



Brotherhood Railway Carmen Division

Transportation Communications Union/IAM

Richard A. Johnson
General President

April 10, 2013

To All Local Chairmen of Unit 50

RE: FRA Waiver Petition Docket No. FRA-2006-24812

Dear Sirs and Brothers:

The BNSF Railroad Company has filed a request with the Federal Railroad Administration for a waiver from 49 C.F.R. Part 232 to expand the scope of the existing waiver that granted relief from the maximum mileage and inspection requirements specified by 49 CFR 232.213—Extended haul trains, to over 1,500 miles for certain trains originating at various Powder River Basin coal mines.

For your information, attached hereto is copy of our position paper wherein we opposed this request and the Petition for Waiver of Compliance filed by the BNSF.

With best wishes, I remain

Fraternally yours,

A handwritten signature in black ink that reads "RA Johnson".

General President

RAJ/sjm
enclosures

cc: D. L. Lancaster/enc.
S. A. Berlowitz/enc.
R. D. Bower/enc.



BEFORE THE
UNITED STATES DEPARTMENT OF TRANSPORTATION

FEDERAL RAILROAD ADMINISTRATION

FRA WAIVER PETITION DOCKET No. FRA-2006-24812

Brake System Safety Standards for Freight and Other Non-passenger
Trains and Equipment, End-Of-Train Devices
(49 C.F.R. Part 232)

March 27, 2013

STATEMENT OF RICHARD A. JOHNSON, GENERAL PRESIDENT,
BROTHERHOOD OF RAILWAY CARMEN DIVISION
TRANSPORTATION COMMUNICATIONS UNION/IAM

3 Research Place
Rockville, Maryland 20850

I. Introduction.

My name is Richard A. Johnson. I am the General President, Brotherhood Railway Carmen Division, Transportation Communications Union (BRC) and a National Vice President of the Transportation Communications Union (TCU/IAM). I have been a carman for 42 years, beginning in 1971 on the former Milwaukee Road at Bensonville, Illinois, and I am personally familiar with the Federal Railroad Administration's (FRA) regulations that set forth safety standards for rail equipment.

BRC appreciates this opportunity to participate in the regulatory process, and brings to that process an enormous wealth of experience and practical knowledge in the area of railroad safety. Our experience has taught us that full compliance with FRA's safety regulations is the surest way to improve railroad safety and, to that end, BRC will address the safety and other issues raised by this petition for waiver.

The BNSF Railroad Company (BNSF) seeks a waiver of compliance from certain requirements of 49 CFR part 232. Specifically, BNSF requests to expand the scope of the existing waiver that granted relief from the maximum mileage and inspection requirements specified by 49 CFR 232.213-- Extended haul trains, to over 1,500 miles for certain trains identified in Exhibit A to its July 13, 2012, petition. These trains originate at various Powder River Basin coal mines and terminate at the following locations: Isugen, NE; Becker, MN; Breckenridge, MN; Dilworth, MN; Harrington, TX; and Holcomb, KS. The Contractors for BNSF's coal deliveries are Utility Companies, Oil and Tank Car Companies, and Intermodal Companies (Contractors). For the reasons provided below, BRC requests that FRA deny the requested relief.

II. BRC opposes the relief requested by BNSF.

BRC opposes the relief requested by BNSF because the Carrier has not provided sufficient assurance that the waiver's expanded scope will not compromise railroad safety. In fact, the information we have received from our representatives in the field show that significant safety concerns could occur if FRA grants the requested relief.

Our first concern is that the trains will not be receiving the high quality inspections that should be employed in this matter. Currently, the inspections on these trains are done by a combination of automated inspection equipment and motorized inspections on ATVs or trucks. BNSF admits that this current system is not sufficient and that the best inspection occurs when BNSF Qualified Mechanical Inspectors (QMIs) conduct walking inspections on manageable property under the Carrier's control.

BNSF could switch the system to walking inspections but has chosen not to. Indeed, all of the locations currently used to inspect trains leaving the Powder River Basin have the capacity to perform more efficient walking inspections and follow-up repairs to the identified defects with motorized assistance. The following locations are used to perform the inspections:

Going North from the basin, which will include all the trains destinations for Becker, Breckenridge and Dilworth, MN, as well as the Isugen, NE, trains and should continue being

inspected at Gillette/Donkey Creek, WY, or due to congestion at Minot and Mandan, North Dakota. They could also be performed at Greybull, WY, or Laurel, MT. All of these locations have BNSF Carmen QMI's employed.

Eastbound trains should have the inspections performed at Alliance or Lincoln, NE, prior to going north to the Minnesota locations or to Holcomb, KS. In any event, the inspections are currently being done at these two (2) locations as well as at Kansas City, KS, and in interchange with the UP on the Red Rock Sub out of Topeka, KS, where we were previously performing these inspections.

Going south the train inspections are typically performed at Guernsey, WY, or Denver, CO, then further at Amarillo, TX, for the Harrington, TX, trains.

BNSF has maintained that they will not perform any unnecessary testing on all trains coming out of the Powder River Basin. Should this extension be granted, the inspections at these stations could be done away with in their entirety. If BNSF is serious about increasing or at minimum maintaining the safe quality of the inspections the Carrier should convert the current process to a walking inspection.

The effectiveness of walking inspections can be explained by using an example. Recently, a Test Review was conducted at four (4) facilities: Temple, Texas; Belen, New Mexico; Amarillo, Texas; and Denver, Colorado. These were sites where BNSF was utilizing automated inspection equipment together with motorized inspections on unmanageable property. The automated equipment showed that some defects were not being identified by the motorized inspections and all four (4) sites were changed back to walking yards for safety clearance purposes of the automated inspection vehicles. With walking inspections, defect ratios and repairs at almost every involved location doubled.

This example clearly shows that the combination of automated equipment and motorized inspections are not of the same quality as those performed by walking. Given that these trains will exceed 1,500 miles before receiving inspections, surely walking inspections provide the best option to find defects and ensure the highest level of safety.

Regardless of these facts, BNSF claims the combination of automated equipment and motorized inspections is sufficient and will continue. However, under BNSF's proposal, there are no assurances that even the current system will be maintained.

For instance, BNSF gives no assurances that these safety sensitive inspections will be done at current designated locations by qualified QMIs. BNSF acknowledges that its QMIs are the most qualified to perform the required tests and inspections and that the mileage extension would still allow all the inspections to be performed by BNSF QMIs at the current designated locations. However, BNSF has also indicated to BRC that it could not make any guarantees on behalf of the Contractors as to whether or not the Contractors would expand their current inspection processes. If the inspections are out of BNSF's oversight control and responsibility, the Carrier could never be required to perform the inspections on its property by qualified BNSF QMI's under the Carrier's directive. BNSF could then place the responsibility and the liability of performing the necessary tests and inspections on equipment traveling over 1,500 miles with

the Contractors. The Carrier should not be able to transfer the liability to safely move and transport railcars across this nation to Contractors that do not have rail safety as their primary responsibility.

Transferring the inspections to the Contractors also raises the issue of whether the Contractors' employees would qualify as QMIs under FRA requirements. In order for a train to go beyond 1,500 miles, part 232.213 requires that inspections be performed by a QMI. Part 232.5 defines QMI:

[q]ualified mechanical inspector means a qualified person who has received, as a part of the training, qualification, and designation program required under § 232.203, instruction and training that includes “hands-on” experience (under appropriate supervision or apprenticeship) in one or more of the following functions: troubleshooting, inspection, testing, maintenance or repair of the specific train brake components and systems for which the person is assigned responsibility. This person shall also possess a current understanding of what is required to properly repair and maintain the safety-critical brake components for which the person is assigned responsibility. Further, the qualified mechanical inspector shall be a person whose *primary responsibility* includes work generally consistent with the functions listed in this definition.

(Emphasis added) In the Preamble to part 232, FRA further noted that:

[a]s a rule of thumb FRA will consider a person's “primary responsibility” to be the task that the person performs at least 50 percent of the time. Therefore, a person who spends at least 50 percent of the time engaged in the duty of inspecting, testing, maintaining, troubleshooting, or repairing train brake systems may be designated as a QMI

The Contractors have paid BNSF to train their employees at BNSF's Overland Park training facility so they can become QMI qualified. It is apparent that with the requested extension of mileage that the Contractors can simply do the inspections on their private property and eventually eliminate BNSF QMIs from performing any of the inspections. This is particularly concerning given that the Contractor employees only inspect or repair equipment when trains come to their companies' facilities. When trains are not there, these same employees do work not included in the part 232.5 definition of QMI; instead, they are handling various duties associated with unloading the coal and facilities maintenance.

Furthermore, neither BNSF nor the Contractors have assured FRA that the Contractors' employees will be in compliance with the FRA's 50 percent requirement. If BNSF QMI's are cut out of the inspection process, inspections for trains traveling over 1,500 miles could be left in the hands of non-qualified Contractor employees who do not possess the training or abilities to provide proper inspections.

Without specific railroad domain inspection location(s) requirements and substantiation that all such inspections will be performed by BNSF QMI's, this waiver request raises a myriad of compliance and enforcement concerns. Such circumstances and the expanded movement of defective equipment compromise the safety of both rail road employees and the general public due to accidents and derailments.

Lastly, BNSF also maintains that the request for relief due to increased demand and congestion. However, the fact remains that all of these coal routes are running less trains than in the past and perform 1/3 less train inspections. The current coal route fleet has dropped from almost 500 coal sets to less than 330 coal sets. In fact, even QMI Carmen inspector positions have been reduced or transferred to other work due to the reduction in trains and inspections.

Some examples of this decline are illustrative. For example, coal trains headed east bound out of the Powder River Basin may be inspected at Alliance, NE. The Alliance facility has 22 inbound coal route staging tracks and less than 12 are currently being utilized to perform train staging and inspections due to the lack of demand. All of these tracks are walking surfaces and can handle follow-up vehicle repair equipment. The same situation exists at Guernsey, WY, where less than half the tracks are currently in utilization of coal train inspections. Moreover, BNSF eliminated eleven (11) coal train QMI Carmen inspectors at Amarillo, Eastern Street Inspection facility for the same reason.

BNSF has an established inspection process by QMI's at all points departing the Powder River Coal basin that can handle at least 1/3 as many trains as are currently running without any congestion. Accordingly, the Carrier's congestion argument is without merit.

III. Conclusion.

The Brotherhood of Railway Carmen always welcomes the opportunity to participate in the regulatory process. Safety issues addressed in this process are among the primary concerns to the carmen. In accordance with our commitment to maintaining safety on the nation's railroads, the BRC suggests that FRA deny the BNSF petition for waiver.



Dana Maryott
Director Locomotives

BNSF Railway Company

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July 13, 2012

Mr. Robert Lauby
Deputy Associate Administrator for
Regulatory & Legislative Operations
U.S. Department of Transportation
Federal Railroad Administration
RRS-1 Mail Stop 25
1200 New Jersey Avenue, SE
Washington, D. C. 20590

2012 JUL 19 A 10:05
DEPARTMENT OF
TRANSPORTATION
ROCKET OPERATIONS

Dear Mr. Lauby:

RE. waiver Number FRA-2006-24812

The BNSF Railway Company (BNSF) respectfully requests the FRA for permission to add some additional extended haul trains that modestly overrun the 1500 mile extended haul threshold to the 2006-24812 waiver. Experience with the SAI and PHH symbol trains that were waived last January to modestly exceed 1500 miles has gone very well. We have seen no increased exposure to exceptions on these trains and the impact to velocity has been very positive. The safety exposure reduction if this extension is allowed is estimated at 80,000 hours per year. New inspection proposals are illustrated below in exhibit "A". Safety comparisons on the SA and PHH trains are listed in exhibit "B".

The trains included in the addition request operate the very same type of equipment as the existing waiver trains.

BNSF is very confident that slightly increasing the length of the extended haul inspection point on these trains listed will have no adverse impact on safe operations.

Cordially,

Dana Maryott
Director of Air Brakes

Exhibit A

E-CLCBAM originates at Alliance, NE w/1800 mile outbound inspection – Loads at Belle Ayr Mine as C-BAMCLC, unloads at Isugen, NE as E-CLCBAM with inbound/outbound mile inspection at Alliance, NE with 1697 miles at Alliance, NE to terminate the segment.

E-CLCBKM originates at Alliance, NE w/1800 mile outbound inspection – Loads at Buckskin Mine as C-BKMCLC, unloads at Isugen, NE as E-CLCBKM with inbound/outbound mile inspection at Alliance, NE with 1690.6 miles at Alliance, NE to terminate the segment.

E-CLCBTM originates at Alliance, NE w/1800 mile outbound inspection – Loads at Black Thunder Mine as C-BTMCLC, unloads at Isugen, NE as E-CLCBTM with inbound/outbound mile inspection at Alliance, NE with 1748.8 miles at Alliance, NE to terminate the segment.

E-CLCEBM originates at Alliance, NE w/1800 mile outbound inspection – Loads at Eagle Butte Mine as C-EBMCLC, unloads at Isugen, NE as E-CLCEBM with inbound/outbound mile inspection at Alliance, NE with 1694.6 miles at Alliance, NE to terminate the segment.

E-CLCNAM originates at Alliance, NE w/1800 mile outbound inspection – Loads at North Antelope Mine as C-NAMCLC, unloads at Isugen, NE as E-CLCNAM with inbound/outbound mile inspection at Alliance, NE with 1682.0 miles at Alliance, NE to terminate the segment.

E-CLOATM originates at Alliance, NE w/1800 mile outbound inspection – Loads at Antelope Mine as C-ATMCLO, unloads at Isugen, NE as E-CLOATM with inbound/outbound mile inspection at Alliance, NE with 1675.6 miles at Alliance, NE to terminate the segment.

E-CLOBAM originates at Alliance, NE w/1800 mile outbound inspection – Loads at Belle Ayr Mine as C-BAMCLO, unloads at Isugen, NE as E-CLOBAM with inbound/outbound mile inspection at Alliance, NE with 1697 miles at Alliance, NE to terminate the segment.

E-CLOBKM originates at Alliance, NE w/1800 mile outbound inspection – Loads at Buckskin Mine as C-BKMCLO, unloads at Isugen, NE as E-CLOBKM with inbound/outbound mile inspection at Alliance, NE with 1690.6 miles at Alliance, NE to terminate the segment.

E-CLOBTM originates at Alliance, NE w/1800 mile outbound inspection – Loads at Black Thunder Mine as C-BTMCLO, unloads at Isugen, NE as E-CLOBTM with inbound/outbound mile inspection at Alliance, NE with 1748.8 miles at Alliance, NE to terminate the segment.

E-CLOCAM originates at Alliance, NE w/1800 mile outbound inspection – Loads at Caballo Mine as C-CAMCLO, unloads at Isugen, NE as E-CLOCAM with inbound/outbound mile inspection at Alliance, NE with 1692.0 miles at Alliance, NE to terminate the segment.

E-CLOCDM originates at Alliance, NE w/1800 mile outbound inspection – Loads at Cordero Mine as C-CDMCLO, unloads at Isugen, NE as E-CLOCDM with inbound/outbound mile inspection at Alliance, NE with 1712.2 miles at Alliance, NE to terminate the segment.

E-CLOCRM originates at Alliance, NE w/1800 mile outbound inspection – Loads at Caballo Rojo Mine as C-CRMCLO, unloads at Isugen, NE as E-CLOCRM with inbound/outbound mile inspection at Alliance, NE with 1712.2 miles at Alliance, NE to terminate the segment.

E-CLOEBM originates at Alliance, NE w/1800 mile outbound inspection – Loads at Eagle Butte Mine as C-EBMCLO, unloads at Isugen, NE as E-CLOEBM with inbound/outbound mile inspection at Alliance, NE with 1694.6 miles at Alliance, NE to terminate the segment.

E-CLORWM originates at Alliance, NE w/1800 mile outbound inspection – Loads at Rawhide Mine as C-RWMCLO, unloads at Isugen, NE as E-CLORWM with inbound/outbound mile inspection at Alliance, NE with 1686.6 miles at Alliance, NE to terminate the segment.

E-BENRBM originates at Mandan, ND w/1800 mile outbound inspection – Loads at Rosebud Mine as C-RBMBEN, unloads at Becker, MN as E-BENRBM with inbound/outbound mile inspection at Mandan, ND with 1512 miles to terminate the segment.

E-BENABM originates at Mandan, ND w/1800 mile outbound inspection – Loads at Kuehn Mine as C-ABMBEN, unloads at Becker, MN as E-BENABM with inbound/outbound mile inspection at Mandan, ND with 1558.4 miles to terminate the segment.

E-BRMSCM originates at Mandan, ND w/1800 mile outbound inspection – Loads at Spring Creek Mine as C-SCMRBM unloads at Breckenridge, MN as E-BRMSCM with inbound/outbound mile inspection at Mandan, ND with 1650.2 miles to terminate the segment.

E-DLHEBM originates at Mandan, ND w/1800 mile outbound inspection – Loads at Eagle Butte Mine as C-EBMDLH unloads at Dilworth, MN as E-DLHEBM with inbound/outbound mile inspection at Mandan, ND with 1755.8 miles to terminate the segment.

E-DLHSCM originates at Mandan, ND w/1800 mile outbound inspection – Loads at Spring Creek Mine as C-SCMDLH, unloads at Dilworth, MN as E-DLHSCM with inbound/outbound mile inspection at Mandan, ND with 1558.8 miles to terminate the segment.

E-AMHATM originates at Guernsey, WY w/1800 mile outbound inspection – Loads at Antelope Mine as C-ATMAMH, unloads at Harrington, TX as E-AMHATM with inbound/outbound mile inspection at Guernsey, WY with 1715.2 miles to terminate the segment.

E-AMHBTM originates at Guernsey, WY w/1800 mile outbound inspection – Loads at Black Thunder Mine as C-BTMAMH, unloads at Harrington, TX as E-AMHBTM with inbound/outbound mile inspection at Guernsey, WY with 1765 miles to terminate the segment.

E-AMHCAM originates at Guernsey, WY w/1800 mile outbound inspection – Loads at Caballo Mine as C-CAMAMH, unloads at Harrington, TX as E-AMHCAM with inbound/outbound mile inspection at Guernsey, WY with 1814.6 miles to terminate the segment.

E-AMHCDM originates at Guernsey, WY w/1800 mile outbound inspection – Loads at Cordero Mine as C-CDMAMH, unloads at Harrington, TX as E-AMHCDM with inbound/outbound mile inspection at Guernsey, WY with 1802.4 miles to terminate the segment.

E-AMHCRM originates at Guernsey, WY w/1800 mile outbound inspection – Loads at Caballo Rojo Mine as C-CRMAMH, unloads at Harrington, TX as E-AMHCRM with inbound/outbound mile inspection at Guernsey, WY with 1811.2 miles to terminate the segment.

E-AMHNAM originates at Guernsey, WY w/1800 mile outbound inspection – Loads at North Antelope Mine as C-NAMAMH, unloads at Harrington, TX as E-AMHNAM with inbound/outbound mile inspection at Guernsey, WY with 1721.6 miles to terminate the segment.

E-AMHSBM originates at Guernsey, WY w/1800 mile outbound inspection – Loads at South Black Thunder /School Creek Mine as C-SBMAMH, unloads at Harrington, TX as E-AMHSBM with inbound/outbound mile inspection at Guernsey, WY with 1724.6 miles to terminate the segment.

E-AMHWTM originates at Guernsey, WY w/1800 mile outbound inspection – Loads at West Thunder Mine as C-WTMAMH, unloads at Harrington, TX as E-AMHWTM with inbound/outbound mile inspection at Guernsey, WY with 1765.0 miles to terminate the segment.

E-HOHATM originates at Guernsey, WY w/1800 mile outbound inspection – Loads at Antelope Mine as C-ATMHOH, unloads at Holcomb, KS as E-HOHATM with inbound/outbound mile inspection at Guernsey, WY with 1542.5 miles at terminate the segment.

E-HOHBAM originates at Guernsey, WY w/1800 mile outbound inspection – Loads at Belle Ayr Mine as C-BAMHOH, unloads at Holcomb, KS as E-HOHBAM with inbound/outbound mile inspection at Guernsey, WY with 1539.1 miles at terminate the segment.

E-HOHBTM originates at Guernsey, WY w/1800 mile outbound inspection – Loads at Black Thunder Mine as C-BTMHOH, unloads at Holcomb, KS as E-HOHBTM with inbound/outbound mile inspection at Guernsey, WY with 1592.3 miles at terminate the segment.

E-HOHCAM originates at Guernsey, WY w/1800 mile outbound inspection – Loads at Caballo Mine as C-CAMHOH, unloads at Holcomb, KS as E-HOHCAM with inbound/outbound mile inspection at Guernsey, WY with 1641.9 miles at terminate the segment.

E-HOHCMDM originates at Guernsey, WY w/1800 mile outbound inspection – Loads at Cordero Mine as C-CMDMHOH, unloads at Holcomb, KS as E-HOHCMDM with inbound/outbound mile inspection at Guernsey, WY with 1629.7 miles at terminate the segment.

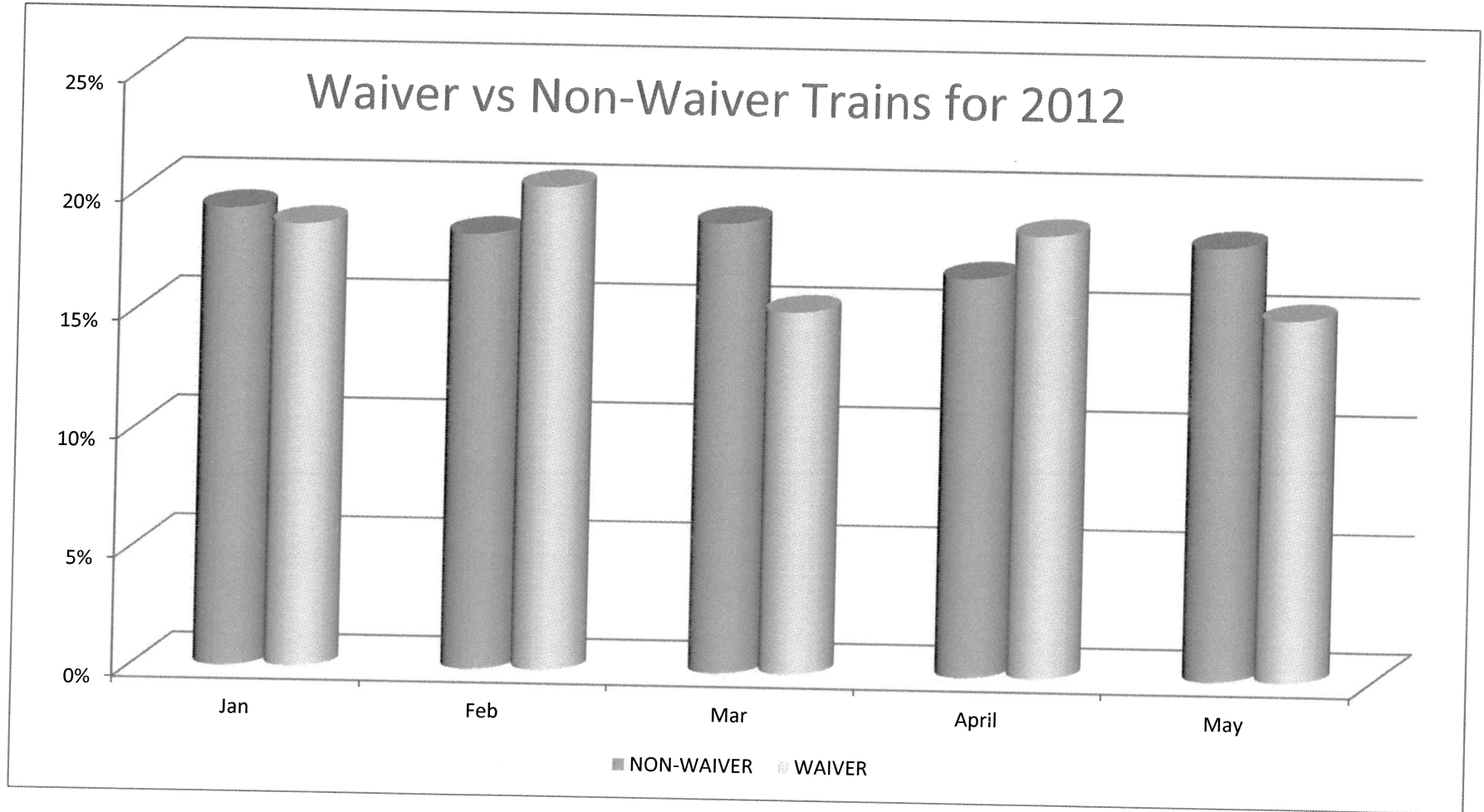
E-HOHCRCM originates at Guernsey, WY w/1800 mile outbound inspection – Loads at Caballo Rojo Mine as C-CRCMHOH, unloads at Holcomb, KS as E-HOHCRCM with inbound/outbound mile inspection at Guernsey, WY with 1634.1 miles at terminate the segment.

E-HOHEM originates at Guernsey, WY w/1800 mile outbound inspection – Loads at East Thunder Mine as C-EMHOH, unloads at Holcomb, KS as E-HOHEM with inbound/outbound mile inspection at Guernsey, WY with 1594.7 miles at terminate the segment.

E-HOHNAM originates at Guernsey, WY w/1800 mile outbound inspection – Loads at North Antelope Mine as C-NAMHOH, unloads at Holcomb, KS as E-HOHNAM with inbound/outbound mile inspection at Guernsey, WY with 1548.9 miles at terminate the segment.

E-HOHWTM originates at Guernsey, WY w/1800 mile outbound inspection – Loads at West Thunder Mine as C-WTMHOH, unloads at Holcomb, KS as E-HOHWTM with inbound/outbound mile inspection at Guernsey, WY with 1591.8 miles at terminate the segment.

Month	NON-BO	WAIVER BO	NON-WAI	WAIVER
Jan	369	11	19%	19%
Feb	351	12	18%	20%
Mar	363	9	19%	15%
Apr	322	11	17%	19%
May	350	9	18%	15%
June	161	7	8%	12%



Issued in Washington, DC, on February 4, 2013.

Robert C. Lauby,

Deputy Associate Administrator for Regulatory and Legislative Operations.

[FR Doc. 2013-02770 Filed 2-6-13; 8:45 am]

BILLING CODE 4910-06-P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA-2012-0081]

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that by a document dated September 25, 2012, the Kiski Junction Railroad (KJR) has petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 223 (Safety Glazing Standards—Locomotives, Passenger Cars and Caboose). FRA assigned the petition Docket Number FRA-2012-0081.

KJR has petitioned FRA for a waiver to operate passenger excursion equipment on the entire length of its existing railroad without compliant FRA safety glazing, as required by 49 CFR part 223. KJR was previously granted a waiver by FRA to operate this equipment on its Bagdad Line between Schenley and Leechburg, PA, in Docket Number RSGM-96-11. KJR recently expanded its operations and added 7 additional miles of track between Schenley, PA, and Ford City, with the assistance of State and Federal funding. KJR has designated this rail segment as the Allegheny Line. The Allegheny Line's maximum authorized speed is 25 mph, and it complies with FRA Class 2 track standards. The Bagdad Line's maximum authorized speed remains at 10 mph.

KJR requests a permanent waiver of compliance from the glazing requirements set forth in 49 CFR part 223 for one locomotive, one passenger car, and three cabooses—all of which are currently equipped with shatterproof safety glass. Locomotive KJR 7135, an ALCO S-1 diesel electric 660 HP, was built in 1943 as U.S. Navy 7135. Passenger Coach KJR 1154 was built in the 1920s for the Central Railroad of New Jersey. Caboose KJR 200 was built in the 1960s for the New York Central Railroad. Caboose KJR 5, which is a widow caboose, was built for the Pittsburgh and Lake Erie Railroad. Caboose KJR 4, a cupola caboose, was built in 1958 for the Norfolk and

Western Railroad. KJR is requesting this relief due to the prohibitive cost involved in retrofitting this equipment with FRA-certified glazing.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at 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 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 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 March 25, 2013 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

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 comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). See <http://www.regulations.gov/#!privacyNotice> for the privacy notice of regulations.gov or interested parties may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477).

Issued in Washington, DC, on February 4, 2013.

Robert C. Lauby,

Deputy Associate Administrator for Regulatory and Legislative Operations.

[FR Doc. 2013-02771 Filed 2-6-13; 8:45 am]

BILLING CODE 4910-06-P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA-2006-24812]

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that by a document dated July 13, 2012, the BNSF Railway (BNSF) has petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 232—Brake System Safety Standards for Freight and Other Non-Passenger Trains and Equipment, End-of-Train Devices. FRA assigned the petition Docket Number FRA-2006-24812.

BNSF seeks a waiver of compliance from certain requirements of 49 CFR part 232. Specifically, BNSF requests to expand the scope of the existing waiver that granted relief from the maximum mileage and inspection requirements specified by 49 CFR 232.213—*Extended haul trains*, for certain trains identified in Exhibit A to its July 13, 2012, petition. These trains originate at various Powder River Basin coal mines and terminate at the following locations: Isugen, NE; Becker, MN; Breckenridge, MN; Dilworth, MN; Harrington, TX; and Holcomb, KS.

Given the increased demand for coal by the utility industry, BNSF believes that granting this relief will relieve congestion while maintaining high-quality inspections. The railroad also believes that the waiver's expanded scope will not compromise railroad safety.

In support of the expanded scope of the existing waiver, BNSF's petition further states that the additional extended haul trains modestly exceed the 1,500-mile extended haul threshold. As the trains covered by this request are the very same type of equipment as the trains that are presently subject to this waiver, BNSF believes that there is no anticipated deviation from the current high level of safety.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at 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.

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Issued in Washington, DC, on February 4, 2013.

Robert C. Lauby,

Deputy Associate Administrator for Regulatory and Legislative Operations.

[FR Doc. 2013-02769 Filed 2-6-13; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. AB 1103X]

Rusk County Rural Rail District— Abandonment Exemption—in Rusk County, TX

On January 18, 2013, the Rusk County Rural Rail District (RCRRD) filed with the Surface Transportation Board (Board) a petition under 49 U.S.C. 10502 for exemption from the prior approval requirements of 49 U.S.C. 10903 to abandon a 0.9-mile portion of its Henderson-Overton Branch Spur, between milepost 15.2 and milepost 16.1, in Rusk County, TX (the Line). The Line traverses U.S. Postal Service Zip Code 75652. There are no stations on the Line.

RCRRD states that, based on information in its possession, the Line contains no federally granted rights-of-way. Any documentation in RCRRD's possession will be made available to those requesting it.

The interest of railroad employees will be protected by the conditions set forth in *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho*, 360 I.C.C. 91 (1979).

By issuance of this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued no later than May 8, 2013.

Any offer of financial assistance (OFA) under 49 CFR 1152.27(b)(2) will be due no later than May 18, 2013, or 10 days after service of a decision granting the petition for exemption, whichever occurs sooner. Each OFA must be accompanied by a \$1,600 filing fee. See 49 CFR 1002.2(f)(25).

All interested persons should be aware that, following the abandonment of rail service and salvage of the Line, the Line may be suitable for other public use, including interim trail use. Any request for a public use condition under 49 CFR 1152.28 or for trail use/rail banking under 49 CFR 1152.29 will be due no later than February 27, 2013. Each trail use request must be accompanied by a \$250 filing fee. See 49 CFR 1002.2(f)(27).

All filings in response to this notice must refer to Docket No. AB 1103X and must be sent to: (1) Surface Transportation Board, 395 E Street SW., Washington, DC 20423-0001; and (2) C. Brian Cassidy and Lori Fixley Winland, Locke Lord LLP, 100 Congress Avenue, Suite 300, Austin, TX 78701. Replies to

the petition are due on or before February 27, 2013.

Persons seeking further information concerning abandonment procedures may contact the Board's Office of Public Assistance, Governmental Affairs and Compliance at (202) 245-0238 or refer to the full abandonment or discontinuance regulations at 49 CFR 1152. Questions concerning environmental issues may be directed to the Board's Office of Environmental Analysis (OEA) at (202) 245-0305. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339.]

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by OEA will be served upon all parties of record and upon any agencies or other persons who comment during its preparation. Other interested persons may contact OEA to obtain a copy of the EA (or EIS). It is anticipated that the EA (or EIS) in this proceeding will be made available on or about February 12, 2013, and that comments will be due on or about March 4, 2013.

Board decisions and notices are available on our Web site at www.stb.dot.gov.

Decided: February 4, 2013.

By the Board, Rachel D. Campbell,
Director, Office of Proceedings.

Derrick A. Gardner,

Clearance Clerk.

[FR Doc. 2013-02779 Filed 2-6-13; 8:45 am]

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DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-NEW]

Proposed Information Collection (Conduct the Point-of-Care Research Questionnaire) Activity: Comment Request

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Health Administration (VHA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed new collection, and allow 60 days for public comment in response to the