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**EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE
SEPTEMBER 18, 2008**

SUBJECT: FEDERAL LEGISLATION

ACTION: APPROVE STAFF RECOMMENDATION ON FEDERAL LEGISLATION

RECOMMENDATION

Adopt the following position:

S. 3493 (Feinstein/Boxer) – Legislation that mandates the implementation of positive train control (PTC) systems on commuter and freight rail cars by December 31, 2012 in areas determined by the Secretary of Transportation to have the highest safety risk due to shared track between commuter and freight rail. The deadline for other commuter and freight providers to implement PTC systems would be December 31, 2014. **SUPPORT**

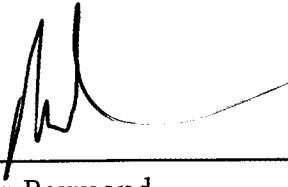
ISSUE

In the aftermath of the tragic Metrolink accident on September 12, 2008, a number of Congressional leaders, federal transportation officials, and rail safety experts have called for the implementation of PTC systems to avert the possibility of a similar accident in the future. PTC systems are designed to prevent train-to-train collisions, over-speed derailments, and incursions into roadway worker work limits. The National Transportation Safety Board has consistently advocated for the implementation of PTC systems for high-risk corridors where freight and passenger trains operate side by side. According to the Federal Railroad Administration, the estimated cost of installing positive train control systems on 100,000 miles of track nationwide would cost more than \$2.3 billion.

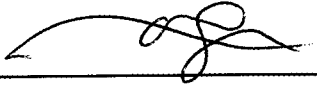
ATTACHMENT

Attachment A Legislative Analysis of S.3493

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BILL: S. 3493

AUTHOR: U.S. SENATORS DIANNE FEINSTEIN (D-CA) AND BARBARA BOXER (D-CA)

SUBJECT: RAILROAD SAFETY LEGISLATION

STATUS: INTRODUCED ON SEPTEMBER 16, 2008

ACTION: SUPPORT

RECOMMENDATION

Adopt a “SUPPORT” position on S. 3493 (Feinstein/Boxer), which mandates the implementation of PTC systems on commuter and freight rail carriers.

PROVISIONS

S. 3493 is a measure introduced by Senators Dianne Feinstein and Barbara Boxer would require Class I railroads, rail carriers with poor safety records, or rail carriers that provide intercity or commuter rail passenger transportation to submit a plan for implementing PTC systems by December 31, 2012 for areas determined by the Secretary of Transportation to have the highest safety risk due to shared track between commuter and freight rail. The deadline for other commuter and freight providers to implement PTC systems would be December 31, 2014. The legislation outlines that PTC systems must include the following elements;

- minimize the risk of train collisions and over-speed derailments;
- provide protection to maintenance-of-way workers within established work zone limits;
- provide a safety redundancy to minimize the risk of accidents by overriding human performance failures involving train movements on main line tracks; and
- minimize the risk of the movement of a train through a switch left in the wrong position.

The legislation would mandate that rail carriers would have to submit to the Secretary of Transportation a plan for implementing PTC systems within 12 months of the measure being enacted into law. The plan would have to include, among other provisions, a strategy and timeline for implementation. Upon receipt of a PTC plan, the legislation stipulates that the Secretary of Transportation has 90 days to review the plan and approve it or recommend specific changes. Lastly, the bill dramatically increases the civil penalties that can be levied on rail operators that fail to comply with PTC requirements.

IMPACT ANALYSIS

This legislation would have no direct impact on the operation of our rail system, given that we are neither a freight or commuter rail operator and do not share track with commuter or freight rail providers. However, the legislation would directly affect Metrolink, the commuter rail system connecting Los Angeles County with Orange, Riverside, San Bernardino and Ventura counties.

Because Metrolink shares a large amount of track with freight rail providers, it is very likely that the Secretary of Transportation would determine that it has a high safety risk and mandate that it implement a PTC system by December 31, 2012. Because the full cost of implementing a PTC system on the hundreds of miles of Metrolink track is unknown, the exact fiscal impact of this legislation is unclear. It is reasonable to conclude that Metrolink's implementation of a PTC system would be very expensive. In addition, should Metrolink not be able to meet the 2012 implementation deadline, the commuter rail carrier would be subject to fines of up to \$100,000.

SUPPORT

N/A

OPPOSITION

N/A