document (or signing the document, 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; Page 19477) or at *http://www.dot.gov/privacy.html.*

Issued in Washington, DC, on August 30, 2010.

Robert C. Lauby,

Deputy Associate Administrator for Regulatory and Legislative Operations.

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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.

Union Pacific Railroad Company

(Waiver Petition Docket Number FRA–2010–0125)

The Union Pacific Railroad Company (UP) seeks a waiver of compliance with certain requirements of 49 CFR Part 232—*Brake System Safety Standards for Freight and Other Non-Passenger Trains and Equipment; End-of Train Devices,* CFR Part 229—*Railroad Locomotive Safety Standards,* and CFR Part 215—*Railroad Freight Car Safety Standards.* Specifically, UP seeks relief to permit trains received at the U.S./Mexico border at El Paso, Texas, from the Ferrocarriles Nacionales de Mexico (FXE) to move from the interchange point without performing the regulatory tests and inspections specified in Part 215, § 229.21, and § 232.205(a)(1), at that location.

UP proposes moving the trains from the FXE interchange point at the International Yard on the Lordsburg subdivision to the UP's Dallas St. yard, a distance of 2.8 miles, without the need to comply with the requirements of those parts of the CFR as noted above. A Class III brake test under § 232.211 would be performed prior to departing the International Yard.

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–2010–0125) 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 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://www.regulations.gov.*

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 document (or signing the document, 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; Page 19477) or at *http://www.dot.gov/privacy.html.*

Issued in Washington, DC, on August 30, 2010.

Robert C. Lauby,

Deputy Associate Administrator for Regulatory and Legislative Operations.

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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 with 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.

City of St. Matthews, Kentucky

(Waiver Petition Docket Number FRA–2010–0135)

The City of St. Matthews, KY (City), and CSX Transportation, Inc. (CSX) jointly seek a temporary waiver of compliance from certain provisions of the Use of Locomotive Horns at Highway-Rail Grade Crossings, 49 CFR Part 222. The City intends to establish a Pre-Rule Quiet Zone that it had previously continued under the provisions of 49 CFR 222.41(c)(1). The City is seeking a waiver for the requirement to construct and complete a Pre-Rule Quiet Zone by June 24, 2010, as required by 49 CFR 222.41(c)(2) and for an extension of such date to September 1, 2011. In addition, the City, CSX and the City of Richlawn, KY (Richlawn), seek a temporary waiver from provisions of 49 CFR 222.41(c) so that a single public highway-rail grade crossing in Richlawn, that meets the definition of a Pre-Rule Quiet Zone, but the required notices or other actions have not been submitted, could be included in St. Matthews' Pre-Rule Quiet Zone.

There are 5 crossings in the existing City's Pre-Rule Quiet Zone extending from Chenoweth Lane (MP T5.43) to Thierman Lane (MP T6.12) on the CSX Louisville Division, Louisville-Cincinnati Subdivision. All of the crossings are equipped with flashing lights and gates, constant warning time train detection circuitry and power-out indicators. Two of these crossings will be treated with Supplementary Safety Measures (SSM) as follows: 1 crossing with gates and non-traversable curb medians and 1 crossing with four-quadrant gates. One of the SSMs has been installed (gates and non-traversable curb medians on Thierman Lane) and the other (four-quadrant gates on Chenoweth Lane) will be completed within the October 2011 to April 2012 timeframe and hopefully sooner.