



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

VIA E-MAIL ONLY

June 9, 2020

Mr. Gregory M. Richardson
General Director - Train Control Systems
Union Pacific Railroad Company
GMRichal@up.com

Re: Docket Number FRA-2016-0108

Dear Mr. Richardson:

This letter is in response to Union Pacific Railroad Company's (UP) December 6, 2019, letter in reference to Docket Number FRA-2016-0108, which allows the use of UP's Positive Train Control (PTC) system in lieu of Automatic Train Control (ATC), Automatic Cab Signal (ACS), or Automatic Train Stop (ATS) systems, and the need for modifications to that waiver due to the derailment which occurred on UP's Clinton Subdivision in Stanwood, Iowa, in June 2019. Specifically, UP requested continuation of its existing waiver through December 31, 2021, conditioned upon implementation of certain mitigation measures.

The modifications of the waiver apply to all portions of the UP system where PTC will be implemented. The relief will allow the operation of PTC in lieu of ACS, ATC, and ATS.

FRA's Railroad Safety Board (Board) has carefully reviewed the waiver petition and the technical staff findings. The Board has determined that granting UP's request for continued relief is in the public interest and consistent with railroad safety. Accordingly, the Board grants the waiver, subject to the following conditions:

1. A PTC system must be installed and operative before operations without ACS, ATC, or ATS may begin. The PTC system must be successfully initialized and a locomotive engineer trained and qualified in the operation of PTC must be present for operation of the train.
2. The lead and controlling locomotive must be equipped with an operative ATC, ACS, ATS system per § 236.566, to ensure the system can be immediately placed into service in the event PTC fails or is cut out. The ATC, ACS, or ATS system must have received a successful departure test per § 236.587.
3. If the PTC system fails and/or is cut-out en route, 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 an ACS, ATC, ATS departure test cannot be performed, i.e., due to being on the main track outside of a terminal, then the ACS, ATC, ATS system must be placed back in service and a departure test be performed at the next forward location.

4. UP must complete the near-term measures to increase awareness of and compliance with existing operating rules as outlined in the December 6, 2019, petition.
5. UP must complete the program of work within 24 months of the date of this letter, and provide FRA a monthly update on their efforts to modify the switches within ATC, ACS, ATS territories so their positions are directly indicated to a train's PTC system by a Wayside Interface Unit or otherwise equipped with electric locks. The updates must be sent to Gabe Neal, Acting Staff Director, PTC/S&TC, at gabe.neal@dot.gov.

This waiver expires 24 months from the date of this letter.

FRA reserves the right to modify or rescind this waiver upon receipt of information pertaining to the safety of railroad operations or in the event of noncompliance with any condition of this waiver. Further, FRA reserves the right to take enforcement action under 49 U.S.C. § 20111 for noncompliance with any condition of this waiver or applicable Federal regulations.

In any future correspondence regarding this waiver, please refer to Docket Number FRA-2016-0108. If you have any questions, please contact Mr. Paul Weber, Railroad Safety Specialist, Signal and Train Control Division, at 202-493-6258 or paul.weber@dot.gov.

Sincerely,

Karl Alexy
Associate Administrator for Railroad Safety
Chief Safety Officer