



U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL RAILROAD ADMINISTRATION (FRA)
WASHINGTON, DC 20590

**FRA's Responses to CSX Transportation, Inc.'s Comments
*Quarterly Positive Train Control (PTC) Progress Report Form***

Docket No. FRA-2016-0002-N-13 (OMB Control No. 2130-0553)

On June 7, 2016, CSX Transportation, Inc. (CSXT) submitted comments to the Office of Management and Budget (OMB) in response to FRA's request for approval of Form FRA F 6180.165, which is a quarterly form collecting information on railroads' progress towards implementing PTC systems. *See* 81 Fed. Reg. 28140 (May 9, 2016); *see also* 81 Fed. Reg. 11878 (Mar. 7, 2016); 49 U.S.C. § 20157(c). Below are summaries of CSXT's comments and FRA's responses.

1. Summary of Comment: CSXT commented that the Quarterly PTC Progress Report form (FRA F 6180.165) should be consistent with the information requested in the Annual PTC Progress Report form (FRA F 6180.166).

FRA's Response: FRA agrees. FRA revised the proposed quarterly form based on industry's written comments and oral feedback during the public meeting on April 19, 2016. *See* 81 Fed. Reg. 11878 (Mar. 7, 2016) (inviting comments for 60 days). Any changes FRA has made to the quarterly form will also be transferred to an updated annual form, subject to OMB approval, thereby allowing railroads to transfer information more easily from the quarterly form to the annual reporting form. The updated annual form would, for example, use consistent wording and ordering and place the tables that are required only in the annual form at the very end. FRA will submit an updated annual form to OMB for approval, following a 60-day comment period on the form.

2. Summary of Comment: CSXT recommended that FRA delete the reporting metrics for "PTC-Capable Event Recorders" and "PTC Displays" from Section 3.1, entitled "Locomotive Status." CSXT asserts that it does not currently track its installation of these hardware categories and notes that its revised PTC implementation plan (PTCIP) does not track these metrics, as it is not a required metric under 49 U.S.C § 20157(a)(2)(A)(iii).

FRA's Response: During the public meeting FRA hosted on April 19, 2016, the Association of American Railroads (AAR), on behalf of itself and its member railroads, including CSXT, had requested that FRA delete from this table the rows regarding antennas, event recorders, displays, and GPS receivers. First, FRA notes that, although these hardware categories were not specifically identified by statute in the definition of "hardware," FRA is authorized by the Positive Train Control Enforcement and Implementation Act of 2015 to require railroads to provide additional implementation information to FRA in progress reports. *See* 49 U.S.C. § 20157(c)(1)–(2); 49 CFR § 236.1009(h).

In response to industry’s comments from April 2016, FRA did modify the quarterly form by deleting the rows regarding antennas, GPS receivers, and secondary communications equipment, thereby reducing the reporting burden significantly. However, FRA is not amenable to further erasing levels of detail from this table by eliminating the rows entitled “Locomotives with PTC-Capable Event Recorders Installed” and “Locomotives with PTC Displays Installed,” as CSXT requests, because FRA has determined that such information is necessary to monitor railroads’ actual PTC implementation progress. Installation of these two hardware categories is an integral milestone towards implementing a PTC system. Moreover, FRA modified the row titles in this table to clarify that a railroad should be reporting in terms of locomotives—for example, the railroad would report the quantity of *locomotives* with PTC displays installed, not the quantity of PTC displays installed. In so doing, FRA further reduced the reporting burden, as this change means railroads will not need to count and track each PTC display and event recorder (there might be multiple in different types of locomotives). If a railroad did not provide information regarding event recorders and PTC displays in its revised PTCIP, the form clarifies that the railroad may write “N/A” in the column asking for the PTCIP year-end goal.

3. Summary of Comment: Regarding Section 3.2 “Infrastructure/Back Office Status,” CSXT asks FRA to delete two questions that were not included in the original quarterly form that FRA proposed on March 7, 2016. *See* 81 Fed. Reg. 11878 (Mar. 7, 2016). The two additional questions are “How many physical back office locations are required for PTC operations, as reported in the PTCIP?” and “How many physical back office locations have been constructed with all necessary equipment installed?”

FRA’s Response: In the original version of the quarterly form, as proposed on March 7th, and in the version of the annual form approved by OMB on March 16, 2016, FRA had asked railroads to fill out a quantitative table on installation of back office equipment. During the public meeting on April 19 and in written comments, several railroads and railroad associations took issue with the format because (1) it is difficult to identify piece-by-piece back office equipment and it is more informative to report to FRA instead how many back office locations have all necessary equipment installed, and (2) most railroads only have 1 or 2 back office locations, and the original table would not accurately reflect railroads’ status equipping back office locations. Accordingly, FRA deleted the multi-faceted quantitative table regarding back office installation and instead provided a more direct series of two questions (stated above), which zero in on the key information about back office progress. By doing so, FRA actually decreased the reporting burden for railroads.

4. Summary of Comment: Regarding Section 6 “Quarterly Update on Interoperability and Other Formal Agreements,” CSXT asks FRA to delete FRA’s note regarding providing “appendices as appropriate.” CSXT asserts that such language is unclear, and the approved annual form does not contain such a note about providing appendices as appropriate.

FRA’s Response: In response to CSXT’s comment, FRA has further modified the instruction to state “This section is provided to help railroads describe interoperability information. Please provide any additional information (e.g., an appendix) as appropriate.” FRA intends to carry this instructive phrase to its new annual form for 2017. In railroads’ original PTCIPs, railroads attached copies of their interoperability agreements, and FRA wants to give railroads the option of attaching an appendix to the progress reports if appropriate. Also, some railroads and

organizations had generally asked for the reporting forms to provide the option of giving more explanation, as opposed to only using tables.

5. Summary of Comment: CSXT requested that FRA provide the quarterly form in Microsoft Word format. CSXT separately notes that the most reliable way to permanently redact confidential information from a document is to convert the document to a PDF and redact the information using the Adobe redaction tool.

FRA's Response: FRA is open to railroads submitting their “public, redacted” versions of their quarterly reports in a redacted PDF, as CSXT has requested and as railroads have previously done. However, if a railroad submits a public, redacted version, the railroad must also submit a “confidential” version to FRA, using the FRA-provided Excel form or the FRA-provided PDF form (i.e., without further converting that confidential version). Providing the document to FRA in the native format makes the data more accessible to FRA, allowing FRA to automatically load the information into its tracking system (rather than manually) and, thus, *internally* track and analyze the data more efficiently. FRA does not intend to make a Word Document format available for the annual and quarterly forms because, during its review of railroads’ annual reports in 2016, FRA experienced difficulties processing railroads’ information efficiently and in a transferrable way through Word format. As such, FRA has proposed to provide the quarterly form to railroads in fillable PDF or Excel formats.

As a final note, after FRA submitted the quarterly form to OMB for review on May 9, 2016, FRA decided to make another modification to Section 6 for clarity. Specifically, in the table labeled “Host Railroads Only,” FRA has modified the second column heading to read “Estimated Quantity of Tenant Rolling Stock to be Equipped with PTC” instead of “Estimated Tenant Locomotive Fleet” because railroads did not appear to understand the latter language when they submitted their annual reports, which contained that latter language. FRA is making the same modification, for clarity, in its proposed new annual form. Also, FRA decided to delete extraneous overuse of the word “please” from the quarterly form before each text box.