

method of operation on the BNSF is by Track Warrant Control and Centralized Traffic Control. These methods of operation will not be affected during the Train Sentinel test period.

Train Sentinel testing may require temporary changes of a benign nature in operating practices, but only on Train Sentinel equipped trains and only when a test is in progress. Such changes in operating practices will include Train Sentinel initialization procedures, digital transmission and on-board display of text authorities and restrictions, on-board display of signal aspect, on-board display of monitored switches, enforcement limits of authority and speed limits/restrictions through automatic brake applications, and procedures for recovery following an enforcement action.

The waiver is requested for a testing period commencing March 1, 2003, and extending to the conclusion of the test phase. The testing period is not expected to exceed one year and will terminate March 1, 2004 unless BNSF notifies FRA of an earlier termination date.

The following are the specific waiver requests and their justifications. References are to Chapter II, Subtitle B, Title 49 of the Code of Federal Regulations.

Section 216.13 Special Notice for Repairs—Locomotive

Waiver is requested for Train Sentinel locomotives to the extent that non-operation of Train Sentinel equipment installed on board, whether through malfunction or deactivation shall not be construed as an unsafe condition requiring special notice for repairs. Waiver is sought for non-equipped-Train Sentinel-equipped locomotives operating in the Train Sentinel pilot territory to the extent that the absence of Train Sentinel equipment on-board shall not be construed as an unsafe condition requiring special notice for repairs.

Justification: With or without Train Sentinel equipment operating on board the controlling locomotive, a train remains subject to existing signal and control systems and to railroad operating rules. (Train Sentinel is an overlaid system, enhancing current safety without affecting the operation of existing systems.) Train Sentinel tests require flexibility in installing, removing, turning on, and turning off the on-board equipment. The Train Sentinel tests will involve only a small subset of locomotives operating in the pilot territory.

Section 217.9 Program of Operational Tests and Inspections; Recordkeeping

Waiver is requested exempting operation of Train Sentinel equipment and procedures from the requirements for operational tests, inspections, and associated recordkeeping.

Justification: The Train Sentinel pilot is a test program during which procedures for using Train Sentinel equipment and functions will be refined and modified. Until such procedures are defined, they cannot be addressed in the code of operating rules, timetables, and timetable special instructions to which this section applies.

Section 217.11 Program of Instruction on Operating Rules; Recordkeeping; and Electronic Recordkeeping

Waiver is requested exempting operation of Train Sentinel equipment and procedures from the requirements for instruction and associated record keeping.

Justification: The Train Sentinel pilot is a test program during which procedures for using Train Sentinel equipment and functions will be refined and modified. Until such procedures are defined, they cannot be addressed in the code of operating rules.

Part 218 Subpart D: Prohibition Against Tampering With Safety Devices

Waiver is requested exempting on-board Train Sentinel equipment from the requirements of §§ 218.51, 218.53, 218.55, 218.57, 218.59, and 218.61 to the extent that Train Sentinel equipment on board a locomotive shall not be considered a "safety device" subject to the provisions of this subpart at any time during the pilot program.

Justification: The Train Sentinel pilot is a test program. Train Sentinel tests require flexibility in installing, removing, turning on, and turning off the on-board equipment. BNSF requires the flexibility to permanently disable or remove Train Sentinel equipment in the event that a production system is not implemented.

Section 229.135 Event Recorders

Waiver is requested to the extent that Train Sentinel equipment on-board a locomotive shall not be considered an "event recorder" subject to the provisions of this section.

Justification: Train Sentinel equipment by design will operate intermittently during the pilot program. Train Sentinel tests require flexibility in installing, removing, turning on, and turning off the on-board equipment. BNSF requires the flexibility to temporarily or permanently disable on-board Train Sentinel equipment.

Section 233.9 Reports

Waiver is requested exempting Train Sentinel operations in the pilot program from the reporting requirements of this section.

Justification: While a Train Sentinel production system may belong to the category of "other similar appliances, methods, and systems" specified in 233.1, this requirement would impose an unnecessary paperwork burden for a test program.

Section 235.5 Changes Requiring Filing of Application

Waiver is requested exempting the Train Sentinel pilot program from the filing requirements of this section.

Justification: The Train Sentinel pilot is a test program. Train Sentinel tests require flexibility in installing, removing, turning on, and turning off the on-board equipment. BNSF requires the flexibility to permanently disable or remove on-board Train Sentinel equipment in the event the Train Sentinel system is not implemented.

Section 236.4 Interference With Normal Functioning of Device

Waiver is requested to the extent that Train Sentinel equipment shall be excluded from this requirement during the pilot program.

Justification: The Train Sentinel pilot is a test program through which the normal functioning of Train Sentinel will be defined and redefined. Train Sentinel tests require flexibility in installing, removing, turning on, and turning off the on-board equipment. With or without Train Sentinel; equipment on-board the controlling locomotive, the train remains subject to the provisions of the existing signal and control systems and to the BNSF operating rules.

Section 236.5 Design of Control Circuits on Closed Circuit Principle

Waiver is requested exempting Train Sentinel equipment from the closed circuit design requirement.

Justification: Train Sentinel is composed of solid-state components that are software driven. Neither the hardware nor software can be designed technically to meet the provisions of this section.

Section 236.11 Adjustment, Repair, or Replacement of Component

Waiver is requested exempting Train Sentinel components on-board a locomotive from the requirements of this section.

Justification: Train Sentinel tests require flexibility in installing, removing, modifying, turning on and