

November 25, 2014  
Federal Communications Commission

**Explanation of Non-Substantive Changes to OMB Control Number: 3060-1039:**

- Modification/Change Request of the Nationwide Programmatic Agreement Regarding the Section 106 National Historic Preservation Act - Review Process, WT Docket No. 03-128.

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**Purpose of this Submission and Background Information:** This submission documents a proposed non-substantive changes to an existing information collection pursuant to 44 U.S.C. § 3507. This submission seeks to modify the Tower Construction Notification System (TCNS) used by or on behalf of Applicants proposing to construct new antenna support structures, and some collocations, to ensure that Tribal Nations have the requisite opportunity to participate in review prior to construction. .

In the April of 2014, the Commission received OMB approval to utilize the TCNS and E-106 systems for the Nation's freight and commuter railroads to coordinate construction of more than 20,000 wayside poles and associated communications equipment with Tribal Nations and State Historic Preservation Officers (SHPO's).

The FCC determined that the construction of PTC transmission facilities and their supporting structures are Federal undertakings under Section 106 of the National Historic Preservation Act. As such, the railroads are required to ascertain prior to construction the impacts of these facilities on historic properties under the relevant procedures set forth by the Advisory Council on Historic Preservation (ACHP) and the FCC. To accommodate the PTC infrastructure deployment by the statutory deadline, the FCC requested and received approval for minor modifications to our E-106 System and Tower Construction Notification System (TCNS), which collect information on infrastructure projects to be shared with Tribal Nations and State Historic Preservation Officers (SHPOs) for the purposes of Section 106 compliance reviews.

The system modifications required adding two new data elements to the electronic systems, which provide the railroads with a method to indicate that the filing is a PTC submission and a description field to specify the pole locations within a county. This information is used to notify the appropriate Tribal representatives and the SHPOs of the proposed projects.

**Summary of Proposed Modifications to collection 3060-1039**

The is FCC is proposing to add a check box to the TCNS filing system to allow filers to identify poles that are excluded from review under the Program Comment. Filings containing excluded poles are referred separately and processing is streamlined. This check box is necessary to allow applicants to easily identify these filings.

A. The FCC is not required to take into account the effects of the following on historic properties:

(1) wayside poles and infrastructure that are installed within existing railroad rights-of-way, provided that:

(i) they are located within 500 feet of the following structures, so long as such structures are 25 feet tall or taller:

(a) existing railroad signal equipment that includes one or more vertical posts adjacent to the track that displays the signal indication or a platform or bridge extending over the tracks with the signal indication over the track that they control;

(b) an existing catenary bridge or catenary mast; or

(c) above ground utility transmission or distribution lines and associated structures and equipment located within 100 feet of the center line of the railroad right of way; and

(ii) they will not be located within the boundaries of a historic property that is listed in the National Register of Historic Places (National Register), formally determined eligible by the Keeper of the National Register, determined eligible on a SHPO or Indian tribe record, including State archaeological records, or found during any agreed-to monitoring under Section VII;

(2) wayside antennas of less than 10 feet in height that are collocated on existing railroad infrastructure, provided that such infrastructure is not listed in the National Register, formally determined eligible by the Keeper of the National Register, or determined eligible on a SHPO or Indian tribe record; and

(3) wayside poles and infrastructure to be located within the

outer boundaries of a system of yard track occupying 100,000 square feet or more, so long as such poles and infrastructure are not located within the boundaries of or within 500 feet of a historic property that is listed in the National Register, formally determined eligible by the Keeper of the National Register, or determined eligible on a SHPO or Indian tribe record, including State archaeological records. For purposes of this exclusion, a yard track is defined as it is under 49 CFR 245.5(o) ("a system of tracks within defined limits used for the making up or breaking up of trains, for the storing of cars, and for other related purposes, over which movements not authorized by timetable, or by train order may be made subject to prescribed signals, rules or other special instructions"). Although that regulatory definition of yard track excludes sidings and main line track passing through the yard, this exclusion applies to all locations within the yard limits.

B. The FCC is also not required to take into account the effects of wayside poles and infrastructure on the rails themselves or the track bed itself. The track bed consists of the ballast that supports the tracks as well as minor culverts and drainage devices. It does not include the soil beneath the ballast or any archaeological resources within the ballast.

C. Through written notice to the railroad and the FCC, a SHPO or Indian tribe may exempt a railroad from including that SHPO or Indian tribe in the Section VII review of wayside poles and infrastructure within a geographic area defined by that SHPO or Indian tribe, as applicable.

**Revised Text:**

**Positive Train Control Filing (Excluded Poles Only)**

# Screen Shot

The screenshot shows a web browser window titled "Tower Construction Notification - Windows Internet Explorer". The address bar shows the URL: <https://ulsetest.fcc.gov/TribalHistoricNotification/asr/NotifierInfo.htm?NewNoti=Y>. The page header includes the FCC logo and navigation links: "FCC Home | Search | Updates | E-Filing | Initiatives | For Consumers | Find People". The main heading is "Tower Construction Notification" with a sub-heading "New Notification".

Below the heading, there are instructions: "This page requests contact information for the individual or entity proposing a new antenna structure. Click on 'Continue' to go to the next page to submit details of the proposed antenna structure. After the completion of these two pages, you will have the opportunity to review and edit your information before submission to the FCC." It also includes a note about Section 106 of the National Historic Preservation Act and a disclaimer: "Please note: the submission of this notification is NOT to be considered a submission for Antenna Structure Registration. Tower Structures that require antenna structure registration based on FCC Rules 47 C.F.R. Part 17 must complete FCC Form 854 after FAA clearance is obtained."

The central form is titled "This structure is being proposed by" and contains the following fields:

- Positive Train Control Filing Subject to Expedited Treatment Under Program Comment:**
- Positive Train Control Filing (Excluded Poles Only):**
- Enter Tower Owner Individual OR Tower Owner Entity:**
- Tower Owner Individual:** First: Test, MI: D, Last: Test, Suffix: Ms
- Tower Owner Entity:** T-Mobile
- Consultant:** First: Test, MI: I, Last: Test, Suffix: Ms
- PO Box:** 123
- Address:** EAS, 15244 Clymer St
- City:** Mission Hills
- State:** california
- Zip Code:** 91345
- Phone:** 818 - 898 - 4866

The bottom of the browser window shows "Local intranet | Protected Mode: Off" and a zoom level of 100%.