

Issued in Washington, DC, on January 19, 2023.

Kevin Welsh,

Executive Director, Office of Environment and Energy.

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA-2009-0074]

Petition for Extension of Waiver of Compliance

Under part 211 of title 49 Code of Federal Regulations (CFR), this document provides the public notice that by letter dated October 31, 2022, Canadian National Railway Company (CN), the Transportation Division of the International Association of Sheet Metal, Air, Rail, and Transportation Workers, and the Brotherhood of Locomotive Engineers and Trainmen collectively petitioned the Federal Railroad Administration (FRA) for an extension of a waiver of compliance from certain provisions of the hours of service laws contained at title 49 United States Code (U.S.C.) section 21103(a). The relevant FRA Docket Number is FRA-2009-0074.

Specifically, petitioners requested an extension of the existing relief from the provisions of 49 U.S.C. 21103(a)(4), which in part, provides that a train employee may not be required or allowed to remain or go on duty after that employee has initiated an on-duty period each day for 6 consecutive days, unless that employee has had at least 48 hours off duty at the employee's home terminal. In support of the request, petitioners explained that CN has operated these schedules of 6 consecutive on-duty periods followed by 24 hours off duty successfully since 2002 and that the relief is "very unlikely to have had any impact on any recent safety trends." Petitioners further state that CN's recent internal review of human factor-caused accidents has determined that "the absence of human factors incidents involving persons covered under this waiver demonstrates that continued operation under the waiver has not caused a problem with safety."

A copy of the petition, as well as any written communications concerning the petition, is available for review online at www.regulations.gov.

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 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 at <http://www.regulations.gov>.

Follow the online instructions for submitting comments.

Communications received by March 27, 2023 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.). Under 5 U.S.C. 553(c), the U.S. Department of Transportation (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, 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/privacy-notice> for the privacy notice of www.regulations.gov.

Issued in Washington, DC.

John Karl Alexy,

Associate Administrator for Railroad Safety Chief Safety Officer.

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA-2023-0004]

Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System

Under part 235 of title 49 Code of Federal Regulations (CFR) and 49 U.S.C. 20502(a), this document provides the public notice that by letter dated January 9, 2023, Union Pacific Railroad Company (UPRR) petitioned the Federal Railroad Administration (FRA) seeking approval to discontinue or modify a signal system. FRA assigned the petition Docket Number FRA-2023-0004.

Specifically, UPRR requests a suspension of block signals between CP Reynard (F 417) and CP Phil (F 430) on the Winnemucca Subdivision, near Gerlach, Nevada. UPRR explains that this suspension would be temporary, and UPRR would later request to "remove [Centralized Traffic Control (CTC)] limits and replace with [Track Warrant Control (TWC)] limits through the same area." In support of its request, UPRR states that its dispatching software cannot grant track warrants through the subject area, but when they can grant track warrants, UPRR will notify FRA prior to implementation of TWC limits. UPRR requests the suspension of block signals for up to six months from the date of approval. UPRR explains that the reason for the proposed suspension is that UPRR "has an incurable situation with contaminated track conditions that will not allow the signal system to function properly."

A copy of the petition, as well as any written communications concerning the petition, is available for review online at www.regulations.gov.

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 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 at <http://www.regulations.gov>.

Follow the online instructions for submitting comments.

Communications received by February 24, 2023 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable. FRA notes that it may consider the application before the end of this comment period, but any final action would be contingent on subsequent consideration of any comments that may be received in this docket.

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.). Under 5 U.S.C. 553(c), the U.S. Department of Transportation (DOT) solicits comments from the public to