

DEPARTMENT OF TRANSPORTATION**Federal Railroad Administration****Notice of Safety Advisory**

AGENCY: Federal Railroad Administration (FRA), DOT.

ACTION: Notice of safety advisory.

SUMMARY: FRA is issuing Safety Advisory 99-1 addressing safety practices related to the lifting or jacking of railroad equipment in order to remove trucks or repair other components on a piece of railroad equipment which require individuals to work beneath railroad equipment while it is raised.

FOR FURTHER INFORMATION CONTACT: Ronald Newman, Motive Power & Equipment Staff Director, Office of Safety Assurance and Compliance, FRA, 400 Seventh Street, SW, RRS-14, Mail Stop 25, Washington, DC 20590 (telephone 202-493-6241), or Thomas Herrmann, Trial Attorney, Office of Chief Counsel, FRA, 400 Seventh Street, SW, RCC-12, Mail Stop 10, Washington, DC 20590 (telephone 202-493-6036).

SUPPLEMENTARY INFORMATION: Two recent instances involving a car under repair falling off its jacks have resulted in a total of three fatalities. Although investigation of both incidents is still being conducted, preliminary findings have indicated that the stability of the ground supporting the jacking device contributed to the cars falling. These events have highlighted the dangers of working under and around cars which are supported off of their trucks.

On February 26, 1999, a Union Pacific Railroad employee was fatally injured while performing a wheel set replacement on a loaded grain hopper. The incident occurred on a siding serving a grain elevator at Greensburg, Kansas, where the car had been set out after tripping a hot box detector. Two individuals were dispatched in a car repair truck with tools, equipment, and a spare wheel set to repair the car. Hydraulic jacks supported on wood blocks were used to lift the car. Preliminary investigation indicates that safety supports were not used and that during reassembly the individuals involved were attempting to get good alignment of the parts by using small jacks and pry bars and that the car became unstable and fell, pinning one of the individuals under one of the ladder grab irons and fatally injuring him. Preliminary investigation also suggests that one of the wood support pads may not have been sufficient to support the weight of the car due to soil conditions under it.

On March 18, 1999, a double fatal accident occurred on Grand Trunk Western Railroad on a repair track at East Yard, Hamtramck, Michigan, when a car supported on electro-hydraulic car jacks and safety supports fell and fatally injured two of the three individuals working under it. Although wooden jacking pads were used under the jacks, preliminary findings indicates that the earth under the jack at the A-end, L-position, may have collapsed and that the safety supports may have been ineffective.

Recommended Action

Railroads and car repair shops need to ensure that personnel responsible for jacking railroad cars are provided proper equipment, training, and adequate safety supervision, as well as stable ground on which to work. FRA recommends that the following safety precautions be taken in addition to use of mandated personal safety equipment and blue signal protection:

- *Site selection and weather awareness:* A car which is to be lifted should be on level track in an area where the ground under the jacks is solid. If the ground is not solid or if soil conditions are significantly different from one side of the track to the other jacking should not be attempted and the car should be moved before lifting. Frozen ground may be temporarily solid but care should be taken in case one side should be defrosted by the sun, which could cause the car to tip to that side. If high winds or other dangerous weather conditions exist or are expected before the car can be set back on its truck, lifting should not be attempted.

- *Equipment selection:* Capacity of car jacks and safety supports should be clearly marked and personnel should be trained in selection of the proper equipment for the job.

- *Equipment inspection:* Prior to each use, car jacks and safety supports should be visually inspected for cracks, bends, hydraulic leaks, or other abnormal conditions that could indicate impending failure. Employees should be trained in how to properly inspect the equipment.

- *Preparation for lifting:* Before attempting to lift a car, the ground under the planned location of the jacks should be checked for stability and covered with blocking to spread the load of the jacks, as needed. Wooden blocking or jacking pads large enough to spread the load over the ground should be used. Wheels that are not to be lifted should be chocked to prevent rolling, and wood or other heavy duty cushioning material should be placed

between the jack and the car to prevent slipping.

- *Angularity:* Jacks and safety supports should be set as close to vertical as possible. Deviation from vertical which is visible to the unaided eye should be corrected.

- *Safety supports:* While the car is being worked on or if it is to be left standing without a truck in place underneath it, safety supports which have been selected, inspected, and prepared as detailed above should be placed under the car, supporting weight.

- *Periodic inspection:* A periodic inspection program should supplement the visual inspection of the jacks and safety supports. Appropriate non-destructive testing should be a part of this periodic inspection.

- *Safety supervision:* Supervisory personnel at each facility should be tasked to ensure that the training and inspections recommended above are carried out in accordance with the intent of this safety advisory.

FRA may modify Safety Advisory 99-1, issue additional safety advisories, or take other appropriate necessary action to ensure the highest level of safety on the Nation's railroads.

Issued in Washington, DC on June 11, 1999.

George Gavalla,

Associate Administrator for Safety.

[FR Doc. 99-15252 Filed 6-15-99; 8:45 am]

BILLING CODE 4910-06-P

DEPARTMENT OF TRANSPORTATION**Federal Transit Administration****Environmental Impact Statement for the Proposed Wilmington Transit Connector, Wilmington, DE**

AGENCY: Federal Transit Administration, DOT.

ACTION: Notice of intent to prepare an Environmental Impact Statement.

SUMMARY: The Federal Transit Administration (FTA), as Federal lead agency, and the Delaware Transit Corporation (DTC), a division of the Delaware Department of Transportation (DelDOT), as local lead agency, in cooperation with the City of Wilmington (City) and the Wilmington Area Planning Council (WILMAPCO), intend to prepare an Environmental Impact Statement (EIS) on a proposed investment strategy to improve mobility among major destinations within the City. The EIS will be prepared in conformance with the National Environmental Policy Act (NEPA). The corridor under study is approximately

1.8 miles in length and 0.5 miles in width, and encompasses the major activity centers making up Wilmington's downtown. The planning horizon for the work will be 20 years with the year 2020 to be employed as the 'design year.'

1. The alternatives include: (1) A No Build Alternative: this alternative involves no change to transportation services or facilities in the Corridor beyond already committed projects; (2) Transportation Systems Management (TSM) Alternatives: these alternatives would optimize existing transportation facilities and operations with low-cost investments to meet the travel demand. Components of this alternative include selected pedestrian, roadway and bus service enhancements; (3) two types of build alternatives—dedicated bus or busway and fixed rail. Each build alternative will consider a range of technologies, routes/alignments, and service levels. Preliminary routes/alignments have been identified for consideration in each of four areas of the corridor beginning at the north end of the corridor, as follows:

Segment 1—4 alignments serving Rodney Square Transit hub in the north section;

Segment 2—2 north-south alignments in the central section of the corridor;

Segment 3—3 alignments serving the Amtrak station transit hub; and

Segment 4—3 alignments serving the cultural/entertainment district in the south Riverfront area.

Other alternatives or revisions to the above alternatives that arise through the scoping process will also be considered.

Scoping will be accomplished through correspondence and meetings with interested persons, organizations, and Federal, State, and local agencies. A public meeting will be held regarding this project on Tuesday, June 29, 1999 from 4 to 7 p.m. in Wilmington, Delaware. See ADDRESSES below. The project also will be included in the future meetings, workshops, and focus groups of the 'Wilmington Initiatives,' an element of the Metropolitan Transportation Plan (MTP) for the region, through which the public will have full and regular access to project information and opportunity to comment on the findings as they emerge. As part of the systems planning of the Wilmington Initiatives, two public meetings have been held on April 14 and May 19 to discuss a transit connector concept.

DATES:

Comment Due Date: Written comments on the alternatives to be considered and comparative

environmental impacts to be evaluated should be postmarked by August 2, 1999 and sent to the Delaware Transit Corporation or the Delaware Department of Transportation. See ADDRESSES below.

Scoping Meeting: A public scoping meeting will be held on Tuesday, June 29, 1999, from 4 to 7 p.m. at the Grand Opera House. See ADDRESSES below. The meeting will be held in an "open-house" format, and representatives of DTC/DelDOT, the City of Wilmington and WILMAPCO will be available to discuss the proposed project. Informational displays and written material will also be available. Provision to make written and verbal comments on the materials will be provided. The building in which the scoping meeting will be conducted is accessible to people with disabilities, and provisions will be made for the hearing impaired.

ADDRESSES: Written comments should be sent to:

Mr. Raymond C. Miller, Director,
Delaware Transit Corporation (DTC),
655 Bay Road, Suite 4G, Dover, DE
19901

or

Terry Fulmer, Manager of
Environmental Services, Delaware
Department of Transportation
(DelDOT), P.O. Box 778, Dover, DE
19903

The scoping meeting will be held as follows: Tuesday, June 29, 1999, From 4:00 p.m. to 7:00 p.m., Grand Opera House, Lower Level Function Room, 818 Market Street, Wilmington, Delaware 19801.

As mentioned above, there will also be provisions for written and verbal comments at the public meeting. People with special needs should contact: Doug Andrews, Delaware Transit Corporation (DTC), 400 S. Madison Street, Wilmington, DE 19801, (302) 577-3278 x3451.

FOR FURTHER INFORMATION CONTACT: John T. Garrity, Federal Transit Administration (FTA), Region III, 1760 Market Street, Suite 500, Philadelphia, PA 19103-4124, (215) 656-7100.

SUPPLEMENTARY INFORMATION:

I. Scoping

FTA and the DTC/DelDOT, along with the City and WILMAPCO, invite interested individuals, organizations, and Federal, State, and local agencies to participate in defining transportation alternatives to be evaluated in the EIS and in identifying social, economic, or environmental issues related to the alternatives. An information packet describing the Wilmington Transit

Connector, the study area, the proposed alternatives, and the impact areas to be evaluated are being mailed to affected Federal, State, and local agencies. Other interested parties may request the scoping materials by contacting Mr. Raymond C. Miller, Director of the Delaware Transit Corporation. See ADDRESSES above.

During scoping, comments should focus on identifying social, economic, or environmental impacts to be evaluated and suggesting alternatives that meet identified mobility needs in a cost-effective manner. However, scoping is not the appropriate time to indicate a preference for a particular alternative. Comments on preferences should be communicated after the scoping, during and immediately after the development of Alternatives Analysis Draft EIS. If you wish to be placed on the mailing list to receive further information as the project develops, contact Mr. Raymond C. Miller, Director of the Delaware Transit Corporation. See ADDRESSES above.

II. Description of Study Area and Project Need

The study area extends from 14th Street in the north to Walnut Street on the east, along the Christina River in the southwest, to the Conrail rail tracks to the south, I-95 on the west, to 2nd Street east to Washington Street, joining 14th Street. The corridor is approximately 1.8 miles long and 0.5 miles wide. The corridor encompasses the major activity centers making up Wilmington's downtown and the developing riverfront entertainment district:

1. Substantial Office Core: Currently there are 8 million square feet of single-tenant and 4.2 million of square feet of multi-unit tenant office space in downtown Wilmington.

2. Downtown Retail Areas: Downtown Wilmington contains approximately 200,000 square feet of retail space.

3. Cultural Facilities: Cultural facilities include the Grand Opera House, the Dupont Playhouse, the Delaware Theatre Company, the Delaware Historical Society, Opera Delaware, the Christina Cultural Arts Center and the First USA Riverfront Arts Center. Wilmington's cultural attractions generate at least half a million visitors per year today.

4. Higher Education Facilities: Seven educational institutions with a current enrollment of 4,000 students are located in the corridor.

5. Hotels: Five hotels, with close to 850 rooms, generate approximately 230,000 guests per year today.

This area is the transportation hub of the region and is traversed by intercity rail, bus and highway networks extending up and down the northeast corridor of the United States. The corridor accounts for approximately 20% of the State of Delaware employment and 64% of the City's workforce.

The need for the project arises from three considerations: distances between major activity centers, constrained access to several of these activity centers, and planned economic development that is constrained by transportation access. First, Wilmington's corporate offices, retail, educational, cultural and entertainment centers are dispersed along most of the corridor. A major travel market for a transit service is the office employment in this corridor. However, employment sites are spread out over a length of about one mile (Christina Gateway Complex between 2nd and 4th Streets at Walnut and the Rodney Square/Delaware Avenue area (north of 9th Street). Supportive land uses of retail and entertainment are generally separated from these concentrations by more than the typical one to three block distance that workers will walk at lunch time or after work. Considering current and projected (year 2006) employment approximately 1,700 trips per day would be generated for reliable transit service in this corridor. Other identified markets for transit in this corridor include: riverfront attractions and jobs (1,850 potential trips), commuting to and from train station (300 trips) and trips to and from educational facilities (100 trips).

Second, access to the rapidly developing entertainment, cultural, and retail centers on the riverfront is constrained by the northeast corridor viaduct, I-95, and the river. Patrons arriving at the train station in the middle of the corridor have limited options for getting to the new Exhibition center or retail due to these barriers and their effect on street configuration and connection. While the Downtown Circuit bus connects these two locations, the route is circuitous and subject to traffic delays. Use of an abandoned rail corridor, now owned by the state presents one of the few options for increased capacity and reliability of transit service.

Finally, the study corridor contains the City's major office, retail, hotel, transportation, cultural and educational facilities, and more is coming. Office facilities include several corporate headquarters and Federal and State office complexes. Entertainment/retail facilities have expanded along the

riverfront and more is on the drawing boards. Hotels include the Hotel DuPont, a national historic landmark and national chains such as Wyndham, Marriott and Sheraton. A new hotel and residential apartments were announced in early 1999. A "Shipyard Shops" retail complex opened on the riverfront in May 1999. A rejuvenated retail area on southern Market Street called "Ship's Tavern District" breaks ground in May 1999. The study corridor also includes a judicial complex currently under construction at Fourth and King Streets. The Wilmington train station, with AMTRAK and regional rail facilities, serves as a major transit hub in the middle of the corridor; with Rodney Square, the transit hub in the northern segment. A major challenge of this study is how to efficiently serve these facilities and limit traffic and parking impacts. A high quality transit service in this corridor would allow implementation of a park-once policy, so that internally generated traffic and land devoted to parking would be minimized.

Also at issue is the need to link workers to the new jobs. To accomplish this will require better transit service between the train station and riverfront developments and between in-town neighborhoods and the new employment centers in the corridor.

III. Alternatives

Among the alternatives that the Alternatives Analysis and DEIS will evaluate are:

1. No Build Alternative: this alternative involves no change to transportation services or facilities in the Corridor beyond projects already committed for construction in the regional transportation improvement program and state capital improvement program.

2. Transportation Systems Management (TSM) Alternatives: these alternatives would optimize existing transportation facilities and operations with low-cost investments to meet the travel demand and improve safety. Components of this alternative will include selected pedestrian, roadway and bus service enhancements.

3. Fixed Guideway Alternatives: fixed guideway alternatives will include dedicated busway and rail alternatives, employing a combination of existing streets and former rail right-of-way. A range of specific alignments will be considered.

It is expected that the public scoping process and written comments will be a major source of additional candidate alternatives for consideration in the study. The types of transportation

alternatives suggested in prior studies for consideration in this corridor includes Transportation Systems Management (TSM) options such as changes in transit routes, fares, and equipment, parking enforcement, and traffic operational changes. Major capital improvements considered have included both rubber-tire trolley and rail transit alternatives.

The alternatives to be evaluated in the EIS will be based on an element of the Metropolitan Transportation Plan (MTP) for the region, known as the Wilmington Initiatives. The transit element of the Initiatives is defined by six analyses:

- Rummel, Klepper & Kahl Consulting Engineers, Parsons Brinkerhoff, and Richard H. Pratt, Consultant, Inc. Regional Rail Study Phase III: Transit Opportunities Along Rail Corridors Within Northern New Castle County "Initial Feasibility Assessment: 6 Corridors". Delaware Department of Transportation, 1996.
- Johnson, Mirmiran & Thompson. Downtown Wilmington Transportation Study: Draft Technical Report, Downtown Circulation Study. 1997.
- TransManagement, Inc. Downtown Wilmington Land Use and Development Capacity Assessment. 1997.
- SG Associates, Inc. Wilmington Transportation Studies Transit Shuttle Feasibility Analysis. 1998.
- SG Associates, Inc. Wilmington Transportation Studies Transit Downtown Free Fare Zone Feasibility Analysis. 1998.
- Kimley-Horne and Associates, Inc. Wilmington 2000 Streetcar Conceptual Study. 1998.

These analyses may be reviewed at the Delaware Transit Corporation, 400 Madison Street, Wilmington; WILMAPCO, 850 Library Avenue, Suite 100, Newark, the Wilmington Institute Public Library at 10th & Market Streets, Wilmington [or obtained from Doug Andrews, Delaware Transit Corporation]. See ADDRESSES above.

IV. Factors To Be Evaluated

FTA and the DTC/DelDOT, along with the City and WILMAPCO, will evaluate the social, economic, and environmental impacts of the alternatives under consideration. Among the primary transportation issues to be evaluated are the expected increase in transit ridership, including recreational and work trips and the expected increased need for mobility for the transit dependent population. The support of the region's air quality goals, economic benefits, satisfying overall transportation needs of the corridor, capital outlays needed to construct the project, cost of operating and

maintaining the facilities created by the project, and the financial impacts on the funding agencies will all be considered. Potentially affected environmental and social resources to be evaluated include, land use and neighborhood impacts, residential and business displacements and relocations, impacts on historic properties and districts, traffic and parking impacts near stations and along the alignments, economic development potential, visual impacts, impacts on cultural resources, and impacts on parklands. Impacts on archaeological resources, air quality, water quality, wetlands and noise will also be considered. New information will be gathered and detailed studies on these subjects will be conducted as necessary. Existing findings about the presence of sites containing hazardous materials will be summarized and utilized; additional studies will be done as necessary. The environmental impacts will be evaluated both for the construction period and for the long-term period of operation. Measures to mitigate adverse impacts will be considered.

V. FTA Procedures

In accordance with the regulations and guidance established by the Council on Environmental Quality, as well as with 23 CFR 450 and 23 CFR 771 of the FTA/Federal Highway Administration planning and environmental regulations and policies, an Alternatives Analysis/Draft EIS (DEIS) will include an evaluation of the social, economic, and environmental impacts of the alternatives and will review alternatives on the basis of conceptual design. The EIS will also comply with the requirements of the Clean Air Act Amendments of 1990 (CAAA) and with the Executive Order 12898 on Environmental Justice. After its preparation, the Alternatives Analysis/DEIS will be available for public and agency review and comment and a public hearing will be held. On the basis of the Alternatives Analysis/DEIS, and the comments received, the City will select a locally preferred alternative for a major investment strategy.

The locally preferred alternative will then be reaffirmed by the MPO for inclusion into the Metropolitan Transportation Plan and the Transportation Improvement Program (TIP). Following this action, the DTC / DelDOT will request FTA authorization to initiate preliminary engineering and to proceed with needed additional environmental studies prior to issuance of a Final EIS.

Issued on: June 11, 1999.

Sheldon A. Kinbar,

Regional Administrator, Federal Transit Administration, Region III.

[FR Doc. 99-15321 Filed 6-15-99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-99-5800; Notice 1]

Cosco, Inc.; Receipt of Application for Decision of Inconsequential Noncompliance

Cosco, Incorporated, of Columbus, Indiana, has determined that a number of child restraint systems fail to comply with 49 CFR 571.213, Federal Motor Vehicle Safety Standard (FMVSS) No. 213, "Child Restraint Systems," and has filed an appropriate report pursuant to 49 CFR Part 573, "Defects and Noncompliance Reports." Cosco has also applied to be exempted from the notification and remedy requirements of 49 U.S.C. Chapter 301—"Motor Vehicle Safety" on the basis that the noncompliance is inconsequential to motor vehicle safety.

This notice of receipt of an application is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgement concerning the merits of the application.

FMVSS No. 213, S5.5.2.(k), requires that each add-on child restraint system designed to be used rear facing must have a label that warns the consumer not to place the rear-facing child restraint system in the front seat of a vehicle that has a passenger side air bag, and a statement that describes the consequences of not following the warning. These statements must be on a red, orange, or yellow contrasting background, and placed on the restraint so that it is on the side of the restraint designed to be adjacent to the front passenger door of a vehicle and is visible to a person installing the rear-facing child restraint system in the front passenger seat.

Cosco has notified the National Highway Traffic Safety Administration that between March 31, 1999 and April 7, 1999, it manufactured 815 Arrive Infant Child Restraints, Model 02-729-TED, that do not have the air bag warning label required in S5.5.2(k) of FMVSS 213. During this time period, one of the production lines used by Cosco to produce the Arriva model used pads for the Canadian version of this child restraint which do not incorporate

the air bag warning label required by FMVSS 213.

Cosco supports its application for inconsequential noncompliance with the following:

Cosco contends this noncompliance is inconsequential as it relates to motor vehicle safety. A notice and remedy campaign ("recall") would not serve any safety related purpose and would in fact, cast doubt in the minds of the consumer as to the effectiveness of child restraints. We believe the low number of units involved (815) combined with the enormous publicity given to the warning label issue, rear-facing seats in air bag locations, and given the fact the instructions and unit labels do warn to the consumer about this misuse do not warrant a recall.

To reiterate, Cosco does not believe this noncompliance warrants a recall. The Agency, child restraint manufacturers and child passenger safety advocates are all aware of the negative impacts of recalls resulting from technical noncompliance. The two primary negative effects are, the public, because of the number and frequency of such recalls, pays no attention to recalls that in fact do in a practical way affect child passenger safety. In addition, the public upon seeing the number of recalls, concludes child restraints currently available are unsafe and therefore declines to use them. The Agency is aware and, in fact, has publicly advised consumers to use child restraints which have defects or noncompliances that have resulted in recalls until such child restraints can be corrected. This is in recognition of the fact that technical noncompliance does not compromise the overall effectiveness of child restraints. In the event a recall is ordered for the noncompliance which has been identified, both of the effects described will impact consumers negatively.

In conclusion, Cosco submits reasonable evaluation of the facts surrounding this technical noncompliance will result in the decision that no practical safety issue exists.

Interested persons are invited to submit written data, views, and arguments on the application of Cosco described above. Comments should refer to the docket number and be submitted to: U.S. Department of Transportation Docket Management, Room PL-401, 400 Seventh Street, SW, Washington, DC 20590. It is requested, but not required, that two copies be submitted.

All comments received before the close of business on the closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date, will also be filed and will be considered to the extent possible. When the application is granted or denied, the notice will be published in the **Federal Register** pursuant to the authority indicated below.

Comment closing date: July 16, 1999. (49 U.S.C. 30118 and 30120; delegations of authority at 49 CFR 1.50 and 501.8)