

Crashworthiness Requirements,” in this section in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may obtain a copy of the incorporated standard from the Association of American Railroads, 50 F Street NW, Washington, DC 20001. You may inspect a copy of the incorporated standard at the Federal Railroad Administration, Docket Clerk, 1120 Vermont Ave., NW Suite 7000, Washington, DC 20590 or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html);

(2) Meeting new design standards and changes to existing design standards approved by FRA pursuant to § 229.207; or

(3) Meeting an alternative crashworthiness design approved by FRA pursuant to § 229.209.

(b) A monocoque or semi-monocoque design locomotive must be designed in accordance with the provisions of AAR S-580, applicable to those types of locomotives, in accordance with §§ 238.405(a), 238.409 and 238.411 of this chapter, or in accordance with a standard or design approved by FRA as providing at least equivalent safety.

(c) A narrow-nose locomotive must be designed in accordance with the provisions of AAR S-580, applicable to that type of locomotive (notwithstanding any limitation of scope contained in that standard) or in accordance with a standard or design approved by FRA as providing at least equivalent safety.

[71 FR 36912, June 28, 2006]

#### § 229.206 Design requirements.

Each locomotive used in occupied service must meet the minimum anti-climber, emergency egress, emergency interior lighting, and interior configuration design requirements set forth in AAR S-580 (incorporated by reference, see § 229.205).

[71 FR 36912, June 28, 2006]

#### § 229.207 New locomotive crashworthiness design standards and changes to existing FRA-approved locomotive crashworthiness design standards.

(a) *General.* The following procedures govern consideration and action upon requests for FRA approval of new locomotive crashworthiness design standards and changes to existing FRA-approved locomotive crashworthiness design standards, including AAR S-580 (incorporated by reference, see § 229.205). Only a standards body which has adopted an FRA-approved locomotive crashworthiness design standard may initiate these procedures for FRA approval of changes to the standard.

(b) *Petitions for FRA approval of new locomotive crashworthiness design standards.* Each petition for FRA approval of a locomotive crashworthiness design standard must be titled “Petition for FRA Approval of a New Locomotive Crashworthiness Design Standard,” must be submitted to the Associate Administrator for Safety, Federal Railroad Administration, 1120 Vermont Ave., NW., Mail Stop 25, Washington, DC 20590, and must contain the following:

(1) The name, title, address, telephone number and e-mail address of the primary person to be contacted with regard to review of the petition;

(2) The proposed locomotive design standard, in detail;

(3) The intended type of service for locomotives designed under the proposed standard; and

(4) Appropriate data and analysis showing how the proposed design standard either satisfies the requirements of § 229.205 for the type of locomotive design or provides at least an equivalent level of safety. Types of data and analysis to be considered are described in § 229.211(c)(1).

(c) *Petitions for FRA approval of substantive changes to an FRA-approved locomotive crashworthiness design standard.* Each petition for approval of a substantive change to an FRA-approved locomotive crashworthiness design standard must be titled “Petition for FRA Approval of Changes to a Locomotive Crashworthiness Design Standard,” must be submitted to the

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Associate Administrator for Safety, Federal Railroad Administration, 1120 Vermont Ave., NW., Mail Stop 25, Washington, DC 20590, and must contain the following:

(1) The name, title, address, telephone number and e-mail address of the primary person to be contacted with regard to review of the petition;

(2) The proposed change, in detail;

(3) The intended type of service for locomotives built with the proposed change; and

(4) Appropriate data and analysis showing how the resulting standard either satisfies the requirements for the type of locomotive set forth in § 229.205 or provides at least an equivalent level of safety. Types of data and analysis to be considered are described in § 229.211(c)(1).

(d) *Petitions for FRA approval of non-substantive changes to the existing FRA-approved crashworthiness design standards.* (1) Each petition for approval of a non-substantive change to an FRA-approved locomotive crashworthiness design standard must be titled "Petition for FRA Approval of Non-substantive Changes to a Locomotive Crashworthiness Design Standard," must be submitted to the Associate Administrator for Safety, Federal Railroad Administration, 1120 Vermont Ave., NW, Mail Stop 25, Washington, DC 20590, and must contain the following:

(i) The name, title, address, telephone number and e-mail address of the primary person to be contacted with regard to review of the petition;

(ii) The proposed change, in detail; and

(iii) Detailed explanation of how the proposed change results in a non-substantive change to the existing FRA-approved crashworthiness design standard.

(2) If FRA determines that the proposed change is substantive, FRA will process the petition in accordance with paragraph (c) of this section.

[71 FR 36912, June 28, 2006]

## § 229.209 Alternative locomotive crashworthiness designs.

(a) *General.* The following procedures govern consideration and action upon requests for FRA approval of locomotive crashworthiness designs which

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are not consistent with any FRA-approved locomotive crashworthiness design standard.

(b) *Petitions for FRA approval of alternative locomotive crashworthiness designs.* Each petition for FRA approval of an alternative locomotive crashworthiness design must be titled "Petition for FRA Approval of Alternative Locomotive Crashworthiness Design," must be submitted to the Associate Administrator for Safety, Federal Railroad Administration, 1120 Vermont Ave., NW, Mail Stop 25, Washington, DC 20590, and must contain the following:

(1) The name, title, address, telephone number and e-mail address of the primary person to be contacted with regard to review of the petition;

(2) The proposed locomotive crashworthiness design, in detail;

(3) The intended type of service for locomotives built under the proposed design; and

(4) Appropriate data and analysis showing how the design either satisfies the requirements of § 229.205 for the type of locomotive or provides at least an equivalent level of safety. Types of data and analysis to be considered are described in § 229.211(c)(1).

[71 FR 36913, June 28, 2006]

## § 229.211 Processing of petitions.

(a) *Federal Register notice.* FRA will publish in the FEDERAL REGISTER notice of receipt of each petition submitted under §§ 229.207(b), 229.207(c), or 229.209.

(b) *Comment.* Not later than 60 days from the date of publication of the notice in the FEDERAL REGISTER concerning a petition submitted under §§ 229.207(b), 229.207(c), or 229.209(b), any person may comment on the petition.

(1) Each comment must set forth specifically the basis upon which it is made, and contain a concise statement of the interest of the commenter in the proceeding.

(2) Each comment must be submitted to the U.S. Department of Transportation Central Docket Management System, Nassif Building, Room PL-401, 400 Seventh Street, SW., Washington, DC 20590, and must contain the assigned docket number which appeared