



December 13, 2010

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

Dear Chairman Rockefeller:

I write to thank your Commerce, Science and Transportation Committee staff for meeting with members of the American Public Transportation Association (APTA) who represent publicly funded commuter railroads to discuss the continuous stream of obstacles they face in implementing Positive Train Control (PTC) technologies as mandated under the Rail Safety Improvement Act of 2008 (RSIA).

As discussed in our meeting, commuter railroads continue to aggressively pursue implementing Positive Train Control by 2015. Unfortunately, there are still major impediments to achieving this goal. Immediate investments are required to meet the 2015 deadline, yet commuter rail operators lack sufficient available funds to do so. An APTA member survey indicated that implementing PTC will cost commuter railroads at least \$2 billion, however, Congress has appropriated only \$50 million of the \$250 million authorized for this program. The inability to fund PTC projects is forcing our members to make difficult choices—agencies have discussed deferring critical infrastructure maintenance projects on bridges and electrical substations to pay for PTC, while other agencies have concluded they will be forced to cut service to meet the federally imposed mandate. Delaying critical safety projects and cutting service are not acceptable methods for funding PTC. We support significantly increasing the \$250 million Railroad Safety Technology Grant Program authorization to an amount proportionate to the \$2 billion dollar need.

Obstacles faced on the technology side are just as formidable, as commuter railroad agencies struggle with technology that remains unproven on a large scale. The success of the commuter railroad industry is dependent upon reliable service and not knowing whether or not this technology will increase travel times or result in service disruptions is a significant concern. We therefore ask Congress to adopt a more rationalized timeline for PTC implementation. Several methods of structuring a more rational timeline were discussed in our meeting. We suggested that all appropriated PTC funding be directed to a limited number of commuter railroad projects that could demonstrate the technology actually works in this unique operating environment, which would also prevent costly mistakes from being repeated at commuter rail agencies around the country. We also suggested delaying the 2015 mandate until such projects have proven successful, and phasing-in an extended implementation schedule for those commuter railroads that have already deployed advanced collision avoidance technologies on their systems.

Acquiring the radio spectrum necessary for interoperable communications has proven to be equally challenging. Many agencies have encountered great difficulty in purchasing radio spectrum as it is a finite and highly competitive commodity that some qualified license holders are offering for sale at exorbitant rates. We appreciate the offer of your staff to encourage the Federal Communications Commission (FCC) to specifically reserve and allocate a spectrum set-aside for publicly funded commuter railroads.

The commuter railroad industry remains committed to implementing Positive Train Control, however, we cannot achieve this goal without significant investment and assistance from the federal government. We strongly urge Congress to consider these options as soon as possible to prevent costly mistakes and to ensure the best return on the investment of the taxpayer.

Executive Committee

Chair

Michael J. Scanlon

Vice Chair

Gary C. Thomas

Secretary-Treasurer

Nathaniel P. Ford, Sr.

Immediate Past Chair

Mattie P. Carter

Members-at-Large

David J. Armijo

J. Barry Barker

Doran J. Barnes

Christopher P. Boylan

Greg Evans, M.Ed.

Sharon Greene

Alison Hewitt

Sharon McBride

Jerome C. Premo

Peter J. Varga

James Weinstein

Alice Wiggins-Tolbert

Charles R. Wochele

Alan C. Wulkan

President

William Millar

The Honorable John D. Rockefeller
December 13, 2010
Page 2

Thank you for your time and attention to this matter. We will follow up with your staff to discuss the possibility of amending the PTC implementation timeline as well sending a letter to the FCC on spectrum allocation. In the meantime, if you should have any questions, please have your staff contact Joni Zielinski of APTA's Government Affairs Department at (202) 496-4865 or email jzielinski@apta.com.

Sincerely,

A handwritten signature in cursive script, appearing to read "William Millar".

William Millar
President

WM/tjj