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January 9, 2007

Docket Clerk  
DOT Central Docket Management Facility  
Room PL-401  
400 7th Street, SW (Plaza Level)  
Washington, DC 20590-0001

Re: Docket Number FRA-2006-24840

Dear Docket Clerk:

The above-referenced matter involves a petition by Union Pacific Railroad Company (“UP”), filed on May 4, 2006, seeking a waiver from compliance with the requirements of 49 CFR Section 214.321(a)(1), so that UP may implement what it terms “Remote Authority” technology. On September 6, 2006, the undersigned submitted comments concerning this matter on behalf of our respective organizations, in which we — among other things — voiced concurrence with objections filed by the Brotherhood of Maintenance of Way Employees Division of the Teamsters Rail Conference with respect to UP’s outrageous attempt to shield all technical material from public scrutiny by alleging that the material, in its entirety, consisted of confidential and/or proprietary information. *See* FRA-2006-24840-7 at p. 4.

UP did not submit redacted versions of the withheld documents until the day after the comment period closed. *See* FRA-2006-24840-11 at p. 1. On October 10, 2006, in response to requests by numerous commenters, FRA published a notice in the Federal Register reopening the comment period and extending it for an additional ninety (90) days. 71 FR 59581. Thirty days later, on November 9, 2006, UP filed a request that FRA suspend processing of its petition. *See* FRA-2006-24840-16.

Notwithstanding that this matter currently is dormant pursuant to UP’s request, an abundance of caution compels us to supplement our previous comments. Initially, we incorporate by reference our comments filed on September 6, 2006. *See* FRA-2006-24840-7. With the exception of the

publication of redacted Appendices A and B, which we address below, and FRA's extension of the comment period, no issues raised in those comments have been either addressed or rectified. Therefore, they remain bases for denial of the petition, in our view. That said, we now turn to what UP describes as redacted copies of Appendices A and B.<sup>1</sup>

Initially, we note that Appendix A begins at Section 29.0. *See* FRA-2006-24840-11 at p. 2. Missing from the document are all preceding sections, as well as any information identifying the document from which Section 29.0 was taken. Therefore, it is impossible for us to assess the sufficiency of the document as whole. Moreover, most of the subsections that follow are redacted in such a way that any assessment of Section 29.0 — even standing alone — is impossible. Indeed, Section 29.0 is nothing more than a repetition of the waiver petition's vague and general claims that are incapable of verification.

The following subsections do not contain any redacted text: 29.2.1 (foul time permits via the Intranet (Web)); 29.2.2 (track permits via the Intranet (Web)); and 29.2.3 (track and time via the Intranet (Web)). However, related documentation pertaining to UP's train dispatching system and software is not included in the Appendix, making it impossible to assess these subsections. Subsection 29.2.4 (track warrants via the Intranet (Web)) suffers from the same infirmity, and appears insufficient on its face.

The document captioned "CAD-X Remote Authority Requirements" also is part of a larger document, of which it is Section 8.1.5, and may be Appendix B, although no document in the submission is identified as such. *See* FRA-2006-24840-11 at p. 16. Again, with the absence of numerous sections, it is impossible for us to assess the sufficiency of the document as a whole; indeed, even the context for this section cannot be ascertained because the following portions of Section 8 are not provided: all sections preceding Section 8.1.5; all sections between Section 8.1.6 and Section 8.2.5; all sections between Section 8.2.6 and Section 8.3.5; and any Section following Section 8.3.6. *Id.* at pp. 16-29. As with Appendix A, these provisions are nothing more than a repetition of the waiver petition's vague and general claims that are incapable of verification.

The third section of the document — also unidentified as an appendix — is Section 20.0 of another document, and is titled "Security," with subsections pertaining to: user-ID/password control; discretionary access control; remote access control; network access control; dial-up access control; user validation; system security; and one subsection (20.3.3) that purportedly is of such sensitivity that even the subsection heading had been redacted. This section does not contain so much as a scintilla of information by which it can be determined whether the system

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<sup>1</sup> In its initial petition, UP defined Appendix A as detailing the "requirements for dispatching system issuance of on-track authority," and Appendix B as detailing the "requirements for dispatching system release of on-track authority." *See* FRA-2006-24840-2 at p. 2.

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is secure; instead, we again see nothing more than the vague and general design mantra which is the only “evidence” provided anywhere by UP in this matter.

We remind FRA that UP’s proposed “Remote Authority” system is a signal and train control system, and is subject to the requirements of Subpart H of Part 236. *See* FRA-2006-24840-7 at pp. 6-7. UP’s failure to adhere to these requirements provides more than ample grounds for FRA to deny the petition, if and when UP requests that consideration be resumed.

Sincerely,

Handwritten signature of F. L. McCann in black ink.

F. L. McCann  
President

Handwritten signature of Don M. Hahs in black ink.

Don M. Hahs  
National President