



U.S. Department  
of Transportation  
  
Federal Railroad  
Administration

1200 New Jersey Avenue, SE  
Washington, DC 20590

**APR - 4 2011**

Mr. Joseph Ivanyo  
Chief Engineer—Communications and Signals  
CSX Transportation, Inc.  
500 Water Street - [REDACTED]  
Jacksonville, Florida 32202

Re: Docket Number FRA-2010-0160

Dear Mr. Ivanyo:

This letter is in response to the CSX Transportation's, Inc. (CSX) October 25, 2010, petition seeking a waiver of compliance from certain provisions of Title 49 Code of Federal Regulations (CFR) Part 235. Specifically, CSX sought relief from the requirement of 49 CFR Section 235.5 (Changes requiring filing of application) when modifications to a signal system are made in relation to the implementation of Positive Train Control (PTC). CSX requested that the Federal Railroad Administration (FRA) instead permit the changes to be treated similar to those addressed in 49 CFR § 235.7(c)(24)(vi) (allowing changes associated with the conversion of pole line circuits to electronic (coded) track circuits without the filing of an application pursuant to 49 CFR § 235.5 and instead relying on FRA regional oversight).

In comments dated December 23, 2010, the Brotherhood of Railroad Signalmen (BRS) asked FRA to approve CSX's waiver request with restrictions similar to those in 49 CFR § 235.7(c)(24)(vi). BRS expressed the opinion that approving the waiver with parameters similar to 49 CFR § 235.7(c)(24)(vi) will satisfy CSX's request while still ensuring FRA its usual oversight.

After careful consideration of the petition and the comments submitted in support of the petition, FRA's Railroad Safety Board concluded that granting the requested relief, subject to the conditions listed below, is in the public interest and consistent with railroad safety. Accordingly, CSX's request for relief is granted subject to the following conditions:

1. The resultant arrangement shall fully comply with all applicable requirements of 49 CFR Part 236.
2. The desired modification shall be as a result of work being performed that is directly associated with the pending implementation of PTC.

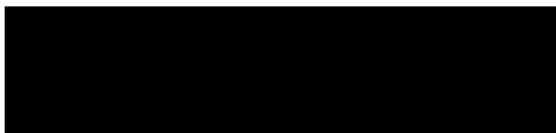
3. CSX shall provide notice of the planned work, including a profile plan indicating existing conditions with the proposed changes clearly identified, to the FRA regional office of the region in which the work is to be performed, at least 60 days prior to the planned work.
4. At the same time CSX provides a copy of the submission to FRA required by condition number 3 above, CSX shall provide a copy to representatives of employees responsible for the maintenance, inspection, and testing of the involved signal system under 49 CFR Part 236.
5. The requested modification shall not be initiated without receiving written authorization from the FRA Regional Administrator of the region to which the request was submitted.

This waiver is effective until December 31, 2015. FRA reserves the right to extend the waiver if conditions warrant and CSX has made a written request for an extension to FRA's Office of Safety Assurance and Compliance within 6 months of the expiration date.

FRA reserves the right to modify or rescind this waiver at any time upon receipt of information pertaining to the safety of rail operations, or in the event of noncompliance with any of the conditions of this waiver or associated Federal regulations.

In any future correspondence regarding this waiver, please refer to Docket Number FRA-2010-0160.

Sincerely,



Robert C. Lauby  
Deputy Associate Administrator  
for Regulatory and Legislative Operations