



May 1, 2013

The Honorable Michael Antonovich
Chairman
Los Angeles County Metropolitan Transportation Authority
Room 869 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Chairman Antonovich:

Thank you for contacting the American Public Transportation Association (APTA) regarding your concerns related to Positive Train Control (PTC) technologies on publicly funded commuter railroads.

First and foremost, please let me state that APTA is unequivocally committed to safety and that passenger safety is the number one priority on our nation's commuter railroads. Recently, our commitment to safety was heralded by the rail industry regulator, Federal Railroad Administrator (FRA) Joe Szabo, who announced safety statistics citing that 2012 was the safest year in railroad industry history. With that said, we are always working to make our industry safer.

As you noted, the Rail Safety Improvement Act (RSIA) of 2008 mandated that PTC technology be implemented on passenger railroad and certain freight railroads by December 31, 2015, and authorized funding of \$250 million over 5 years to assist with implementation. Since the enactment of RSIA, APTA and its commuter rail members across the country have aggressively pursued the funding and technology necessary to implement this safety mandate by the current deadline. However, challenges beyond our control have presented obstacles to implementation.

Over two years ago, the initial conservative estimate for PTC implementation on commuter railroads was over \$2 billion, with more than 4,000 locomotives and passenger cars with control cabs and 8,500 track miles to be equipped. Since this initial estimate, as commuter railroads have attempted to implement PTC, the estimated costs of implementation have risen well beyond the initial \$2 billion estimate. These estimates do not include costs related to the acquisition and operation of the radio spectrum necessary to meet the interoperability requirements set forth under RSIA. Unfortunately, to date, Congress has only appropriated \$50 million of the total authorized amount. At a time when critical State of Good Repair backlogs are creeping above nearly \$80 billion dollars on our nations public transportation systems, commuter railroads are being forced to choose between performing critical system safety maintenance projects and implementing PTC by 2015. Insufficient funding is a significant impediment to implementation for publicly funded railroads.

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Additionally, certain key components of PTC systems are still in the design phase, which will certainly impede full implementation by 2015, even for railroads such as the Southern California Regional Rail Authority's (SCRRA) Metrolink that have established very aggressive implementation schedules. The current status of available hardware and software, as well as the inability of most commuter railroads to acquire necessary radio spectrum are impeding full implementation by 2015.

In 2011, after several years of working towards implementation and complying in good faith with FRA reporting requirements on PTC implementation plans, the APTA Commuter Rail CEOs committee concluded that the industry would not be able to fully implement interoperable PTC systems on all commuter railroads by the current deadline. Thus, APTA approved a policy position recommending that the deadline for PTC implementation be extended to December 31, 2018, with the caveat that APTA supports those railroads that can implement early, and recommends that early implementers be given priority for any available federal funding. The hope was that lessons learned from early implementers such as Metrolink, would serve to facilitate and expedite implementation for other commuter railroads. Other APTA positions adopted in 2011 included recommendations that Congress appropriate adequate federal funding and direct the Federal Communications Commission (FCC) to set aside an allocation of radio spectrum needed for publicly funded railroads to implement PTC. To date, Congress has not acted on any of the recommendations to provide relief to commuter railroads struggling to implement the mandate.

Under the Rail Safety Improvement Act, the FRA was statutorily required to transmit a PTC implementation status report to Congress in 2012. The goal of the report was to update Congress on the status of implementation, to identify major issues and to offer potential risk mitigation solutions. The FRA report, which was issued in August 2012, also concludes that for various reasons, most railroads will not be able to complete full PTC implementation by December 2015. Further, in its report to Congress, the Federal Railroad Administration recommended that:

"Congress consider legislation that allows FRA to approve the use of alternative risk mitigation technologies in lieu of a PTC system on specified line segments if:

- The use of the alternative technologies will not result in a decrease in the level of safety from that which currently exists.*
- The alternative technologies proposed provide an appropriate level of risk mitigation with regards to preventing train-to-train collisions, overspeed derailments, protection of roadway workers within their authorized work zones, and movement of a train through misaligned switches.*
- The alternative risk mitigation technology implementation plan, submitted as part of a petition to substitute alternative risk mitigation technologies for a PTC system, implements the alternative risk mitigation technologies in order from areas of least risk to areas of greater risk.*
- The alternative technologies are installed as soon as feasible.*

APTA strongly supports the language contained in the FRA Report to Congress and recently adopted a policy in support of the FRA's recommendation to Congress as we believe that the statutory mandate for PTC implementation will only be strengthened by taking a system safety approach, rather than a "one size fits all" approach. As adopted, the policy requests the FRA be allowed to consider alternative technologies in lieu of a PTC system on specified line segments. We find nothing in the FRA's recommendation that is incongruent with the Rail Safety Improvement Act (RSIA) of 2008. The actual text of the FRA recommendation in fact reiterates the basic tenets of the RSIA: alternative technologies must "provide an appropriate level of risk mitigation with regards to preventing train-to-train collisions, overspeed derailments, protection of roadway workers within their authorized work zones, and movement of a train through misaligned switches." (*Federal Railroad Administration Report to Congress – "Positive Train Control Implementation Status, Issue and Impacts", dated August 2012, pp 48 – 49, Section 5.2*). These four characteristics, in fact, comprise the statutory definition of positive train control. 49 USC 20157(i)(3). We would ask you to consider that, as the regulator, the FRA is the entity that determines what is "equivalent" under the technical requirements it was authorized by Congress to establish, and already has authority under the PTC regulations to determine if a railroad meets the requirements for an exception, as specified in regulation.

APTA in no way supports any blanket exceptions in this regard, but supports the FRA's recommendation that it be permitted to examine the feasibility of the use of alternative technologies on a line by line basis, and permit such uses only after rigorous analysis and evaluation of overall risk reductions. While the vast majority of railroads would still require PTC, there would be some that could then prioritize their safety enhancement projects to address their most urgent safety risks first; freeing up the pipeline for procurement of PTC components and other resources in order to expedite implementation for other railroads.

In addition to language concerning alternative technologies, APTA also recently approved policy positions requesting the FRA to promulgate open interface and communication standards and approved language put forth by Metrolink, requesting Congress allocate additional funding to the FRA and other regulatory bodies to ensure adequate resources are available to inspect, review and authorize PTC implementation.

In terms of concerns regarding interoperability, there is nothing in the APTA policy or in the FRA's report to Congress that would change the statutory and regulatory requirements for interoperability. Any railroad's controlling locomotive that operates on Metrolink's railroad must be able to communicate with and respond to the PTC system that will be installed. Similarly, if FRA is able to approve any alternative technologies, then any controlling locomotive operating on a line or segment where the alternative technology is installed must be able to communicate with that technology. If rolling stock will operate on lines with different technologies or even different PTC systems, more than one type of onboard equipment may need to be installed. For example, some commuter railroads that operate on the Northeast Corridor and a freight railroad must be able to interoperate with both the Advanced Civil Speed Enforcement System (ACSES)

The Honorable Michael Antonovich

May 1, 2013

Page 4

PTC system used by Amtrak as well as the Interoperable Electronics Train Management System (I-ETMS) PTC system being used by freight railroads, and anticipate having to install onboard equipment for both types of PTC systems to achieve interoperability. Similarly, any Metrolink train placed in operation on the Northeast Corridor would require the installation of ACSES onboard equipment to ensure compatibility and interoperability with the PTC system in place on that corridor.

In closing, I'd like to underscore that none of the PTC policies adopted by APTA are intended to prevent early implementation by those commuter railroads which seek to implement by or before the deadline. In fact, APTA has a long-standing policy of urging Congress to prioritize funding for early implementation efforts.

On behalf of APTA and its members, I appreciate your interest in the safety of our nation's commuter railroads and I look forward to continuing to work with you and The Los Angeles County Metropolitan Transportation Authority on this and many other common issues that face public transportation agencies.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael P. Melaniphy". The signature is fluid and cursive, with a prominent "M" at the beginning and a long, sweeping tail.

Michael P. Melaniphy
President and CEO

MPM/tjj