

devices'' SSM with non-traversable curbs, except for the fact that the posted highway speed limit is 45 mph instead of 40 mph as required in the definition.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at [www.regulations.gov](http://www.regulations.gov) and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Avenue SE., W12-140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

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 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.
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Communications received by December 31, 2012 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

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Issued in Washington, DC, on November 8, 2012.

**Brenda Moscoso,**

*Director, Office of Safety Analysis.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket Number FRA-2012-0060]

#### Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that by a document dated June 18, 2012, the Port Authority Trans-Hudson Corporation (PATH) has petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations related to periodic brake equipment maintenance found in 49 CFR 238.309(b)(2), which requires brake equipment maintenance at the 1104-day interval.

PATH is asking for an extension of 6 months to complete these processes for all equipment overhauls. PATH states that the material and inventory necessary to complete the required maintenance will not be available from the vendor (WABTEC) in sufficient time for completion. FRA assigned the petition Docket Number FRA-2012-0060.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at [www.regulations.gov](http://www.regulations.gov) and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Avenue SE., W12-140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

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Issued in Washington, DC, on November 8, 2012.

**Brenda Moscoso,**

*Director, Office of Safety Analysis.*

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**BILLING CODE 4910-06-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket Number FRA-2012-0079]

#### Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that by a document dated September 24, 2012, Long Island Rail Road (LIRR) has petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain Federal hours of service requirements for train employees engaged in commuter or intercity rail passenger transportation contained at 49 CFR 228.405(a)(3). FRA assigned the petition Docket Number FRA-2012-0079.

In its petition, LIRR seeks a waiver allowing the series of at most 14 consecutive calendar days to reset after a general pick, or after a large timetable revision. A general pick, as described by LIRR, is a biannual event allowing train employees to bid on jobs with jobs being

awarded based on an employee's seniority. FRA's current policy only allows a maximum series of at most 14 consecutive calendar days to reset at the end of the 14th day, or when an employee does not initiate an on-duty period for any 2 calendar days within the 14 consecutive calendar-day series.

In support of the request, LIRR explained that after the first general pick, about 20 employees were required to take 1 or 2 workdays off to avoid violating Federal requirements. As a result, employees suffered financially, and employee availability was reduced, disrupting LIRR's ability to provide timely and efficient service for its customers. LIRR argues that allowing the 14 consecutive calendar-day series to reset after a general pick, or a large timetable revision, will prevent any future employee financial losses and disruptions in LIRR's ability to provide optimum service to its customers.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at [www.regulations.gov](http://www.regulations.gov) and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Avenue SE., W12-140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

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 and may be submitted by any of the following methods:

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Issued in Washington, DC, on November 8, 2012.

**Robert C. Lauby,**

*Deputy Associate Administrator for Regulatory and Legislative Operations.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

**[Docket Number FRA-2010-0164]**

#### Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that by a document dated October 9, 2012, the Albany Port Railroad (APRR) and the United Transportation Union (UTU) have jointly petitioned the Federal Railroad Administration (FRA) for an extension of their waiver of compliance from certain provisions of the Federal hours of service laws contained at 49 U.S.C. 21103(a)(4). FRA assigned the petition Docket Number FRA-2012-0068.

In the petition, APRR and UTU seek relief from 49 U.S.C. 21103(a)(4), which in part requires a train employee to receive 48 hours off duty after initiating an on-duty period for 6 consecutive days. Specifically, APRR and UTU seek an extension of the waiver to allow a train employee to initiate an on-duty period for 6 consecutive days followed by 24 hours off duty. In support of the request, APRR explained they have four train employees of which three work a single regular assignment Monday through Friday, beginning at 6 a.m. and usually ending at 1 p.m. The remaining employee holds a relief position and works for the other three employees when they require a day off. Finally, APRR states that the work is always performed within the confines of the Albany Port, which consists of yard tracks with a speed of 5 mph.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at [www.regulations.gov](http://www.regulations.gov) and in person at the U.S. Department of Transportation's Docket Operations Facility, 1200 New Jersey Avenue SE., W12-140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

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Issued in Washington, DC, on November 8, 2012.

**Ron Hynes,**

*Director, Office of Safety Assurance and Compliance.*

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