

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 parties desire an opportunity for oral comment and a public hearing, 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:

- **Website:** <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 Ave. SE, W12-140, Washington, DC 20590.
- **Hand Delivery:** 1200 New Jersey Ave. SE, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Communications received by March 16, 2020 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](http://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/privacyNotice> for the privacy notice of [www.regulations.gov](http://www.regulations.gov).

Issued in Washington, DC.

**John Karl Alexy,**

*Associate Administrator for Railroad Safety, Chief Safety Officer.*

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**DEPARTMENT OF TRANSPORTATION**

**Federal Railroad Administration**

[Docket No. FRA-2019-0099]

**Program Approval: Norfolk Southern Railway Company**

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

**ACTION:** Notice of approval.

**SUMMARY:** FRA is issuing this notice to explain its rationale for approving a Norfolk Southern Railway Company (NS) petition for a Test Program designed to test track inspection technologies (*i.e.*, an autonomous locomotive-mounted geometry measurement system and an automated optical system) and new operational approaches to track inspections and its rationale for granting a limited, temporary suspension of a substantive FRA rule that is necessary to facilitate the conduct of the Test Program.

**FOR FURTHER INFORMATION CONTACT:** Yu-Jiang Zhang, Staff Director, Track Division, Office of Railroad Safety, FRA, 1200 New Jersey Avenue SE, Washington, DC 20590, telephone (202) 493-6460 or email [yujiang.zhang@dot.gov](mailto:yujiang.zhang@dot.gov); Aaron Moore, Attorney, Office of Chief Counsel, FRA, 1200 New Jersey Avenue SE, Washington, DC 20590, telephone (202) 493-7009 or email [aaron.moore@dot.gov](mailto:aaron.moore@dot.gov).

**SUPPLEMENTARY INFORMATION:** On November 1, 2019, NS petitioned FRA under Title 49 Code of Federal Regulations (CFR) Section 211.51 to suspend certain requirements of FRA's track safety regulations to conduct a program to test new track inspection technologies (*i.e.*, an autonomous locomotive-mounted geometry measurement system and an automated optical system) and new operational approaches to track inspections. NS also submitted a written Test Program providing a description of the proposed tests and the geographic scope of the testing territory.

The Test Program specifies that the tests will be conducted on approximately 1,042 miles of main and siding tracks of the former Norfolk & Western route from Norfolk, Virginia to Portsmouth, Ohio on NS's Pocahontas Division.

The Test Program is designed to test autonomous locomotive-mounted geometry measurement systems and gradually decreased manual visual inspections as an alternative to FRA's inspection frequency requirements. NS

indicates that it will continue to use other inspection technologies during the Test Program, including (1) Sperry rail flaw and joint bar inspections, and (2) Vehicle/Track Interaction, a locomotive-based ride quality inspection system. The Test Program will be carried out in three separate phases over the course of one year as detailed in Exhibit C of the Test Program (available for review at [www.regulations.gov](http://www.regulations.gov) (docket number FRA-2019-0099)).

After review and analysis of NS's petition for a Test Program, subject to certain conditions designed to ensure safety, FRA approved NS's Test Program and suspended the requirements of 49 CFR 213.233(b)(3)<sup>1</sup> and (c) as necessary to carry out the Test Program. A copy of FRA's letter approving NS's Test Program and granting the requested limited temporary suspension of 49 CFR 213.233(b)(3) and (c), as well as a complete copy of the Test Program, is available in docket number FRA-2019-0099 at [www.regulations.gov](http://www.regulations.gov). FRA's letter approving NS's Test Program and granting the requested limited temporary suspension of certain regulations specifically details the conditions NS will need to undertake during the Test Program. As required by 49 CFR 211.51(c), FRA is providing this explanatory statement describing the Test Program.

As explained more fully in its approval letter, FRA finds that the temporary, limited suspension of 49 CFR 213.233(b)(3) and (c) is necessary to the conduct of the approved Test Program, which is specifically designed to evaluate the effectiveness of new automated track inspection technologies and operational methods. Furthermore, FRA also finds that the scope and application of the granted suspension of 49 CFR 213.233(b)(3) and (c) as applied to the Test Program are limited to that necessary to conduct the Test Program. Finally, FRA's approval letter outlines the conditions of the Test Program that will ensure standards sufficient to assure safety.

Issued in Washington, DC, on January 27, 2020.

**John Karl Alexy,**

*Associate Administrator for Railroad Safety, Chief Safety Officer.*

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<sup>1</sup> The suspension of 49 CFR 213.233(b)(3) only applies to Phase 3 of the Test Program.