

of 49 CFR Part 232, *Brake System Safety Standards for Freight and Other Non-Passenger Trains and Equipment: End-of Train Devices*; and 49 CFR Part 215, *Railroad Freight Car Safety Standards*, for freight cars received in interchange at Laredo, Texas (International Bridge), from Kansas City Southern de Mexico (KCSM). Specifically, KCS seeks a waiver to postpone performing pre-departure inspections and Class I brake tests until the trains move from the border crossing to KCS's Laredo Yard (a distance of approximately 9 miles).

According to the petitioner, all required inspections will be performed at the rail yard rather than at the International Bridge interchange point. KCS proposes to inspect all cars received in interchange from KCSM and perform all regulatory brake tests at Laredo Yard prior to the train's further movement in the United States. Before departing the International Bridge border crossing, KCS will perform a Class III brake test-trainline continuity inspection in accordance with 49 CFR 232.211 and at a minimum, inspect the lead locomotive to verify that the headlight, horn, and bell function correctly. The current KCS timetable identifies the method of operation over this portion of railroad (Milepost 0.1 to Milepost 10.0) as "Yard Limits," therefore, train movement will be made at "restricted speed" as required by rule. KCS will also ensure compliance with rear-end marking device regulations.

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 (FRA-2007-28700), and must be submitted to Docket Clerk, DOT Docket Management Facility, 1200 New Jersey Ave., SE., West Building Ground Floor, Room W12-140, Washington, DC 20590.

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://dms.dot.gov>.

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, 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; Pages 19477-78). The Statement may also be found at <http://dms.dot.gov>.

Issued in Washington, DC on July 30, 2007.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

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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.

Maryland Transit Administration

[Modification to Waiver Petition Docket Number FRA-2000-7054/7286]

This Notice supersedes the **Federal Register** Notice published July 5, 2007, (Volume 72, Number 128; Pages 36752-53) concerning the above Docket Number, which included an erroneous statement.

As a modification to Maryland Transit Administration's (MTA) existing Shared Use/Temporal Separation waiver originally granted by FRA on January 19, 2001, MTA requests that FRA modify the original terms and conditions of its permanent waiver of compliance from certain sections of Title 49 of the CFR for operation of its Cockeysville Light Rail Line (CLRL) due to changes that have recently occurred. (See Statement of Agency Policy Concerning Jurisdiction Over the Safety of Railroad Passenger Operations and Waivers Related to Shared Use of the Tracks of the General Railroad System by Light Rail and Conventional

Equipment, 65 FR 42529 (July 10, 2000). See also Joint Statement of Agency Policy Concerning Shared Use of the Tracks of the General Railroad System by Conventional Railroads and Light Rail Transit Systems, 65 FR 42626 (July 10, 2000).)

In this regard, the Norfolk Southern Railway Company (NS), the freight railroad sharing track temporally with the CLRL, is ceasing freight service on the CLRL from a point at Chain Marker 122 continuing northward to the end of the line. The sole exception to this is at Chain Marker 122, where NS continues to cross the CLRL via a diamond crossover to service the NS Flexi-Flo facility. With regard to this, NS filed a Petition for Exemption for authority to abandon the freight service on the CLRL (See Surface Transportation Board (STB) Docket No. AB-290, Sub No. 237X, Norfolk Southern Ry. Co.—Abandonment Exemption—In Baltimore Co., MD). Because of procedural questions raised during the proceeding, the STB denied the Petition for Exemption. MTA has commenced a proceeding with the STB to address and clarify those questions. Upon receipt of that clarification, NS will resubmit its Petition for Exemption with respect to the abandonment. In the interim, no freight service is operating on the line.

MTA is requesting that FRA determine that there is no longer shared use on the CLRL and that waivers are no longer necessary because the statutes and regulations covered in the Shared Use Policy Statement no longer apply to the CLRL north of Chain Marker 122, due to the cessation of NS freight service on the CLRL from that point. Also, MTA agrees that the waivers that were approved in the January 19, 2001, Decision Letter are relevant at the diamond crossing, and that they should remain in effect. In addition, Standard Operating Procedure LR.07.02.04 that replaced MTA Procedure No. 6.33, provides sufficient protection at the interlocked diamond crossover. Lastly, MTA requests that, to the extent FRA regulations apply in any manner, FRA waive the requirements of 49 CFR Part 219, Control of Alcohol and Drug Abuse, for MTA employees who control the operation of NS trains across the diamond because it is adopting the FTA's Drug and Alcohol Policy, which provides an equivalent level of oversight.

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 2000-7054/7286) and must be submitted to the Docket Clerk, DOT Docket Management Facility, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12-140, Washington, DC 20590.

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://dms.dot.gov>.

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, 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; Pages 19477-78). The Statement may also be found at <http://dms.dot.gov>.

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Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

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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) 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.

Maryland Transit Administration

[Docket Number FRA-2007-28611]

The Maryland Transit Administration (MTA) seeks a permanent waiver of compliance from certain provisions of the *Passenger Equipment Safety Standards* of 49 CFR part 238, regarding the required periodic tests of locomotive brake equipment. This waiver is being requested for MTA's Maryland Area Rail Commuter (MARC) trains. Specifically, MARC requests that the electronic brake equipment used on their six HHP-8 electric locomotives be subject to the same provisions that are outlined in a waiver (FRA-2000-7367) that was granted to the National Railroad Passenger Corporation (Amtrak) for their KE-3.9 brake equipment (Computer Controlled Brake-brake equipment variant). This waiver extended the time requirements for the cleaning, repairing, and testing of brake components listed in section 238.309(c)(2) to a period not to exceed 5 years or 1,840 days.

MARC claims that the electronic brake equipment used on their HHP-8 locomotives is similar to the brake equipment installed on the Amtrak HHP-8 locomotives that have benefitted from a waiver similar to the one mentioned above for the past 5 years.

The six MARC locomotives for which the current waiver is being requested are operated and maintained by Amtrak. All tests and inspections of these locomotives are performed by Amtrak employees in Amtrak facilities. The MARC HHP-8 locomotives are equipped with an air quality (dryers and filters) system that meets current industry standards.

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-2007-28611) and must be submitted in triplicate to the Docket Clerk, DOT Central Docket Management Facility, 1200 New Jersey Avenue, SE., Room W12-140, Washington, DC 20590-0001.

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 DOT Central Docket Management Facility, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12-140, Washington, DC 20590-0001. 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://dms.dot.gov>.

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Grady C. Cothen, Jr.,

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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) 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.

Union Pacific Railroad Company

[Docket Number FRA-2007-28339]

Union Pacific Railroad Company (UP) seeks a waiver of compliance from 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 from 49 CFR Part 215, *Railroad Freight Car Safety Standards*. Specifically, UP seeks relief to permit trains received at the U.S./Mexico border at Laredo, Texas, from the Kansas City Southern de Mexico Railway to move from the interchange point without performing the regulatory tests and inspections specified in Part 215 and section 232.205(a)(1) at that location. UP proposes moving the trains from the border at Milepost 412.5 on the Laredo subdivision to the UP yard at Port Laredo, Texas (a distance of 11.6 miles), where FRA-required inspections will be performed. According to UP, they have been operating in this fashion since October 1996, under the authority of a letter from the Director of FRA's Office of Safety Assurance and Compliance.