



Dallas Area Rapid Transit
P.O. Box 660163
Dallas, TX 75266-0163
214/749-3278

October 5, 2015

The Honorable John Thune
United States Senate
SD-511
Washington, DC 20510

Dear Senator Thune:

In response to your letter dated September 4, 2015 regarding the statutory deadline for the implementation of Positive Train Control (PTC) systems by December 31, 2015, the following response is offered by the Fort Worth Transportation Authority (The T) and the Dallas Area Rapid Transit Authority (DART), which jointly owns and operates the Trinity Railway Express (TRE) between Fort Worth and Dallas. The TRE also provides intercity passenger service for Amtrak, as well as hosting several freight railroads (Union Pacific, Burlington Northern Santa Fe, Fort Worth & Western and the Dallas, Garland & Northeastern Railroad).

The TRE is moving towards PTC implementation in order to comply with the 2015 deadline; however, along with the majority of our fellow transportation providers we will be unable to meet this deadline. We face many of the same challenges that are being experienced throughout the industry including: the costs of the technology, scarcity of wireless spectrum, limited personnel resources familiar with the technology, indemnification issues with manufacturers and service providers, and the need for coordination among all of the railroads operating over the TRE territory.

First, the TRE's original PTC solicitation that was issued in January 2014 was cancelled due to its overly prescriptive nature, resulting in proposals that exceeded the funding requirements. A new solicitation for a Systems Integrator was issued in June 2015 that was more comparable with current industry and regulatory standards and requirements. The proposals were received on September 4th and are currently being reviewed by staff with an anticipated contract award in the last quarter of 2015.

Second, a request was submitted on March 27, 2014 to the Federal Communications Commission (FCC) for the approval of our radio spectrum license, which remains unapproved. We requested our outside legal counsel to inquire to the FCC on February 17, 2015 for a report on the status of the request with no response to date. As a consequence, DART is pursuing another spectrum license purchase agreement with Maritime Communications Commission in the event the first request is not approved by the FCC. We are also in discussions with PTC 220, LLC to explore the possibility of leasing the required spectrum for the region's commuter rail operations.

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Third, there are Texas Constitutional issues relating to the indemnification of a private entity. This section of the Constitution prohibits The T and DART from indemnifying and thus entering an agreement with private groups such as PTC 220, LLC and Meteorcomm at this time. TRE staff holds regular meetings with both of these entities, as well as our freight railroad tenants, to continue on a parallel path that enables us to move our PTC project forward as quickly as possible once these legal issues are resolved.

Items that are being reviewed in connection with the PTC deadline include: (1) what is the liability exposure to the transit authorities, contractors and our tenant partners if train operations were to continue after the deadline, (2) the potential to suspend service on the line, (3) the FRA has stated they will be actively enforcing the PTC regulations through a variety of tools available to the Administration – these potential penalties will further consume the already limited financial resources available for PTC, (4) the need to strike a balance among other safety critical projects and programs that are also under regulatory compliance, and (5) the development of an operations plan for ongoing maintenance costs related to PTC.

The potential effects to the Dallas / Fort Worth region are substantial, as the TRE operations include 47 commuter trains and 25 freight trains daily along with Amtrak's intercity service. The impact would include increased traffic congestion throughout the Metroplex and customers would not be able to use the service to go to work, school or entertainment events. In addition, the suspension of service would place an increased burden on the freight tenants who would need to find alternatives to provide service for their customers.

In conclusion, while the TRE is committed to the highest levels of safety, we agree with both the Senate and the FRA in that mandating PTC deployment within the current timeframe is unrealistic and would divert funds from other infrastructure improvements that will maintain the safety and reliability of the TRE. The provisions in the DRIVE Act would continue to enhance safety by continuing to mandate PTC technology, but would provide the railroads with the necessary relief to effectively meet the federal mandate.

Thank you for your important work on this issue. Please do not hesitate to contact me at 214-749-3566 if we can be of further assistance to you in the future.

Sincerely,



Gary C. Thomas
President/Executive Director
Dallas Area Rapid Transit