

comments. All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Number PB-95-3 and must be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590. Communications received by January 17, 1996 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m. to 5 p.m.) in Room 8201, 400 Seventh Street SW., Washington, DC 20590.

Issued in Washington, DC on November 27, 1995.

Phil Olekszyk,

*Deputy Associate Administrator for Safety Compliance and Program Implementation.*

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**[FRA Docket No. RST-95-3]**

**Petition for Exemption or Waiver for Cant-Deficient Passenger Train Operation; New York State Department of Transportation**

In accordance with 49 CFR 211.41, notice is hereby given that the New York State Department of

Transportation (NYDOT) has submitted a petition, dated October 16, 1995, for a waiver of compliance with certain requirements of Title 49, Code of Federal Regulations, Part 213: Track Safety Standards.

The purpose of the petition is to secure approval from the Federal Railroad Administration (FRA) for the operation of certain types of passenger trains at curve negotiating speeds producing up to eight inches of cant deficiency (superelevation underbalance). Currently, section 213.57(b) of the Track Safety Standards limits cant deficiency to not more than three inches. (For a detailed discussion of cant deficiency, see 52 FR 38035, October 13, 1987). It is stated in the petition that: "The Petitioner represents the People of the State of New York and their interest in maximizing the efficiency and safety of the state's transportation system, to the benefit of the economy and general welfare."

The petition envisions the operation of modified, so-called Rohr RTL-2 "Turboliner" trainsets within the Empire Corridor, New York City to Niagara Falls. Tracks that would support this proposed train operating scenario are owned by Conrail, Metro North Commuter Rail and the National Railroad Passenger Corporation (Amtrak). The petition focuses attention on passenger rolling stock controlled by Amtrak.

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, the party 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 (e.g., Waiver Petition Number RST-95-3) and must be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, 400 Seventh Street, S.W., Washington, D.C. 20590. Communications received within 45 days of 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. All written communications concerning these proceedings are available for examination during regular business hours (9:00 a.m. to 5:00 p.m.) in Room 8201, 400 Seventh Street SW., Washington, D.C., 20590.

Issued in Washington, D.C. on November 20, 1995.

Phil Olekszyk,

*Deputy Associate Administrator for Safety Compliance and Program Implementation.*

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