

**WRITTEN STATEMENT OF
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**BEFORE THE
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
SUBCOMMITTEE ON RAILROADS, PIPELINES, AND HAZARDOUS MATERIALS
U.S. HOUSE OF REPRESENTATIVES**

“The State of Positive Train Control Implementation in the United States”

June 24, 2015

Chairman Denham, Ranking Member Capuano, and Members of the Subcommittee, thank you for the opportunity to appear before you today to discuss issues related to positive train control (PTC) implementation in the United States.

PTC technology is arguably the single most important railroad safety technological development in more than a century. The technology is not new—early versions of PTC technology existed in the early 20th century—and regulators and safety advocates have been calling on the rail industry to implement some form of PTC technology for many decades.

The Rail Safety Improvement Act of 2008 (RSIA) requires our current version of PTC (i.e., the type that is designed to prevent train-to-train collisions, over-speed derailments, train incursions into established work zones, and movement of a train through a switch left in the wrong position) to be fully installed and implemented by December 31, 2015. RSIA requires the technology to be implemented on Class I railroad main lines—lines with 5 million or more gross tons annually—over which any poisonous or toxic by inhalation hazardous materials are transported (with limited exceptions and exclusions). RSIA also mandates the technology on any railroad’s main line over which regularly scheduled intercity or commuter rail passenger service is conducted.

FRA currently estimates that this will equate to approximately 70,000 route miles of track and will involve approximately 20,000 locomotives.

Since passage of RSIA, railroads submitted their PTC Implementation Plans (PTCIP) to FRA in 2010. Each plan documented a path to implementation that would meet the deadline.

As I have stated before this Committee previously, and as I state again today in no uncertain terms, safety is the Federal Railroad Administration’s (FRA) top priority. Simply put, the rail system is not as safe as it could be without full implementation of PTC. A safe rail system requires full implementation of Positive Train Control. Therefore, FRA will enforce the December 31, 2015, deadline for implementation, as mandated by Congress.

If PTC is not fully implemented by January 1, 2016, we can and should expect there to be accidents in the months and years to follow that PTC could have prevented. We owe it to the public to ensure that PTC-preventable accidents, such as the Amtrak Train 188 derailment north of Philadelphia on May 12, 2015, do not occur by ensuring that certified, fully-operational PTC systems are in place on the routes that require them as quickly as possible.

Enforcement Policy

In the nearly seven years since RSIA was passed and in the four and a half years since the railroads submitted their PTC Implementation Plans, the freight and passenger railroad industry has worked to develop PTC systems that will meet Federal statutory and regulatory requirements.

During this time, FRA has observed a wide range of efforts and resources that have been applied to PTC by different railroads. Some have diligently worked to implement this technology on time, some have worked to make progress on implementation but have been stymied by costs or spectrum availability, and some have chosen not to make implementation a priority.

FRA has noted previously that the implementation and certification of PTC systems are significant undertakings—implementation of PTC is both expensive and complicated. However, the challenges of implementing PTC are not insurmountable, particularly several decades after the introduction of PTC technology, two decades following NTSB recommendations, seven years following passage of RSIA, and more than four years following official FRA guidance.

The following is a summary of FRA's enforcement policy under our current authorities. The enforcement policy presented below is designed to bring railroads that are in violation of the deadline into compliance with the law as soon as safely possible.

- FRA can assess civil monetary penalties starting January 1, 2016.
- Fines vary based on a railroad's failure to comply with Federal PTC regulations. FRA's PTC penalty guidelines establish different penalties depending on the violation. Examples include a \$2,500 fine for a non-willful failure to keep records and a \$25,000 fine for willful failure to complete PTC system installation on a track segment. FRA may assess the penalties per violation per day
- FRA reserves the right to use any and all enforcement tools from civil penalties to emergency orders, to require the railroads to make progress on PTC implementation to ensure public safety prior to January 1, 2016.

Many railroads have stated publicly that despite significant enforcement and liability concerns, they still will not meet the December 31, 2015, deadline.

In light of the concerns that some railroads would not meet the deadline, the Department's GROW AMERICA Act¹ submitted to Congress in April 2014 and March 2015 proposed that the Congress provide FRA with additional authorities that would address the safety gap that will exist for many railroads between January 1, 2016, and full PTC implementation. The Department requested these new authorities to allow FRA to review, approve, and require interim safety measures for individual railroads that may fail to meet the PTC deadline (such as allowing portions of PTC to be turned on for certain segments rather than waiting for an entire system to be completed; the goal of these interim safety requirements is to ensure adequate safety for railroads that miss the PTC deadline.

These interim requirements will not serve as an extension of the PTC deadline; rather they are strictly designed to enable FRA to bring railroads into compliance safely.

FRA recommends that Congress:

- (1) Grant FRA authority over PTC systems and their operation under controlled conditions before final system certification is complete. This would allow for the incremental use of PTC systems as they are progressively rolled out and simultaneously increase operating safety because railroads could "turn on" portions of PTC on certain segments of track prior to turning on the technology for the entire system; and
- (2) Authorize FRA to require railroad use of alternative safety technologies on specified line segments in lieu of PTC until PTC is fully implemented.

These interim requirements will likely be costly to railroads, but FRA believes they will save lives while bridging the gap to successful PTC implementation.

Status of PTC Implementation

FRA Action

In the seven years since passage of RSIA, FRA has dedicated significant resources and worked closely with the railroad industry on PTC, including taking the following steps:

- Hiring staff to assist and oversee the implementation of PTC technology;
- Urging timely submission of PTC development and safety plans;
- Discussing progress with individual railroads and with the Association of American Railroads (AAR) and American Public Transportation Association (APTA);
- Working directly with the Federal Communications Commission to resolve issues related to spectrum and improve the approval process related to PTC communication towers;
- Actively supporting deployment of PTC through the issuance of RSIA-mandated performance-based regulations in January 2010 as well as additional regulations that

¹The Secretary of Transportation submitted the GROW AMERICA Act to Congress on March 30, 2015. "GROW AMERICA" stands for "Generating Renewal, Opportunity, and Work with Accelerated Mobility, Efficiency, and Rebuilding of Infrastructure and Communities throughout America."

lightened the regulatory burden and technical assistance documents to aid railroads, manufacturers, and suppliers to achieve full PTC functionality and interoperability;

- Building a PTC system test bed at the Transportation Technology Center in Pueblo, CO (which is available to railroads as they work to successfully integrate and test all of component technologies necessary to achieve implementation); and
- Making loans available through the Railroad Rehabilitation & Improvement Financing (RRIF) program to applicants interested in assistance in paying for PTC implementation.

Railroads and Implementation

When railroads submitted their PTCIPs in 2010, they stated they would meet the 2015 deadline per the requirements of RSIA. All submitted plans acknowledged that there would be few, if any, technical and programmatic issues related to the design, development, integration, deployment, and testing of PTC systems that would require resolution.

For more than three years, FRA has monitored these technical and programmatic aspects and has sounded the alarm that most railroads are not making sufficient progress to meet the December 2015 deadline. FRA highlighted its concerns about PTC implementation in its August 2012 PTC report to Congress, as well as in the GROW AMERICA Act, and multiple public remarks, statements, and congressional testimony.

For those railroads that do not meet the PTC deadline, our goal is to achieve full PTC implementation as safely and efficiently as possible.

To facilitate implementation, I have established a PTC Implementation Team that is aggressively managing and monitoring the railroads' progress so that we have accurate and critical information to inform our enforcement actions. This team supplements additional staff working on PTC implementation full time. The team monitors the status of each railroad's PTC implementation, works with the railroad to gather data and answer questions, and tracks when the railroad will have a fully operational system.

Accurate and timely data from the railroads is essential to FRA's effectiveness. Recently, FRA received updated information about PTC implementation from 32 of the 38 railroads that we are currently tracking for enforcement purposes. Initial analysis, along with supplementary data from AAR, indicates the following:

Class I railroads have:

- **Completed or partially completed** installations of more than 50 percent of locomotives that require PTC equipment;
- Deployed approximately 50 percent of wayside interface units;
- Replaced approximately 50 percent of signals that need replacement; and
- Completed most of the required mapping for PTC tracks.

By the end of 2015, AAR projects that:

- 39 percent of locomotives will be **fully equipped**;
- 76 percent of wayside interface units will be installed;

- 67 percent of base station radios will be installed; and
- 34 percent of required employees will be trained.

According to APTA, **29 percent of commuter railroads, excluding Amtrak, are targeting to complete installation of PTC equipment by the end of 2015.** Full implementation of PTC for all commuter lines is projected by 2020.

A recent status update from Amtrak states:

- 85 percent of locomotives have been equipped with PTC to date, including approximately 97 percent of locomotives for the Northeast Corridor (NEC);
- 63 percent of track miles have been mapped;
- For the NEC, New Haven, CT to Boston, MA and portions of the railroad between New York, NY and Washington, DC, have PTC in service presently.
- By December 2015, PTC will be in service throughout the sections of the NEC operated and maintained by Amtrak. This will leave a 56 mile section without PTC on the segment owned by the states of New York and Connecticut that Metro-North Railroad operates and maintains. The Harold Interlocking, owned by Long Island Railroad, in Queens, NY also lacks PTC deployment; and
- Outside of the NEC, PTC is currently in service on the 97 miles of the Michigan Line owned by Amtrak between Porter, IN and Kalamazoo, MI. By December 2015, the Amtrak-owned Keystone Corridor from Philadelphia, PA to Harrisburg, PA and the Empire Connection in New York will also be completed and in service.

FRA Financial Support for PTC

FRA has long stated that a lack of public sector funding may result in unwanted delays in fully implementing PTC. FRA has requested funding for PTC development and implementation grants in every budget request dating back to Fiscal Year (FY) 2011.

For the past two years, as part of the GROW AMERICA Act, FRA has requested \$825 million to assist commuter railroads with the implementation of PTC and additional funding to aid with the implementation of PTC on Amtrak's national network.

It is important to note that safety benefits, including those generated through the implementation of PTC, are a key criterion in FRA's grant programs. To that end, FRA has provided approximately \$650 million in grant funds to support PTC. This includes American Recovery and Reinvestment Act of 2009 grants through our High-Speed Intercity Passenger Rail program as well as Amtrak grants and other annual appropriations.

In addition to mandating the December 31, 2015, PTC implementation deadline, the RSIA also authorized a grant program to assist in the deployment of PTC and other rail safety technology. Congress appropriated \$50 million for the program in FY 2010. FRA awarded these funds to ten projects to help mitigate technical PTC deployment challenges affecting stakeholders. FRA recently added an additional \$11 million from new authority provided under the FY 2014 Consolidated Appropriations Act for a total of \$61 million in Railroad Safety Technology Grants.

Despite the lack of sufficient funding directed to commuter railroads, FRA is using the resources it has available to help railroads implement PTC. On May 6, 2015, FRA issued a \$967 million loan through the RRIF program to the New York Metropolitan Transportation Authority, the Nation's largest commuter railroad provider, to facilitate deployment of the technology by Metro-North Railroad and Long Island Rail Road.

Conclusion

Thank you for the opportunity to testify and answer your questions today. Safety is FRA's first priority, and we appreciate your attention and focus on issues related to the impending deadline for PTC implementation and our enforcement policy for railroads that do not meet the deadline.

We look forward to working with this Subcommittee to improve our programs and make the American rail network as safe, reliable, and efficient as possible. I will be happy to respond to your questions.