



DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA-2012-0008]

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 of the Code of Federal Regulations (CFR), this document provides the public notice that by a document dated December 20, 2011, 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 contained at 49 CFR Part 235. FRA assigned the petition Docket Number FRA-2012-0008.

PATH seeks relief from the requirements of 49 CFR Section 235.5 to expedite successful installation of Positive Train Control (PTC), mandated by the Rail Safety Improvement Act of 2008. In preparation for PTC, PATH needs to install new microprocessor interlocking controls and digital audio frequency track circuits, and add, relocate, remove, and/or modify existing wayside signals, train stops, track circuits, interlocking, and non-vital automatic train supervision controls.

This work initially includes certain tracks within PATH's Harrison Yard and South Street Yard for testing purposes, but will eventually include all mainline revenue tracks, other yard tracks, and terminals as the Automatic Train Control (ATC, which is a type of PTC) system installation progresses.

In conjunction with the request, PATH proposes to modify the existing signal system

while maintaining compliance with 49 CFR Part 236 as provided for under 49 CFR Section 235.7(c)(24)(vi). This relief would reduce the approval time while still providing FRA review and oversight of the proposed changes in the same manner as pole line elimination projects. PATH's request would be akin to adding the wording, "modification of existing signal systems in preparation for the installation and testing of PTC," or the first sentence in 49 CFR Section 235.7(c)(24)(vi).

The relief sought would allow for expedited modification of the existing signal system directly associated with the installation and testing of PTC. This would also reduce the administrative workload for both FRA and PATH.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at www.regulations.gov and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Avenue, S.E., W12-140, Washington, D.C. 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, S.E., W12-140, Washington, D.C. 20590.
- Hand Delivery: 1200 New Jersey Avenue, S.E., Room W12-140, Washington, D.C. 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by [INSERT DATE 45 DAYS FROM PUBLICATION 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.

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), or online at <http://www.dot.gov/privacy.html>.

Issued in Washington, DC, on January 30, 2012.

Michael W. Lestingi
Acting Director for the Office of Safety Assurance
and Compliance

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