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Frank DePaola, General Manager
Brian Shortsleeve, Chief Administrator

massDOT
Massachusetts Department of Transportation

September 15, 2015

Honorable John Thune
Chairman
United States Senate Committee
On Commerce, Science, and Transportation
Washington, DC 20510-6125

Dear Senator Thune:

Thank you for your recent request for information about the potential effects on rail transportation if Congress does not modify the December 31, 2015 statutory deadline for the implementation of Positive Train Control (PTC).

First and foremost, I would like to thank you and your colleagues on the Senate Committee on Commerce, Science, and Transportation for working to pass the bipartisan proposal which will provide additional funding to commuter railroads for PTC, set common-sense safety requirements until full PTC implementation can be achieved, and extend the deadline on a case-by-case basis, that was passed by the Senate on July 30, 2015.

In order to assist you as you move this legislation forward and engage in discussions with the House of Representatives, I offer the following comments:

The Massachusetts Bay Transportation Authority is the fifth busiest commuter rail operation in the United States, after New York and Chicago area passenger rails. We provide weekday service to approximately 140,000 commuters from 138 stations along 14 lines over 664 miles of track.

As you are aware, PTC implementation by December 31, 2015 is mandated by federal law (49 USC § 20157) and federal regulation (49 CFR 236). Without an exemption or a waiver from the FRA, the MBTA would either have to continue operating in violation of federal law, with the attendant possibility of enforcement measures, or cease operations. Manifestly, neither of these options is acceptable. Possible enforcement measures would apply not just to the T, but potentially its management as well. Financial penalties could accrue up to \$105,000/day or \$152 million over the course of PTC implementation, figures that could not be sustained by the MBTA without impairing its ability to fund PTC implementation and to effectively address other critical safety and operations efforts and state of good repair. On the other hand, if the MBTA were to cease its rail operations by order of the FRA, the economic impact on the Greater Boston area would be devastating

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Please be assured that the MBTA continues its commitment to operate a safe and efficient railroad and to that end will continue to make great strides towards implementing its Positive Train Control program. Thank you for this opportunity to provide you with these comments. If there is anything else that the MBTA can do to assist you in your Committee's important work, please let me know.

Sincerely,



Frank DePaola, P.E.
General Manager

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United States Senate

COMMITTEE ON COMMERCE, SCIENCE,
AND TRANSPORTATION

WASHINGTON, DC 20510-6125

WEBSITE: <http://commerce.senate.gov>

September 4, 2015

Frank DePaola
Interim General Manager
Massachusetts Bay Transportation Authority
10 Park Plaza
Room 3910
Boston, MA 02116

Dear Mr. DePaola:

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 passenger rail transportation if Congress fails to modify this deadline with a more realistic framework for the safe and successful deployment of this important safety technology.

PTC systems, when working as intended, will certainly prevent certain types of accidents and save lives. I recognize the enormous costs and complexities for passenger railroads to comply with the PTC mandate. I also recognize the unprecedented scale of the PTC requirements for the commuter industry to equip over 4,700 cab units and integrate components on over 8,000 miles of track while achieving interoperability with other passenger and/or freight railroads. Certainly the development, testing, and deployment of first-generation components, and delays in government approvals and permitting, have complicated this effort.

As you know, the Department of Transportation's Federal Railroad Administration (FRA) has found that – as a result of significant technical and programmatic challenges – the vast majority of commuter railroads will not implement their PTC systems by the statutory deadline. The small minority of commuter railroads that will install PTC components on their equipment or track often will not achieve full interoperability with other railroads by the current deadline. The FRA's latest report issued on August 7 found no freight railroad, which host many passenger trains, will be able to comply with the current deadline. The data from multiple government reports, from the FRA to the Government Accountability Office and Amtrak Inspector General, show that nationwide implementation by the current deadline is not realistic.

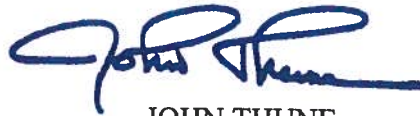
Given these findings, the Senate Committee on Commerce, Science, and Transportation worked to pass a bipartisan proposal to: (1) provide additional funding to commuter railroads to advance deployment of PTC systems; (2) set common-sense safety requirements until full implementation can be achieved; and (3) extend the deadline on a case-by-case basis with

enforceable milestones and metrics. These bipartisan legislative changes were included in the Developing a Reliable and Innovative Vision for the Economy (DRIVE) Act, a multi-year surface transportation bill that passed the Senate on July 30, 2015 by a vote of 65-34.

As we move this legislation forward and engage in discussions with the House of Representatives, it is imperative that Congress fully understand the potential effects of failing to act on this fast approaching deadline. To that end, I request you provide to the Committee any available information on (1) the issues and challenges that could arise if Congress does not extend the statutory deadline and (2) any actions that you are considering or analyzing as a result of these issues and challenges. I further request information on the potential overall effects on passenger rail transportation, including any economic effects and unintended consequences for safety if the December 31 deadline is not modified.

Together with updated data and analysis that the Committee has requested from government agencies and freight railroads, I expect this information will help inform Congressional consideration of this important safety issue, so we can best finalize an approach to ensure PTC is implemented as soon as practicable. Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "John Thune", with a stylized flourish at the end.

JOHN THUNE
Chairman