

after trip test, if necessary, will be defined. An objective is to perform this test without human intervention.

#### Section 236.587

Departure test. Waiver is requested exempting the ETMS from the requirements of this section during the test phase.

*Justification:* During the ETMS test phase, the requirements for a departure test will be defined. An objective is to perform this test without human intervention.

#### Section 236.588

Periodic test. Waiver is requested exempting ETMS from the requirements of this section during the test phase.

*Justification:* During the ETMS test phase, the requirements for a departure test will be defined.

#### Section 236.703

Aspect. Clarification is requested exempting the ETMS display from this definition.

*Justification:* ETMS is not an automatic cab signal system.

#### Section 236.805

Signal, cab. Clarification is requested exempting the ETMS display from this definition.

*Justification:* ETMS is not an automatic cab signal system.

#### Section 240.127

Criteria for examining skill performance. Waiver is requested exempting ETMS from the testing requirements of this section during the test phase.

*Justification:* Criteria and procedures for ETMS performance evaluation do not yet exist; they will be identified and defined during the ETMS test phase.

#### Section 240.129

Criteria for monitoring operational performance of certified engineers. Waiver is requested exempting ETMS from the performance monitoring procedures during the ETMS test phase.

*Justification:* Criteria and procedures for ETMS performance evaluation do not yet exist; they will be identified and defined during the ETMS test phase.

It is acknowledged for clarification that ETMS, when fully operative during the test phase, will comply with the following regulations:

#### Section 236.8

Operating characteristics of electromagnetic, electronic, or electrical apparatus. ETMS computing equipment will comply with this regulation.

#### Section 236.501

Forestalling device and speed control. ETMS is designed to enforce maximum authorized speeds, speed restrictions, slow speed and absolute stop. ETMS will comply with § 236.501 except for paragraph (b)(2).

#### Section 236.502

Automatic brake application, initiation by restrictive block conditions stopping distance in advance. ETMS is designed to initiate an automatic brake application stopping distance in advance of the end of limits of authority; or the beginning of each speed restriction in the route.

#### Section 236.503

Automatic brake application; initiation when predetermined rate of speed exceeded. ETMS will comply with this regulation.

#### Section 236.505

Proper operative relation between parts along roadway and parts on locomotive. ETMS will function as intended under all conditions of speed, weather, oscillation and shock. ETMS will comply with this regulation.

#### Section 236.506

Release of brakes after automatic application. After an ETMS initiated brake application, brakes cannot be released until the train is stopped.

#### Section 236.507

Brake application; full service. ETMS will comply with this regulation.

#### Section 236.508

Interference with application of brakes by means of brake valve. ETMS equipment will not interfere with or impair the efficiency of the automatic or independent brake valves.

#### Section 236.509

Two or more locomotives coupled. ETMS will be made operative only on the controlling locomotive; however, ETMS tests that do not affect train operations may occur on the trailing locomotives.

#### Section 236.513

Audible indicator. The audible indicator for ETMS will have a distinctive sound and be clearly audible under all operating conditions.

#### Section 236.516

Power supply. ETMS equipment will have its own isolated power supply.

#### Section 236.565

Provision made for preventing operation of pneumatic brake-applying

apparatus by double-heading cock; requirement. Operation of the double-heading cock (cutoff pilot valve) will not cut out ETMS before the automatic brake is cut out.

#### Section 236.590

Pneumatic apparatus. Pneumatic apparatus will be inspected and cleaned as required.

#### Part 236 Subpart G

Definitions. As applicable except § 236.703 and § 236.805.

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 party desires 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 (e.g., Waiver Petition Docket Number FRA-2002-15432) and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, Room PL-401, Washington, DC 20590-0001. Communications received within 30 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.-5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at <http://dms.dot.gov>.

Issued in Washington, DC, on September 16, 2003.

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### Petition for Waiver of Compliance

In accordance with part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) has received a request for a waiver of compliance with certain requirements of