



September 11, 2015

The Honorable John Thune
Chairman
Senate Committee on Commerce, Science, and Transportation
Washington, D.C. 20510

Dear Senator Thune,

Thank you for your letter of September 4, 2015 requesting information regarding the challenges and consequences of a December 31, 2015 statutory deadline for the implementation of Positive Train Control (PTC) systems. We're happy to provide TriMet's perspective on this issue.

By way of background, TriMet operates a single 14.7 mile, five station commuter rail project opened in 2009. The line is the first and currently only commuter line in Oregon. The service, called WES, operates primarily on track owned by a private company, Portland & Western Railroad, a division of Genesee & Wyoming. Portland & Western Railroad has ongoing freight operations on the shared rail line. The project was designed for WES vehicles to operate with freight trains and therefore TriMet installed a state-of-the-art signal system with computerized dispatch for vehicle coordination and safety during construction.

Because our system is both small, originally designed for joint use with freight rail, and of relatively recent vintage, the gap between preexisting safety technology and the standards required by PTC regulations is smaller than faced by many larger and longer-standing properties. As a result, we expect to have all necessary equipment installed and tested by the end of November of this year.

However, even for an operation such as ours that has been able to make the necessary equipment upgrades in a relatively compressed time-frame, it is unlikely that we will be fully compliant by the current deadline because of the timelines needed for FRA approval. For example, FRA must approve the protocols that commuter operators will use to test their new PTC systems. We submitted our request for FRA approval of our testing plan in June, but have yet to receive the necessary approvals for us to implement the testing phase. Even if FRA were to issue the testing approval now, it is unlikely that we would receive final FRA approval by December 31st because of the 180 day review window available for FRA to act on the application upon completion of testing.

While a public sector transit district such as TriMet might be able to live (albeit uncomfortably and unwillingly) with the ambiguity of continuing operations after the PTC deadline while FRA completes its review and approval process, the private sector owner of the rail line may not. They have expressed significant reservations to us regarding the risk and uncertainty involved in

continuing operations in the absence of clear direction from FRA that they will not be held to have violated federal regulation. Their main business is freight movement and they are justifiably concerned that a minor part of their business, commuter rail, could jeopardize their broader and more profitable operations. A delay in the deadline or receipt of clear communication from FRA that rail owners will not face fines or shutdowns is critical to maintaining a working relationship with the railroads.

So, in conclusion, we join with the many commuter rail operations around the nation to seek more time and more clarity from FRA to complete implementation of the PTC requirements. Even those of us who are fortunate enough to be very close to being able to meet the technical requirements are not likely to have final approval by the current deadline.

Thank you for the opportunity to provide you with our perspective on this issue. If you have any questions, please do not hesitate to contact me.

Sincerely,



Neil McFarlane
General Manager