

on recordable motor carrier crashes, which includes date, time and location of crash, investigating agency, weather and road surface conditions, motor carrier ID, driver name, driver license number, power unit identification, and crash outcome, including number of people injured and/or killed.

5. *Complaint Information:* Records of complaints received by Federal and State agencies from various sources against motor carrier companies, their drivers, and/or their operations.

6. *Personal Identifier Information:* Drivers and co-drivers are identified by name, date of birth, and driver license number.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

49 U.S.C. 31136(e), Motor Carrier Safety Act of 1984; 49 U.S.C. 31315, Transportation Efficiency Act for the 21st Century, TEA-21.

**PURPOSES:**

SAFETYNET is used to maintain records of the safety performance of interstate carriers and hazardous materials shippers that are subject to the Federal Motor Carrier Safety Regulations (FMCSR) or Hazardous Materials Regulations (HMR). SAFETYNET also contains information on intrastate carriers (carriers who collect, deliver, or transfer commodities within state boundaries only) that are registered with a State implementing the SAFETYNET system. A large subset of information, collected locally using the SAFETYNET systems, is uploaded to FMCSA centralized systems. Conversely, information collected by other States, and the centralized Federal systems, are distributed to the field-deployed SAFETYNET systems.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

See Prefatory Notice of General Routine Uses.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

No.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Records are stored electronically in databases on physical systems located at FMCSA field offices throughout the United States as well as the offices of State agencies responsible for the enforcement of interstate and intrastate motor carrier operations within their jurisdictions.

**RETRIEVABILITY:**

Records are retrieved by the driver's name, date of birth, vehicle identifier, mailing address, and phone number.

**SAFEGUARDS:**

SAFETYNET information is accessible only to FMCSA and State enforcement personnel with specifically assigned user IDs and passwords. Some limited personnel under contract to FMCSA or State agencies responsible for carrying out enforcement activities or supporting the SAFETYNET system also have access via specifically assigned IDs and passwords. All SAFETYNET IDs and passwords are issued to users only after approval by local SAFETYNET System Managers, or their designees. All Federal and State enforcement related access to SAFETYNET is limited to FMCSA or State internal networks. The upload of data to centralized FMCSA systems is through the FMCSA internal network, specifically designated trusted source networks, or other approved encryption communication protocols. Physical security and access to the hosting facility is managed and maintained by the local SAFETYNET System Manager. FMCSA Division and Service Center offices keep their servers in a secure room. It is the responsibility of each participating state agency to properly secure the server within their facility.

**RETENTION AND DISPOSAL:**

SAFETYNET records are currently undergoing scheduling with the National Archives.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Office of Information Management, FMCSA, 400 7th Street, SW., Washington, DC 20590.

**NOTIFICATION PROCEDURE:**

Individuals seeking to determine whether this system of records contains information pertaining to them should write to the Privacy Officer, Office of Management Information and Services, FMCSA, 400 7th Street, SW., Washington, DC 20590.

**RECORD ACCESS PROCEDURES:**

Same as "Notification procedure."

**CONTESTING RECORD PROCEDURES:**

Same as "Notification procedure."

**RECORD SOURCE CATEGORIES:**

In addition to individual user input through the client/server interface, SAFETYNET collects information from other enforcement systems such as ASPEN, which is roadside CMV inspection software, for vehicle and driver inspections. The SAFETYNET

software may be configured at the State level to interface with and receive data from State inspection, crash, or carrier registration information systems.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None.

**OMB CONTROL NUMBER:**

None.

Dated: November 21, 2006.

**Steven Lott,**

*Departmental Privacy Officer.*

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**BILLING CODE 4910-62-P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Railroad Administration**

**Petition for Waiver of Compliance**

In accordance with Title 49 Code of Federal Regulations (CFR) Part 211, notice is hereby given that the Federal Railroad Administration (FRA) received a request for a waiver of compliance from certain Federal railroad safety requirements. 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-2006-25765]

The Union Pacific Railroad Company (UP) seeks a waiver of compliance from certain provisions of Brake System Safety Standards for Freight and Other Non-passenger Trains and Equipment, End of Train Devices, 49 CFR part 232; Freight Car Safety Standards, 49 CFR part 215; and Locomotive Safety Standards, 49 CFR part 229. Specifically, UP requests that the following regulations be waived to permit run-through trains that originate in Mexico and are interchanged with the UP at the Laredo, Texas Gateway, in order to operate into the interior of the United States without having to perform any additional train or locomotive inspections at the U.S./Mexican border: Class I Brake Test—Initial Terminal Inspection, 49 CFR 232.205; Inspection and Test of the End-of-Train Devices, 49 CFR 232.409; Pre-departure Inspection, 49 CFR 215.13; and Daily Inspection, 49 CFR 229.21.

Currently, the Federal Railroad Administration (FRA) requires mechanical inspections and tests for all trains and equipment that enter the United States from Mexico. UP states in its waiver request that these trains are pre-blocked in Mexico and given the

necessary tests and inspections by the Kansas City Southern de Mexico (KCSM) and/or their contractor at KCSM's Nuevo Laredo/Sanchez yards. UP contends that all of these tests and inspections are performed to the standards prescribed by 49 CFR parts 232, 215, and 229. In addition, KCSM has provided written consent for FRA inspectors to inspect their facilities and observe the personnel involved with performing the required tests and inspections. UP believes that this waiver is warranted since these trains travel only a few miles before they cross the border and receive another test and inspection in the United States. UP submits that if this request is granted, it will save approximately 5 hours per run-through train, greatly reducing congestion and increasing the capacity at the Laredo Gateway.

Both the UP and KCSM are parties of this waiver request, with KCSM performing the required inspections and tests and UP operating the trains into the interior of the United States. Both railroads will be responsible for maintaining the records required by applicable regulations. Access to the records will be provided in the United States by either the UP or Kansas City Southern.

It must be noted that UP made a similar waiver request on July 23, 2004, (Docket No. FRA-2004-18746) petitioning FRA to permit trains to travel into the interior of the United States without receiving any mechanical inspection or test at the border, based on Transportacion Ferroviaria Mexicana (TFM) performing the required tests and inspections at TFM's facility in Nuevo Laredo (See 69 FR 48558). This request was reviewed by the FRA Safety Board and denied for several reasons. All information regarding this request can be obtained as indicated below.

Interested parties are invited to participate in these proceedings by submitting written 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 this petition should identify the appropriate docket number (FRA-2006-25765) and may be submitted by one of the following methods:

- Web site: <http://dms.dot.gov>. Follow the instructions for submitting comments on the DOT electronic site;
- Fax: 202-493-2251;

- Mail: Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL-401, Washington, DC 20590-0001; or

- Hand Delivery: Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Communication received within 45 days of the date of this notice will be considered by FRA prior to final action being taken. Comments received after that date will be considered to the extent 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 on behalf of an association, business, labor union, etc.). You may review the 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 November 22, 2006.

**Grady C. Cothen, Jr.,**

*Deputy Associate Administrator for Safety Standards and Program Development.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System or Relief From the Requirements of Title 49 Code of Federal Regulations Part 236

Pursuant to Title 49 Code of Federal Regulations (CFR) Part 235 and 49 U.S.C. 20502(a), the following railroad has petitioned the Federal Railroad Administration (FRA) seeking approval for the discontinuance or modification of the signal system or relief from the requirements of 49 CFR part 236 as detailed below.

[Docket Number FRA-2006-26179]

*Applicants:* Union Pacific Railroad Company, Mr. Thomas T. Ogee, Assistant Vice President, Engineering

Design, 1400 Douglas Street, Mail Stop 0910, Omaha, Nebraska 68179.

The Union Pacific Railroad Company seeks approval of the proposed modification of the traffic control system at "West Tower 55," milepost 245.7, on the Dallas Subdivision near Ft. Worth, Texas. The proposed changes consist of the permanent discontinuance and removal of power-operated derails identified as No. 46A on Track No. 2 and No. 46B on Track No. 1.

The reason given for the proposed changes is that the derails are no longer needed.

Any interested party desiring to protest the granting of an application shall set forth specifically the grounds upon which the protest is made, and include a concise statement of the interest of the party in the proceeding. Additionally, one copy of the protest shall be furnished to the applicant at the address listed above.

All communications concerning this proceeding should be identified by docket number FRA-2006-26179 and may be submitted by one of the following methods:

- Web site: <http://dms.dot.gov>. Follow the instructions for submitting comments on the DOT electronic site;
- Fax: 202-493-2251;
- Mail: Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL-401, Washington, DC 20590-0001; or

- Hand Delivery: Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, 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 the 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>.

FRA wishes to inform all potential commenters that 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