

name
title
company
address 1
address 2

Dear _____:

As you may be aware, each Class I railroad carrier and each entity providing regularly scheduled intercity or commuter rail passenger transportation required to implement a positive train control (PTC) system under 49 U.S.C. § 20157(a)(1) must submit to the Federal Railroad Administration (FRA) annual progress reports, beginning March 31, 2016, with information required by statute and by FRA. *See* PTC Enforcement and Implementation Act of 2015 (Act), Pub. L. No. 114-73, § 1302, 129 Stat. 568, 576–82 (Oct. 29, 2015); 49 U.S.C. § 20157(c)(1); 49 C.F.R. § 1.89.

In addition, the Act requires FRA to conduct reviews, at least annually, to ensure that each railroad is complying with its revised PTC implementation plan (PTCIP) and requires each railroad to provide such information as FRA determines necessary to adequately conduct the revised PTCIP reviews. 49 U.S.C. § 20157(c)(2). To effectively monitor PTC system implementation compliance, FRA plans on requiring each subject railroad and entity to submit quarterly reports on its implementation progress in addition to the annual progress reports, under the Act and FRA’s investigative authority authorized by statute and regulation. *See* 49 U.S.C. § 20157(c)(2); *see also* 49 U.S.C. §§ 20107, 20902; 49 C.F.R. § 236.1009(h). FRA is using this letter to provide railroads and entities additional notice and further information about the planned quarterly report.¹

FRA plans to require railroads to submit the first quarterly report by June 30, 2016, and April 30th each year thereafter. The less detailed monthly reporting that FRA currently requires (approved under OMB No. 2130-0553) will expire in June 2016, when railroads are required to begin submitting the quarterly progress reports, as set forth below.

¹ The information in this letter about the planned quarterly report is preliminary and subject to change based on public comments received and review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (PRA). On March 7, 2016, FRA published a notice in the Federal Register requesting public comments on the planned quarterly report (81 Fed. Reg. 11878). The notice contains instructions on how interested parties may submit their comments. FRA will consider all public comments received before submitting a request to OMB to approve the quarterly report.

This letter explains when and how each railroad and entity must provide its annual progress reports to FRA, and the minimum information each railroad must report. It also describes potential requirements associated with the planned quarterly report that, as noted above, are subject to change. This letter also provides the web address where the form that each subject railroad must use for its annual progress reports (FRA F 6180.166) may be found, and the web address where the form that each subject railroad would use for its quarterly progress reports (FRA F 6180.165) will be found after it is approved by OMB, and sets forth general guidance regarding the required information.

FRA will not consider information provided in quarterly or annual progress reports an amendment to the railroad’s PTCIP or revised PTCIP. Any such changes must be submitted to FRA as a request for amendment (RFA). See 49 U.S.C. § 20157(a)(2)(C); 49 C.F.R. §§ 236.1011(f) and 236.1021(a).

I. Reporting Timing and Frequency

FRA plans to require that each quarterly progress report must cover the preceding three-month period and be submitted to FRA on the dates in the following table until full PTC system implementation is completed:

	<u>Coverage Period</u>	<u>Due Dates for Quarterly Reports</u>
Q1	January 1 – March 31	June 30, 2016, and each April 30 thereafter ²
Q2	April 1 – June 30	July 31
Q3	July 1 – September 30	October 31
Q4	October 1 – December 31	January 31

Additionally, each railroad must submit a detailed annual report to FRA by March 31, 2016, and every March 31st thereafter, until full PTC system implementation is completed. See 49 U.S.C. § 20157(c)(1). The annual report must cover the railroad’s implementation efforts and progress from the directly previous calendar year. For example, the annual progress report due by March 31, 2016 shall cover the railroad’s implementation progress from January 1 to December 31, 2015.

Railroads must submit annual progress reports, and FRA plans to require railroads to submit quarterly reports, electronically via the FRA Secure Information Repository (SIR) at <https://sir.fra.dot.gov>. If the railroad does not have an account on the SIR website, please contact Mr. Devin Rouse, Program Manager, Office of Railroad Safety, at (202) 493-6185 or Devin.Rouse@dot.gov to assist you with obtaining an account.

² FRA plans to require railroads and entities to submit their first quarterly report by June 30, 2016 to allow time for 90-days of notice and public comment under the PRA and its concomitant regulations. Since the annual report is statutorily required by March 31, 2016, FRA sought Emergency Processing with 5 days for public comment. If FRA changes the planned quarterly report based on comments it receives, FRA will update this guidance.

Railroads should note that compliance with these reporting requirements does not fulfill the other regulatory requirements that each railroad must maintain its PTCIP or revised PTCIP, including filing any necessary RFA, and that each railroad must adhere to its PTCIP or revised PTCIP. See 49 C.F.R. §§ 236.1006(b)(2), 236.1011(f), 236.1021(a).

Each railroad must submit its quarterly progress reports and annual progress reports using FRA F 6180.165 and FRA F 6180.166, respectively. The minimum information *required* in a quarterly progress report and an annual progress report is set forth as follows. However, a railroad may provide additional detail to describe its implementation progress, if desired.

II. Proposed Required Contents of the Quarterly PTC Progress Reports

FRA plans to require each railroad and entity subject to 49 U.S.C. § 20157(a) to provide its quarterly PTC progress reports on Form F 6180.165 and to submit the following information:

- Update on Spectrum Acquisition
 - The amount of spectrum acquired and available for use as of the applicable quarter, and the amount of spectrum required to be acquired and available for use by the end of that calendar year in accordance with the applicable revised PTCIP, as amended
- High Level Summary - The current quantity of:
 - Locomotives fully equipped, and the total required to be equipped
 - Track segment installations completed, and the total required to be completed
 - Radio towers fully installed and equipped, and the total required to be fully installed and equipped
 - Employees trained, and the total required to be trained
 - Back office locations completely installed and fully operable, and the total required to be completely installed and fully operable
 - Dispatching locations completely installed and fully operable, and the total required to be completely installed and fully operable
- Detailed Quantity Update on Hardware Installation
 - Separated by each major hardware category and subcategory identified in Form FRA F 6180.165, the amount of PTC hardware installed by the end of the applicable quarter, as compared to both the year-end total and the total amount of PTC hardware to be installed in accordance with the applicable revised PTCIP, as amended
- Detailed Quantity Update on Employees Trained
 - Separated by each employee category identified in Form FRA F 6180.165, the number of employees trained by the end of the applicable quarter, as compared to both the year-end total and the total number of employees required to be trained in accordance with the applicable revised PTCIP, as amended
- Progress on Implementation Schedule/Milestones
 - The extent to which the railroad or other entity is complying with the implementation schedule in its revised PTCIP, as amended

- Also indicate for each installation segment “Not Started,” “Installing,” “Testing,” or “Operational/Complete”
- For passenger rail operations, this information should be further segregated into those routes where it is a host or tenant
- Update on Interoperability Progress
 - For host railroads: provide updates to any agreements and key milestones for all tenant operations
 - For tenant railroads: provide updates to any agreements and key milestones for all operations over tracks hosted by another railroad
- For each host railroad, the number of tenants required to PTC-equip at least one locomotive to operate over the host’s territory, and the status of each tenant’s progress (if that tenant did not file its own PTCIP)

III. Required Contents of the Annual PTC Progress Reports

Each railroad and entity subject to 49 U.S.C. § 20157(a) must provide its annual PTC progress reports on Form F 6180.166, available at [website address placeholder], and must include the following information:

- Update on Spectrum Acquisition
 - The amount of spectrum acquired and available for use during the applicable calendar year and the cumulative amount acquired and available for use at the end of the applicable calendar year, as compared to the amount the railroad stated would be acquired and available for use by the end of that calendar year and in total for PTC implementation, in the applicable revised PTCIP, as amended
 - The basis for how the railroad is determining that the acquired spectrum is available for use by PTC radios (e.g., ensuring non-interference with other radios)
- Quantity Update on Hardware Installation
 - Separated by each major hardware category and subcategory identified in Form FRA F 6180.166, the amount of PTC hardware installed during the applicable calendar year and the cumulative quantity installed at the end of the applicable calendar year, as compared to the amount the railroad stated would be installed by the end of that calendar year and in total for PTC implementation, in the applicable revised PTCIP, as amended
- Quantity Update on Employees Trained
 - Separated by each employee category identified in Form FRA F 6180.166, the number of employees trained during the applicable calendar year and the cumulative number of employees trained at the end of the applicable calendar year, as compared to the number the railroad stated would be trained by the end of that calendar year and in total, in the applicable revised PTCIP, as amended
- Progress on Implementation Schedule/Milestones

- The extent to which the railroad or other entity is complying with the implementation schedule it provided in its revised PTCIP, as amended
 - See section on Schedule/Milestone Progress Information below
- Summary Update of Challenges/Risks
 - Any update to the summary of remaining technical, programmatic, operational, or other challenges that the railroad or other entity provided in its revised PTCIP, as amended
 - Schedule Risk Updates (e.g., funding, technology, agreements)
- Progress on Revenue Service Demonstration (RSD) or Implementation
 - The total number of route miles on which PTC has been initiated for revenue service demonstration or implemented, as compared to the total number of route miles required to have a PTC system
 - Estimated start date (month and year) for RSD
- For each entity providing regularly scheduled intercity or commuter rail passenger transportation, a description of the resources identified and allocated to implement PTC
- Update on Interoperability Progress and Other Formal Agreements
 - For host railroads: provide updates to any agreements and key milestones for all tenant operations
 - For tenant railroads: provide updates to any agreements and key milestones for all operations over tracks hosted by another railroad
- Estimated PTC Safety Plan (PTCSP) submission date (if not already submitted)
- Testing and integration efforts (if applicable, laboratory, integration, and revenue service demonstration)
- Updated information that FRA can use to maintain FRA’s Geographic Information System (GIS) Database – Segments Complete and Operable
 - See section on GIS Implementation Data below

Format for Reporting the Updates to Geographic Implementation Data

In its annual progress reports, a subject railroad or entity may submit a geographic information system (GIS) shapefile to indicate where various rail segments that must have PTC are located as long as it includes the following fields: (1) a PTC attribute field (coded with “Y” if line segment is to have PTC installed, otherwise left blank); (2) a SUBDIV attribute field (populated with subdivision name); (3) a MONTH attribute field (populated with the month in which PTC is to be installed); and (4) a YEAR attribute field (populated with the year in which PTC is to be installed).

If a railroad chooses to submit the required information by means other than shapefile format, please inform FRA as to the railroad’s preference prior to the March 31st annual reporting deadline.

Schedule/Milestone Progress Information

In its annual progress reports on Form FRA F 6180.166, each subject railroad and entity must provide a progress update with respect to its project schedule. A railroad should only submit schedule information demonstrating actual progress as measured against the schedule in its revised PTCIP, as amended. This could be accomplished by providing detailed project schedules and visual aids (e.g., a Gantt chart), if available, or any other information documenting current progress as compared to the implementation schedule in the railroad's revised PTCIP. Details regarding any notable variances or trends that are affecting, or could possibly affect, PTC implementation goals should also be explained in the annual progress reports. Where circumstances are adversely affecting a railroad's implementation of PTC, the railroad must also provide an action plan to recover from, or mitigate, any adverse consequences.

Request for Confidential Treatment of Portions of an Annual Progress Report or Quarterly Progress Report

If an entity requests confidential treatment of a portion of its annual progress report, or were to do so for the quarterly report, 49 C.F.R. § 209.11 requires the submitter to identify the precise legal authority for each redaction and provide a statement justifying why the submitter believes that each redacted portion of information requires confidential treatment. *See* 49 C.F.R. § 209.11(c)–(d). A specific supporting justification for each redacted portion of information enables FRA to make a determination regarding the particular claim of confidentiality. FRA expects a full justification, including a legal citation and a sufficient application of the law to the particular facts. This will help minimize the consultation process between the submitter and FRA staff, which might occur if it is unclear why and on what legal basis the submitter redacted certain information. Ultimately, FRA retains the right to make its own determination with regard to any claim of confidentiality. *See* 49 C.F.R. § 209.11(e).

If you have any questions about this letter, please contact Mr. Devin Rouse, Program Manager, Office of Railroad Safety. Mr. Rouse can be reached at (202) 493-6185 or Devin.Rouse@dot.gov.

Sincerely,

Robert C. Lauby
Associate Administrator for Railroad Safety
Chief Safety Officer

Bcc: Rouse, Blackmore, Hartong... Docket FRA-2010-XXXXX