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United States Senate

COMMITTEE ON COMMERCE, SCIENCE,
AND TRANSPORTATION

WASHINGTON, DC 20510-6125

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August 28, 2015

Chairman Daniel R. Elliott III
Surface Transportation Board
395 E Street, Southwest
Washington, DC 20423

Dear Chairman Elliott:

With the approaching December 31, 2015 statutory deadline for the implementation of Positive Train Control (PTC) systems, I write to request information about the potential effects on rail service if Congress fails to set a realistic framework for the safe and successful deployment of this important safety technology.

As you know, in 2013 and 2014 broad increases in demand and harsh winter weather conditions resulted in significant freight rail service issues for many sectors of our nation's economy, particularly in the Upper Midwest, not to mention impacts to passenger railroads. Since these problems began, the Surface Transportation Board and the Senate Committee on Commerce, Science, and Transportation have worked together to conduct outreach, increase oversight, and develop policies and legislative changes to ensure these service problems do not happen again. I have been pleased that the weekly service metrics, as required by the Board, have shown improved performance by freight railroads.

During your recent confirmation process, I appreciated your statements indicating continued commitment to proactively monitoring potential service issues and to ensuring interstate commerce flows as smoothly and efficiently as possible in support of the U.S. economy. As a growing number of my colleagues and businesses across the country are now realizing, the current statutory deadline for PTC implementation will likely introduce new issues and challenges for freight and passenger rail service.

The Federal Railroad Administration (FRA), U.S. Government Accountability Office (GAO), and Amtrak Inspector General have published reports showing that all Class I freight railroads and Amtrak will not fully implement their PTC systems by the current statutory deadline. Despite a large commitment of private funds, railroads have encountered immense technical and programmatic challenges, including delays in government reviews and communication tower permitting, which have collectively rendered the current statutory deadline unrealistic. The GAO has even stated that attempting to meet such a deadline could introduce financial and operational risks to PTC implementation.

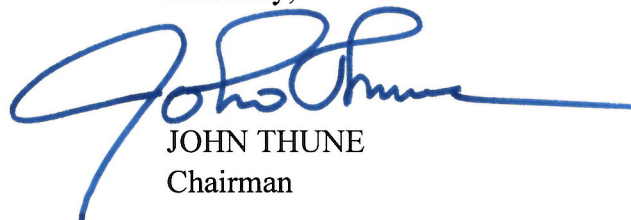
In light of the current unrealistic deadline, I understand that many railroads are analyzing the liability, penalty, and contractual consequences, among other issues and challenges, associated with not being able to comply with the current deadline. I have received letters from some entities indicating that they may suspend or reduce service if the statutory deadline is not extended. Given the lessons learned from the 2013-2014 service disruptions, I fear that if the PTC statutory deadline is not addressed ahead of time the impact to our economy and passenger railroads will be significantly more disruptive.

While it is my hope that Congress will address this issue by enacting the bipartisan PTC extension that was included in the Senate-passed transportation reauthorization bill (H.R. 22), I request information from the Surface Transportation Board on the issues or challenges that could arise if Congress does not extend the deadline. In particular, I request responses to the following questions:

- What information have you sought or received from freight and passenger railroads on the actions that they might take if the deadline is not extended?
- What are the primary legal or economic factors that could cause freight and passenger railroads to consider suspending or reducing service?
- How do you plan to proactively monitor and analyze potential service issues that could arise if the current statutory deadline is not extended?

Together with the recent report from the FRA and the updated data and analysis requested from the GAO, I expect this information will help inform Congressional adoption of a bipartisan extension for this important safety issue, so we can best finalize an approach to ensure PTC is implemented as soon as practicable.

Sincerely,



JOHN THUNE
Chairman

Cc: The Honorable Ann D. Begeman, Vice Chairman, Surface Transportation Board
The Honorable Deb Miller, Board Member, Surface Transportation Board
The Honorable Bill Nelson, Ranking Member