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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 February 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 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), or online at <http://www.dot.gov/privacy.html>.

Issued in Washington, DC, on January 2, 2013.

**Robert C. Lauby,**

*Deputy Associate Administrator for Regulatory and Legislative Operations.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket Number FRA-2002-11669]

#### 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 March 26, 2012, the Southern Indiana Railway (SIND) of Sellersburg, IN, 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 Caboooses). FRA assigned the petition Docket Number FRA-2002-11669.

SIND has petitioned for a permanent waiver of compliance for two locomotives, SIND 103 and SIND 104, from the requirements of 49 CFR 223.11—*Requirements for existing locomotives*, which requires FRA Type I material in the forward and rearward end-facing glazing locations of the locomotive cab windshields as well as FRA Type II material in all side-facing windows of the locomotive cabs. Each locomotive is a Model S-3, built by the American Locomotive Company in 1950. Both locomotives were rebuilt in 1988. SIND states that it operates one train per day, over a 5-mile-long single track through mostly rural or lightly populated areas, to interchange with CSX Transportation and the Louisville and Indiana Railway for inbounds and outbounds. SIND further states that it has never had any employee injuries caused by broken locomotive glass. SIND describes the current glazing as single-pane safety plate glass in good condition. SIND is requesting this relief on account of the absence of history of any previous glazing-related accidents or injuries.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at [www.regulations.gov](http://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 January 2, 2013

**Robert C. Lauby,**

*Deputy Associate Administrator for Regulatory and Legislative Operations.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket Number FRA-2012-0091]

#### 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 letter dated November 15, 2012, 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–2012–0091.

BNSF seeks relief with respect to the application of certain provisions of 49 CFR part 232. Specifically, BNSF seeks relief from 49 CFR Sections 232.205(c)(1)—*Class I brake test—initial terminal inspection* and 232.207(b)(1)—*Class IA brake tests—1,000-mile inspection* for trains operating in distributive power mode. BNSF requests to extend the maximum allowable brake pipe air flow from the present rule of 60 cubic feet per minute (CFM) to 90 CFM for distributed power-equipped trains under specified operating conditions.

Canadian railroads have operated with the higher air flow of 90 CFM on distributed power trains for the past 2 years. Recently, BNSF conducted demonstration testing in Great Falls, MT, for air flows between 60 and 90 CFM; a summary of which has been submitted to this docket. BNSF states that these tests confirmed brake propagation rates comparable to the rates achieved by Canadian Pacific Railway and Canadian National Railway in their experience operating high CFM air flow trains. Based upon the successful outcome of its test, and the operational experience of the Canadian railroads, BNSF petitions FRA to permit operation at higher air flow levels for trains operating in distributive power mode under the operating conditions specified in its petition.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at [www.regulations.gov](http://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 December 17, 2012.

**Robert C. Lauby,**

*Deputy Associate Administrator for Regulatory and Legislative Operations.*

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[Docket No. AB 33 (Sub-No. 306X); Docket No. AB 1091X]

#### **Union Pacific Railroad Company—Abandonment and Discontinuance Exemption—in Cameron County, TX; Brownsville and Matamoras Bridge Company—Abandonment Exemption—in Cameron County, TX**

On December 20, 2012, Union Pacific Railroad Company (UP) and Brownsville and Matamoras Bridge Company (B&M) (collectively, Petitioners) jointly filed with the Surface Transportation Board a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903 to permit: (1) UP to abandon and discontinue the portion of UP's Brownsville Subdivision from milepost 7.4 at Olmito Junction to milepost 0.22 at Brownsville, Tex. (UP's Brownsville Subdivision); and (2) B&M to abandon its 0.8 mile line from its connection to

UP's Brownsville Subdivision near UP milepost 0.41 to the international border with Mexico located near the center-point of B&M's bridge at Brownsville (B&M Bridge Line), a total distance of 7.98 miles in Cameron County, Tex. (collectively, the Line). The Line traverses United States Postal Service Zip Code 78520 and includes no stations.

In addition to an exemption from the prior approval requirements of 49 U.S.C. 10903, Petitioners seek an exemption from 49 U.S.C. 10904 (offer of financial assistance procedures) and 10905 (public use provisions). In support, Petitioners state that no shippers are served by the Line and that there is an agreement in principle that, following abandonment, UP's Brownsville Subdivision will be transferred to Cameron County, Tex., and/or the City of Brownsville, Tex., for interim trail use. B&M asserts that the .08 mile B&M Bridge Line is unsuitable for both public use and interim trail use. B&M states that the B&M Bridge will remain under ownership of B&M, and the B&M Bridge may play some future role in the movement of motor vehicle traffic across the border between Mexico and the United States. These requests will be addressed in the final decision.

Petitioners state that the Line does not contain Federally granted rights-of-way. Any documentation in Petitioners' possession will be made available promptly 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 issuing this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by April 9, 2013.

Any offer of financial assistance (OFA) under 49 CFR 1152.27(b)(2) will be due no later than 10 days after service of a decision granting the petition for exemption. 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 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 January 29, 2013. Each trail use request must be accompanied by a \$250 filing fee. See 49 CFR 1002.2(f)(27).