



## **DEPARTMENT OF TRANSPORTATION**

### **Federal Railroad Administration**

**[Docket Number FRA-2018-0086]**

### **Petition for Waiver of Compliance**

Under part 211 of Title 49 Code of Federal Regulations (CFR), this provides the public notice that on October 5, 2018, the Texas State Railroad (TSR), on behalf of the Texas & Eastern Railroad, a subsidiary of The Western Group, petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR parts 215 and 224. FRA assigned the petition Docket Number FRA-2018-0086.

Specifically, TSR requests relief from 49 CFR 215.303, *Stenciling of restricted cars*, and 49 CFR part 224, *Reflectorization of Rail Freight Rolling Stock*, for 14 TSR freight cars. Each of these freight cars is more than 50 years old, measured from the date of original construction, and is the subject of a parallel petition for Special Approval for continued operation under § 215.203(c). TSR states that the required stenciling and reflectorization would violate the historic impression that the cars are maintained to preserve.

TSR further states that these freight cars have been inspected by its shop personnel and have been deemed safe for service. The restricted cars are limited in their service by speed, lading and territory, specifically, its 29-mile railroad, at speeds not exceeding 25 miles per hour, with light tonnage (if any), in accordance with Part 215. The cars will

never be subject to regular railroad interchange operations. TSR states that its restricted cars will always be operated in a context that ensures that each car and its restrictions and limitations are readily accessible and known both to TSR and to FRA.

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.

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 parties desire an opportunity for oral comment and a public hearing, 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 [INSERT DATE 45 DAYS FROM PUBLICATION OF THIS NOTICE] will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable.

Anyone can 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.). In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to [www.regulations.gov](http://www.regulations.gov), as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <https://www.transportation.gov/privacy>. See also <https://www.regulations.gov/privacyNotice> for the privacy notice of [regulations.gov](http://www.regulations.gov).

Issued in Washington, DC.

**Robert C. Lauby,**

*Associate Administrator for Railroad Safety,*

*Chief Safety Officer.*

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