

Calendar No. 641

114TH CONGRESS
2D SESSION**S. 650**

To extend the positive train control system implementation deadline, and
for other purposes.

 IN THE SENATE OF THE UNITED STATES

MARCH 4, 2015

Mr. BLUNT (for himself, Mrs. McCASKILL, Mr. THUNE, Mr. JOHNSON, Mr. INHOFE, Mrs. FISCHER, Mr. SULLIVAN, Ms. MURKOWSKI, Mr. MORAN, Mr. HELLER, Mr. RUBIO, Ms. AYOTTE, and Mr. PORTMAN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

SEPTEMBER 22, 2016

Reported by Mr. THUNE, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To extend the positive train control system implementation
deadline, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Railroad Safety and
5 ~~Positive Train Control Extension Act~~”.

1 **SEC. 2. IMPLEMENTATION DEADLINE.**

2 (a) **TECHNOLOGY IMPLEMENTATION PLAN.**—Section
3 20156(e)(4) of title 49, United States Code, is amended
4 to read as follows:

5 “(4) **POSITIVE TRAIN CONTROL.**—

6 “(A) **IN GENERAL.**—Except as required by
7 section 20157 (relating to the requirements for
8 implementation of positive train control sys-
9 tems), the Secretary shall ensure that each rail-
10 road carrier’s technology implementation plan
11 required under paragraph (1) that includes a
12 schedule for implementation of a positive train
13 control system complies with that schedule.

14 “(B) **RULE OF CONSTRUCTION.**—Nothing
15 in this section shall be construed as requiring
16 the installation of positive train control on rail-
17 road tracks if—

18 “(i) positive train control is not re-
19 quired on those tracks under section
20 20157; and

21 “(ii) the railroad does not choose to
22 implement positive train control as a tech-
23 nology on those tracks under this section.”.

24 (b) **EXTENSION OF DEADLINE.**—Section 20157 of
25 title 49, United States Code, is amended—

26 (1) in subsection (a)(1)—

1 (A) by striking “Not later than 18 months
 2 after the date of enactment of the Rail Safety
 3 Improvement Act of 2008, each” and inserting
 4 “Each”; and

5 (B) by striking “by December 31, 2015”
 6 and inserting “by December 31, 2020”; and

7 (2) in subsection (a)(1)(B), by striking “trans-
 8 ported” and inserting “transported on or after De-
 9 cember 31, 2015”.

10 **SEC. 3. AUTHORITY OF SECRETARY OF TRANSPORTATION**
 11 **TO EXTEND IMPLEMENTATION DEADLINE.**

12 (a) **IN GENERAL.**—Section 20157 of title 49, United
 13 States Code, as amended by section 2(b) of this Act, is
 14 further amended—

15 (1) in subsection (a)(1), by striking “Each
 16 Class F” and inserting “Except as provided under
 17 subsection (i), each Class F”;

18 (2) by redesignating subsection (i) as subsection
 19 (j); and

20 (3) by inserting before subsection (j), as redес-
 21 ignated, the following:

22 “(i) **IMPLEMENTATION EXTENSIONS.**—

23 “(1) **IN GENERAL.**—The Secretary may extend
 24 in 1-year increments, upon application, the deadline
 25 for implementing a positive train control system

1 under subsection (a)(1) for an applicant, if the Sec-
2 retary determines that—

3 “(A) full implementation will likely be in-
4 feasible due to circumstances beyond the control
5 of the applicant, including funding availability,
6 spectrum acquisition, resource and technology
7 availability, software development and testing,
8 availability of alternate risk reduction strate-
9 gies, and interoperability standards;

10 “(B) the applicant has demonstrated good
11 faith in its positive train control system imple-
12 mentation;

13 “(C) the applicant has presented a revised
14 plan for implementing a positive train control
15 system indicating how the applicant will fully
16 implement a positive train control system as
17 soon as feasible, but not later than December
18 31, 2022; and

19 “(D) the extension will not extend later
20 than December 31, 2022.

21 “(2) CONSIDERATIONS.—In making a deter-
22 mination under paragraph (1), the Secretary shall
23 consider—

24 “(A) whether the affected areas of track
25 have been identified as areas of greater risk to

1 the public and railroad employees in the appli-
2 cant's positive train control implementation
3 plan under section 236.1011(a)(4) of title 49,
4 Code of Federal Regulations (relating to PTC
5 Implementation Plan content requirements);
6 and

7 “(B) the risk of operational failure to the
8 affected service areas and the applicant.

9 “(3) REVIEW.—Not later than 10 days after
10 the Secretary receives an application under para-
11 graph (1), the Secretary shall review and approve or
12 disapprove the application.”.

13 (b) CONFORMING AMENDMENT.—Section
14 20156(e)(2) of title 49, United States Code, is amended
15 by striking “as defined in section 20157(i)” and inserting
16 “as defined in section 20157(j)”.

17 **SEC. 4. EQUIPPING LOCOMOTIVES OPERATING IN POSITIVE**
18 **TRAIN CONTROL TERRITORY.**

19 Not later than 180 days after the date of enactment
20 of this Act, the Secretary of Transportation shall revise
21 section 236.1006(b)(4)(iii)(B) of title 49, Code of Federal
22 Regulations (relating to equipping locomotives operating
23 in PTC territory) to extend each deadline 5 years.

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Railroad Safety and*
 3 *Positive Train Control Extension Act”.*

4 **SEC. 2. IMPLEMENTATION DEADLINE.**

5 (a) *TECHNOLOGY IMPLEMENTATION PLAN.*—Section
 6 20156(e)(4) of title 49, United States Code, is amended to
 7 read as follows:

8 “(4) *POSITIVE TRAIN CONTROL.*—

9 “(A) *IN GENERAL.*—Except as required by
 10 section 20157 (relating to the requirements for
 11 implementation of positive train control sys-
 12 tems), the Secretary shall ensure that each rail-
 13 road carrier’s technology implementation plan
 14 required under paragraph (1) that includes a
 15 schedule for implementation of a positive train
 16 control system complies with that schedule.

17 “(B) *RULE OF CONSTRUCTION.*—Nothing in
 18 this section shall be construed as requiring the
 19 installation of positive train control on railroad
 20 tracks if—

21 “(i) positive train control is not re-
 22 quired on those tracks under section 20157;
 23 and

24 “(ii) the railroad does not choose to
 25 implement positive train control as a tech-
 26 nology on those tracks under this section.”.

1 **(b) EXTENSION OF DEADLINE.**—Section 20157 of title
2 49, United States Code, is amended—

3 (1) in subsection (a)(1)—

4 (A) by striking “Not later than 18 months
5 after the date of enactment of the Rail Safety
6 Improvement Act of 2008, each” and inserting
7 “Each”; and

8 (B) by striking “by December 31, 2015”
9 and inserting “by December 31, 2020”; and

10 (2) in subsection (a)(1)(B), by striking “trans-
11 ported” and inserting “transported on or after De-
12 cember 31, 2015”.

13 **SEC. 3. AUTHORITY OF SECRETARY OF TRANSPORTATION**
14 **TO EXTEND IMPLEMENTATION DEADLINE.**

15 **(a) IN GENERAL.**—Section 20157 of title 49, United
16 States Code, as amended by section 2(b) of this Act, is fur-
17 ther amended—

18 (1) in subsection (a)(1), by striking “Each Class
19 I” and inserting “Except as provided under sub-
20 section (i), each Class I”;

21 (2) by redesignating subsection (i) as subsection
22 (j); and

23 (3) by inserting before subsection (j), as redesign-
24 nated, the following:

25 “(i) **IMPLEMENTATION EXTENSIONS.**—

1 “(1) *IN GENERAL.*—*The Secretary may extend in*
2 *1-year increments, upon application, the deadline for*
3 *implementing a positive train control system under*
4 *subsection (a)(1) for an applicant, if the Secretary*
5 *determines that—*

6 “(A) *full implementation will likely be in-*
7 *feasible due to circumstances beyond the control*
8 *of the applicant, including funding availability,*
9 *spectrum acquisition, resource and technology*
10 *availability, software development and testing,*
11 *availability of alternate risk reduction strategies,*
12 *and interoperability standards;*

13 “(B) *the applicant has demonstrated good*
14 *faith in its positive train control system imple-*
15 *mentation;*

16 “(C) *the applicant has presented a revised*
17 *plan for implementing a positive train control*
18 *system indicating how the applicant will fully*
19 *implement a positive train control system as*
20 *soon as feasible, but not later than December 31,*
21 *2022; and*

22 “(D) *the extension will not extend later*
23 *than December 31, 2022.*

1 “(2) *CONSIDERATIONS.*—*In making a deter-*
 2 *mination under paragraph (1), the Secretary shall*
 3 *consider—*

4 “(A) *whether the affected areas of track have*
 5 *been identified as areas of greater risk to the*
 6 *public and railroad employees in the applicant’s*
 7 *positive train control implementation plan*
 8 *under section 236.1011(a)(4) of title 49, Code of*
 9 *Federal Regulations (relating to PTC Implemen-*
 10 *tation Plan content requirements); and*

11 “(B) *the risk of operational failure to the*
 12 *affected service areas and the applicant.*

13 “(3) *REVIEW.*—*Not later than 10 days after the*
 14 *Secretary receives an application under paragraph*
 15 *(1), the Secretary shall review and approve or dis-*
 16 *approve the application.”.*

17 (b) *CONFORMING AMENDMENT.*—*Section 20156(e)(2)*
 18 *of title 49, United States Code, is amended by striking “as*
 19 *defined in section 20157(i)” and inserting “as defined in*
 20 *section 20157(j)”.*

21 **SEC. 4. EQUIPPING LOCOMOTIVES OPERATING IN POSITIVE**
 22 **TRAIN CONTROL TERRITORY.**

23 *Not later than 180 days after the date of enactment*
 24 *of this Act, the Secretary of Transportation shall revise sec-*
 25 *tion 236.1006(b)(4)(iii)(B) of title 49, Code of Federal Reg-*

1 *ulations (relating to equipping locomotives operating in*
 2 *PTC territory) to extend each deadline 5 years.*

3 **SEC. 5. REPORTS.**

4 *Section 20157(a) of title 49, United States Code, is*
 5 *amended by adding at the end the following:*

6 *“(3) PROGRESS REPORTS.—*

7 *“(A) IN GENERAL.—Beginning 6 months*
 8 *after the date of the enactment of the Railroad*
 9 *Safety and Positive Train Control Extension*
 10 *Act, and annually thereafter until its positive*
 11 *train control system is certified by the Secretary*
 12 *under subsection (h), each Class I railroad car-*
 13 *rier, and each entity providing regularly sched-*
 14 *uled intercity or commuter rail passenger trans-*
 15 *portation, required to submit a plan under para-*
 16 *graph (1) shall submit a progress report to the*
 17 *Secretary on the status of the plan.*

18 *“(B) CONTENTS.—A progress report under*
 19 *subparagraph (A) shall include—*

20 *“(i) a section describing the total num-*
 21 *ber of positive train control components re-*
 22 *quired, the number of components that have*
 23 *been installed, equipped, or deployed as of*
 24 *the date of the progress report, the number*
 25 *of components that remain to be installed,*

1 *equipped, or deployed, and an estimated*
2 *completion date for full positive train con-*
3 *trol system completion;*

4 “(ii) *a section summarizing the num-*
5 *ber of employees requiring training under*
6 *section 236.1041 of title 49, Code of Federal*
7 *Regulations, and the status of the training*
8 *activities; and*

9 “(iii) *a section summarizing the re-*
10 *maining challenges to full positive train*
11 *control system implementation, including*
12 *testing issues, interoperability challenges,*
13 *and certification challenges.*

14 “(C) *DEFINITION OF COMPONENT.—In this*
15 *paragraph, the term ‘component’ means a loco-*
16 *motive apparatus, wayside interface unit,*
17 *switches in non-signal positive train control ter-*
18 *ritory, base station radio, wayside radio, or loco-*
19 *motive radio.*

20 “(D) *WEBSITE.—Not later than 30 days*
21 *after receiving a progress report under this para-*
22 *graph, the Secretary shall make the report avail-*
23 *able on the website of the Federal Railroad Ad-*
24 *ministration.”.*

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