

(61 FR 9740) for additional information about the RSAC.

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket No. FRA-2000-7257; Notice No. 44]

#### Railroad Safety Advisory Committee (RSAC); Working Group Activity Update

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

**ACTION:** Announcement of Railroad Safety Advisory Committee working group activities.

**SUMMARY:** FRA is updating its announcement of RSAC's working group activities to reflect its current status.

#### FOR FURTHER INFORMATION CONTACT:

Larry Woolverton, RSAC Coordinator, FRA, 1200 New Jersey Avenue SE., Mailstop 25, Washington, DC 20590, (202) 493-6212 or Grady Cothen, Deputy Associate Administrator for Safety, FRA, 1200 New Jersey Avenue SE., Mailstop 25, Washington, DC 20590, (202) 493-6302.

**SUPPLEMENTARY INFORMATION:** This notice serves to update FRA's last announcement of working group activities and status reports as of October 30, 2007 (72 FR 61418). The 33rd full RSAC Committee meeting was held October 25, 2007, and the 34th meeting is scheduled for February 20, 2008, at the National Housing Center in Washington, DC.

Since its first meeting in April 1996, the RSAC has accepted 24 tasks. The status for each of the tasks is provided below.

#### Open Tasks

**Task 96-4—**Reviewing the appropriateness of the Agency's current policy regarding the applicability of existing and proposed regulations to tourist, excursion, scenic, and historic railroads. This task was accepted on April 2, 1996, and a working group was established. The working group monitored the steam locomotive regulation task and planned future activities involving the review of other regulations for possible adaptation to

the safety needs of tourist and historic railroads. Contact: Grady C. Cothen, Jr., (202) 493-6302.

**Task 03-01—**Passenger Safety. This task was accepted on May 20, 2003, and a working group was established. Prior to embarking on substantive discussions of a specific task, the working group sets forth in writing a specific description of the task. The working group also reports planned activity to the full Committee at each scheduled full RSAC meeting, including milestones for the completion of projects and progress toward completion. At the first meeting held September 9-10, 2003, a consolidated list of issues was completed. At the second meeting held November 6-7, 2003, four task groups were established: emergency preparedness, mechanical-general issues, mechanical-safety appliances, and track/vehicle interaction. The task groups met and reported on activities for working group consideration at the third meeting held May 11-12, 2004, and a fourth meeting was held October 26-27, 2004. The working group met on March 21-22, 2006, and again on September 12-13, 2006, at which time the group agreed to establish a task force on general passenger safety. The full Passenger Safety Working Group met on April 17-18, 2007, and again on December 11-12, 2007. The next meeting is scheduled for June 18, 2008. Contact: Charles Bielitz, (202) 493-6302.

**(Emergency Preparedness Task Force)** At the working group meeting on March 9-10, 2005, the working group received and approved the consensus report of the Emergency Preparedness Task Force related to emergency egress and rescue access. These recommendations were presented to, and approved by, the full RSAC Committee on May 18, 2005. The working group met on September 7-8, 2005, and additional, supplementary recommendations were presented to, and accepted by, the full RSAC on October 11, 2005. The Notice of Proposed Rulemaking (NPRM) was published on August 24, 2006, and was open for comments until October 23, 2006. The working group agreed upon recommendations for the resolution of final comments during the April 17-18, 2007, meeting. The recommendations were presented to, and approved by, the full RSAC Committee on June 26, 2007. The final rule regarding emergency egress and rescue access is expected to be published in early 2008. The task force met on October 17-18, 2007, and the group reached consensus on the draft rule text for a follow-up NPRM on passenger train emergency systems. The task force presented the draft rule text to the Passenger Safety Working Group

on December 11-12, 2007, and the consensus draft rule text will be presented for full RSAC vote during the February 20, 2008, meeting. Contact: Brenda Moscoso, (202) 493-6282.

**(General Mechanical Task Force)** (COMPLETED) Initial recommendations on mechanical issues (revisions to Title 49 Code of Federal Regulations (CFR) Part 238) were approved by the full Committee on January 26, 2005. At the working group meeting of September 7-8, 2005, the task force presented additional perfecting amendments and the full RSAC approved them on October 11, 2005. An NPRM was published in the **Federal Register** on December 8, 2005 (70 FR 73070). Public comments were due by February 17, 2006. The final rule was published in the **Federal Register** on October 19, 2006, (71 FR 61835) effective December 18, 2006.

**(General Passenger Safety Task Force)** At the working group meeting on April 17-18, 2007, the task force presented a progress report to the working group. The task force met on July 18-19, 2007, and afterwards it reported proposed reporting cause codes for injuries involving the platform gap, which were approved by the working group by mail ballot in September 2007. The full RSAC approved the recommendations for changes to 49 CFR Part 225 accident/incident cause codes on October 25, 2007. The task force continues work on passenger train door securement, "second train in station," trespasser incidents, and system safety-based solutions by developing a regulatory approach to system safety. The General Passenger Safety Task Force presented draft guidance material for management of the gap, which was considered and approved by the working group during the December 11-12, 2007, meeting and will present the material to the full RSAC for approval during the February 2008 meeting. Contact: Dan Knotte, (631) 567-1596.

**(Passenger Equipment Crashworthiness Task Force)** The Crashworthiness Task Force provided consensus recommendations on static-end strength, which were adopted by the working group on September 7-8, 2005. The full Committee accepted the recommendations on October 11, 2005. The Front-End Strength of Cab Cars and Multiple-Unit Locomotives NPRM was published in the **Federal Register** on August 1, 2007, (72 FR 42016) with comments due by October 1, 2007. Several comments were entered into the docket. FRA is evaluating each of the comments received, and plans to have the final rule text completed by June 2008. To demonstrate the means of

determining compliance with the crashworthiness requirements of the rule, FRA has scheduled two full-scale deformation tests as prescribed in the NPRM, a corner post test in February 2008, a collision post test in March 2008, and a dynamic test in April 2008. Contact: Gary Fairbanks, (202) 493-6322.

(Vehicle/Track Interaction Task Force) The task force is developing proposed revisions to 49 CFR Parts 213 and 238 principally regarding high-speed passenger service. The task force met on October 9-11, 2007, and November 19-20, 2007, in Washington, DC, and presented the final task force report and final recommendations and proposed rule text for approval by the Passenger Safety Working Group at the December 11-12, 2007, meeting. The final report and the proposed rule text were approved by the working group and the proposal will be presented to the full RSAC for approval at the February 2008 meeting. Contact: John Mardente, (202) 493-1335.

*Task 05-01—Review of Roadway Worker Protection Issues.* This task was accepted on January 26, 2005, to review 49 CFR Part 214, Subpart C, Roadway Worker Protection, and related sections of Subpart A; recommend consideration of specific actions to advance the on-track safety of railroad employees and contractors engaged in maintenance-of-way activities throughout the general system of railroad transportation, including clarification of existing requirements. A working group was established and reported to the RSAC any specific actions identified as appropriate. The first meeting of the working group was held on April 12-14, 2005. The working group reported planned activity to the full Committee at each scheduled Committee meeting, including milestones for completion of projects and progress toward completion. The working group met on June 22-24, 2005, August 8-11, 2005, September 20-22, 2005, November 8-9, 2005, January 10-11, 2006, February 1-2, 2006, March 15-16, 2006, April 11-12, 2006, August 22-23, 2006, November 14-15, 2006, January 17-18, 2007, February 27-28, 2007, and March 1, 2007. The group drafted and accepted regulatory language for various revisions, clarifications, and additions to 32 separate items in 19 sections of the rule. However, two parties raised technical concerns regarding the draft language concerning the electronic display of track authorities. The working group reported recommendations to the full Committee at the June 26, 2007, meeting. FRA, through the NPRM process, is to address

this issue along with eight additional items on which the working group was unable to reach a consensus. A draft NPRM is currently under review by FRA Office of Safety staff and legal counsel, and is expected to be published in early 2008. Contact: Christopher Schulte, (610) 521-8201.

*Task 05-02—Reduce Human Factor-Caused Train Accident/Incidents.* This task was accepted on May 18, 2005, to reduce the number of human factor-caused train accidents/incidents and related employee injuries. An Operating Rules Working Group has been established. The working group reports planned activity to the full Committee at each scheduled full RSAC meeting, including milestones for completion of projects and progress toward completion. The working group met on July 12-13, 2005, August 31-September 1, 2005, September 28-29, 2005, October 25-26, 2005, November 16-17, 2005, and December 6-7, 2005. The final working group meeting, devoted to developing a proposed rule, was held February 8-9, 2006. The working group was not able to deliver a consensus regulatory proposal, but did recommend that it be used to review comments on FRA's NPRM, which was published in the **Federal Register** on October 12, 2006, (FR 71 60372) with public comments due by December 11, 2006. Two reviews were held; one on February 8-9, 2007, and the other on April 4-5, 2007. Consensus was reached on four items, which were presented and accepted by the full RSAC Committee at the June 26, 2007, meeting. The most recent working group meeting was held September 27-28, 2007, and the next scheduled meeting will occur on January 17-18, 2008. Contact: Douglas Taylor, (202) 493-6255.

*Task 06-01—Locomotive Safety Standards.* This task was accepted on February 22, 2006, to review 49 CFR Part 229, Railroad Locomotive Safety Standards, and revise as appropriate. A working group was established with the mandate to report any planned activity to the full Committee at each scheduled full RSAC meeting, to include milestones for completion of projects and progress toward completion. The first working group meeting was held May 8-10, 2006. Working group meetings were held on August 8-9, 2006, September 25-26, 2006, October 30-31, 2006, January 9-10, 2007, and the working group presented recommendations regarding revisions to requirements for locomotive sanders to the full RSAC on September 21, 2006. The NPRM regarding sanders was published in the **Federal Register** on

March 6, 2007 (72 FR 9904). Comments received were discussed by the working group for clarification, and FRA published a final rule on October 19, 2007 (72 FR 59216). The working group is continuing the review of 49 CFR Part 229 with a view to proposing further revisions to update the standards. The working group met November 27-28, 2007, and the next meeting is scheduled for February 5-6, 2008. Contact: George Scerbo, (202) 493-6249.

*Task 06-02—Track Safety Standards and Continuous Welded Rail.* Section 9005 of the Safe Accountable Flexible Efficient Transportation Equity Act: A Legacy for Users (Pub.L. No. 109-59, "SAFETEA-LU"), the 2005 Surface Transportation Authorization Act, requires FRA to issue requirements for inspection of joint bars in continuous welded rail (CWR) to detect cracks that could affect the integrity of the track structure (Title 49 U.S.C. 20142(e)). FRA published an interim final rule (IFR) establishing new requirements for inspections on November 2, 2005 (70 FR 66288). On October 11, 2005, FRA offered the RSAC a task to review comments on this IFR, but the conditions could not be established under which the Committee could have undertaken this with a view toward consensus. Comments on the IFR were received through December 19, 2005, and FRA reviewed the comments. On February 22, 2006, the RSAC accepted this task to review and revise the CWR related to provisions of the Track Safety Standards, with particular emphasis on the reduction of derailments and consequent injuries, and damage caused by defective conditions, including joint failures, in track using CWR. A working group was established. The working group will report any planned activity to the full Committee at each scheduled full RSAC meeting, including milestones for completion of projects and progress toward completion. The first working group meeting was held April 3-4, 2006, at which time the working group reviewed comments on the IFR. The second working group meeting was held April 26-28, 2006. The working group also met May 24-25, 2006, and July 19-20, 2006. The working group reported consensus recommendations for the final rule, which were accepted by the full RSAC Committee by mail ballot on August 11, 2006. The final rule was published in the **Federal Register** on October 11, 2006 (71 FR 59677). The working group is continuing its review of 49 CFR 213.119 with a view to proposing further revisions to update the standards. The working group met

January 30–31, 2007, April 10–11, 2007, June 27–28, 2007, August 15–16, 2007, and October 23–24, 2007, and the next meeting is scheduled for January, 8–9, 2008. Contact: Ken Rusk, (202) 493–6236.

**Task 06–03—Medical Standards for Safety-Critical Personnel.** This task was accepted on September 21, 2006, to enhance the safety of persons in the railroad operating environment and the public by establishing standards and procedures for determining the medical fitness of duty of personnel engaged in safety-critical functions. A working group was established and will report any planned activity to the full Committee at each scheduled full RSAC meeting, including milestones for completion of projects and progress toward completion. The first working group meeting was held December 12–13, 2006. The working group met on February 20–21, 2007, July 24–25, 2007, August 29–30, 2007, October 31–November 1, 2007, and December 4–5, 2007. A task force of physicians was established in May 2007 to work on specific medical exam-related issues. The task force had meetings or conference calls on July 24, 2007, August 20, 2007, October 15, 2007, and October 31, 2007. The next Medical Standards Working Group meeting is scheduled for February 13–14, 2008. Contact: Alan Misiaszek, (202) 493–6002.

**Task 07–01—Track Safety Standards.** This task was accepted on February 22, 2007, to consider specific improvements to the Track Safety Standards or other responsive actions, supplementing work already underway on CWR, specifically: review controls applied to the reuse of rail in CWR “plug rail,” review the issue of cracks emanating from bond wire attachments, consider improvements in the Track Safety Standards related to fastening of rail to concrete ties, and ensure a common understanding within the regulated community concerning requirements for internal rail flaw inspections. These tasks were assigned to the Track Safety Standards Working Group. The working group will report any planned activity to the full Committee at each scheduled full RSAC meeting, including milestones for completion of projects and progress toward completion. The first working group meeting was held on June 27–28, 2007, and the group met again on August 15–16, 2007, and October 23–24, 2007. Two task forces were created under the working group; the Concrete Ties Task Force and the Rail Integrity Task Force. The Concrete Ties Task Force first met on November 26–27, 2007, and the next meeting is scheduled

for February 13–14, 2008. The Rail Integrity Task Force first met on November 28–29, 2007, and the next meeting is scheduled for February 12–13, 2008. Contact: Ken Rusk, (202) 493–6236.

### Completed Tasks

**Task 96–1—(Completed)** Revising the Freight Power Brake Regulations.

**Task 96–2—(Completed)** Reviewing and recommending revisions to the Track Safety Standards (49 CFR Part 213).

**Task 96–3—(Completed)** Reviewing and recommending revisions to the Radio Standards and Procedures (found under 49 CFR Part 220).

**Task 96–5—(Completed)** Reviewing and recommending revisions to the Steam Locomotive Inspection and Maintenance Standards (49 CFR Part 230).

**Task 96–6—(Completed)** Reviewing and recommending revisions to miscellaneous aspects of the regulations addressing Locomotive Engineer Certification (49 CFR Part 240).

**Task 96–7—(Completed)** Developing Roadway Maintenance Machines (On-Track Equipment) Safety Standards.

**Task 96–8—(Completed)** This planning task evaluated the need for action in response to recommendations contained in a report to Congress entitled, Locomotive Crashworthiness & Working Conditions.

**Task 97–1—(Completed)** Developing crashworthiness specifications (49 CFR Part 229) to promote the integrity of the locomotive cab in accidents resulting from collisions.

**Task 97–2—(Completed)** Evaluating the extent to which environmental, sanitary, and other working conditions in locomotive cabs affect the crew's health and the safe operation of locomotives, proposing standards where appropriate.

**Task 97–3—(Completed)** Developing event recorder data survivability standards.

**Task 97–4 and Task 97–5—(Completed)** Defining positive train control functionalities, describing available technologies, evaluating costs and benefits of potential systems, and considering implementation opportunities and challenges, including demonstration and deployment.

**Task 97–6—(Completed)** Revising various regulations to address the safety implications of processor-based signal and train control technologies, including communications-based operating systems.

**Task 97–7—(Completed)** Determining damages qualifying an event as a reportable train accident.

**Task 00–1—(Completed—task withdrawn)** Determining the need to amend regulations protecting persons who work on, under, or between rolling equipment and persons applying, removing, or inspecting rear end marking devices (Blue Signal Protection).

**Task 01–1—(Completed)** Developing conformity of FRA's regulations for accident/incident reporting (49 CFR Part 225) to revised regulations of the Occupational Safety and Health Administration, U.S. Department of Labor, and to make appropriate revisions to the FRA Guide for Preparing Accident/Incident Reports (reporting guide).

Please refer to the notice published in the **Federal Register** on March 11, 1996, (61 FR 9740) for more information about the RSAC.

Issued in Washington, DC on January 28, 2008.

**Michael J. Logue,**

*Deputy Associate Administrator for Safety Compliance and Program Implementation.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### Petition for Waiver of Compliance

In accordance with Title 49 Code of Federal Regulations (CFR) Part 211, notice is hereby given that the Federal Railroad Administration (FRA) received a request for a waiver of compliance with 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 Corporation

[Supplement and Modification To Waiver Petition Docket Number FRA–1999–6135, with New Docket Number FRA–2007–0030]

As a supplement and modification to New Jersey Transit Corporation's (NJ Transit) petition for approval of shared use and waiver of certain FRA regulations (the original Shared Use Waiver was granted by the FRA Railroad Safety Board on December 3, 1999, a 5-year extension and decision regarding relief from the FRA Horn Rule was granted by the Safety Board on November 9, 2006), NJ Transit is seeking permission from FRA to modify the temporal separation operating plan to reflect new Burlington and Camden Subdivisions. Also, NJ Transit is asking