

DEPARTMENT OF TRANSPORTATION**Federal Railroad Administration**

[Docket Number FRA–2010–0029]

National Railroad Passenger Corporation's Request To Amend Its Positive Train Control Safety Plan and Positive Train Control System**AGENCY:** Federal Railroad Administration (FRA), Department of Transportation (DOT).**ACTION:** Notice of availability and request for comments.

SUMMARY: This document provides the public with notice that the National Railroad Passenger Corporation (Amtrak) submitted a request for amendment (RFA) to its FRA-approved Positive Train Control Safety Plan (PTCSP) on August 5, 2021. As this RFA may involve a request for FRA's approval of proposed material modifications to an FRA-certified positive train control (PTC) system, FRA is publishing this notice and inviting public comment on the railroad's RFA to its PTCSP.

DATES: FRA will consider comments received by October 14, 2021. FRA may consider comments received after that date to the extent practicable and without delaying implementation of valuable or necessary modifications to a PTC system.

ADDRESSES:

Comments: Comments may be submitted by going to <https://www.regulations.gov> and following the online instructions for submitting comments.

Instructions: All submissions must include the agency name and the applicable docket number. The relevant PTC docket number for this host railroad is Docket No. FRA–2010–0029. For convenience, all active PTC dockets are hyperlinked on FRA's website at <https://railroads.dot.gov/train-control/ptc/ptc-annual-and-quarterly-reports>. All comments received will be posted without change to <https://www.regulations.gov>; this includes any personal information.

FOR FURTHER INFORMATION CONTACT:

Gabe Neal, Staff Director, Signal, Train Control, and Crossings Division, telephone: 816–516–7168, email: Gabe.Neal@dot.gov.

SUPPLEMENTARY INFORMATION: In general, Title 49 United States Code (U.S.C.) section 20157(h) requires FRA to certify that a host railroad's PTC system complies with 49 CFR part 236, subpart I, before the technology may be operated in revenue service. Before making

certain changes to an FRA-certified PTC system or the associated FRA-approved PTCSP, a host railroad must submit, and obtain FRA's approval of, an RFA to its PTCSP under Title 49 Code of Federal Regulations (CFR) Section 236.1021.

Under 49 CFR 236.1021(e), FRA's regulations provide that FRA will publish a notice in the **Federal Register** and invite public comment in accordance with 49 CFR part 211, if an RFA includes a request for approval of a material modification of a signal and train control system. Accordingly, this notice informs the public that on August 5, 2021, Amtrak submitted an RFA to its PTCSP for its Advanced Civil Speed Enforcement System II (ACSES II) and that RFA is available in Docket No. FRA–2010–0029.

Interested parties are invited to comment on Amtrak's RFA to its PTCSP by submitting written comments or data. During FRA's review of Amtrak's RFA, FRA will consider any comments or data submitted within the timeline specified in this notice and to the extent practicable, without delaying implementation of valuable or necessary modifications to a PTC system. *See* 49 CFR 236.1021; *see also* 49 CFR 236.1011(e). Under 49 CFR 236.1021, FRA maintains the authority to approve, approve with conditions, or deny a railroad's RFA to its PTCSP at FRA's sole discretion.

Privacy Act Notice

In accordance with 49 CFR 211.3, FRA solicits comments from the public to better inform its decisions. DOT posts these comments, without edit, including any personal information the commenter provides, to <https://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* <https://www.regulations.gov/privacy-notice> for the privacy notice of www.regulations.gov. To facilitate comment tracking, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. If you wish to provide comments containing proprietary or confidential information, please contact FRA for alternate submission instructions.

Issued in Washington, DC.

Carolyn R. Hayward-Williams,

Director, Office of Railroad Systems and Technology.

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DEPARTMENT OF TRANSPORTATION**Federal Railroad Administration**

[Docket Number FRA–2021–0091]

Petition for Waiver of Compliance

This document provides the public notice that on September 7, 2021, Wisconsin Central Ltd. (WCL) and Canadian National Railway Company (collectively referred to as CN) petitioned the Federal Railroad Administration (FRA) under 49 CFR 211.51 to temporarily suspend for testing purposes, certain provisions of the Federal railroad safety regulations contained at 49 CFR 232.205, *Class I brake test-initial terminal inspection*. Although CN filed its petition under § 211.51, FRA concluded that considering this request under the provisions of 49 CFR part 211, subpart C, *Waivers*, would be more appropriate. Accordingly, FRA assigned the petition Docket Number FRA–2021–0091.

Specifically, CN seeks relief from the requirements of § 232.205(c)(ii)(B) for testing purposes which would allow CN to operate trains with a combined air flow to the brake pipe above 90 cubic feet per minute (CFM) with no individual source of air having a flow greater than 60 CFM or 15 psi gradient. CN seeks a short duration of relief to physically test braking reaction and train performance, under conditions of higher air flow, specifically caused by the addition of air sources (air cars or locomotives) that yield a more even pressure throughout the brake pipe. CN seeks to perform the testing on the WCL Chicago to Winnipeg corridor and the CN Sprague Subdivision, from November 2021 to April 2022, to test under cold temperature conditions. CN has previously conducted similar testing through an exemption granted by Transport Canada between February and April 2020 and November 2020 and March 2021. CN reports that the program yielded positive results, demonstrating that when multiple air sources were used, trains operated at a healthy pressure level in cold weather, which resulted in cars applying an even level of braking effort and greater braking efficiency.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at www.regulations.gov.

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