

United States Senate

WASHINGTON, DC 20510

October 8, 2015

The Honorable Mitch McConnell
Majority Leader
S-230 U.S. Capitol
Washington D.C., 20510

The Honorable Chairman John Thune
Senate Committee on Commerce, Science and Transportation
512 Dirksen Senate Building
Washington D.C., 20510

Dear Majority Leader McConnell and Chairman Thune:

We appreciate your dedication to a long-term surface transportation funding bill, and in particular, the inclusion of provisions that recognize the critical role that rail plays in our multi-modal surface transportation network; however, we are concerned about the extension of the positive train control (PTC) requirement.

As you are aware, many of our nation's passenger and freight railroads will be unable to meet the December 31, 2015 implementation deadline to implement PTC, a life-saving technology that would prevent collisions and derailments, such as the Amtrak 188 accident in Philadelphia this past spring. Last week, in fact, more than 40 Senators concurred in a letter to Senate leadership that Congress must act and extend the PTC deadline in a responsible way.

While both passenger and freight railroads face challenges in implementing this important safety technology, the safety of our citizens demands that it be done without delay. We believe the federal government can be a partner to railroads during this time by providing certainty, leadership, and where appropriate, financial assistance.

It is clear that many railroads will fail to meet the current deadline, accordingly it is critical that we focus our efforts on how best to ensure that those remaining railroads continue to work expeditiously towards implementation and are held accountable for continued progress toward that goal. We believe that Congress should agree only to a responsible and comprehensive approach that holds railroads accountable for progress and addresses the looming safety issues that are a consequence of chronic underfunding of our rail infrastructure. We believe that such a comprehensive approach to extending the PTC deadline should include:

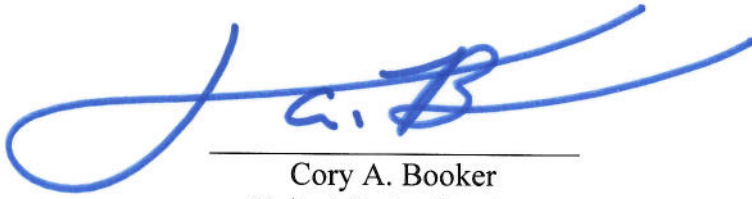
- **PTC deadline no later than 2018** – Any extension should require each commuter or freight railroad to complete implementation as soon as possible and no later than 2018. A five-year extension as contemplated in the House proposal is unnecessarily long. Moreover, any extension should include a framework that ensures railroads are moving

swiftly to implement the technology and ensures railroads are held accountable; a blanket extension is unacceptable. We also urge that any extension of the PTC deadline ensures there are no loopholes that would unnecessarily delay the availability of enforcement tools for Federal regulators and restrict the Federal Railroad Administration's (FRA) ability to take action against negligent and dilatory railroads, such as the provisions related to early adoption and interoperability.

- **Commitment to pass rail safety provisions** – The DRIVE Act includes critical rail safety provisions that will address comprehensive rail safety challenges, which should remain in any final transportation authorization bill. The DRIVE Act also includes \$199 million to assist in financing the installation of PTC systems. However additional funding should be provided in recognition of the vast challenges that remain in implementing this life-saving technology.
- **Support for dedicated, long-term funding for rail** – Beyond the need to install safety technologies like PTC, many passenger rail systems face daunting infrastructure investment challenges that over time will result in delays, service disruptions, and in the worst case scenario, compromise the ability of our nation's rail operators to safely move their passengers. Such funding challenges will require State, local, and where appropriate, private funds, but the fact is that they can only be overcome with a reliable Federal partner. Passenger rail should be allocated dedicated annual funding from any new revenue for infrastructure above the current baseline, as well as granted eligibility for existing surface transportation funding streams.
- **Senate confirmation of leadership positions at DOT** – There are currently more than half a dozen nominees for important Department of Transportation safety agencies pending before the Senate, including nominees for Administrator of the Federal Railroad Administration and the Federal Transit Administration, as well as nominees to Amtrak's Board. The nominee for FTA Administrator was, in fact, submitted January 8, 2015 and has yet to receive a hearing. Without these pending nominees in place, it is more likely that PTC implementation and oversight could be stalled and plans could be unnecessarily delayed to the detriment of passengers, freight stakeholders, and railroad operators. The Senate should consider and confirm the FRA and FTA nominees in conjunction with any proposed extension of the PTC deadline, and nominees for other DoT agencies should be moved swiftly through the process.

A balanced, comprehensive path forward can allow railroads more time to implement PTC, while ensuring reasonable safety enhancements and actions to improve oversight of the PTC implementation process. We appreciate your willingness to work with members on both sides of the aisle to find solutions to these challenges.

Sincerely,



Cory A. Booker
United States Senator



Edward J. Markey
United States Senator



Thomas R. Carper
United States Senator



Chris Coons
United States Senator



Dianne Feinstein
United States Senator



Robert P. Casey, Jr.
United States Senator



Richard Blumenthal
United States Senator