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# Congress of the United States

House of Representatives

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CAUCUS CIVIL RIGHTS TASK FORCE

November 10, 2004

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FRA-04-18746-40

Ms. Betty Monro  
Acting Administrator  
Federal Railroad Administration  
1120 Vermont Avenue, NW  
Washington, D.C. 20590-0001

Dear Ms. Monro:

It has come to my attention that Union Pacific Railroad (UP) is requesting a waiver of compliance from several safety standards and requirements as noticed in the Federal Register on October 26, 2004 (Waiver Petition Docker Number FRA-2004-18746). I am writing to express my strong opposition to UP's request.

As you know, UP has requested the waiver from the following safety provisions:

- Section 232.205 Class I Brake Test-Initial Terminal Inspection
- Section 232.409 Inspection and Testing of End-of-Train
- Section 215.13 Pre-departure Inspection
- Section 229.21 Daily Inspection

UP has requested that it receive a waiver from these provisions so that its trains originating in Mexico can enter the United States at Laredo, Texas without having to stop and be inspected on the U.S. side of the U.S./Mexico border. If this waiver is granted, the trains will then be inspected in Mexico by the Transportacion Ferroviaria Mexicana (TFM) and UP would then keep the necessary records readily accessible on the U.S. side of the border. I am extremely concerned about this proposal due to the fact that trains will be coming from Laredo, Texas to my district in Bexar County and other communities, without the benefit of proper safety inspections.

As the Federal Railroad Administration (FRA) is aware, UP has recently been involved in several train accidents in the City of San Antonio and Bexar County. Indeed, in the accident that occurred on June 28, 2004, the conductor and two residents lost their lives and many others were seriously injured. Since that time, UP has been involved in at least three more train accidents, the exact causes of which remain to be determined. In

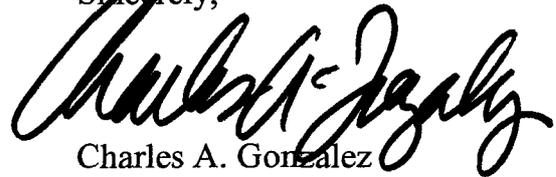
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light of UP's involvement in so many recent train accidents, including the fatal June 28<sup>th</sup> accident, now is not an appropriate time for the FRA to grant UP a waiver of any safety regulations. Instead, regulations to protect the health and safety of residents along railroad routes should be re-evaluated, updated and improved. The requested waiver would represent a backward step contrary to recent representations by the railroads that all possible efforts are being made to ensure rail safety. FRA must not create a regulatory climate that fails to impose the strictest responsibility on the railroad industry when it comes to safety.

~~Thank you~~ for your consideration of this issue. If you would like to discuss this matter further, please do not hesitate to contact me.

Sincerely,



Charles A. Gonzalez  
Member of Congress

CAG:ss

cc: Docket Clerk, Department of Transportation Docket Management Facility