



U.S. Department
of Transportation
**Federal Railroad
Administration**

1120 Vermont Ave., N.W.
Washington, D.C. 20590

OCT 26 2006

Mr. Robert M. Grimaila
Senior AVP Safety, Environment and Security
Union Pacific Railroad Company
1400 Douglas Street
Omaha, Nebraska 68179

Re: Docket No. FRA-2006-25862

Dear Mr. Grimaila:

This letter is in response to Union Pacific Railroad Company's (UP) August 28, 2006 petition for waiver from certain provisions of Title 49, Code of Federal Regulations (CFR), Part 240, *Qualification and Certification of Locomotive Engineers*. Specifically, UP requested relief from the requirements of 49 CFR §§ 240.117(e)(1)-(4), 240.305(a)(1)-(4), 240.305(a)(6) (excluding supervisors as noted in Attachment A to the August 28, 2006 petition), and 240.307. As noted in the petition, the requested relief is related to the desire of UP and the UP's North Platte Service Unit employees [represented by the Brotherhood of Locomotive Engineers and Trainmen (BLET) and the United Transportation Union (UTU)] to participate in a Close Call Reporting System (C3RS) pilot project sponsored by the Federal Railroad Administration (FRA).

On October 17, 2006, the FRA Railroad Safety Board granted the requested relief subject to the following conditions:

1. The Implementing Memorandum of Understanding (IMOU) dated August 17, 2006, among UP, BLET, UTU, and FRA is incorporated by reference into the conditions of this letter. This waiver is limited to relief necessary to implement the terms of the August 17, 2006, IMOU. Any proposed material modifications to the IMOU must be submitted to the FRA Railroad Safety Board for approval prior to implementation of such modifications.
2. Prior to implementing the C3RS pilot project, all UP employees eligible to participate in the project must be trained in the proper reporting of "close call" incidents as defined in the IMOU.
3. This waiver is effective for a period of five years from the date of this letter, until the C3RS pilot project is completed, or until any party to the IMOU cancels its participation in the project, whichever occurs first. FRA reserves the right to extend the waiver if conditions warrant and if UP has made a written request for

an extension. Any request for an extension shall be filed with FRA's Office of Safety Assurance and Compliance in Washington, D.C.

4. FRA reserves the right to modify or rescind this waiver at any time if new information is presented that indicates this waiver is not in the public interest or is inconsistent with railroad safety.

In any future correspondence regarding this waiver, please refer to Docket Number FRA-2006-25862.

Sincerely,



Jo Strang
Associate Administrator for Safety