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United States Senate

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July 1, 2019

The Honorable Ron Batory
Administrator
Federal Railroad Administration
U.S. Department of Transportation
1200 New Jersey Ave, SE
Washington, D.C. 20590

Dear Administrator Batory:

I am writing to seek more information about how the Federal Railroad Administration (“FRA”) ensures the safety of intercity passenger rail service on over 1,400 miles of track where Positive Train Control (“PTC”) safety technology is not implemented.

Amtrak provides critical rail service for millions of Americans, which relieves congestion, boosts economic development, and links rural communities and metropolitan areas. While taking the train is generally a safe way to travel, in December 2017 tragedy struck near DuPont, Washington when the Amtrak Cascades 501 derailed and fell onto the highway below, claiming three lives and injuring 65 people. The National Transportation Safety Board (“NTSB”) found that PTC would have prevented this tragedy.¹ Since the development of PTC technology nearly 50 years ago, there have been more than 150 accidents that this lifesaving technology could have prevented. At a recent Senate hearing, witnesses representing Amtrak and the NTSB expressed concerns about ensuring intercity passenger rail safety where PTC is not installed.²

In 2008, Congress directed FRA to require PTC throughout the national rail system, including all lines used by intercity passenger trains.³ However, the FRA final rules implementing this Rail Safety Improvement Act (“RSIA”)⁴ requirement allowed certain exemptions, or Main Track Exclusion Addendums (“MTEAs”), particularly for tracks with limited passenger train traffic.⁵ FRA subsequently granted PTC exemptions for more than 1,400

¹ NTSB, *Amtrak Passenger Train 501 Derailment*, Accident Report, NTSB/RAR-19/01, May 21, 2019, <https://www.nts.gov/news/events/Documents/Dupont-Abstract.pdf>.

² U.S. Senate Committee on Commerce, Science, and Transportation, Hearing, *Amtrak: Next Steps for Passenger Rail*, June 26, 2019, 116th Congress, 1st Session.

³ *see*: Rail Safety Improvement Act of 2008 (RSIA), Public Law 110-432, Section 104

⁴ *ibid.*

⁵ *see*: 49 C.F.R. § 236.1019.

miles of track where Amtrak operates. With Amtrak and other railroads nearing the completion of PTC installation on all tracks where this technology is currently required,⁶ I would like more information about how FRA ensures intercity passenger rail safety in areas with PTC exemptions.

Given the NTSB findings regarding the Amtrak 501 derailment, please provide information about FRA safety rules and voluntary guidance that exceeds the minimum requirements for granting a PTC exemption.⁷ Specifically, I respectfully ask that you respond to the following questions:

1. *Crewmember training.* The training for the crewmembers of *Amtrak 501* apparently met minimum federal standards. However, the NTSB final report on this accident found that Amtrak did not effectively train crewmembers for operating on new territory and for the type of locomotive. Given these findings, are current federal requirements for crew member training sufficient to ensure safety on routes operating under PTC exemptions granted by FRA?
2. *Speed limit action plans.* Federal law requires each railroad carrier providing intercity passenger rail transportation to identify and develop appropriate actions for warning and enforcement of maximum speeds where there is a reduction of more than 20 mph approaching a curve, bridge, or tunnel.⁸ As a result of its *Amtrak 501* investigation, NTSB recommends that FRA require passenger railroads to periodically review and update their speed limit action plans to reflect any operational changes, as well as continually monitor the effectiveness of their risk mitigations. What are current FRA requirements for speed limit action plans in areas with PTC exemptions? Does FRA intend to implement the NTSB's recommendations related to speed action plans? If so, by what date?
3. *System Safety Program.* Amtrak relies on host railroads to meet minimum federal safety standards to ensure safe operations for its passenger trains on tracks that Amtrak does not own. In 2008, Congress required Class I railroads and those that provide intercity passenger transportation to implement a safety risk reduction program.⁹ This month, FRA proposed extending the stay of the System Safety Program final rule's requirements.¹⁰ By what date will FRA's final rule for System Safety Program be in place?

⁶ U.S. Department of Transportation, "Statement on Positive Train Control Implementation," Press Release, December 31, 2018.

⁷ *see* 49 C.F.R. § 236.1019

⁸ Fixing America's Surface Transportation (FAST) Act of 2015, Public Law 114-94, Section 11406

⁹ R.SIA, PL 110-432

¹⁰ FRA, Notice of Proposed Rulemaking, Jun. 12, 2019, 84 FR 27215

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4. *Operational risk mitigations.* What operational risk mitigations does FRA require for intercity passenger rail for sections of track in “dark territory” not controlled by signals?
5. *PTC equivalent technologies.* What alternative safety technologies can be readily deployed on trains or tracks where a PTC exemption is in place? How is FRA helping Amtrak install such technologies?
6. *Strategies for enhancing safety.* What other strategies does FRA pursue to ensure passenger rail safety for areas where PTC is not implemented?

Please provide a written response as soon as possible but no later than July 26, 2019.

Thank you for your attention to this matter. I look forward to working with you to continue to improve safety for intercity passenger rail in areas where PTC is not implemented.

Sincerely,



MARIA CANTWELL
Ranking Member