waiver of compliance from certain provisions of the steam locomotive safety standards as prescribed by CFR 230.105(a) *Lateral motion,* for two steam locomotives used in tourist/excursion service. Specifically, this waiver request applies to locomotives number RDC 6988 and 7081. These Class QJ, 2–10–2 locomotives were built by the Datong Locomotive Works, China. The Datong Works constructed 4,714 locomotives of this type between 1967 and 1988. The maximum operating speed for this type of locomotive is 50 mph.

Both locomotive numbers 6988 and 7081 received a standard 250,000 km overhaul, a Class 3 repair, in China prior to being shipped to the United States. The manufacturer's specifications for the QJ Class locomotive require a total lateral clearance of 20 mm (0.787 inch) on the number 1 and 5 driving axle, with a 4 mm (0.157 inch) clearance for the three center axles (no. 2–4). All tire back-to-back spacing is at 1,252 mm (53.267 inches). The purpose for this specification is to allow a locomotive with a long rigid wheelbase to negotiate a curve up to 15.2 degrees. The lateral wear limit for all driving axles is 10 mm (0.393 inch) over the original dimensions. In summary, by design and as built, model QJ locomotive exceeds the U.S. limit of 0.75 inch for allowable lateral clearance for driving axles number 1 and 5 as specified by 49 CFR § 230.105(a)

IAIS requests relief from the requirements of 49 CFR 230.105(a) for driving axles numbers 1 and 5 to allow for a maximum lateral clearance of up to 30 mm (1.181 inches). This is consistent with the manufacturer's design specification, and the operating experience of the China National Railway. In addition, the locomotive will be maintained in accordance with the requirements of 49 CFR 230.105(c) to ensure that no part of the running gear interfere with any other part of the steam locomotive.

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–2008–0105) 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 January 14, 2009.

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.

Iowa Interstate Railroad

[Docket Number FRA–2008–0098]

The Iowa Interstate Railroad (IAIS), a Class III Railroad, petitioned for a waiver of compliance from certain provisions of the safety glazing standards as prescribed by 49 CFR * 223.15 *Requirements for existing passenger cars,* for 14 open-window coach cars used in tourist/excursion service. Specifically the car numbers are: RRDX 804, 806, 810, 814, 816, 819, 820, 822, 826, 831, 834, 836, 837, and 838. These cars were built by the Canadian Car & Foundry Company in 1953, for the Canadian Pacific Railway, and used in Montreal, Quebec, in commuter service until 2005.

The cars were purchased by the parent company of IAIS, Railroad Development Corporation in the fall of 2006, for excursion service on an infrequent basis. The trains are proposed to be locomotive-hauled and operate over a mixture of urban/rural areas at speeds up to 45 mph. The glazing in these coaches are made of Lexan® polycarbonate plastic, and meet the requirement for Canadian passenger equipment glazing, but may not meet the requirements of 49 CFR Part 223. Since the cars were purchased and delivered to IAIS, there have been no acts of vandalism against the glazing.

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–2008–0098) 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).

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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.

Metropolitan Transit Authority

[Waiver Petition Docket Number FRA–2008–0156]

The Metropolitan Transit Authority (MTA), on behalf of the Long Island Rail Road (LIRR) and Metro-North Commuter Rail (MNCW), seeks approval for a waiver of compliance with the requirements of the *Passenger Equipment Safety Standards* contained in 49 CFR 238.105(d)(1), *train electronic hardware and software safety.* Section 49 CFR 238.105(d)(1) states that:

''Hardware and software that controls or monitors a train's primary braking system shall either: (I) Fail safely by initiating a full service brake application in the event of a hardware or software failure that could impair the ability of the engineer to apply or release the brakes; or (ii) Access to direct manual control of the primary braking system (both service and emergency braking) shall be provided to the engineer.''

This waiver is for over 1,000 M–7 electric MU's already being operated over LIRR and MNCW. The braking software provided by the manufacturer only partly meets the above requirements. The railroad requests that an application of only emergency brakes in the event of a loss of power, or failure (hardware and software), of the friction brake control unit be allowed in lieu of either the requirement for a full service brake application or restoration of direct manual control of the primary braking system to the operator.

The electric MU locomotives brake systems were provided by Knorr Brake Corporation and the electronic control logic was provided by Mitsubishi Electric Company. The railroad explains in their petition that the full service brake application is transmitted electronically to an analog converter which provides pneumatic brake force through application and release magnet valves. Emergency brake function is provided by venting brake pipe to initiate a trainline brake application. Emergency brake application can be initiated via the Master Controller, the B3C conductors valve, or by loss of trainline power to the emergency magnet valve circuit causing trainline to vent to atmosphere causing the brakes over the entire consist to apply at an emergency rate.

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–2008–0156) 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, S.E., 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 January 14, 2009.

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 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.

New Jersey Transit Rail

[Docket Number FRA–2008–0097]

The New Jersey Transit Rail (NJ Transit) seeks a waiver of compliance from certain provisions of 49 CFR Part 218, *Railroad Operating Practices.* Specifically, NJ Transit is requesting a waiver of Blue Signal Requirements as prescribed in 49 CFR 218.29(c)(1) at their Morrisville Yard facility located in Morrisville, PA.