



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-2012-0092

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 232.207(a) for certain Bakken-oil unit trains that originate at refineries in North Dakota and fall marginally short of major inspection terminals under the 1,000-mile inspection requirements. Train crews are conducting the Class 1A inspections and then the trains are continuing on into the terminals.

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-2012-0092

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

April 5, 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 232. Specifically, BNSF seeks relief with respect to 49 CFR 232.207(a) for certain Bakken-oil unit trains that originate at refineries in North Dakota. These trains, when headed east out of the refineries, presently fall marginally short of major inspection terminals under the 1,000-mile inspection requirements pursuant to 49 CFR 232.207. Under BNSF's current operating practice, these trains are stopping short of terminals that have qualified mechanical inspectors (QMI), the train crews are conducting the Class 1A inspections, and then the trains are continuing on into the terminals. For the reasons provided below, BRC requests FRA deny this petition for waiver.

II. BRC opposes the relief requested by BNSF.

It should first be noted that BNSF's petition for waiver is unnecessary. Under the current regulations, BNSF can now go more than 1000 miles and up to 1500 miles if the train is given an extended haul inspection at the point of origin by a QMI. Accordingly, BNSF's petition for waiver should be denied because relief is already available.

In any event, BRC opposes the relief as 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.

First, the cars on the Bakken-oil unit trains are high volatility tank cars which are not built for extended haulage durability. High volatility tank cars do not have the same structure requirements or consistent braking systems as unit coal cars or intermodal cars. In fact, these cars historically have the highest defect ratio in BNSF's system. In addition, high volatility tank cars also have the least reliable safety appliances in the Carrier's system as well. Indeed, BNSF has a prohibition against crossing these cars in a train due to the number of injuries and accidents from crossing defective safety appliances.

In addition, BNSF gives no assurances that these safety sensitive inspections will be done at the 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.

In this instance, the eastbound trains are currently inspected by QMIs at either Alliance or Lincoln, NE, and Kansas City, KS. Furthermore, the inspections are also performed in interchange with the UP on the Red Rock Sub out of Topeka, KS, where we were previously performing these inspections. All of these facilities should continue to perform the inspections.

If the trains listed cross-section North/Northwest, they should continue to be inspected at Havre, MT. If there is congestion, then the inspections could be performed at either Fargo, ND, or Wilmer, MN. If they are scheduled to traverse North/Northeast then the inspections would be done at Minot and/or Mandan, ND. There will be no adverse impact on the Carrier as these locations are currently staffed to handle the proper required inspections with qualified QMIs.

However, it should be recognized that there are no 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 high volatility tank cars with the Contractors. The Carrier should not be able to transfer this liability to Contractors that do not have rail safety as their primary responsibility.

Furthermore, transferring the inspections to the Contractors also raises the issue of whether the Contractors' employees would qualify as QMIs under FRA requirements. 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 Bakken-oil cars 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 QMIs are cut out of the inspection process, inspections for trains carrying hazardous materials traveling over 1,000 miles could be left in the hands of non-qualified Contractor employees who do not possess the training or abilities to provide proper inspections. 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.

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
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November 28, 2012

Robert C. Lauby
Deputy Associate Administrator
for Regulatory and Legislative Operations
Federal Railroad Administration
1200 New Jersey Ave SE
Washington DC 20590

Dear Mr. Lauby:

The BNSF Railway Company (BNSF) respectfully requests the FRA for permission to modestly extend the mileage required under 232.207 for certain Bakken-oil unit trains that originate at refineries in the upper mid-West. These trains when headed East-bound out of the refineries currently fall marginally short of major inspection terminals under the 1000 mile 232.207 requirements. Under current operating practice these trains are stopping short of terminals with QMI inspectors so that train crews can conduct a Class 1A inspection and continue on into the terminal. BNSF feels that since these trains are in such close proximity to QMI inspectors it would be prudent to allow the trains to continue the short distance into the terminal for the higher quality QMI inspection. These trains travel empty West-bound out of terminals where QMI inspectors qualify the trains under 232.213 so sufficient mileage allowances are available to make the return trip to the oil load-out facilities. However, due to the dispersed geographic location of the oil load-out facilities and the infrequency of originating trains at each remote point there are no permanently stationed QMI forces available for the East-bound initial terminal inspection. Train crews are then assigned to do the originating initial Class 1 (or Class1 if cars are added) at the load-out facilities.

BNSF believes the risk of the mileage addition allowance under the Class1A inspection will be more than offset by the quality QMI inspection the trains would receive if relief is granted. The attached appendix contains the symbols and the East-bound routes the Bakken-oil trains will take. The appendix also includes the mileage the East-bound loaded trip will accumulate in mileage from the load-out facility to the inspection destination terminal. Trains allowed to operate under this waiver will carry "Extended Class I (or IA) inspection under the FRA Docket number assigned to this waiver on the train crew's manifest.

Dana Maryott
Director Air Brakes

These symbols: U-DNDHAY/U-DNDMIJ/U-DNDMIG/U-DNDMIX will load at Dore ND. and receive a Class 1 inspection. The train will then travel to DILWORTH, MN then NORTHTOWN, MN then LA CROSSE, WI to destination GALESBURG, IL for 1024.5 with for a Class 1 or extended haul inspection with QMI Carmen.

These symbols: U-DNDAGW/U-DNDGAT/U-DNDKCM/U-DNDKCN/U-DNDPT will load at DORE, ND and receive a Class 1 inspection. The train will then travel to DILWORTH, ND then WILLMAR, MN then SIOUX CITY, IA then LINCOLN, NE to destination KANSAS CITY, MO for 1089.0 miles where it will receive a Class 1 or extended haul inspection with QMI Carmen.

These symbols: U-STNAGW/U-STNGAT/U-STNKCM/U-STNKCN/U-STNSAP/U-STNPTA will receive a Class 1 inspection at MINOT then load at STANLEY, ND. The train will then travel to DILWORTH, ND then WILLMAR, MN then SIOUX CITY, IA then LINCOLN, NE to destination KANSAS CITY, MO for 1041.6 miles where it will receive a Class 1 or extended haul inspection with QMI Carmen.

Thesesymbols:U-MNUAGW/U-MNUGAT/U-MNUKCM/U-MNUKCN/U-MNUSAP/U-MNUPTA will receive a Class1 inspection at MINOT then travel to load at MANITOU, ND continue to DILWORTH, ND then WILLMAR, MN then SIOUX CITY, IA then LINCOLN, NE to destination KANSAS CITY, MO for 1061.2 miles where it will receive a Class 1 or extended haul inspection with QMI Carmen.

These symbols: U-TNDHAY/U-TNDMIJ/U-TNDMIG/U-TNDMIX will receive a Class1 inspection at MINOT then travel to load at TRENTON, ND continue to DILWORTH, MN then NORTHTOWN, MN then LA CROSSE, WI to destination GALESBURG, IL for 1133.9 miles where it will receive a Class 1 or extended haul inspection with QMI Carmen.

These symbols:U-TNDAGW/U-TNDGAT/U-TNDKCM/U-TNDKCN/U-TNDPTA/U-TNDKCNwill receive a Class 1 at MINOT then travel to load a TRENTON, ND continue to DILWORTH, ND then WILLMAR, MN then SIOUX CITY, IA then LINCOLN, NE to destination KANSAS CITY, MO for 1198.4 miles where it will receive a Class 1 or extended haul inspection with QMI Carmen.

These symbols: U-TIOHAY/U-TIOMIJ/U-TIOMIG/U-TIOMIX will receive a Class 1 MINOT the proceed to load at TIOGA, ND continue to DILWORTH, MN then NORTHTOWN, MN then LA CROSSE, WI to destination GALESBURG, IL for 1031.5 miles where they will receive a Class 1 or extended haul inspection by QMI Carmen.

These symbols: U-TIOAGW/U-TIOGAT/U-TIOKCM/U-TIOKCN/U-TIOPTA will receive a Class 1 inspection at MINOT then proceed to load at TIOGA, ND continue to DILWORTH, ND then WILLMAR, MN then SIOUX CITY, IA then LINCOLN, NE to destination KANSAS CITY, MO for 1096.0 where they will receive a Class 1 or extended haul inspection by QMI Carmen.

These symbols: U-EPPHAY/U-EPPMIJ/U-EPPMIG/U-EPPMIX will receive a Class 1 inspection at MINOT then load at EPPING, ND proceed to DILWORTH, MN then

NORTHTOWN, MN then LA CROSSE, WI to destination GALESBURG, IL for 1075 miles where they will receive a Class 1 or extended haul inspection by QMI Carmen.

These symbols: U-EPPAGW/U-EPPGAT/U-EPPKCM/U-EPPKCN/U-EPPPTA will receive a Class 1 inspection at MINOT then proceed to load at EPPING, ND continue to DILWORTH, ND then WILLMAR, MN then SIOUX CITY, IA then LINCOLN, NE to destination KANSAS CITY, MO for 1140.2 miles where they will receive a Class 1 or extended haul inspection by QMI Carmen.

These symbols: U-ELUHAY/U-ELUMIJ/U-ELUMIG/U-ELUMIX will receive a Class 1 inspection at MANDAN load at ELAND, ND then proceed to DILWORTH, MN then NORTHTOWN, MN then LA CROSSE, WI to destination at GALESBURG, IL for 1041.4 miles where they will receive a Class 1 or extended haul inspection by QMI Carmen.

These symbols: U-ELUAGW/U-ELUGAT/U-ELUKCM/U-ELUKCN/U-ELUPTA will receive a Class 1 inspection at MANDAN then load at ELAND, ND proceed to DILWORTH, ND then WILLMAR, MN then SIOUX CITY, IA then LINCOLN, NE to destination KANSAS CITY, MO for 1105.9 where they will receive a Class 1 or extended haul inspection by QMI Carmen.

These symbols: U-FRYHAY/U-FRYMIJ/U-FRYMIG/U-FRYMIX will receive a Class 1 inspection at MANDAN then load at FRYBURG, ND proceed to DILWORTH, MN then NORTHTOWN, MN then LA CROSSE, WI then proceed to destination GALESBURG, IL for 1083.2 miles where they will receive a Class 1 or extended haul inspection by QMI Carmen.

These symbols: U-FRYAGW/U-FRYGAT/U-FRYKCM/U-FRYKCN/U-FRYPTA will receive a Class 1 inspection at MANDAN then load at FRYBURG, ND proceed to DILWORTH, ND then WILLMAR, MN then SIOUX CITY, IA then LINCOLN, NE to destination KANSAS CITY, MO for 1147.7 where they will receive a Class 1 or extended haul inspection by QMI Carmen.

non-complying locomotives, 49 CFR 229.23—*Periodic inspection: general*, 49 CFR 27—*Annual tests*, 49 CFR 236.11—*Adjustment, repair, or replacement of component*, 49 CFR 236.101—*Purpose of inspection and tests; removal from service of relay or device failing to meet test requirements*, 49 CFR 236.588—*Periodic test*, 49 CFR 238.307—*Periodic mechanical inspection of passenger cars and unpowered vehicles used in passenger trains*, and 49 CFR 238.309, *Periodic brake equipment maintenance*. FRA assigned the petition Docket Number FRA–2012–0005.

NJT states that its primary maintenance facility for rail vehicles is the Meadows Maintenance Complex. This facility was heavily damaged by flood waters as a result of the October 29, 2012, hurricane. NJT's original estimates of damage to the facility and restoration to full operating capacity were made during the week immediately following the event.

NJT has made recovery efforts in order to achieve full compliance with the requirements of the above-cited CFR regulations. Since the beginning of the original waiver period, NJT has performed periodic inspections on 98 locomotives and 27 self-propelled Arrow vehicles. NJT has also completed the 180-day inspection for 145 railcars as part of the unscheduled repair. Nonetheless, NJT has reviewed its capabilities and has determined that it will not be possible to complete all required inspections, which will be overdue on the expiration date of this waiver: February 25, 2013. NJT also states that removing all overdue vehicles from service on that date will severely affect NJT's ability to provide sufficient passenger service on all of its operating lines. FRA conditionally granted NJT's extension request on February 19, 2013.

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 Ave. SE., W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except on 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 on Federal holidays.

Communications received by March 27, 2013 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as is 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 for www.regulations.gov; 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 March 4, 2013.

Robert C. Lauby,

Deputy Associate Administrator for Regulatory and Legislative Operations.

[FR Doc. 2013–05340 Filed 3–6–13; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2012–0092]

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 November 28, 2012, the BNSF Railway Company (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–2012–0092.

Specifically, BNSF seeks relief with respect to 49 CFR 232.207(a) for certain Bakken-oil unit trains that originate at refineries in North Dakota. These trains, when headed east out of the refineries, presently fall marginally short of major inspection terminals under the 1,000-mile inspection requirements pursuant to 49 CFR 232.207. Under BNSF's current operating practice, these trains are stopping short of terminals that have qualified mechanical inspectors (QMI), the train crews are conducting the Class 1A inspections, and then the trains are continuing on into the terminals. BNSF believes that the risk of the mileage addition allowance under the Class 1A inspections (between 24–198 miles for the requested trains) will be more than offset by the QMI inspections that the trains would receive, if relief is granted.

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 April 8, 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 March 4, 2013.

Robert C. Lauby,

Deputy Associate Administrator for Regulatory and Legislative Operations.

[FR Doc. 2013-05338 Filed 3-6-13; 8:45 am]

BILLING CODE 4910-06-P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA-2013-0012]

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 December 10, 2012, the Temple and Central Texas Railway (TC) has petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal hours of service laws contained at 49 U.S.C. 21103(a)(4). FRA assigned the petition Docket Number FRA-2013-0012.

In its petition, TC seeks relief from 49 U.S.C. 21103(a)(4), which, in part, requires a train employee to receive 48 hours off duty after initiating an on-duty period for 6 consecutive days. Specifically, TC seeks a waiver to allow a train employee to initiate an on-duty period for 6 consecutive days followed by 24 hours off duty. In support of its request, TC submitted documents demonstrating employee support for the waiver and a description of its employee work schedules. Additionally, TC states that the total time on duty per month for its train service employees would be well below the 276 hours maximum time on duty that is permitted by law.

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 April 22, 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 March 4, 2013.

Robert C. Lauby,

Deputy Associate Administrator for Regulatory and Legislative Operations.

[FR Doc. 2013-05321 Filed 3-6-13; 8:45 am]

BILLING CODE 4910-06-P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA-2009-0078]

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 February 5, 2013, the American Short Line and Regional Railroad Association (ASLRRRA), on behalf of the Garden City Western Railway Company, the Georgia Southern Railway Company, the Great Smoky Mountains Railroad, the Mississippi Central Railroad Company, the Port Bienville Railroad, and Railserve, has petitioned the Federal Railroad Administration (FRA) for an amended waiver of compliance from certain provisions of the Federal hours of service laws contained at 49 U.S.C. 21103(a)(4), which require a train employee to receive 48 hours off duty after initiating an on-duty period for 6 consecutive days. FRA assigned the petition Docket Number FRA-2009-0078.

In its petition, ASLRRRA seeks to amend Exhibit A of its previously filed petition for extension of the waiver to add the six railroads referenced above, which did not participate in ASLRRRA's original petition for a waiver extension. FRA had granted ASLRRRA's petition for a waiver extension in a letter dated February 27, 2012. The waiver allows a train employee to initiate an on-duty period each day for 6 consecutive days followed by 24 hours, rather than 48 hours, off duty.

Each railroad that seeks to be added to the waiver has executed a compliance letter, which attests that the railroad has complied with all of the employee consent requirements that FRA had originally set forth in its initial decision letter dated March 5, 2010. Additionally, each railroad will maintain in its files for FRA inspection the underlying employee consent or employee representative consent documents.

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 Docket Operations Facility, 1200 New Jersey Ave. 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.