



4910-06-P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petition for Modification to Waiver of Compliance

Docket Number FRA-2013-0057

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that by two letters dated April 2, 2014, Steam Into History (Steam) has petitioned the Federal Railroad Administration (FRA) for a modification to its existing waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR Part 215, Railroad Freight Car Safety Standards. FRA assigned the petition Docket Number FRA-2013-0057.

Specifically, Steam seeks additional relief from 49 CFR 215.303, *Stenciling of restricted cars*, which requires that restricted railroad freight cars be stenciled or marked in clearly legible letters with the letter “R” and a series of designated terms to indicate the basis for the restricted operation of the car.

The petition requests the addition of two freight cars, numbered NCR 630 and 127, to relief already granted for similar equipment. NCR 127 is a railroad flatcar being converted to a passenger car for tourist and excursion railroad service by the addition of seating, superstructures, and steps. NCR 630 is a caboose. Each of the Steam freight cars in the petition is more than 50 years of age, measured from the date of original construction, and these freight cars are also the subject of a parallel petition for Special

Approval for continued operation under 49 CFR 215.203(c). Therefore, Steam seeks a waiver of the requirement for stenciling contained in 49 CFR 215.303, as the railroad states that the stenciling would detract from both the aesthetic and historical nature of the reproduction vintage railcar equipment. As Steam's passenger equipment will operate in a limited area, Steam requests permission to keep documentation related to the restricted status of the equipment at its business office, similar to the conditions granted to other tourist and excursion railroads. Additionally, Steam petitions for relief from all of the requirements of 49 CFR Part 224, Reflectorization of Rail Freight Rolling Stock, as the railroad states that reflectorization would detract from both the aesthetic and historical nature of its reproduction vintage equipment.

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 document, if submitted on behalf of an association, business, labor union, etc.). See <http://www.regulations.gov/#!privacyNotice> for the privacy notice of regulations.gov or interested parties may review DOT's complete Privacy Act Statement in the Federal Register published on April 11, 2000 (65 FR 19477).

Issued in Washington, DC, on May 27, 2014.

Robert C. Lauby,
Associate Administrator for Railroad Safety
Chief Safety Officer

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