



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

Mr. Ian Jefferies
President and CEO
Association of American Railroads
ijefferies@aar.org

Mr. Paul P. Skoutelas
President and CEO
American Public Transportation Association
PSkoutelas@apta.com

Mr. Chuck Baker
President
American Short Line and Regional Railroad Association
cbaker@aslrra.org

Ms. KellyAnne Gallagher
Executive Director
Commuter Rail Coalition
kag@commuterrailcoalition.org

September 30, 2022

Re: Infrastructure Investment and Jobs Act – Speed Limit Action Plans

Dear Messrs. Jefferies, Skoutelas, and Baker and Ms. Gallagher:

On November 15, 2021, the Infrastructure Investment and Jobs Act (IIJA) (Pub. L. 117-58) was signed into law. Section 22415 of the IIJA updates Section 11406 of the Fixing America's Surface Transportation Act (FAST Act) (Pub. L. 114-94), Speed Limit Action Plans, codified at 49 U.S.C. § 20169. This letter is intended to remind the industry of its obligation to, not later than November 15, 2022, and annually thereafter, review and update as necessary its Speed Limit Action Plans in accordance with 49 U.S.C. § 20169, to ensure the effectiveness of actions taken to enable warning and enforcement of the maximum authorized speed for passenger trains.

The FAST Act was passed in the wake of two catastrophic accidents that occurred on December 1, 2013 (Metro-North Commuter Railroad, Spuyten Duyvil, New York, NY) and May 12, 2015

(Amtrak Train 188, Philadelphia, PA). Each accident involved over-speed derailments of passenger trains in curves where the maximum authorized speed dropped dramatically from the tangent section of track to the curved section. On December 18, 2017, Amtrak Train 501 derailed near DuPont, WA, also from over-speeding through a curve.

The FAST Act required each railroad providing intercity and commuter rail passenger service to survey its entire system and identify each main track location where there is a speed reduction of more than 20 miles per hour (mph) from the approach speed to a curve, bridge, or tunnel and the maximum authorized operating speed. The FAST Act also required a railroad carrier, not later than 120 days after the date the survey is complete, to submit an action plan for approval that describes the appropriate actions to enable warning and enforcement of the maximum authorized speed, contains milestones and target dates for implementing each appropriate action, and ensures compliance with the maximum authorized speed at each of the identified locations.

The IIJA updated the FAST Act requirements to mandate periodic reviews and updates to each railroad carrier's Speed Limit Action Plan annually and 90 days prior to implementing any significant operational or territorial operating change; and preparation of a Speed Limit Action Plan, including the required survey, by railroad carriers providing intercity rail passenger transportation or commuter rail passenger transportation that were not subject to the FAST Act requirements.

By way of this letter, FRA reminds the industry of several key requirements under 49 U.S.C. § 20169:

1. No later than November 15, 2022, and annually thereafter, review and update their Speed Limit Action Plan in accordance with 49 U.S.C. § 20169, to ensure the effectiveness of actions taken to enable warning and enforcement of the maximum authorized speed for passenger trains.
2. No later than 90 days prior to implementing any significant operational or territorial operating change, including initiating a new service or route, and after consultation with any applicable host railroad, submit for FRA approval a revised action plan. The revised plan must consider any modified or new locations where there is a reduction of more than 20 mph from the approach speed to a curve, bridge, or tunnel and the maximum authorized operating speed for trains at the curve, bridge, or tunnel, resulting from the operational or territorial operating change.
3. If a railroad carrier providing passenger service did not exist on December 4, 2015, the railroad carrier must have completed a survey by February 15, 2022, and submitted for FRA approval its action plan within 120 days of completion of the survey.
4. FRA must review and approve, approve with conditions, or disapprove each submitted action plan within 90 days of its submission. Speed Limit Action Plans are to be submitted to FRA-SpeedLimitActionPlans@dot.gov.

Under 49 U.S.C. § 20169(f), a railroad carrier may be exempt from the requirements on each segment of track for which operations are governed by positive train control (PTC).¹ The industry successfully completed the implementation of PTC in 2020, and a majority of regularly provided intercity and commuter rail passenger services operate over mainline track that has an installed and operational PTC system that prevents over-speed derailments. FRA reminds the industry that at locations with an approved mainline track exception (MTEA),² operators must adhere to the requirements of 49 U.S.C. § 20169, including appropriate actions to enable warning and enforcement of the maximum authorized speed for passenger trains at each location identified in a Speed Limit Action Plan that are within the MTEA limits.

FRA, as part of our ongoing regulatory oversight and enforcement, plan to perform audits to confirm compliance with the IJA.

FRA appreciates your leadership in conveying this message to your member railroads. If you or your member railroads should have any questions regarding this letter or the requirements of 49 U.S.C. § 20169, please contact Ms. Carolyn Hayward-Williams, Director, Office of Railroad Systems and Technology, at (202) 493-6036 or c.hayward-williams@dot.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Karl Alexy', with a stylized flourish at the end.

Karl Alexy
Associate Administrator for Railroad Safety
Chief Safety Officer

cc: Jeremy Ferguson, President, SMART-Transportation Division, jferguson@smart-union.org
Dennis Pierce, President, BLET, pierce@ble-t.org
Michael S. Baldwin, President, BRS, msb@brs.org
Alex Beckmann, Legislative Representative, TTD, alexb@ttd.org

¹ 49 U.S.C. § 20169(f), Alternative Safety Measures. The Secretary may exempt from the requirements under this section each segment of track for which operations are governed by a positive train control system certified under section 20157, or any other safety technology or practice that would achieve an equivalent or greater level of safety in reducing derailment risk.

² 49 CFR § 236.1019, Main line track exceptions, details the limited type of exceptions to the rule that trackage over which scheduled intercity and commuter passenger service is provided requiring installation of a PTC system.