

PART 235 - INSTRUCTIONS GOVERNING APPLICATIONS FOR APPROVAL OF A DISCONTINUANCE OR MATERIAL MODIFICATION OF A SIGNAL SYSTEM OR RELIEF FROM THE REQUIREMENTS OF PART 236

§ 235.1 Scope.

This section identifies those changes in S&TC systems, methods, and appliances that require FRA approval, those that are exempt from approval, and provides for relief from the RS&I.

Application:

This section is applicable to all block signal systems, interlockings, traffic control systems, automatic train stop, train control, or cab signal systems or other similar appliances, methods, or systems.

§ 235.3 Application.

This section makes this part applicable to each common carrier by rail subject to the Signal Inspection Act, 49U.S.C. 26.

Application:

Applies to each railroad that is part of the general railroad system of transportation.

Does not apply to rapid transit systems or privately owned systems not transporting interstate commerce.

§ 235.5 Changes requiring filing of application.

This section prescribes application for approval of discontinuance, decrease of limits of a system, or material modification, except as exempted in §235.7.

Application:

Except as provided in §235.7, an application must be filed to cover the discontinuance of a block signal system, interlocking, traffic control system, automatic train stop, train control, or cab signal system or other similar appliance or device. Except as provided in §235.7, an application must be filed to cover the decrease of the limits or modification of a block signal system, interlocking, traffic control system, automatic train stop, train control, or cab signal system.

Other similar appliances or devices are considered to be signal arrangements or protective devices such as slide detectors, high water detectors, or earthquake detectors that are interconnected with a signal system.

A signal arrangement is considered to be those signaling installations such as tunnel protection, spring switch protection, etc., that govern train movements but do not meet the requirements of Subpart B, C, or D.

This does not apply to automatic classification yards or highway-rail grade crossing warning devices.

Except as provided in §235.7, a material modification consists of but is not limited to the following:

1. Change in type of interlocking from manual to automatic.
2. Change in type of signal system from traffic control to automatic block, interlocking to traffic control, or traffic control to interlocking;

3. Re-spacing projects involving the removal of signals to reduce maintenance costs; or
4. Conversion of power-operated switches/derails to hand or spring operation.

CLASSIFICATION OF DEFECTS

235	0005	01	Discontinuance without FRA approval.
235	0005	02	Decrease of the limits without FRA approval.
235	0005	03	Material modification without FRA approval.
235	0005	04	Noncompliance with an order approving an application.
235	0005	05	Noncompliance with an order of FRA.

§ 235.7 Changes not requiring filing of application.

This section specifically identifies those changes permitted without FRA approval.

Application:

Signal changes not shown in this section are considered to be discontinuances, decrease of limits, or material modifications that require FRA approval.

§ 235.8 Relief from the requirements of Part 236.

This section provides for relief from any requirement contained in the RS&I.

Application:

The provisions of this section were formerly contained in §236.0. Relief from the requirements of the RS&I previously granted to any carrier constitutes relief to the same extent as relief granted under the requirements of this Part.

§ 235.9 Civil penalty.

This section establishes a civil penalty for failure to comply with the requirements of this Part.

Application:

Where, for any reason, a carrier does not file an application to cover a discontinuance, decrease in limits, or a material modification, this section prescribes a maximum civil penalty of \$2,500. Each day a failure to file continues is a separate offense.

§ 235.10 Contents of applications; and

§ 235.12 Additional required information-prints.

These sections set forth the information that is required when submitting an application.

Application:

These sections itemize the information that is required on block signal applications and applications for relief from the RS&I.

§ 235.13 Filing procedure.

This section sets forth the procedure for filing an application.

Application:

This section prescribes the manner in which block signal applications and applications for relief are to be filed.

At a joint facility, where the proposed changes affect more than one carrier, the application must be executed between the joint carriers before submitting to FRA.

At a joint facility, where the proposed changes or relief sought affect only one carrier, that carrier shall certify when filing that the other joint carriers have been notified of the application.

§ 235.14 Notice.

This section provides for the posting of a public notice in connection with the filing of each application or request for reconsideration.

Application:

The FRA will post a public notice of the filing of an application or request for reconsideration of an application in the FRA Office of Public Affairs. This public notice may be examined at FRA's Headquarters in Washington, DC. during regular business hours. A copy of each public notice will be mailed to all interested parties.

§ 235.20 Protests.

This section provides for the protest against granting of any application.

Application:

This rule prescribes the method and procedure for filing a protest against granting a block signal application or an application for relief from the requirements of the RS&I. Protests not filed in the prescribed time limit may not be considered.

INVESTIGATION OF APPLICATIONS

A thorough investigation and a complete report are required on each application for relief from the requirements of the Rules, Standards and Instructions (RS&I-Ap) and on each application for approval of a discontinuance or material modification of a block signal system, interlocking, automatic train stop, train control, and cab signal device (BS-Ap).

The information submitted by the carrier in accordance with the provisions contained in "Instructions Governing Applications for Approval of a Discontinuance or Material Modification of a Signal System or Relief from the Requirements of Part 236", (49CFR 235), will form the basis for report on each BS-Ap and RS&I. This information should be checked at the time of investigation to insure that it is correct for use in the preparation of the report and in order that additional information, if necessary to complete the report, may be obtained promptly. Two copies of this information are provided with each application assigned for field investigation. One copy is to be retained in the inspector's file.

Each application should be promptly investigated and field investigation report prepared and mailed in time to reach the Headquarters Staff in Washington, DC, prior to the closing date shown on the Public Notice.

The field investigation report shall be prepared on the Inspector's "Report Form for BS-Ap and RS&I-Ap Applications" according to the instructions contained herein.

On the first line, the FRA docket number should be inserted, the type "RS&I-Ap" or "BS-Ap" should be struck out as appropriate, and the filing date inserted. The filing date is the date the application was received in headquarters and is stamped on the application letter.

On the second line, insert the inspector's name, headquarters location, and date the report is prepared.

On the third line, insert the name of the railroad filing the application. In case of joint applications, each railroad that is a party to the application shall be shown. Do not show the name of the railroad official filing the application or the address of the carrier.

On the fourth and fifth lines, show the required information. Be sure to show the carrier or organization with which the representatives are associated.

In paragraph (a), the inspector certifies whether or not the Public Notice is correct by placing an "X" in the appropriate parenthesis. Where the Public Notice is found to be in error, the inspector should insert the correct language. It is also recommended that the inspector edit the correction into a copy of the Public Notice and return it with the report.

In paragraph (b), the inspector should identify other railroads that operate in the facilities involved through joint ownership, trackage rights, tenant agreement, switching agreement, etc., that will be affected by the proposed changes but were not shown in the Public Notice. The inspector should describe the manner in which each railroad will be affected. In addition, the inspector should determine whether the carriers have been made party to the application or duly notified of the proposed changes or relief as required.

In paragraph (c), the inspector should identify any additional documents obtained during the field investigation and included as part of the field report. A timetable, or a copy of the scheduled page involved, along with applicable special instructions should be included with each application.

Photographs of the application area and related devices should be included to assist the Safety Board in its deliberations.

Paragraphs (d) 1, 2, 3, 4, and 5 shall be prepared on pages 1a, 1b, 1c, etc., as necessary.

In (d) 1, the inspector should provide a thorough technical description of the existing signal installation and equipment (i.e: derails, defect detectors, and other pertinent devices). Descriptions of terrain, methods of operation, etc., should be avoided. Examples of technical descriptions required are: "An automatic block signal system on two main tracks arranged for movements with the current of traffic having US&S P-5 color light type signals controlled by D.C. non-coded track and line circuits;" or, "A traffic control system on a single main track having US&S H-2 searchlight type signals and US&S M-23 electric switch machines controlled by D.C. coded track circuits operated from a GRMS CAD control machine located in Springfield, Missouri;" or, "A manual interlocking having GRMS Model 2A upper quadrant semaphore signals and GRMS Model 5A electric switch machines controlled by d.C. non-coded track and line circuits operated from a 27- lever GRMS Model 2 interlocking machine."

In (d) 2, the inspector should describe the proposed changes or relief requested.

In (d) 3, the inspector should describe any proposed changes not described in the Public Notice. Do not use this paragraph for correction of mechanical errors corrected in paragraph (a).

Use this paragraph to describe the proposed changes where the Public Notice does not clearly do so.

In (d) 4, the inspector should provide an adjective description of the present and proposed methods of operation. The inspector should also describe the methods of operation on the trackage on either side of the limits covered by the application.

The inspector should verify the present method of operation with the carrier's timetable and operating rules.

The proposed method of operation should include specific details and procedures at locations such as an unprotected crossing at grade or unprotected moveable bridge.

Do not show operating rules as methods of operation. Examples of adjective description are: "The present method of operation is by timetable and train orders supplemented by the indications of an automatic block signal system. The proposed method of operation is by signal indications of a traffic control system;" or, "The present method of operation is by timetable, train orders, and signal indications of an automatic block signal system on two main tracks arranged for movements with the current of traffic. The proposed method of operation is by signal indication of a traffic control system;" or, "The present method of operation is by signal indications of an automatic interlocking and will not be affected by the proposed changes."

In the second paragraph of (d) 4, the inspector should describe the daily number of trains or other movements in the area involved. Train averages should be based on a 30-day period that is representative of normal traffic. Avoid periods having seasonal traffic, such as grain harvests, planting seasons, or a period of train detours. Train movements should be expressed distinguishing passenger trains from freight trains; through freight trains from local switchers.

Train movements may be expressed in columned format or adjectivally. Where the average number of trains is less than one daily, show the average number per week.

Train movements should be broken down separately for each carrier operating over the application area.

The areas of operation for local train movements should be specifically defined if they do not operate over the entire application area.

Where there are numerous switching movements in terminal or yard areas, the number of switch engine assignments daily may be shown.

The inspector should make a best effort to determine the potential for traffic or interchange growth on the line.

The inspector should note whether the involved trackage is subject to detours, and should state the last 2-year detour history.

In addition it should be noted whether the involved trackage is part of the Strategic Rail Network (STRACNET).

The last paragraph of (d) 4, should address speed restrictions and authorizations. The present and proposed maximum authorized speeds should be shown. Where various speeds are prescribed for different trains, the trains should be identified, e.g., passenger trains, TOFC or van trains, hazardous materials trains, and other freight trains but not including work trains, cranes, scale cars, etc. Speed restrictions that have a bearing on the proposed changes should be identified.

The inspector should reconcile that any proposed maximum authorized speed corresponds with the proposed method of operation.

In (d) 5, the inspector should state in the first paragraph whether or not the National Railroad Passenger Corporation (Amtrak) operated trains over the trackage involved in the application on February 1, 1979.

The second paragraph of (d) 5, should show the number of hazardous materials cars transported annually over the trackage involved in the application. Any discrepancies in carrier's hazardous material information must be reconciled.

When applicable, the third paragraph of (d) 5, should show the BS-Ap or RS&I-Ap number filed concurrently with the application.

In subsequent paragraphs of (d) 5, the inspector should provide additional information deemed necessary to fully understand the proposal such as changed traffic patterns and their causes, design problems, maintenance practices, obsolescence, vandalism, terrain, adverse weather conditions, etc.

On page 2, the inspector should complete items (e) and (f) on BS-Ap's only.

In (e) 1, describe the work, if any, found accomplished in connection with the proposed changes.

In (e) 2, the inspector should provide complete details on proposed changes found placed in service without approval. Use additional pages if more space is needed, numbering them 2a, 2b, 2c, etc.

In (f), the inspector should show whether or not the proposed changes of a BS-Ap will comply with the requirements contained in RS&I. If not, identify the rule number and provide details on the deficiency.

In (g), the inspector should check the appropriate description which most aptly states the consequences, in the inspector's opinion, should the proposed changes or relief be approved. The inspector's opinion and reasoning should not be based on personal preferences, but fairly and impartially within the guidelines and provisions contained in the RS&I and with due regard for the safety of train operation.

In (h), the inspector must provide a recommendation as to the disposition of the application. Keep in mind that this is where the initial agency policy begins concerning the proposed changes. The inspector may recommend approval of the application be granted; approval of the application be granted in part, denied in part; approval of the application be denied; or, approval of the application be granted with provisions. The inspector must state the reasons upon which his or her recommendations are based. Where provisions are recommended, the inspector should clearly support the need for each provision. Use additional pages if more space is necessary, numbering 2a, 2b, 2c, etc.

The investigative report should be based on factual remarks and documented information, and should support the inspector's ultimate conclusion and recommendation. Ambiguous statements should be avoided.

Inspectors are encouraged to insert appropriate information on the plans furnished with the applications. Notations on the plans are to be made in lead pencil and initialed. In no case shall a plan be marked in color.

In (i), the appropriate Regional Signal and Train Control Specialist, after reviewing the inspector's report, should make a recommendation as to the disposition of the application. If the Specialist's recommendation differs from that of the inspector, the Specialist should state the reasons and provide additional information if necessary.

Every March and September, inspectors shall submit Progress and Completion Report, Form FRA F6180.50 for each BS-Ap until completed. Progress and Completion Reports are not required for RS&I-Ap's. When progress and completion reports indicate that a railroad has not started or completed approved changes, FRA may request that railroads withdraw the BS-Ap.

**DEPARTMENT OF TRANSPORTATION
FEDERAL RAILROAD ADMINISTRATION**

Report in re: Docket No. FRA - - Type: RS&I-Ap. BS-Ap. Date Filed
From Inspector Place Date

Railroad(s) filing application:

Inspection: Date Location Railroad and other representatives

Furnish the following information:

- (a) Description of proposed changes or relief sought, location with respect to place and operating division, and mileage between designated places is correctly stated in the Public Notice (), or should be changed to read as follows ():
- (b) Name of any other railroads affected by the proposed changes not shown in Public Notice and manner in which each is affected:
- (c) List of prints and any bulletins, orders, timetables, etc., obtained during the investigation:
- (d)
 - 1. Brief description of existing installation and equipment.
 - 2. Brief description of proposed changes or relief requested.
 - 3. Information relative to proposed changes not fully described in the Public Notice.
 - 4. Present and proposed method of operation, number of trains or other movements per day, and the speed authorizations and restrictions.
 - 5. Other pertinent facts and remarks.

(Use additional blank sheets, numbered la, lb, lc, etc.)

Docket No. FRA - -

(Complete Items (e) and (f) in Block Signal Applications only)

- (e)
 - 1. If any field work has been started, nature of work performed up to date.

2. If any of the proposed changes have been placed in service, give description of such changes, date such changes were placed in service and the reasons for making the changes before approval of the application.

(f) Will proposed changes conform to the Rules, Standards and Instructions?

If not, state the rule number and in what respect they fail to conform.

(g) Inspector's opinion: The proposed changes will:

- Reduce protection and safety.
- Provide adequate protection for existing operating conditions without materially reducing safety.
- Maintain the existing protection and safety.
- Increase protection and safety.

State reasons:

(h) Inspector's recommendation as to disposition of application.

State reasons:

Inspector

(i) Regional S&TC Specialist's recommendation as to the disposition of the application.

If different than Inspector's; state reasons:

Regional S&TC Specialist