



## **DEPARTMENT OF TRANSPORTATION**

### **Federal Railroad Administration**

**[Docket Number FRA-2006-25764]**

#### **Petition for Waiver of Compliance**

Under part 211 of Title 49 Code of Federal Regulations (CFR), this provides the public notice that by a letter dated December 21, 2017, Union Pacific Railroad Company (UP) petitioned the Federal Railroad Administration (FRA) for an extension of its waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR 232. FRA assigned the petition Docket Number FRA-2006-25764.

UP originally received conditional relief in 2007 from 49 CFR 232.205, *Class I brake test-initial terminal inspection*, and 49 CFR 215 *Freight car safety standards*, for freight cars received in interchange at the United States/Mexico border crossing in Calexico, California, to permit required inspections to be conducted in El Centro, California, 10.1 miles north of Calexico. The original justification for the relief, as stated by UP, included: Inadequate capacity at the yard in Calexico, due to increased rail traffic volume;

- Inability to adjust its infrastructure due to Calexico yard's location in the middle of the city (causing the yard to be effectively "boxed in" by existing development and the locations of highway crossings);
- The need to avoid "bottleneck" delays at Calexico, affecting commerce on both sides of the border; and

- The elimination of choked flow of automobile traffic in Calexico, when trains stop or go very slowly across street crossings for inspections.

UP's relief was extended for an additional five years in a decision letter dated March 26, 2013. In support of its present petition to extend its relief, UP states it has been operating under the requirements set forth in the waiver for the past ten years and no adverse effect on the safety of operations has occurred.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at [www.regulations.gov](http://www.regulations.gov) and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Avenue, SE, W12-140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

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 parties desire an opportunity for oral comment and a public hearing, 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 and may be submitted by any of the following methods:

- Web site: <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- Fax: 202-493-2251.

- Mail: Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE, W12-140, Washington, DC 20590.
- Hand Delivery: 1200 New Jersey Avenue, SE, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by [INSERT DATE 45 DAYS FROM PUBLICATION OF THIS NOTICE] will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable.

Anyone can search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to [www.regulations.gov](http://www.regulations.gov), as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <https://www.transportation.gov/privacy>. See also <https://www.regulations.gov/privacyNotice> for the privacy notice of [www.regulations.gov](http://www.regulations.gov).

Issued in Washington, DC.

**Robert C. Lauby,**

*Associate Administrator for Railroad Safety,*

*Chief Safety Officer.*

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