



March 12, 2010

The Honorable James L. Oberstar
Chairman
House Committee on Transportation and Infrastructure
2165 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Oberstar:

I write on behalf of the 1,500 members of the American Public Transportation Association (APTA) to thank you for your continuing leadership in the federal effort to provide world class public transportation options to all Americans and to share an emerging concern on behalf of many of our publicly funded commuter railroads as it relates to certain provisions of the *Rail Safety Improvement Act of 2008* (RSIA). First and foremost, APTA strongly urges Congress to increase federal funding for implementation of Positive Train Control (PTC) systems required under RSIA.

As you know, the law requires that commuter and intercity passenger railroads, as well as certain freight railroads, submit to the Department of Transportation by April 16, 2010, a plan for the implementation of PTC systems, which in turn must be in place by the end of 2015.

When the original legislation was passed in 2008, achieving the PTC goal in those timeframes posed significant challenges -- financially and technically -- for publicly-funded commuter railroads. Nonetheless, as a group, those railroads have worked in good faith to comply with the Act's requirements. However, as the April deadline rapidly approaches, it is increasingly apparent that the magnitude of the challenges that faced us only a year and a half ago has increased dramatically and needs to be immediately reviewed and addressed by Congress if we are to ultimately succeed.

First and foremost, when RSIA was passed, the industry was operating under the premise that we would have a new reauthorization bill in place that would dramatically increase -- if not double -- federal capital support for the type of investment our public commuter rails systems need. Additional funding was fundamental to our ability to achieve the 2015 deadline. While you have provided heroic leadership in order to pass a new authorization bill, we know you share our frustration over the lack of progress on such a bill, and the fact remains that prospects for the immediate future are not only short-term in nature, but, at best, reflect flat to extremely modest growth. Additional support and a multi-year approach to funding are critically important to planning a sound PTC investment.

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William Millar

Second, the \$50 million RSIA annual authorization for PTC implementation costs was not provided in the Administration's budget requests for Fiscal Year (FY) 2009, 2010, or 2011. And, as you may also know, no funding for this program was appropriated in FY 2009. Even if fully appropriated, this authorization was never enough to make a significant dent in the more than \$2 billion estimated cost for implementing PTC on public commuter railroads. To help implement PTC on railroads across the nation, we strongly urge Congress to increase substantially the authorization for PTC funding and appropriate the funding needed to carry out this important safety program.

Third, the national economy has dramatically affected state and local capital revenue streams, the only other source of funding for such large projects. Most public transportation systems have been forced not only to slash capital spending but have in many instances been under tremendous pressure to tap capital funding to pay for operating costs. As you also know, that pressure led Congress to allow up to 10 percent of American Recovery and Reinvestment Act (ARRA) dollars to be used for such operating purposes, further eroding funding available for PTC investment. Even that has not solved the impact of a soft economy and in many instances in order to stay afloat systems have been forced to impose painful service cuts and increased fares.

Fourth, there was some early hope that ARRA High Speed Rail funding would dovetail with PTC investments where commuter and intercity rail intersect. Instead, projects where such joint benefits were present did not receive funding when ARRA grants were awarded .

Fifth, the lion's share of the capital investment dollars that commuter railroads have remaining is also dedicated to basic safety investments. How are their relative safety values to be weighed against PTC investments?

So, alarmingly, everywhere we turn we are confronting the effects of a perfect funding storm that was not readily apparent only 12 or 18 months ago.

Add to this storm the concerns for the technical challenges we already had to overcome such as securing limited radio spectrum over which to operate PTC systems, the inability due to time constraints to explore innovative technological approaches, test evolving technologies, or customize existing products, and the limited pool of potential suppliers that will likely hamper competition and drive prices higher.

Absent adequate funding for implementation of PTC at publicly funded commuter railroads, we urge Congress to consider some flexibility in terms of the implementation date or alternative ways within the current deadlines to achieve similar safety benefits. For example, cab signaling systems which many of our systems already have -- or which are being put in place as we speak -- provide automatic train control that supports enforcement of stop signals at interlockings, allows remote track blocking to protect roadway workers, guards against improperly aligned switches, enforces speed restrictions and, most importantly, protects against human error. These systems provide almost all of the safety benefits of a PTC system and are either already in place or soon to be in place in several commuter railroads. We believe acceptance of these systems as meeting the statutory requirements could reduce the costs of commuter railroads PTC compliance by as much as 25 percent. This action would then concentrate funding efforts for a smaller base of railroads (without cab signals) that have the greatest exposure to restrictive signal violations and thus the greatest return for monies spent.

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Since the timeframe for making significant financial and technological commitments is at hand today, we hope to discuss this matter immediately with you and your staffs to craft a strategy for success. We will call your staff to schedule such discussions. In the meantime, if you have questions, please contact Paul Dean of APTA's Government Affairs Department at (202) 496-4887 or email pdean@apta.com.

Sincerely,

A handwritten signature in black ink, appearing to read "William Millar". The signature is fluid and cursive, with a long horizontal stroke at the end.

William Millar
President

WM/tjj