



U.S. Department
of Transportation
**Federal Railroad
Administration**

Administrator

1200 New Jersey Avenue, SE
Washington, DC 20590

JUN 1 - 2010

The Honorable Larry Hogan
Governor of Maryland
100 State Circle
Annapolis, MD 21401

✓ The Honorable Pete K. Rahn
Secretary of Transportation
Maryland Department of Transportation
7201 Corporate Center Drive
Hanover, MD 21076

**Re: Commuter Railroad at Risk of Failing to Meet Congressional Deadline
(Docket No. FRA-2010-0038)**

Dear Governor Hogan and Secretary Rahn:

The purpose of this letter is to inform you of the Federal Railroad Administration's (FRA) concerns regarding the Maryland Area Regional Commuter's (MARC) progress toward implementing a positive train control (PTC) system.

Under Title 49 United States Code (U.S.C.) § 20157, each Class I railroad and each entity providing regularly scheduled intercity or commuter rail passenger transportation must implement a PTC system on: (1) its main line over which 5 million or more gross tons of annual traffic and poison- or toxic-by-inhalation hazardous materials are transported; (2) its main line over which intercity or commuter rail passenger transportation is regularly provided; and (3) any other tracks the Secretary of Transportation prescribes by regulation or order.¹ Under the statutory mandate and FRA's implementing regulations, a PTC system must be designed to prevent train-to-train collisions, over-speed derailments, incursions into established work zones, and the movement of a train through a switch left in the wrong position.²

¹ Rail Safety Improvement Act of 2008, Pub. L. No. 110-432, § 104(a), 122 Stat. 4848 (Oct. 16, 2008), as amended by the Positive Train Control Enforcement and Implementation Act of 2015, Pub. L. No. 114-73, 129 Stat. 568, 576-82 (Oct. 29, 2015) and the Fixing America's Surface Transportation Act, Pub. L. No. 114-94, § 11315(d), 129 Stat. 1312, 1675 (Dec. 4, 2015). *See* 49 CFR part 236, subpart I (Positive Train Control Systems).

² *See, e.g.*, 49 U.S.C. § 20157(i)(5); 49 CFR § 236.1005.

Each railroad subject to the statutory PTC implementation mandate must complete full implementation of a PTC system on all required route miles by December 31, 2018, unless the railroad submits, and FRA approves, an “alternative schedule and sequence” with a deadline that is as soon as practicable, but no later than December 31, 2020.³

Based on FRA’s review of MARC’s Quarterly PTC Progress Report for Quarter 1 of 2018,⁴ FRA considers MARC at risk of not being able to meet the statutory criteria necessary to qualify for an alternative schedule. As self-reported in its Quarter 1 of 2018 Report, MARC had installed 52% of its PTC system hardware as of March 31, 2018. FRA considers any railroad that had installed less than 85% of its PTC system hardware as of March 31, 2018, to be at risk, as hardware installation is only an initial phase of implementing a PTC system.

The congressional PTC mandate does not authorize or give FRA any discretion to approve an alternative schedule, unless a railroad submits a written notification to FRA that demonstrates the railroad has met all statutory criteria under 49 U.S.C. § 20157(a)(3)(B). Specifically, to qualify for FRA approval of an alternative schedule, a railroad must demonstrate, in its written notification, that it has met the following statutory criteria:

- Installed, by December 31, 2018, all PTC system hardware that will be installed for PTC system implementation, consistent with the railroad’s PTC Implementation Plan (PTCIP);
- Acquired, by December 31, 2018, all spectrum necessary for implementation of the railroad’s PTC system, consistent with the railroad’s PTCIP;
- Completed the employee training required under 49 CFR part 236, subpart I for all applicable personnel in any territory, or segment thereof, where the PTC system is currently being operated in revenue service demonstration (RSD) or revenue service;
- Advanced Testing and/or Implementation:
 - For Class I railroads and Amtrak, the railroad has implemented a PTC system or initiated FRA-approved RSD on the majority of territories (e.g., subdivisions or districts) or route miles the railroad owns or controls that are required to have operations governed by a PTC system;
 - For other railroads (i.e., not Class I railroads or Amtrak), the railroad has initiated FRA-approved RSD on at least one territory that is required to have operations governed by a PTC system, or met any other criteria established by FRA;
- Included in its PTCIP an alternative schedule and sequence for implementing a PTC system as soon as practicable, but no later than December 31, 2020; and
- Certified to FRA in writing that it will be in full compliance with 49 U.S.C. § 20157 on or before the deadline in the proposed alternative schedule and sequence.⁵

Given the criteria noted above, and MARC’s PTC system implementation progress as of March 31, 2018, FRA is concerned about MARC’s ability to complete each statutory prerequisite necessary for FRA to approve an alternative schedule with a deadline beyond December 31, 2018.⁶

³ 49 U.S.C. § 20157(a); *see also* 49 U.S.C. § 20157(a)(3)(A)–(D).

⁴ Form FRA F 6180.165, Office of Management and Budget Control No. 2130-0553.

⁵ 49 U.S.C. § 20157(a)(3)(A)–(D).

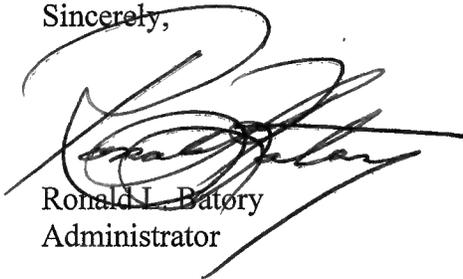
⁶ 49 U.S.C. § 20157(a)(3)(B)(i)–(vii).

FRA requests your direct involvement to ensure MARC prioritizes PTC system installation, PTC system field testing and RSD,⁷ and full implementation of an FRA-certified and interoperable PTC system. Your support is especially critical at this time to help ensure that MARC has sufficient technical resources and state-level oversight of PTC system implementation for MARC to, at a minimum, meet the statutory criteria necessary to qualify for an alternative schedule.

FRA considers safety, and the expeditious implementation of PTC technology, to be of paramount importance. FRA continues to assist railroads, to the greatest extent possible, to meet the December 31, 2018, deadline or to qualify for and obtain an alternative schedule with a deadline no later than December 31, 2020. We thank you for your commitment to the safety of the commuter railroads in your state.

If you would like to discuss our concerns with MARC's PTC implementation progress or have questions, please contact Ms. Carolyn Hayward-Williams, Staff Director, Positive Train Control/Signal & Train Control Division, at (202) 493-6399 or C.Hayward-Williams@dot.gov.

Sincerely,



Ronald L. Batory
Administrator

⁷ See 49 CFR § 236.1035.