

during this period. In making a waiver determination, the FAA will consider a significant number of cancellations during those periods because of weather at a destination airport.

#### FAA Decision

In consideration of the foregoing, ATA's request for a grant of waiver is DENIED. Carriers who were uniquely affected by winter weather during January and February 2011 may request a limited grant of waiver. However, any request must detail the hardship caused by the snowstorms and demonstrate that hardship was not caused or exacerbated by underutilization of allocated slots. The FAA will carefully consider these individual requests for waiver.

Issued in Washington, DC on March 28, 2011.

**J. David Grizzle,**  
*Chief Counsel.*

[FR Doc. 2011-8281 Filed 4-6-11; 8:45 am]

BILLING CODE 4910-13-P

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Notice of Intent to Rule on Request To Release Airport Property at the Northeast Philadelphia Airport (PNE), Philadelphia, PA

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of request to release airport property.

**SUMMARY:** The FAA proposes to rule and invite public comment on the release of land at the Northeast Philadelphia Airport, Philadelphia, Pennsylvania under the provisions of Section 47125(a) of Title 49 United States Code (U.S.C.).

**DATES:** Comments must be received on or before May 9, 2011.

**ADDRESSES:** Comments on this application may be mailed or delivered to the following address: Joseph F. Messina, Divisional Deputy City Solicitor, City of Philadelphia Law Department, Transportation Division, One Parkway, 1515 Arch Street, Philadelphia, PA 19102-1595 and at the FAA Harrisburg Airports District Office: Lori K. Pagnanelli, Manager, Harrisburg Airports District Office, 3905 Hartzdale Dr., Suite 508, Camp Hill, PA 17011.

**FOR FURTHER INFORMATION CONTACT:** Lori Ledeborn, Community Planner, Harrisburg Airports District Office location listed above.

The request to release property may be reviewed in person at this same location.

**SUPPLEMENTARY INFORMATION:** The FAA invites public comment on the request to release property at the Northeast Philadelphia Airport under the provisions of Section 47125(a) of Title 49 U.S.C. On March 28, 2011, the FAA determined that the request to release property at the Northeast Philadelphia Airport submitted by the City of Philadelphia (City) met the procedural requirements.

The following is a brief overview of the request:

The City requests the release of real property, totaling 3.5 acres, of aeronautical airport property, to Biagio DeSimone. The land was originally purchased with City funds in 1945. The purpose of the release is to sell the land that was airport property to Biagio DeSimone, the current tenant. The property is located at 11295 E. Roosevelt Boulevard. The Parcel is currently leased to a tenant operating as a dealership and is improved with a 6,225 square foot building being used by the tenant in the operation of its automobile dealership and a gravel parking lot for customers of the dealership. The Parcel is not contiguous to the area being operated as the Northeast Philadelphia Airport. The subject land does not serve an aeronautical purpose and is not needed for airport development, as shown on the Airport Layout Plan. All proceeds from the sale of property are to be used for the capital development of the airport. Fair Market Value (FMV) will be obtained from the land sale and reinvested back in the airport.

Any person may inspect the request by appointment at the FAA office address listed above. Interested persons are invited to comment on the proposed release from obligations. All comments will be considered by the FAA to the extent practicable.

Issued in Camp Hill, Pennsylvania, April 1, 2011.

**Lori K. Pagnanelli,**

*Manager, Harrisburg Airports District Office.*

[FR Doc. 2011-8268 Filed 4-6-11; 8:45 am]

BILLING CODE 4910-13-P

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### Safety Advisory 2011-01

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

**ACTION:** Notice of Safety Advisory; equipment fouling adjacent tracks.

**SUMMARY:** FRA is issuing Safety Advisory 2011-01 to remind each

railroad and railroad employees of the importance of compliance with Federal regulations and railroad operating rules regarding rolling equipment being left in a location that is clear of any adjacent tracks. This safety advisory contains various recommendations to railroads to ensure that this issue is addressed by appropriate policies and procedures, and receives employee compliance.

**FOR FURTHER INFORMATION CONTACT:** Ron Hynes, Director, Office of Safety Assurance and Compliance, Office of Railroad Safety, FRA, 1200 New Jersey Avenue, SE., Washington, DC 20590, telephone (202) 493-6404; or Joseph St. Peter, Trial Attorney, Office of Chief Counsel, FRA, 1200 New Jersey Avenue, SE., Washington, DC 20590, telephone (202) 493-6047.

**SUPPLEMENTARY INFORMATION:** The overall safety of railroad operations in the area of equipment securement and protection has improved in recent years. However, two recent fatal incidents highlight the need to review and adhere to existing Federal regulations and railroad operating rules pertaining to rolling equipment being left in a location that is clear of any adjacent tracks.

On May 18, 2005, the Railroad Safety Advisory Committee (RSAC) authorized the RSAC Operating Rules Working Group to address eight human factors (HF) train accident report cause codes that were attributed to nearly half (47 percent) of all HF-caused train accidents nationwide. On February 13, 2008, FRA published a final rule addressing those HF causes, which was codified at Title 49 Code of Federal Regulations (CFR) Part 218, Subpart F (Subpart F). Two of those eight HF cause codes, H301 and H302, were designated for rolling equipment left out to foul. From 2005 to 2010, HF-caused train accidents, attributed to these two cause codes, were reduced by 66 percent. Unfortunately, despite that overall improvement, the rail industry experienced two recent railroad employee fatalities that appear to have been related to equipment being left in a location where it fouled an adjacent track.

#### Recent Incidents

The following is a discussion of the circumstances surrounding two recent fatal incidents, and is based only on FRA's preliminary investigations. The incidents are still under investigation by FRA. The causes and contributing factors, if any, have not yet been established. Therefore, nothing in this safety advisory is intended to attribute a cause to the incidents or place

responsibility for the incidents on the acts or omissions of any person or entity.

Two railroad employees, while each riding the side of rolling equipment to protect a shoving movement, were fatally injured (in separate incidents) when the equipment they were riding struck other equipment that was left out to foul. A common factor in both accidents was that the equipment was left in a location where it fouled an adjacent track by the very employees who were involved in the incidents.

The first incident occurred on September 2, 2010, in Bridgeport, New Jersey, when a conventional two-person switching crew was shoving rolling equipment into an industrial facility. The locomotive engineer was in the locomotive control compartment and the conductor was positioned on the leading end of a tank car directing the shoving move. The conductor had one foot on the end platform and the other on the side ladder tread as he began to pass a tank car that he had spotted at that location the previous day. Unfortunately, the car had been left in the foul of the adjacent track and the cars struck each other; the conductor sustained fatal injuries.

The second incident occurred on February 8, 2011, in Kankakee, Illinois. A conventional switching crew that consisted of a conductor, engineer, and a conductor-in-training was switching cars on a switching lead track and using various other yard tracks. The crew had left a car on one of the yard tracks in a location where it was in the foul of an adjacent track. Shortly thereafter, the conductor and conductor-in-training boarded opposite sides of the leading end of a gondola car and began a shoving movement. Subsequently, the side of the gondola on which the conductor was riding struck the car that was previously left in the foul of the adjacent track. The conductor was crushed between the two cars and sustained fatal injuries.

Although the preponderance of incidents involving equipment that is left in the foul of an adjacent track fortunately only result in railroad property damage, the potential for injury or death in such instances is always present. By issuing this safety advisory, FRA is reminding all stakeholders of the importance of situational awareness and compliance with all applicable operating and safety rules, particularly those related to leaving rolling equipment in a location that is clear of adjacent tracks.

*FRA Action:* Despite the significant reduction in train accidents caused by equipment being left in the foul of an

adjacent track, a review of FRA's inspection data relative to 49 CFR 218.101 indicates a disturbing trend. From calendar year (CY) 2009 to CY 2010, violations of 49 CFR 218.101 recommended for prosecution by FRA inspectors increased 124 percent. Based on the results of inspection data for the first 2 months of 2011, if trends continue, violations recommended for prosecution in 2011 versus 2010 would increase by an additional 81 percent. Whether the increase in violations is due to greater vigilance by FRA or is due to an actual increase in the number of instances where equipment is being left in such locations, FRA intends to ensure that railroads take necessary steps to prevent and reduce the potential trend indicated by the statistics noted above.

Over the next several months, FRA intends to increase its inspection activity to focus on compliance with railroad operating rules that address all of the requirements contained in Subpart F. Particular emphasis will be placed on the requirements contained in 49 CFR 218.101. FRA will also focus its inspection efforts on railroad operational testing activity, particularly as it relates to Subpart F. FRA strongly encourages railroad industry members to reemphasize the importance of leaving equipment in the clear as frequently as possible, and to take such other actions as may help ensure safety on the Nation's railroads.

*Recommended Railroad Action:* In light of the recent accidents discussed above, and in an effort to maintain the safety of railroad employees on the Nation's rail system, FRA recommends that railroads:

- (1) Review with employees the circumstances of the two most recent fatal incidents;
- (2) Reinstruct supervisors and employees on the operating and safety rules applicable to leaving rolling equipment in a location that is clear of adjacent tracks. Particular emphasis should be placed on the procedures that enable employees to identify clearance points and the means to identify locations where clearance points will not permit a person to safely ride on the side of a car;
- (3) Increase operational testing on those operating and safety rules that pertain to leaving rolling equipment in a location that is clear of adjacent tracks; and
- (4) Review current job briefing procedures among coworkers and determine if the procedures are sufficient to encourage more effective communication regarding switching activities, specifically as the procedures

relate to the positioning of rolling equipment so that the equipment is in a location that is clear of adjacent tracks.

FRA encourages railroad industry members to take action that is consistent with the preceding recommendations and to take other actions to help ensure the safety of the Nation's railroad employees. FRA may modify this Safety Advisory 2011-01, issue additional safety advisories, or take other appropriate action necessary to ensure the highest level of safety on the Nation's railroads, including pursuing other corrective measures under its rail safety authority.

Issued in Washington, DC, on April 1, 2011.

**Jo Strang,**

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

[FR Doc. 2011-8232 Filed 4-6-11; 8:45 am]

**BILLING CODE 4910-06-P**

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## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

#### **Intent To Prepare an Environmental Impact Statement for the Downtown San Francisco Ferry Terminal Expansion Project in the City and County of San Francisco, CA**

**AGENCY:** Federal Transit Administration (FTA), DOT.

**ACTION:** Notice of intent to prepare an environmental impact statement (EIS).

**SUMMARY:** The FTA, as the lead Federal agency, and the San Francisco Bay Area Water Emergency Transportation Authority (WETA) are planning to prepare an EIS for the proposed expansion and improvements to the Downtown San Francisco Ferry Terminal at the Port of San Francisco Ferry Building. The proposed project would serve commuters, visitors, and recreational users desiring an alternative way to cross San Francisco Bay, and reach nearby employment, entertainment, and recreational destinations in San Francisco. The project expands the number of ferry gates and improves ferry patron circulation, boarding, and wayfinding in and around the Ferry Building. In addition, the project enhances emergency response capabilities to evacuate people from San Francisco and/or mobilize first responders to San Francisco via ferries if a catastrophic event occurs. The EIS will be prepared in accordance with Section 102(2)C of the National Environmental Policy Act of 1969 (NEPA) and pursuant to the Council on the Environmental Quality's