



DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petition for Waiver of Compliance

Docket Number FRA-2016-0108

Under part 211 of Title 49 Code of Federal Regulations (CFR), this document provides public notice that on April 26, 2017, the Union Pacific Railroad Company (UP) petitioned the Federal Railroad Administration (FRA) to modify an existing waiver of compliance from certain provisions of the Federal railroad safety regulations in 49 CFR part 236. FRA assigned the petition docket number FRA-2016-0108.

UP seeks a modification to its existing waiver from compliance with cab signal system requirements found in 49 CFR 236.566, Locomotive of each train operating in train stop, train control, or cab signal territory; equipped. Specifically, UP requests that FRA add more lines to the waiver. The lines listed in this request are those where UP will install and operate Positive Train Control (PTC) in lieu of automatic cab signal (ACS), Automatic Train Control (ATC), or Automatic Train Stop (ATS) to support its plan for PTC implementation. The list of the lines is in the table below:

Subdivision	Cab Signal System	From MP	From Station	To MP	To Station
Blair	ATC	326.2	East Missouri Valley, IA	329.5	Missouri Valley, IA
Boone	ATC	202.2	Boone, IA	326.2	East Missouri Valley, IA
Clinton	ATC	2.1	Clinton, IA	202.2	Boone, IA

Columbus	ACS	39.2	Fremont, NE	144.5	East Grand Island, NE
Evanston	ACS	817.3	Green River, WY	977.5	Strawberry, UT
Geneva	ATC	0.8	Halsted, IL	138.9	Clinton, IA
Harvard	ATS	0.9	Erie, IL	63.0	Harvard, IL
Hiawatha	ACS	43.1	Hiawatha, KS	143.0	Upland, KS
Joliet	ACS	72.8	Dwight, IL	92.5	Pontiac, IL
Kansas	ACS	72.9	Menoken, KS	143.0	Upland, KS
Kearney	ACS	144.5	East Grand Island, NE	282.0	Platte River, NE
Kenosha	ACS ¹	30.2	Lake Bluff, IL	52.8	Hold Signal 53 (Kenosha), WI
Kenosha	ATS	2.7	CY (Clybourn), IL	52.8	Hold Signal 53 (Kenosha), WI
Laramie	ACS	510.8	Cheyenne, WY	682.8	Rawlins, WY
Laramie	ACS	519.1	Borie, WY	C519.7	West Speer, WY
Marysville	ACS	143.0	Upland, KS	146.7	McLaughlin, KS
Marysville	ACS	149.0	West Marysville, KS	288.4	Gibbon, NE
North Platte Terminal	ACS	282.0	Platte River, NE	283.4	Bryan Ave., NE
North Platte Terminal	ACS	291.0	Birdwood, NE	291.9	Hinman, NE
Omaha	ATC	329.1	Missouri Valley, IA	348.5	North Council Bluffs, IA
Omaha	ACS	7.5	Omaha 57th Street, NE	39.2	Fremont, NE
Rawlins	ACS	682.8	Rawlins, WY	815.1	Green River, WY
Sidney	ACS	291.9	Hinman, NE	509.3	Cheyenne, WY
South Morrill	ACS	300.4	O'Fallons, NE	157.0	Pelton, NE

In its original petition, UP noted its Positive Train Control Implementation Plan identifies its ultimate goal of supplanting cab signals with PTC technology. Justification for relief was provided in that petition, as well as in supplements to that petition added to the waiver docket. UP also indicated its intent to petition for relief on the balance of its cab signal territories, all of which are slated for the implementation of PTC.

The relief requested would only apply within the UP subdivisions listed on which a PTC system is installed and operative; the PTC system is successfully initialized; and a locomotive engineer trained and qualified in the operation of PTC is present for the operation of the train with ACS, ATC, or ATS cut out. The PTC system to be utilized is UP's implementation of the Interoperable Electronic Train Management System.

If the PTC system fails and/or is cut-out en route as a result of same, the train crew will cut-in the ACS, ATC, or ATS onboard system, perform a departure test, and if successful, continue the trip under ACS, ATC, or ATS operation. If the ACS, ATC, or ATS onboard system cut-in and/or departure tests are not completed successfully, the train will continue to operate under the provisions of 49 CFR 236.567, Restrictions imposed when device fails and/or is cut out en route.

UP notes that the ACS, ATC, or ATS and PTC systems are not integrated on the locomotive and its concurrent use would be potentially confusing and distracting to the train crew due to differences in the content of its displays, audible and visual alerts provided, and required acknowledgement protocols.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at www.regulations.gov and in person at the 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, 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 30 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, 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](https://www.regulations.gov).

Robert C. Lauby,
Associate Administrator for Railroad Safety
Chief Safety Officer.

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