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**BEFORE THE
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION
U.S. SENATE**

**“PASSENGER RAIL SAFETY: ACCIDENT PREVENTION AND ON-GOING
EFFORTS TO IMPLEMENT TRAIN CONTROL TECHNOLOGY”**

June 10, 2015

Thank you, Chairman Thune and Ranking Member Nelson for inviting me to appear before you today to discuss passenger rail safety. I want to start by extending our deepest sympathies to the victims and their loved ones of the May 12th Amtrak accident in Philadelphia. Safety drives everything we do at the Federal Railroad Administration (FRA) and when an accident claims innocent lives and injures from so many it is truly painful for the FRA family. I assure you that FRA will take every step it can to prevent accidents like this from happening again.

FRA continues to investigate the circumstances surrounding the accident. While it will take time to complete the investigation, FRA has not and will not wait to take actions that will improve the safety of Amtrak and other passenger rail operations. For example, on May 16, 4 days after the accident, Acting Administrator Sarah Feinberg directed Amtrak to take several actions before allowing its operations to resume north of Philadelphia. We followed those directives with an Emergency Order (Emergency Order 31) on May 21. Amtrak has complied with those directives thus far, and FRA will ensure that Amtrak follows through to fully implement them.

When we released the May 21st Emergency Order, we also stated that we were considering taking additional steps at other passenger railroads that may have similar curve and speed issues. We continue our work on those directives and plan to release additional information about that work.

And while the cause of this accident has not been officially determined, we know that overspeed was a significant factor and that human error may be involved. Human error, or human factor, accidents as described in our accident data base remain the leading cause of all rail accidents. They are also the most difficult to address. Despite those difficulties, FRA is preparing a package of actions that we will finalize in the coming weeks and months aimed at addressing human factor safety issues – safety issues such as speeding, distraction, fatigue and training. These actions may include additional emergency orders, safety advisories, rulemakings, voluntary agreements, or other initiatives.

Beyond those next steps, I want to assure you that FRA is firmly committed to taking additional actions – as many as it takes – to mitigate the risks and hazards identified in the ongoing investigation.

There has been a significant amount of public discussion about what could have prevented this accident. Which specific technology? Which new regulation? The reality is that Positive Train Control (PTC) is specifically designed to prevent overspeed accidents. If the cause of this incident was overspeed, it would have been prevented by PTC. As this Committee is well aware, PTC is the single most important railroad safety technological development in more than a century, and it is absolutely necessary to ensuring the kind of safety that we expect on our rail system. Safety is FRA's highest priority and despite the challenges facing full implementation of PTC, FRA's role is to enforce the December 31, 2015, deadline that Congress imposed, and to ensure that railroads implement PTC as safely and efficiently as possible.

When railroads submitted their Initial PTC Implementation Plan (PTCIP) in 2010, they stated they would meet the 2015 deadline per the requirements of the Railroad Safety Improvement Act (RSIA). All the submitted plans assumed that there would be few, if any technical and programmatic issues related to the design, development, integration, deployment, and testing that would require resolution.

In 2013, U.S. Class I¹ railroads operated approximately 162,000 miles of track, 60,000 miles of which potentially require the installation of PTC² under the current laws and regulations. Intercity passenger and commuter railroad operations account for an additional estimated 8,400³ miles of track that is required to be equipped with PTC.

FRA has been actively pushing the railroads to have PTC fully implemented by the deadline. We have met with the railroads for years on this issue, we have hired staff to assist and oversee the implementation of the technology, we have urged the timely submission of PTC development and safety plans, we have discussed progress with individual railroads and with the Association of American Railroads (AAR), and we have worked directly with the FCC to resolve issues related to spectrum. Acting Administrator Feinberg also established a PTC Implementation Team that is aggressively managing this critical, Congressionally-mandated safety technology that will reduce the risk of human factor caused accidents and save lives.

For more than three years, FRA has been sounding the alarm that most railroads have not made sufficient progress to meet the December 2015 deadline. We have noted that the certification and installation of PTC systems are significant undertakings. FRA highlighted its concerns about PTC implementation in its August 2012 PTC report to Congress, as well as in the GROW AMERICA Act⁴. Among those are the following challenges:

¹ BNSF Railway, CSX Transportation, Grand Trunk Corporation (Canadian National Railway U.S. subsidiary), Kansas City Southern Railway, Norfolk Southern Railway Combined Railroad Subsidiaries, Soo Line Corporation (Canadian Pacific Railway U.S. subsidiary), and Union Pacific Railroad.

² "Class 1 Railroad and US Freight Railroad Statistics" Association of American Railroads, 2014. This equates to roughly 95,700 miles of the U.S. rail network of roughly 140,000 miles.

³ 2012 Transit Way Mileage-Rail Modes, American Public Transportation Association, <http://www.apta.com/resources/statistics/Pages/NTDDDataTables.aspx>, accessed 15 Dec 2014.

⁴ The Secretary of Transportation submitted the GROW AMERICA Act to Congress on March 30, 2015. "GROW AMERICA" stands for "Generating Renewal, Opportunity, and Work with Accelerated Mobility, Efficiency, and Rebuilding of Infrastructure and Communities throughout America."

- Design Specification Availability
- Back office Servers and Dispatch System Availability
- Track Database Verification
- Installation Engineering
- Communications Spectrum Availability
- Radio Availability
- Reliability and Availability
- Funding

FRA has long stated that a lack of public sector funding may cause unwanted delays in fully implementing PTC. FRA has requested funding for PTC development and implementation grants in every budget request dating back to Fiscal Year (FY) 2011. For the past two years, as part of the GROW AMERICA Act, FRA has requested \$825 million to assist commuter railroads with the implementation of PTC, as well as additional funding to aid with the implementation of PTC on Amtrak's national network.

Despite a lack of federal funding directed to commuter railroads, FRA is using the resources it has available now to assist railroads in implementing PTC. For example, FRA issued a \$967.1 million loan through the Railroad Rehabilitation and Improvement Financing (RRIF) program to the New York Metropolitan Transportation Authority, the nation's largest commuter railroad provider, to facilitate the deployment of the technology.

In addition to the same practical and logistical project management challenges affecting the freight railroads, intercity and commuter passenger railroads face other challenges due to their public sector nature and heavy reliance upon operating subsidies. These railroads must advance PTC system implementation within a fiscal environment already constrained by the limited availability of capital funds. FRA expects that when PTC technology is fully mature, it will have a positive, transformative impact on railroad safety and operating efficiency in the decades to come.

If, on January 1, 2016, railroads required to implement PTC systems are in violation of this statutory deadline, FRA will take appropriate enforcement actions consistent with its statutory authority and regulatory oversight responsibilities to achieve compliance. Stakeholders and the Congress have asked FRA for guidance on how to approach concerns about railroads not meeting the mandated deadline. To address those concerns, the GROW AMERICA Act the Department submitted to Congress in April 2014 and March 2015 proposed that FRA be granted authority to review, approve, and provisionally certify PTC plans on a railroad-by-railroad basis. FRA asked for this authority so that it could continue to assist the railroads to get PTC implemented as quickly as possible for it is only through implementation of PTC that accidents like the derailment of Amtrak train 188 can truly be prevented.

Provisional certification would also give FRA the authority to establish conditions to ensure railroads raise the bar on safety and establish appropriate back stops even as they continue to work towards full PTC implementation. GROW AMERICA would also provide FRA the authority to establish implementation milestones, use alternative methods of protection in lieu of

PTC systems to achieve safety improvements and require coordination between the U.S. Department of Transportation and the Federal Communications Commission (FCC) to assess required spectrum needs and availability to implement PTC systems. GROW AMERICA also proposes to provide more than \$3 billion over 6 years to help pay for PTC implementation on publicly-funded commuter railroads and Amtrak routes.

To summarize, FRA has actively supported deployment of PTC through the issuance of performance-based regulations and technical assistance documents to aid railroads, manufacturers, and suppliers to achieve full PTC functionality and interoperability. Over the course of several decades, FRA and the railroad industry have sponsored and conducted numerous research and technology demonstration projects to evaluate or improve upon signal and train control technologies that have evolved into what is now known as PTC. Since 2000 FRA has published over 50 technical reports, several *Research Results*, and numerous other reports to support its rulemaking activities. FRA has also built a PTC system test bed at its Transportation Technology Center in Pueblo, CO. This facility is available to the railroad industry as they work to successfully integrate and test all of component technologies necessary to achieve implementation.

The difficulties being encountered, while not insurmountable, are highly complex and require a significant investment of time, people, and resources to successfully resolve. The public policy implications of railroads failing to meet the PTC deadline are serious. FRA has been dedicating resources and working diligently to support the industry for years to achieve full PTC implementation where required by the statutory deadline. If Congress provides FRA the authority and flexibility as requested in the GROW AMERICA Act, then PTC implementation can be managed safely, efficiently, and effectively.

In conclusion, safety will always be FRA's first priority. We appreciate this Committee's attention and focus on issues related to railroad safety. Again, I want to express our deepest sorrow for the victims and their families. We look forward to working with this Committee to improve our programs and make the American rail network as safe, reliable, and efficient as possible. I am happy to respond to your questions.