions for FRA approval of substantive changes to an FRA-approved locomotive crashworthiness design standard.* Each petition for approval of a substantive change to an FRA-approved locomotive crashworthiness design standard must be titled “Petition for FRA Approval of Changes to a Locomotive Crashworthiness Design Standard,” must be submitted to the Associate Administrator for Safety, Federal Railroad Administration, 1200 New Jersey Avenue, SE., Mail Stop 25, Washington, DC 20590, and must contain the following:

(1) The name, title, address, telephone number and e-mail address of the primary person to be contacted with regard to review of the petition;

(2) The proposed change, in detail;

(3) The intended type of service for locomotives built with the proposed change; and

(4) Appropriate data and analysis showing how the resulting standard either satisfies the requirements for the type of locomotive set forth in § 229.205 or provides at least an equivalent level of safety. Types of data and analysis to be considered are described in § 229.211(c)(1).

(d) *Petitions for FRA approval of non-substantive changes to the existing FRA-approved crashworthiness design standards.* (1) Each petition for approval of a non-substantive change to an FRA-approved locomotive crashworthiness design standard must be titled “Petition for FRA Approval of Non-substantive Changes to a Locomotive Crashworthiness Design Standard,” must be submitted to the Associate Administrator for Safety, Federal Railroad Administration, 1200 New Jersey Avenue,

SE., Mail Stop 25, Washington, DC 20590, and must contain the following:

(i) The name, title, address, telephone number and e-mail address of the primary person to be contacted with regard to review of the petition;

(ii) The proposed change, in detail; and

(iii) Detailed explanation of how the proposed change results in a non-substantive change to the existing FRA-approved crashworthiness design standard.

(2) If FRA determines that the proposed change is substantive, FRA will process the petition in accordance with paragraph (c) of this section.

[71 FR 36912, June 28, 2006, as amended at 74 FR 25173, May 27, 2009]

**§ 229.209 Alternative locomotive crashworthiness designs.**

(a) *General.* The following procedures govern consideration and action upon requests for FRA approval of locomotive crashworthiness designs which are not consistent with any FRA-approved locomotive crashworthiness design standard.

(b) *Petitions for FRA approval of alternative locomotive crashworthiness designs.* Each petition for FRA approval of an alternative locomotive crashworthiness design must be titled “Petition for FRA Approval of Alternative Locomotive Crashworthiness Design,” must be submitted to the Associate Administrator for Safety, Federal Railroad Administration, 1200 New Jersey Avenue, SE., Mail Stop 25, Washington, DC 20590, and must contain the following:

(1) The name, title, address, telephone number and e-mail address of the primary person to be contacted with regard to review of the petition;

(2) The proposed locomotive crashworthiness design, in detail;

(3) The intended type of service for locomotives built under the proposed design; and

(4) Appropriate data and analysis showing how the design either satisfies the requirements of § 229.205 for the type of locomotive or provides at least an equivalent level of safety. Types of

data and analysis to be considered are described in § 229.211(c)(1).

[71 FR 36913, June 28, 2006, as amended at 74 FR 25173, May 27, 2009]

#### § 229.211 Processing of petitions.

(a) *Federal Register notice.* FRA will publish in the FEDERAL REGISTER notice of receipt of each petition submitted under § 229.207(b), § 229.207(c), or § 229.209.

(b) *Comment.* Not later than 60 days from the date of publication of the notice in the FEDERAL REGISTER concerning a petition submitted under § 229.207(b), § 229.207(c), or § 229.209(b), any person may comment on the petition.

(1) Each comment must set forth specifically the basis upon which it is made, and contain a concise statement of the interest of the commenter in the proceeding.

(2) Each comment must be submitted to the U.S. Department of Transportation Docket Operations (M-30), West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590, and must contain the assigned docket number which appeared in the FEDERAL REGISTER for that proceeding. The form of such submission may be in written or electronic form consistent with the standards and requirements established by the Federal Docket Management System and posted on its Web site at <http://www.regulations.gov>.

(3) In the event FRA requires additional information to appropriately consider the petition, FRA will conduct a hearing on the petition in accordance with the procedures provided in § 211.25 of this chapter.

(c) *Disposition of petitions.* (1) In order to determine compliance with the performance criteria in appendix E of this part, FRA will consider proper documentation of competent engineering analysis, or practical demonstrations, or both which may include validated computer modeling, structural crush analysis, component testing, full scale crash testing in a controlled environment, or any combination of the foregoing, together with evidence of effective peer review.

(2) If FRA finds that the petition complies with the requirements of this

subpart and that the proposed change or new design standard satisfies the requirements of § 229.205 for the type of locomotive, the petition will be granted, normally within 90 days of its receipt. If the petition is neither granted nor denied within 90 days, the petition remains pending for decision. FRA may attach special conditions to the granting of the petition. Following the granting of a petition, FRA may re-open consideration of the petition for cause stated. Any decision granting or denying a petition is placed in the public docket for the petition.

(3) If FRA finds that the petition does not comply with the requirements of this subpart, or that the proposed change or new design standard does not satisfy the performance criteria contained in Appendix E of this part (where applicable), the petition will be denied, normally within 90 days of its receipt. If the petition is neither granted nor denied within 90 days, the petition remains pending for decision. FRA may re-open a denial of a petition for cause stated.

(4) When FRA grants or denies a petition, or reopens consideration of the petition, written notice will be sent to the petitioner and other interested parties and a copy of the notice will be placed in the public docket of this proceeding.

[71 FR 36913, June 28, 2006, as amended at 74 FR 25173, May 27, 2009]

#### § 229.213 Locomotive manufacturing information.

(a) Each railroad operating a locomotive subject to the requirements of this subpart must retain the following information:

(1) The date upon which the locomotive was manufactured or remanufactured;

(2) The name of the manufacturer or remanufacturer of the locomotive; and

(3) The design specification to which the locomotive was manufactured or remanufactured.

(b) The information required in paragraph (a) of this section must be located permanently in the locomotive cab or be provided within two business