

(BNSF) at BNSF milepost 419.05 in Tulsa, Okla. (the Line).

TBR states that the Line is owned by BNSF, which operated it as spur track. According to TBR, BNSF leases the premises that include the Line to Base, Inc. (Base), the sole equity member of TBR, which in turn has subleased the Line to TBR for an initial term of seven years.¹ TBR further states that the agreements between BNSF and Base and between Base and TBR do not include any provision or agreement that would limit future interchange with a third-party connecting carrier.

TBR certifies that its anticipated annual revenue will not exceed that of a Class III rail carrier and will not exceed \$5 million.

The transaction may be consummated on or after September 16, 2021, the effective date of the exemption (30 days after the verified notice was filed).

If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed no later than September 9, 2021 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 36536, should be filed with the Surface Transportation Board via e-filing on the Board's website. In addition, a copy of each pleading must be served on TBR's representative, Bradon J. Smith, Fletcher & Sippel LLC, 29 North Wacker Drive, Suite 800, Chicago, IL 60606.

According to TBR, this action is categorically excluded from environmental review under 49 CFR 1105.6(c) and from historic reporting requirements under 49 CFR 1105.8(b).

Board decisions and notices are available at www.stb.gov.

Decided: August 30, 2021.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

Brendetta Jones,
Clearance Clerk.

[FR Doc. 2021-19008 Filed 9-1-21; 8:45 am]

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SURFACE TRANSPORTATION BOARD

[Docket No. AB 1317X]

Kiski Junction Railroad, Inc.— Abandonment Exemption—in Armstrong and Westmoreland Counties, Pa.

Kiski Junction Railroad, Inc. (KJRR), has filed a verified notice of exemption under 49 CFR part 1152 subpart F—*Exempt Abandonments* to abandon two segments of rail line: (1) Line Code 2229, from at or near milepost 30.0 in Alladin, Pa., to milepost 28.8, in Armstrong and Westmoreland Counties, Pa.; and (2) Line Code 2242, from milepost 0.0 at the connection of Line Code 2229, to milepost 4.0, in Armstrong County (together, the Line). The Line traverses U.S. Postal Service Zip Codes 15656, 15682, 15690, and 16226.

KJRR has certified that: (1) No local traffic has moved over the Line for at least two years; (2) there is no overhead traffic on the Line that would need to be rerouted; (3) no formal complaint filed by a user of rail service on the Line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the Line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of a complainant within the two-year period; and (4) the requirements at 49 CFR 1105.7(b) and 1105.8(c) (notice of environmental and historic reports), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received,¹ this exemption will be effective on October 2, 2021, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues must

be filed by September 10, 2021.² Formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2) and interim trail use/rail banking requests under 49 CFR 1152.29 must be filed by September 13, 2021.³ Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by September 22, 2021.

All pleadings, referring to Docket No. AB 1317X, should be filed with the Surface Transportation Board via e-filing on the Board's website. In addition, a copy of each pleading must be served on KJRR's representative, Justin J. Marks, Clark Hill PLC, 1001 Pennsylvania Avenue NW, Suite 1300 South, Washington, DC 20004.

If the verified notice contains false or misleading information, the exemption is void ab initio.

KJRR has filed a combined environmental and historic report that addresses the potential effects, if any, of the abandonment on the environment and historic resources. OEA will issue a Draft Environmental Assessment (Draft EA) by September 7, 2021. The Draft EA will be available to interested persons on the Board's website, by writing to OEA, or by calling OEA at (202) 245-0294. Assistance for the hearing impaired is available through the Federal Relay Service at (800) 877-8339. Comments on environmental and historic preservation matters must be filed within 15 days after the Draft EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), KJRR shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the Line. If consummation has not been effected by KJRR's filing of a notice of consummation by September 2, 2022, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available at www.stb.gov.

Decided: August 30, 2021.

² The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Office of Environmental Analysis (OEA) in its independent investigation) cannot be made before the exemption's effective date. See *Exemption of Out-of-Serv. Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

³ Filing fees for OFAs and trail use requests can be found at 49 CFR 1002.2(f)(25) and (27), respectively.

¹ The verified notice states that because Base does not currently control any rail carriers, no Board authority is required for Base to control TBR once TBR becomes a rail carrier.

¹ Persons interested in submitting an OFA must first file a formal expression of intent to file an offer, indicating the type of financial assistance they wish to provide (i.e., subsidy or purchase) and demonstrating that they are preliminarily financially responsible. See 49 CFR 1152.27(c)(2)(i).

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

Raina White,
Clearance Clerk.

[FR Doc. 2021-18972 Filed 9-1-21; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Safety Advisory 2021-01]

Positive Train Control Interface Design Issue With Locomotive and Cab Car Braking Systems

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of Safety Advisory.

SUMMARY: FRA is issuing Safety Advisory 2021-01 to make the rail industry, including railroads and railroad employees, aware of a recently identified interface design issue relating to how positive train control (PTC) systems in use throughout the United States interface with locomotive and cab car braking systems. This recently identified interface design issue allows a train crewmember to circumvent a PTC enforcement by manually cutting out the pilot valve/brake stand, commonly known as the cut-out valve, prior to the PTC system initiating the brakes. This interface design issue poses a significant safety risk by allowing a PTC system to be disabled and unable to initiate the brakes to prevent a train-to-train collision, over-speed derailment, incursion into an established work zones, or the movement of a train through a switch left in the wrong position. This Safety Advisory recommends that all railroads operating with PTC systems immediately remind crewmembers that circumventing a PTC enforcement is subject to civil penalty or disqualification for the locomotive engineer or conductor responsible; audit the designs of PTC systems as implemented on all types of locomotives and cab cars; assess the extent to which the design of the system could allow a locomotive or cab car's PTC system to be circumvented by a crewmember; develop and implement a plan to mitigate and/or correct this design issue; and provide FRA with a schedule for completion of the identified actions.

FOR FURTHER INFORMATION CONTACT:

Gabe Neal, Staff Director, Signal, Train Control and Crossings Division, Office of Railroad Systems and Technology, at

telephone: (816) 516-7168 or email: gabe.neal@dot.gov.

SUPPLEMENTARY INFORMATION:

Background

Positive train control (PTC) systems must be designed to prevent train-to-train collisions, over-speed derailments, incursions into established work zones, and the movement of a train through a switch left in the wrong position.¹ PTC accomplishes this by using technology to monitor train speed and train locations, provide warnings for the traincrew to take action, and automatically initiate braking if the traincrew does not take action.

FRA is aware of a recently identified design issue relating to how PTC systems in use throughout the United States interface with locomotive and cab car braking systems. This interface design issue allows a crewmember to circumvent a PTC enforcement by manually cutting out the pilot valve/brake stand, commonly known as the cut-out valve, prior to the PTC system initiating the brakes. If a PTC system is allowed to be disabled by the actions of a crewmember, the PTC system can no longer prevent a train-to-train collision, over-speed derailment, incursion into an established work zone, or the movement of a train through a switch left in the wrong position.

Although FRA has found that all PTC systems are potentially impacted by this interface design issue, FRA notes that only some interface designs between the PTC system and the locomotive or cab car braking system allow a PTC enforcement to be disabled. FRA believes that the interface designs of most concern are limited to a number of older locomotives equipped with mechanical braking systems, and the interface design is likely not an issue on most newer locomotives equipped with electronic braking systems. On PTC-equipped locomotives and cab cars with interface designs with this issue, manually cutting out the pilot valve/brake stand disables the PTC system enforcement capability. FRA recognizes that a locomotive or cab car PTC system is considered a "safety device" under FRA's regulations² and that it is unlawful for a railroad employee to operate the equipment with such a safety device disabled without authorization. Accordingly, a system that allows such interference in its operation does not comply with the applicable statutory or regulatory requirements.³ In addition, a PTC

system that allows such interference presents a significant safety risk in that it can no longer perform its required functions.

FRA became aware of this issue through three recent events:

- On May 27, 2021, during testing of the Advanced Civil Speed Enforcement System II (ACSES II) PTC system aboard a freight train, an FRA PTC Specialist witnessed an engineer circumvent a penalty brake application while operating in an overspeed condition. The engineer placed the pilot valve/brake stand in the cut-out position prior to PTC system enforcement of the overspeed condition. When the overspeed condition no longer existed, the pilot valve/brake stand was returned to the cut-in position, and the train continued without a PTC system penalty.

- On July 13, 2021, during testing of the Interoperable Electronic Train Management System (I-ETMS) PTC system on a freight locomotive, FRA conducted a test in which a zero speed temporary speed restriction (TSR) was issued to the train and the pilot valve/brake stand was placed into the cut-out position prior to PTC system enforcement of the TSR. This action allowed the train to circumvent PTC system enforcement.

- On July 21, 2021, during testing of the ACSES II PTC system on a passenger train, FRA conducted a similar test in which a zero speed temporary speed restriction (TSR) was issued to the train and the pilot valve/brake stand was placed into the cut-out position prior to PTC system enforcement of the TSR. This action achieved similar results, allowing the train to circumvent the PTC system enforcement with one exception; after placing the pilot valve/brake stand back into the cut-in position, the train encountered a PTC penalty brake application.

Safety Advisory 2021-01

As shown by the incidents described above, rail operations face a safety risk due to the interface design issue that allows PTC enforcement to be circumvented by cutting out the pilot valve/brake stand. Such risks must be addressed to provide for the safety of train operations, and thus FRA recommends that railroads do the following:

- (1) Immediately remind railroad crewmembers that, along with the unauthorized disabling of a PTC system, circumventing PTC enforcement by manually cutting out the pilot valve/brake stand when not authorized is a revocable event for the locomotive engineer or conductor responsible, and

¹ 49 CFR 236.1005.

² 49 CFR part 218.

³ 49 CFR 236.1005.