

[4910-06-P]

Department of Transportation

Federal Railroad Administration

[Docket No. FRA 2001-9972]

Formerly FRA Docket No. 87-2

Notice No. 15

RIN 2130-AB20

Automatic Train Control (ATC) and Advanced Civil Speed Enforcement System (ACSES); Northeast Corridor (NEC) Railroads

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Amendment to Order of Particular Applicability Requiring ACSES Between New Haven, Connecticut and Boston, Massachusetts—Extension and Modification of CSX Transportation (CSXT) Temporary Operating Protocols

SUMMARY: In 1998, FRA issued an Order of Particular Applicability requiring all trains operating on the Northeast Corridor (NEC) between New Haven, Connecticut and Boston, Massachusetts (NEC--North End) to be equipped to respond to the new Advanced Civil Speed Enforcement System (ACSES). On June 26, 2002, CSXT wrote to request an amendment and extension of an exception originally granted in June 2001 that allowed CSXT to follow temporary operating protocols. After reviewing this request, and discussing it with CSXT personnel, FRA has decided to amend the Order to allow CSXT to continue to run under modified temporary operating protocols until further

notice, so that field testing of Amtrak software on freight operations can be completed.

DATE: The amendment to the Order is effective [insert date of Federal Register publication].

FOR FURTHER INFORMATION CONTACT: W. E. Goodman, Staff Director, Signal and Train Control Division, Office of Safety, Mail Stop 25, FRA, 1120 Vermont Avenue, N.W., Washington, D.C. 20590 ((202) 493-6325); Paul Weber, Railroad Safety Specialist, Signal and Train Control Division, Office of Safety, Mail Stop 25, FRA, 1120 Vermont Avenue, N.W., Washington, D.C. 20590 ((202) 493-6258); or Patricia V. Sun, Office of Chief Counsel, Mail Stop 10, 1120 Vermont Avenue, N.W., Washington, D.C. 20590 ((202) 493-6038).

For instructions on how to use this system, visit the Docket Management System Web Site (www.dms.dot.gov) and click on the “Help” menu. This docket is also available for inspection or copying at room PL-401 on the plaza level of the Nassif Building at the U.S. Department of Transportation, 400 7th Street, S.W., Washington, D.C. 20590-0001, during regular business hours.

SUPPLEMENTARY INFORMATION:

The Order of Particular Applicability (Order), as published on July 22, 1998, set performance standards for cab signal/automatic train control and ACSES systems, increased certain maximum authorized train speeds, and contained safety requirements supporting improved rail service on the NEC. 63 FR 39343. Among other requirements, the Order required all trains operating on track controlled by the National Railroad Passenger Corporation (Amtrak) on the NEC--North End to be controlled by locomotives

equipped to respond to ACSES by October 1, 1999. In seven subsequent notices, FRA amended the Order to reset the implementation schedule, make technical changes, and allow the use of temporary operating protocols. 64 FR 54410, October 6, 1999; 65 FR 62795, October 19, 2000; 66 FR 1718, January 9, 2001; 66 FR 34512, June 28, 2001; 66 FR 57771, November 16, 2001; 67 FR 6753, February 12, 2002, and FR , March 27, 2002.

On June 28, 2001, in Notice No. 11, FRA granted CSXT a relief period from the implementation schedule specified in the Order to allow CSXT additional time to complete its field testing of new Amtrak operational software. FRA subsequently extended the relief period several times as Amtrak continued to make adjustments. The modifications contained in this latest amendment will run until development and testing of the operational software is complete.

The amendment to this Order is effective upon publication instead of 30 days after the publication date in order to realize the significant safety and transportation benefits afforded by the ACSES system at the earliest possible time. All affected parties have been notified.

FRA is not reopening the comment period since the amendment to this Order is necessary to avoid disruption of rail service. Under these circumstances, delaying the effective date of the amendment to allow for notice and comment would be impracticable, unnecessary, and contrary to the public interest.

As mentioned above, FRA has granted six previous amendments to this Order. FRA therefore expects the parties to this Order to resolve any remaining issues quickly. Future requests for relief must be submitted no later than 10 working days before the requestor wishes the desired relief to take effect, to ensure that the parties commit fully to an efficient completion of ACSES design and implementation.

Modifications to CSXT Temporary Operating Protocols

The CSXT letter identified numerous "problem areas" in both the wayside and onboard portions of ACSES, with CSXT's recommended solutions. The majority of the software and mechanical issues identified by CSXT have either been resolved through agreement with Amtrak or cannot be addressed through the waiver process. FRA is amending the Order, however, to address two of the issues raised by CSXT.

1) Nighttime Operations

In its June 26 letter, CSXT stated that Amtrak had agreed to allow CSXT to operate freight trains on the NEC--North End with ACSES cut out during the low-volume hours of 12:00 a.m.-5:00 a.m. There are no high-speed train operations on the NEC--North End during these hours. This relief will allow CSXT to operate trains on the NEC--North End with ACSES cut out, without the current requirement that the Amtrak dispatcher be notified at the time of cut out.

CSXT and Amtrak must submit operating rules for FRA's approval before nighttime operations may begin. The operating rules must indicate all the aspects and controls of these operations. This relief will continue until Amtrak has modified its software to eliminate the large number of unexpected penalty applications currently required.

2) Temporary Disabling of Positive Stop Requirement at Attleboro, Massachusetts

Currently, ACSES enforces positive stop requirements at the interlockings at Attleboro, and Mansfield, Massachusetts. In its June 26 letter, CSXT indicated that Amtrak had agreed to grant CSXT's request to remove the positive stop requirements at both interlockings, to reduce the number of penalty brake applications experienced during switching operations. FRA approves CSXT's request for a temporary disabling of the positive stop requirement at the Attleboro interlocking, since entry at that location is onto Track 4, a 60 mile per hour (mph) track with protection at both ends. Amtrak must reinstall the positive stop requirement at this location upon completion of the modifications to its ACSES software.

FRA does not approve, however, CSXT's request for a similar disabling at the Mansfield interlocking, since that enters onto a 150 mph track. FRA believes that safety would be better served at this location by retaining positive stop protection.

Accordingly, for the reasons stated in the preamble, the Final Order of Particular Applicability published at 63 FR 39343, July 22, 1998 (Order) is amended as follows:

1. The authority for the Order continues to read as follows: 49 U.S.C. 20103, 20107, 20501-20505 (1994); and 49 CFR 1.49(f), (g), and (m).
2. Paragraph 12 is amended to read as follows:
 12. CSX Transportation (CSXT) Temporary Operating Protocols.
 - (a) Effective upon [insert date of publication] until further notice:
 - (1) CSXT may operate trains along the NEC--North End between the hours of 12:00 a.m. to 5:00 a.m. with ACSES cut out, without prior notification to

the Amtrak dispatcher. This temporary relief is contingent upon FRA approval of Amtrak and CSXT operating rules concerning these operations.

(2) Amtrak will modify its ACSES operations by temporarily disabling the positive stop requirement from the interlocking signals that provide entrance to track number 4 at Attleboro, Massachusetts. Amtrak must reinstall the positive stop requirement at this location upon completion of the modifications to its ACSES software.

Issued in Washington, D.C. on

Allan Rutter
Federal Railroad Administrator