DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA-2019-0099]

Petition for Approval Extension: Norfolk Southern Railway Company

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

ACTION: Notice of petition for extension of approval of track inspection test program.

SUMMARY: This document provides the public notice that on July 19, 2021, Norfolk Southern Railway Company (NS) petitioned the Federal Railroad Administration (FRA) to extend an existing temporary suspension of some visual track inspections to allow for a continuation of a previously approved Test Program designed to test track inspection technologies (i.e., an autonomous track geometry measurement system) and new operational approaches to track inspections (i.e., combinations of autonomous inspection and traditional visual inspections).

FOR FURTHER INFORMATION CONTACT: Yu-Jiang Zhang, Staff Director, Track and Structures Division, at (202) 493-6460 or yujiang.zhang@dot.gov; or Aaron Moore, Attorney, Office of the Chief Counsel, at (202) 493-7009 or aaron.moore@dot.gov.

SUPPLEMENTARY INFORMATION:

On January 27, 2020, FRA conditionally approved the Test Program and NS’s petition under 49 CFR 211.51 to suspend §§ 213.233(b)(3) and 213.233(c) as applied to operations under the Test Program. A copy of the Test Program, FRA’s conditional approval of the Test Program, and a previously published Federal Register notice explaining FRA’s rationale for approving the Test Program and related suspension are
available for review in the docket.¹

As approved, the Test Program included three separate phases over 12 months as outlined in Exhibit C of the Program.² Accordingly, NS began the Test Program on March 16, 2020. However, FRA has approved extending the Test Program twice as requested by NS. Thus, the Test Program is currently set to expire on September 31, 2021.

On March 22, 2021, NS submitted a waiver petition³ to permit a reduced frequency of manual track inspections where an automated track geometry measurement system (ATGMS) is used at specific frequencies. The petition, which is similar to and based on information collected by Norfolk Southern during the Test Program, is pending FRA review.

NS is requesting to extend the Test Program until FRA issues a decision on the pending waiver petition or December 31, 2021, whichever is later. In support of its request, NS states that it will continue to comply with all other conditions and requirements of FRA’s January 27, 2020, approval letter.

A copy of the petition, as well as any written communications concerning the petition, if any, are available for review online at www.regulations.gov.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments.

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.

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¹ https://www.regulations.gov/document/FRA-2019-0099-0003 (Test Program);
https://www.regulations.gov/document/FRA-2019-0099-0001 (FRA’s approval decision);
Communications received by [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER] will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable. Anyone can 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.). Under 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at https://www.transportation.gov/privacy. See also https://www.regulations.gov/privacy-notice for the privacy notice of regulations.gov.

Issued in Washington, DC.

John Karl Alexy,

Associate Administrator for Railroad Safety,

Chief Safety Officer.

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