

Inspector General's May 8, 2002, report titled "Improving Testing and Licensing of Commercial Drivers," that the report does not support SBTC's exemption application. The report did not recommend that motor carriers should be exempt from the driver qualification regulations relating to the English language proficiency requirement.

Although SBTC made a conclusory statement that "placing the onus for compliance with the English proficiency standard solely on drivers and not motor carriers" would achieve an equivalent level of safety as complying with the regulations, SBTC did not explain how this would achieve an equivalent level of safety and did not propose any safety countermeasures. FMCSA concludes that SBTC has presented insufficient evidence to establish that not complying with the driver qualification regulations relating to the English language proficiency requirements for CMV drivers would meet or exceed the level of safety provided by complying with the regulations.

For the above reasons, FMCSA denies SBTC's request for exemption.

Robin Hutcheson,
Deputy Administrator.

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA-2022-0077]

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 on July 22, 2022,¹ Kansas City Southern (KCS) petitioned the Federal Railroad Administration (FRA) seeking approval to discontinue or modify a signal system. FRA assigned the petition Docket Number FRA-2022-0077.

Specifically, KCS requests permission to decrease the limits of a centralized traffic control (CTC) block signal system, from mile post (MP) 9.9 to MP 11.2, near Laredo, Texas, as part of its Serrano Yard expansion project. This permanent change would include removing control point (CP) 10 and

changing 1.3 miles of current CTC territory to yard limits at restricted speed. KCS requests the change to expand capacity for building trains in the Serrano Yard. In support of its petition, KCS states that the change will minimally affect the safety of operations because the maximum authorized speed in the area will decrease from 59 miles per hour to restricted speed yard limits. KCS also notes that this proposed change would bring the CTC/yard limits "in coincidence between the main track and switching lead at CP 11, reducing the risk of confusion for on track equipment."

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 January 3, 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 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-2017-0017]

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 on July 29, 2022,¹ Norfolk Southern Corporation (NS) petitioned the Federal Railroad Administration (FRA) for an extension of a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 236 (Rules, Standards, and Instructions Governing the Installation, Inspection, Maintenance, and Repair of Signal and Train Control Systems, Devices, and Appliances). The relevant FRA Docket Number is FRA-2017-0017.

Specifically, NS requests a waiver extension from § 236.566, *Locomotive of each train operating in train stop, train control or cab signal territory; equipped*, for: (1) all operations between and including the limits of control point (CP) Bright at mile post (MP) PC 28.2 and CP West Conway at MP PC 24.5; and (2) all movements on the Fort Wayne Line Tracks #1 and #2, both to and from CP Rochester, at MP PC 25.9 on the Cleveland Line, CP Bright on the Youngstown Line, and the yard tracks at East Conway. In support of its request, NS states that any movement directed by this relief will be at restricted speed and an absolute block will be established in advance of each movement.

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

¹ On October 13, 2022, KCS submitted a revised petition. Both the original and revised petitions are available in the docket (<https://www.regulations.gov/document/FRA-2022-0077-0001>).

¹ On October 13, 2022, NS submitted a revised petition. Both the original and revised petitions are available in the docket (<https://www.regulations.gov/document/FRA-2017-0017-0007>).