

b. Comments on the Guidance Itself

i. *Two commentors made specific recommendations on methodology in the BCA guidance regarding the structure of the base case, increasing the cap on average delay, estimation of landside delay, and explicitly identifying in the BCA guidance those items which cannot be revised (i.e., discount rate, values of live, injury, and time)*

The FAA partially concurs.

There are four aspects to this comment:

(1) The base case should be realistic and meet project objectives. The FAA believes that the interim BCA guidance on the role of the base case should not be changed. The base case represents best practices at the airport short of a major initiative. As such, the base case may not accomplish, or fully accomplish, the specific objective(s) of a major initiative (project), such as to reduce delay from current levels. Rather, the base case may at best hold average delay at a constant level per operation or cause it not to worsen as severely as it would in a "do nothing" approach. Similarly, an objective such as accommodating larger and more efficient aircraft at the airport may not be possible short of a major pavement initiative. Thus, the base case should not be held to the standard of "meeting" objectives of a major initiative.

To prevent future confusion, the second sentence of Section 6 in the interim guidance will be replaced with the following: "Ideally, the reference point should be the optimal cause of action compatible with the specified project objectives that would be pursued in the absence of a major initiative. However, in most instances, the base case will not fully meet the objectives specified for the potential project."

(2) The cap on average delay should be increased from 15 minutes to 20 minutes and methods should be discussed to assess additional benefits for those alternatives which do accommodate demand. The FAA has reviewed actual delay data at one of the nation's largest and most delayed airports. Based on that data, the FAA agrees that the cap on average delay should be increased from 15 minutes to 20 minutes and has changed the BCA guidance to reflect this. Capping delay applies to all alternatives under consideration which otherwise would exceed the cap.

The BCA guidance is very extensive and considers all benefits for which the FAA has identified a credible method for measurement. However, if there are benefits that the BCA guidance does not

cover, the airport sponsor has wide latitude in including them in its BCA. The FAA is willing to consider any credible methods for assessing additional aviation related benefits and is willing to consider modifying the BCA guidance to include these methods.

(3) Methods of estimating landside delay may lead to suboptimal decisions. The FAA is willing to consider any reasonable approach for quantifying landside delay issues, including passenger convenience, and modifying the BCA guidance to include these methods.

Typically, discretionary funding for terminal buildings is limited to non-hub primary and non-primary commercial service airports. In all likelihood, a BCA for a terminal building project at such an airport would not cover work items such as people-mover systems, consequently passenger transit time versus passenger walking distances would not be evaluated. However, in some cases, particularly where an airside facility such as an apron or taxiway is an integral part of a terminal improvement, a BCA of integrated terminal facility may be a necessary component of the BCA to support AIP funding of the apron or taxiway. In this case, the FAA would be willing to consider any reasonable approach to quantifying passenger convenience associated with a moving sidewalk or other facilities to enhance passenger flows.

(4) Those items which cannot be revised (i.e., discount rate, values of life, injury, and time) should be explicitly identified in the BCA guidance. A paragraph has been added to "Section 5: Assumptions" identifying those items which cannot be revised.

ii. *Two commentors indicated that treatment of "induced demand" should be dropped from the guidance or its inclusion made optional.*

The FAA concurs. "Section 12: Adjustment of Benefits and Costs for Induced Demand" has been made optional and moved to Appendix C of the BCA guidance.

c. Comments on FAA Forecasts of Enplanements and Operations

The FAA received no comments on FAA forecasts of enplanements and operations. However, the FAA notes that sponsors must use consistent forecast data in all planning and environmental studies of the project, including the BCA.

Issued in Washington, DC, on November 24, 1999.

Catherine M. Lang,

Director, Office of Airport Planning and Programming.

John M. Rodgers,

Director, Office of Aviation Policy and Plans.

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DEPARTMENT OF TRANSPORTATION**Federal Railroad Administration****Petition for Waiver of Compliance**

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received a request for waiver of compliance with certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

Canadian Pacific Railway (Waiver Petition Docket Number FRA-1999-5894)

Canadian Pacific Railway (CP) seeks a permanent waiver of compliance with certain provisions of the Locomotive Safety Standards, 49 CFR 229.29(a), concerning the time interval requirements of the periodic cleaning, repairing and testing of locomotive air brake components for all of its locomotives operating in the United States equipped with 26L type brake equipment. FRA currently permits railroads to operate locomotives equipped with 26L type brakes for periods not to exceed 1,104 days before performing the testing and inspection required by 49 CFR 229.29(a).

CP has been testing this 48 month extended cleaning interval in a joint effort with Transport Canada under FRA waiver LI-88-4A. CP has published the final test results, which CP claims indicate that 26L type brakes can be safely operated on a 48 month schedule provided there is a maintenance program in place to prevent moisture and contaminants from entering the brake valves. CP further claims that the test results are supported by records which indicate that since 1992, CP has not experienced a train accident as the result of a malfunction of the 26L brake system or its sub components.

A report issued in April 1997 by the Rail Safety Directorate, Transport Canada, indicated that the overall test was successful, however, four

problematic valves were identified, the SA 26 independent brake valve, the 26C brake valve, the P2A brake application valve, and the A1 charging valve. Due to the problems, it was recommended that these components stay on a 36 month interval until further testing was accomplished and evaluated. Further controlled evaluation of the four problematic valves was performed on a group of ten locomotives. At the conclusion of this testing, it was determined that due to reliable filtration and expulsion of contaminants from the air system, along with improved trouble shooting methods, all exceptions to these valves have been corrected.

Based on all of the test programs, Transport Canada, in a letter dated May 11, 1999, approved CP's request to extend the inspection interval from 36 to 48 months for 26L type brake equipment with the following provisions:

- ◆ Air compressors be maintained in accordance with recommended practices;
- ◆ There are effective inspections in place to oversee that the compressor is functioning effectively;
- ◆ Employees are trained and qualified to carry out their specific tasks effectively;
- ◆ Systems for the discharge or removal of moisture such as automatic drain valves and air dryers are maintained to function effectively.

CP would like approval for this request to harmonize regulatory standards and permit the continued interchange of locomotives and railway commerce between Canada and the United States as contemplated by the NAFTA accord.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling public hearings in connection with these proceedings since the facts do not appear to warrant hearings. If any interested party desires an opportunity for oral comment, 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 (e.g., Waiver Petition Docket Number 1999-5894) and must be submitted to the Docket Clerk, DOT Docket Management Facility, Room PL-401 (Plaza Level), 400 7th Street, S.W., Washington, D.C. 20590. Communications received within 45 days of the date 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 a.m.-5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's web site at <http://dms.dot.gov>.

Issued in Washington, D.C. on December 9, 1999.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received a request for a waiver of compliance with certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

Long Island Rail Road Company (Waiver Petition Docket Number FRA-1999-6372)

The Long Island Rail Road Company (LIRR) is seeking a temporary waiver of compliance with the Passenger Equipment Safety Standards, 49 CFR Part 238.113, which requires that effective November 8, 1999, each passenger car have a minimum of four emergency window exits.

LIRR requests a time extension until December 31, 2001, to bring its M-1 fleet into compliance. They state that the remainder of 1999 will be used to prototype the three different types of windows that will be needed. LIRR also states that the retrofitting will be accomplished on a three year cycle with one third of the fleet being modified per year.

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, 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 (e.g., Waiver Petition Docket Number 1999-6372) and must be submitted to the Docket Clerk, DOT Docket Management Facility, Room PL-401 (Plaza Level), 400 7th Street, S.W., Washington, D.C. 20590. Communications received within 45 days of the date 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 a.m.-5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's web site at <http://dms.dot.gov>.

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Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received a request for a waiver of compliance with certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

Northeast Illinois Railroad Corporation (Metra); (Waiver Petition Docket Number FRA-1999-6363)

Metra seeks a permanent waiver of compliance with the Passenger Equipment Safety Standards, 49 CFR Part 238.235, which requires that by December 31, 1999, each power operated door that is partitioned from the passenger compartment shall be equipped with a manual override adjacent to that door. Metra requests that the waiver be granted for 165 electric multiple unit passenger cars (EMU's) equipped with double leaf power operated side doors. Metra states that one of each of the double leaf