



Freight Rail Customer Alliance

Positive Train Control Implementation of Surface Transportation Extension Act

FRCA Position

FRCA continues to support the railroad industry's efforts to implement Positive Train Control (PTC) systems by December 31, 2018.

Issue Background

Overall: The *Surface Transportation Extension Act of 2015*, H.R. 3819, was signed into law (P.L. 114-73) on October 29, 2015.

The law provides railroads an extension — until at least December 31, 2018 — to implement PTC systems. The U.S. Department of Transportation (US DOT) is allowed to extend the deadline for as long as two additional years in some cases, and be permitted to approve implementation in phases. A 2008 rail safety law, Public Law 110-432, required many freight and passenger railroads to develop plans for implementing a PTC system by December 31, 2015.

PTC systems use communications and signaling technology to prevent accidents caused by excessive speed, train-on-train collisions and incorrect routing. The National Transportation Safety Board publicly stated that PTC technology would have prevented the fatal Amtrak derailment in Philadelphia on May 12, 2015.

With the December 31, 2015 deadline approaching, the nation's Class 1 railroads warned, that despite significant efforts and the expenditure of billions of dollars, they would not be able to meet the year-end deadline. In order to avoid violating the law, the railroads announced plans to phase-out freight and passenger traffic leading up to the December 31, 2015 deadline.

This would have resulted in chaos for the nation's transportation system and for various industrial and agricultural sectors. Numerous commodities, such as coal and grain, can only be shipped by rail, especially from certain areas of our country and/or over long distances. This disruption of rail service would have had a dramatic impact on freight shippers and the customers they serve, let alone negatively affecting our nation's economy.

FRCA joined with the railroads and other industry stakeholders urging the U.S. Congress to extend the PTC implementation deadline and to do so well ahead of the original December 31, 2015 deadline.

FRCA continues to support the railroad industry's efforts to implement PTC systems by December 31, 2018, as outlined in P.L. 114-73.

Congressional Oversight

Majority and Minority staffs to the Senate Commerce Committee and House Transportation and Infrastructure (T&I) Committee continue holding PTC implementation status conference calls on a periodic basis with particularly commuter railroads.

In addition, on April 9, House Railroads, Pipelines, and Hazardous Materials Subcommittee Chairman Jeff Denham (R-CA-10) and Ranking Member Michael Capuano (D-MA-7) sent a letter to all commuter and intercity passenger rail CEOs asking for additional PTC implementation information.

On March 1, the Senate Commerce, Science and Transportation Committee held a hearing, "Implementation of Positive Train Control".

Chairman Thune's (R-SD) opening statement reviewed recent tragic events that PTC technologies could have prevented and noted the impending statutory deadline for PTC implementation -- December 31, 2018. He further argued that the collective implementation of PTC across various rail lines, "is not an 'off-the-shelf' technology, and a railroad can't simply 'flip a switch.'" Thune noted that USDOT has awarded "nearly \$3 billion in grant and loan assistance -- with \$2.3 billion provided to date and another \$600 million on the way." Finally, the Chairman emphasized that failure to comply with the implementation deadline "is not an option" that could result in "a real risk of halting or reducing service."

Ranking Member Bill Nelson's (D-FL) opening statement also recounted recent incidents that PTC technologies could have prevented and various requests to delay DOT's original implementation deadline in 2015. Commenting on progress made since the delay, the Ranking Members stated, "We heard repeatedly that, given a limited amount of time, railroads would be able to get PTC in place. Yet, here we are again. And it's now become crystal clear that many railroads have not lived up to their end of the bargain." He said DOT "must use its authority to hold railroads' feet to the fire."

Witnesses were:

- Susan Fleming, Director of Physical Infrastructure, GAO
- Barry DeWeese, Assistant Inspector General, USDOT
- David Mayer, Chief Safety Officer, Metropolitan Transportation Authority
- Richard Anderson, President/CEO, Amtrak.

To view an archived webcast of the hearing and to access further information go to:

<https://www.commerce.senate.gov/public/index.cfm/hearings?ID=09177549-8FA7-454A-9A43-9CA8F61D57D2>

On Feb 15, the House Railroad, on Railroads, Pipelines and Hazardous Materials Subcommittee, "Oversight of Positive Train Control Implementation in the United States."

The opening statement by full House T&I Committee Chairman Shuster (R-PA-9) highlighted that even though PTC implementation is a complex issue due to the difficulty of field testing and locating technology suppliers, safety remains the number one priority of the Committee.

Full T&I Committee Ranking Member DeFazio (D-OR-4) affirmed his support in keeping the PTC deadline, and raised concerns over funding cuts made to the FRA's oversight and enforcement of PTC in the administration's proposed budget. He urged action on his bill, the Positive Train Control Implementation and Financing Act of 2018, H.R. 4766, which would prohibit the extension of the PTC deadline and provide additional grants to rail entities still working towards the requirements.

Railroad Subcommittee Chairman Denham (R-CA-10) stated during the hearing that he supports retaining the December 31, 2018 deadline for railroads to implement PTC but opposes providing FRA the additional grant authority. Denham stated firmly that he believes plenty of Federal grants have been distributed, and rail entities have not asked for the money from FRA – either not applying for available grants funds and/or not seeking RIFF assistance. Within this discussion, Denham stated his frustration that railroads are not letting Congress know what problems they are facing and not asking for help. “Ignoring the statutory deadline will not be tolerated again,” he stated.

Witnesses were:

- Juan Reyes III, Chief Counsel, FRA
- Robert Sumwalt, Chairman, National Transportation Safety Board
- Edward Hamberger, CEO, Association of American Railroads
- Richard Anderson, CEO, Amtrak
- Paul Skoutelas, CEO, American Public Transportation Association
- John Tolman, VP, Brotherhood of Locomotive Engineers and Trainmen.

To view an archived video of the hearing and access other information go to: <https://transportation.house.gov/calendar/eventsingle.aspx?EventID=402147>

Status

The Federal Railroad Administration (FRA) held a day-long symposium July 16 at USDOT headquarters where railroad safety officials and FRA’s Positive Train Control (PTC) experts discussed best practices for PTC system field and interoperability testing.

This was the second in a series of three symposiums. The third symposium, set for August 20, will cover lessons learned and best practices for PTC Safety Plans, which are necessary for host railroads to obtain PTC System Certification from FRA and to achieve full PTC system implementation under the statutory mandate. The FRA held the first symposium on June 15 which brought together FRA’s experts and all 41 railroads which are congressionally mandated to implement PTC systems.

The FRA is required by the *Act* to submit to the U.S. Congress quarterly and annual reports on the data submitted by the railroads demonstrating the progress made on PTC implementation. These reports can be accessed via <https://www.fra.dot.gov/Page/P0628>

To date, no legislation has been introduced to extend the December 2018 PTC implementation deadline.