

**FOR FURTHER INFORMATION CONTACT:** Ms. Demetra V. Collia, E-36, Room 314, Bureau of Transportation Statistics, Research and Innovative Technology Administration, 1200 New Jersey Ave., SE., Washington, DC 20590; (202) 366-1610; Fax (202) 366-3676; e-mail *Demetra.Collia@dot.gov*.

**SUPPLEMENTARY INFORMATION:**

*Title:* Confidential Close Call Reporting System.

*Type of Request:* Approval to continue to collect information on close calls.

*OMB Control Number:* 2139-0010.

*Affected Public:* Workers in the railroad industry.

*Number of Respondents:* 4,000.

*Number of Responses:* 730.

*Total Annual Burden:* 365.00 hours (Average estimate of 30 minutes to complete the C<sup>3</sup>RS Close Call form and employee survey, resulting in a total of 365.00 hours).

*Abstract:* Collecting data on the nation's transportation system is an important component of BTS's responsibility to the transportation community and is authorized in BTS statutory authority (49 U.S.C. 111(c)(1) and (2) and 49 U.S.C. 111(c)(5)(j)). The Federal Railroad Administration (FRA) and BTS share a common interest in promoting rail safety based on better data. To that end, FRA's Office of Research and Development is sponsoring the Confidential Close Call Reporting System (C<sup>3</sup>RS) Demonstration Project to investigate the effectiveness of such system in improving rail safety.

A close call represents a situation in which an ongoing sequence of events was stopped from developing further, preventing the occurrence of potentially serious safety-related consequences. This might include the following: (1) Events that happen frequently, but have low safety consequences; (2) events that happen infrequently but have the potential for high consequences (e.g., a train in dark territory proceeds beyond its authority); (3) events that are below the FRA reporting threshold (e.g., an event that causes a minor injury); and (4) events that are reportable to FRA but have the potential for a far greater accident than the one reported (e.g., a slow speed collision with minor damage to the equipment and no injuries.)

Employees involved in a close call are asked to provide information about the reported event by filling out a questionnaire and participating in a brief interview, as needed. The close call reporting form (questionnaire) asks the respondent to provide information on: (1) Name and contact information; (2) time and location of the incident;

(3) a short description of the event; (4) contributing factors to the close call; and (5) any other information that might be useful in determining a root cause of such event.

BTS collects close call reports submitted by railroad employees and protects the confidentiality of these data through its own statute (49 U.S.C. 111(i)) and the Confidential Information Protection and Statistical Efficiency Act of 2002 (CIPSEA). Accordingly, only statistical and non-sensitive information will be made available through publications and reports. In addition, BTS is developing an analytical database containing the reported data and other pertinent information to determine root causes of frequently reported close calls. The database is a valuable tool to railroad carriers and the FRA in their effort to identify safety issues and provide corrective measures before an accident occurs.

Voluntary reporting of close calls to a confidential system can provide a tool to identify and correct weaknesses in railroad safety systems before an accident actually occurs. The C<sup>3</sup>RS demonstration project offers a voluntary, cooperative, non-punitive environment to communicate safety concerns. Through the analysis of close calls, the FRA and the railroad community receive information about factors that may contribute to unsafe events and the error recovery mechanisms that prevented an adverse consequence from occurring. Such information is used to develop new training programs, identify root causes of potentially adverse events, assess risk and allocate resources to address those risks more efficiently. In addition, the database provides rail safety researchers with valuable information regarding precursors to safety risks and contributes to research and development of intervention programs aimed at preventing accidents and fatalities.

It is estimated that close call reporting will take no more than 30 minutes to complete for a maximum total burden of 365.00 hours (730 reports \* 30 minutes/60 = 365.00 hours). Reports are submitted when there is a qualifying event, i.e., a close call occurs within a pilot site. The frequency of such event is estimated to be approximately two per day.

**ADDRESSES:** The agency seeks public comments on its proposed information collection. Comments should address whether the information will have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways

to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology. Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725-17th Street, NW., Washington, DC 20503, Attention: BTS Desk Officer.

Issued in Washington, DC on December 28, 2009.

**Steven D. Dillingham,**

*Director, Bureau of Transportation Statistics, Research and Innovative Technology Administration.*

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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 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 favour of relief.

#### Alton & Southern Railway

[Waiver Petition Docket Number FRA-2009-0121]

The Alton & Southern Railway Company (ALS) has petitioned for a waiver of compliance from the requirements of Title 49 CFR 229.23(d)(f), 229.27(3), and 229.29(a) as it pertains to the physical recordkeeping requirements for 92-day periodic, annual, and biennial locomotive inspection reports at mechanical facilities where the inspections are performed, and for the maintenance of a copy of the locomotive inspection and repair record in the cab of the locomotive.

Through this waiver, for all locomotives leased from the Union Pacific Railroad Company, ALS seeks to complete and maintain an electronic report of each locomotive inspection report, repair record, and a hard copy. Pursuant to Title 49 CFR 229.23(d)(f), 229.27(3), and 229.29(a), this electronic report will be maintained in a centralized computer database for the required period, and a hard copy of the

same report will be maintained in the cab of the 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-2009-0121) and may be submitted by any of the following methods:

1. *Web site:* <http://www.regulations.gov>. Follow the online instructions for submitting comments.

2. *Fax:* 202-493-2251.

3. *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., W12-140, Washington, DC 20590.

4. *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 document (or signing the document, 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 (65 FR 19477) or at <http://www.dot.gov/privacy.html>.

Issued in Washington, DC on December 28, 2009.

**Grady C. Cothen, Jr.,**

*Deputy Associate Administrator for Safety Standards and Program Development.*

[FR Doc. E9-31109 Filed 12-31-09; 8:45 am]

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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.

#### Ashtabula, Carson & Jefferson Railroad

[Waiver Petition Docket Number FRA-2009-0089]

The Ashtabula, Carson & Jefferson Railroad (ACJR) of Jefferson City, Ohio, has petitioned for a permanent waiver of compliance for one locomotive (ACJR 7371) from the requirements of the Railroad Safety Glazing Standards, Title 49 CFR Part 223, which require certified glazing in all windows. The locomotive is equipped with Plexiglas-type safety glazing that is in good condition, clear and un-scratched.

ACJR operates over 6.3 miles of track running from the industrial area of an Ohio village through level farm lands and wooded areas to its interchange, which is also located in a rural area at speeds not exceeding ten miles per hour. ACJR states that there has been no instance of vandalism in 25 years of its operations. ACJR further states that the expense of retrofitting the locomotive to comply with FRA Safety Glazing Standards would impose an undue financial burden that ACJR cannot bear at this time. 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-2009-0089) 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 document (or signing the document, 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 (65 FR 19477) or at <http://www.dot.gov/privacy.html>.

Issued in Washington, DC on December 28, 2009.

**Grady C. Cothen, Jr.,**

*Deputy Associate Administrator for Safety Standards and Program Development.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket Number FRA-2009-0111]

#### Notice of Petition for Waiver of Compliance and Scheduling of Public Hearing Association of American Railroads

In accordance with part 211 of Title 49 of the Code of Federal Regulations (CFR), this document provides notice that the Association of American Railroads (AAR) has petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain requirements of 49 CFR parts 234 and 236, as detailed below. FRA has assigned the petition Docket Number FRA-2009-0111.

AAR seeks a waiver on behalf of its member railroads from the monthly inspections and test requirements for signal systems set forth at 49 CFR 234.249, 234.251, 234.253, 234.255,