

United States Senate
WASHINGTON, DC 20510

June 28, 2011

The Honorable John D. Rockefeller
Chairman
Committee on Commerce, Science,
and Transportation
Russell Senate Office Building Room 254
Washington, D.C. 20510

The Honorable Kay Bailey Hutchison
Ranking Member
Committee on Commerce, Science,
and Transportation
Dirksen Senate Office Building Room 560
Washington, D.C. 20510

Dear Chairman Rockefeller and Ranking Member Hutchison:

We write to express our concern about spectrum and the implementation of Positive Train Control (PTC) as mandated by the Rail Safety Improvement Act of 2008 (RSIA). We understand that the implementation of PTC has been a long standing recommendation of the National Transportation Safety Board (NTSB) and believe that it must continue to move forward. One of the challenges to implementation of PTC is uncertainty regarding spectrum.

We have been informed there are questions surrounding the availability and ownership of the critical spectrum needed to implement PTC and that the FCC's Wireless Telecommunications Bureau sent out a notice on May 5, 2011 seeking comment on spectrum needs for the implementation of PTC. It is our understanding that comments were due by June 20, 2011, with the FCC report to follow. The problem for our commuter railroads is that in order to meet the December 31, 2015 deadline, they must enter into binding contracts to begin the work this summer – long before the spectrum issue is finally resolved by the FCC.

PTC requires continuous availability of radio frequency spectrum throughout the operating environment to support the data being transferred. Such a large amount of transfer of data requires a corresponding amount of radio spectrum throughout the entire network of a commuter railroad. Spectrum is finite and a highly competitive commodity that some license holders are offering for sale at exorbitant rates. In a July 2010 letter to the FCC, FRA Administrator Joe Szabo requested that the FCC set aside spectrum for publicly funded commuter railroads and stated that the financial ability of commuter railroads to obtain the necessary spectrum to meet the 2015 deadline is uncertain.


The U.S. Government Accountability Office (GAO) found in 2010 that all railroads impacted by PTC requirements have been putting forth good faith efforts to meet the mandate, but there is strong potential for delays if certain problematic components are not rectified in a timely manner. We strongly urge the Commerce Committee to hold a hearing on this matter and direct the FCC to resolve issues regarding spectrum to ensure that commuter railroads are not unduly burdened.

We appreciate your immediate consideration of this issue as the commuter railroads continue their work on PTC implementation. Thank you for your consideration of our views.

Sincerely,



Robert P. Casey, Jr.



Patrick J. Toomey



Charles E. Schumer



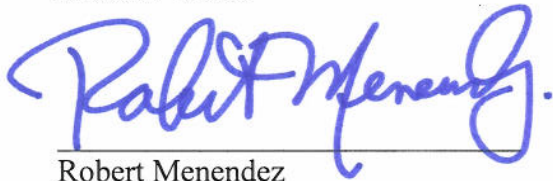
Mark Kirk



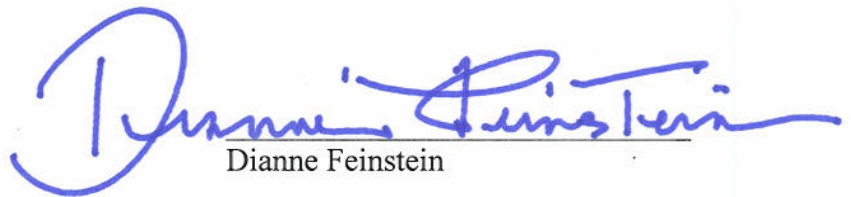
Michael S. Lee



Kirsten E. Gillibrand



Robert Menendez



Dianne Feinstein