

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) has received a request for a waiver of compliance from 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.

Brownsville & Rio Grande International Railroad

[Waiver Petition Docket Number FRA-2010-0100]

The Brownsville & Rio Grande International (BRG) seeks a waiver of compliance with certain requirements of 49 CFR part 232 —*Brake System Safety Standards for Freight and Other Non-Passenger Trains and Equipment; End-of Train Devices* and CFR Part 215—*Railroad Freight Car Safety Standards*. Specifically, BRG seeks relief to permit trains transferred by the Union Pacific Railroad (UP) under waiver petition Docket Number FRA-2007-28340 from the U.S./Mexico border at Brownsville, Texas, from the Kansas City Southern De Mexico Railway (KCSM), to move from BRG's interchange point with UP without performing the regulatory tests and inspections specified in 49 CFR part 215 and § 232.205(a)(1) at that location. BRG proposes moving the trains from the interchange at Milepost (MP) 4.48 to the BRG inspection point between MP 8.0 and 9.0 under 49 CFR 232.211, a distance of 6.5 miles where required FRA inspections will be performed.

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 FRA-2010-0100) 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 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://www.regulations.gov>.

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the document (or signing the document, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Page 19477) or at <http://www.dot.gov/privacy.html>.

Issued in Washington, DC on August 17, 2010.

Robert C. Lauby,

Deputy Associate Administrator for Regulatory and Legislative Operations.

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Union Pacific Railroad Company

[Waiver Petition Docket Number FRA-2007-28340]

The Union Pacific Railroad Company (UP) seeks a modification to its waiver of compliance with certain requirements of 49 CFR part 232 —*Brake System Safety Standards for Freight and Other Non-Passenger Trains and Equipment; End-of Train Devices* and CFR Part 215—*Railroad Freight Car Safety Standards*. Specifically, UP seeks to modify the current waiver to allow it to move freight cars received in interchange from Kansas City Southern de Mexico (KCSM) for the Brownsville and Rio Grande International Railroad (BRG) an additional 4 miles beyond its Olmito Yard for interchange with BRG without performing the regulatory tests and inspections specified in 49 CFR part 215 and 232.205(a)(1).

UP proposes moving the trains from the border at Milepost (MP) 0.7 on the Brownsville subdivision, to the UP interchange with BRG at MP 4.48, a distance of 11.5 miles. BRG will then move the cars to a location, and FRA inspections will be performed as outlined in BRG's Waiver Petition under Docket Number FRA-2010-0100.

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 FRA-2007-28340) 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.
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