



U.S. Department of Transportation
Federal Railroad Administration

“Alternative Schedule”

INFORMATION AND PROCEDURAL REQUIREMENTS

***Federal Railroad Administration – Positive Train Control (PTC) Symposium #1
Presentation #2***

June 15, 2018

Outline

1. What Is an “Alternative Schedule and Sequence”?
2. Which Railroads Need an Alternative Schedule?
3. Procedures for Requesting an Alternative Schedule
4. FRA’s Review and Decision Process
5. Industry Insights on How to Prepare the “Written Notification” to FRA



Section 1

What Is an Alternative Schedule and Sequence?

Statutory Deadline and Alternative Schedule

By default, the deadline for full implementation of an FRA-certified and interoperable PTC system is **December 31, 2018**.



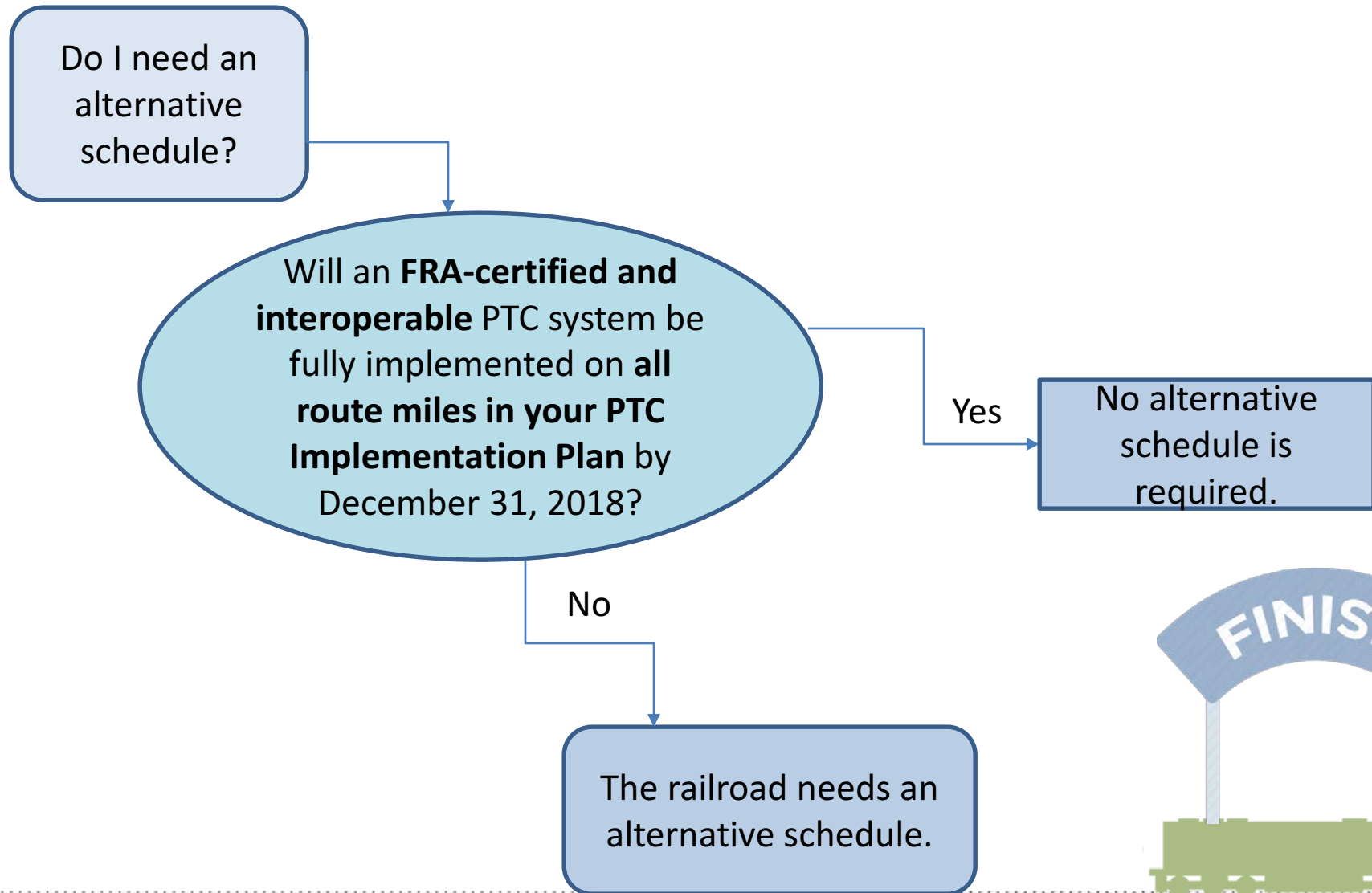
A railroad may request an “alternative schedule and sequence” to complete the full implementation of a PTC system by a deadline that is both **as soon as practicable** and **no later than December 31, 2020**.

- **Limited Scope of the Alternative Schedule:** During the maximum two-year period, a railroad may continue, for example, to test its system, obtain PTC System Certification, achieve interoperability (i.e., the ability of the PTC system to control the locomotives of the host railroad and tenant railroads), and fully implement its PTC system.
- **FRA’s Role:** The Positive Train Control Enforcement and Implementation Act of 2015 (PTCEI Act) requires FRA to approve a railroad’s alternative schedule if a railroad submits a written notification and demonstrates the railroad has met the statutory criteria necessary to qualify for an alternative schedule under 49 U.S.C. § 20157(a)(3)(B).

Section 2

Which Railroads Need an Alternative Schedule?

Which Railroads Need an Alternative Schedule?



Who Can Request an Alternative Schedule? (1 of 2)

The Host Railroad and/or Any Railroad with a PTC Implementation Plan (PTCIP)

- As the host railroad submitted the PTCIP that governs PTC system implementation on its main lines subject to the statutory mandate and a PTC system must be implemented in accordance with the PTCIP, **the statute anticipates that the host railroad, and any railroad with a PTCIP, would submit an alternative schedule, if any, and the formal “written notification” to FRA.**
- A host railroad’s alternative schedule would automatically extend to all tenant railroads that operate on the host railroad’s main lines, as set forth in the host railroad’s PTCIP. [However, please see slide #12 regarding the special cases of tenant intercity passenger or commuter railroads that do NOT have their own PTCIP.](#)

Who Can Request an Alternative Schedule? (2 of 2)

The Tenant Railroad

- Nothing in the statute necessarily prevents a *tenant railroad* from directly seeking FRA's approval of an alternative schedule with a deadline no later than December 31, 2020, if the tenant railroad satisfies the statutory criteria and the host railroad permits the railroad to utilize an alternative schedule.

Section 3

Requirements and Procedures for Requesting an Alternative Schedule

Overview of Statutory Process

To obtain FRA's approval of an alternative schedule and sequence, a railroad must (in this order):

1. Meet the statutory criteria necessary to qualify for an alternative schedule under 49 U.S.C. § 20157(a)(3)(B)(i)–(vii); and
 2. Submit a **written notification** to FRA and **demonstrate**, to FRA's satisfaction, that the railroad has met the statutory criteria to qualify for an alternative schedule.
- ❖ Addressed to Associate Administrator Robert C. Lauby and uploaded on FRA's Secure Information Repository (<https://sir.fra.dot.gov>).

Scope of Written Notification (1 of 3)

The Written
Notification Shall
Demonstrate That:

The railroad submitting the written notification (i.e., the host railroad or any railroad with a PTCIP) has met all statutory criteria.

Scope of Written Notification (2 of 3)

I. Limited Cases Where a Tenant Intercity Passenger or Commuter Railroad Does NOT Have Its Own PTCIP:

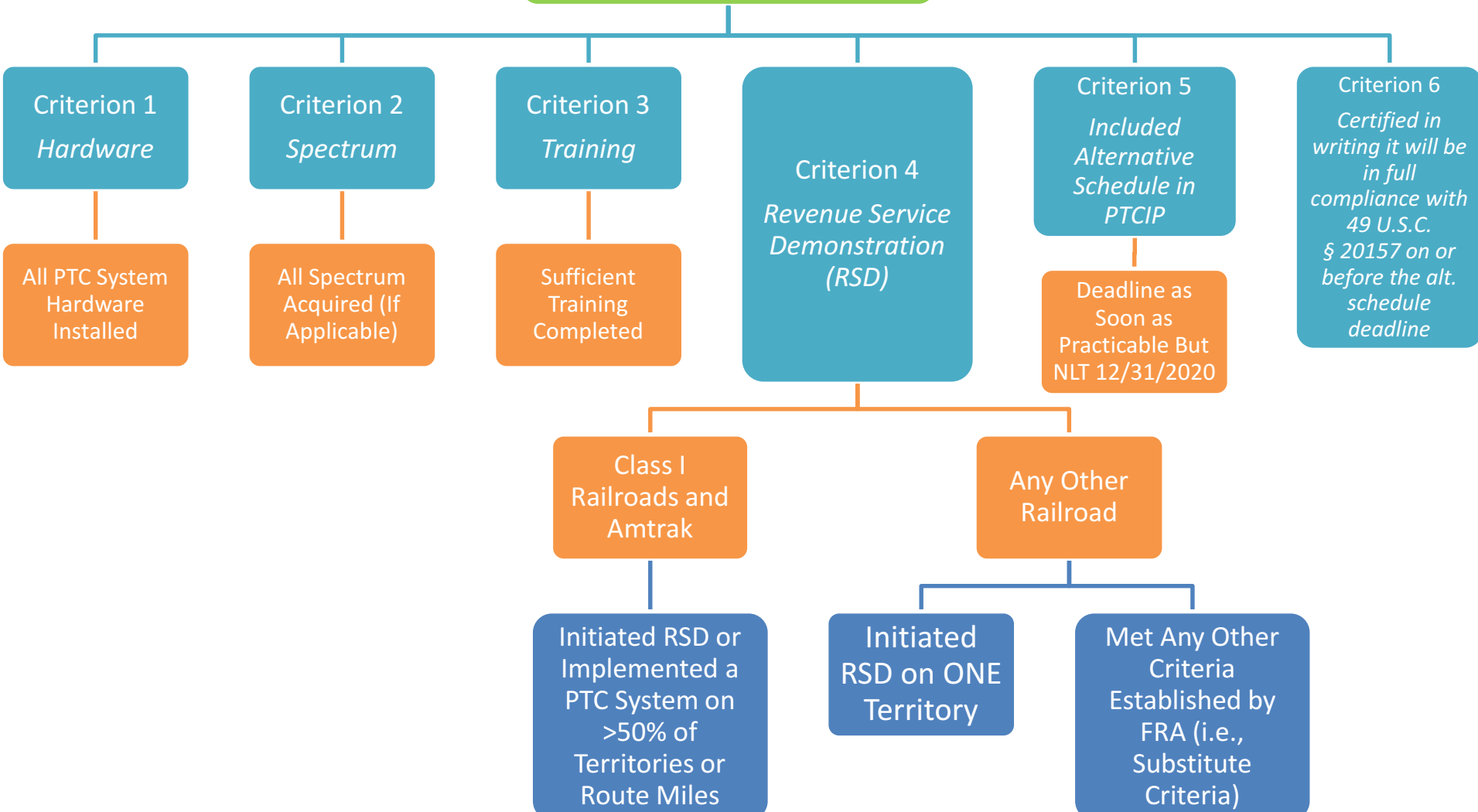
- **Examples:** All Aboard Florida; Altamont Corridor Express; Northstar Commuter Rail; and Tri-County Metropolitan Transportation District of Oregon.
- If your host railroad's written notification does not demonstrate that you have also met the statutory criteria necessary to qualify for an alternative schedule, you must submit your own written notification requesting an alternative schedule that demonstrates you have met the statutory criteria. Please cross-reference the quantity of your locomotives that are listed in the host railroad's PTCIP.

Scope of Written Notification (3 of 3)

II. Limited Cases Where a Commuter Railroad Has Its Own PTCIP But Considers Itself Primarily a Tenant-only Railroad:

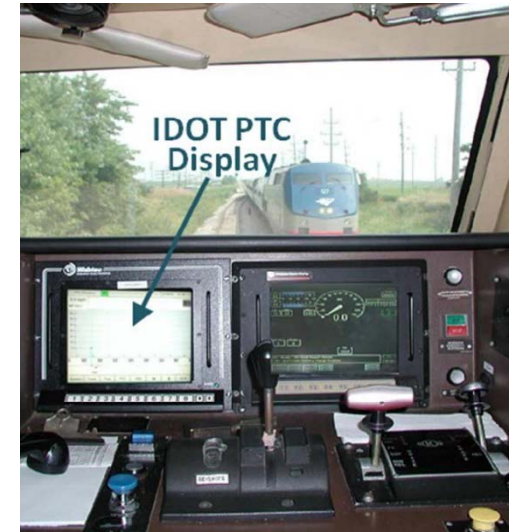
- **Examples:** Connecticut Department of Transportation; Maryland Area Regional Commuter; Sounder Commuter Rail; and Virginia Railway Express.
- Consistent with the statute, as you have a PTCIP, FRA's preference is that you submit the written notification requesting an alternative schedule. However, as an option, you may provide all necessary documentation showing you have met the statutory criteria to your host railroad, if your host railroad will submit the written notification on your behalf. Otherwise, you must do so.

Overview of Statutory Criteria to Qualify for an Alternative Schedule



Criterion #1 – All Hardware Installation (1 of 2)

By December 31, 2018, Installed the Total Amount of PTC System Hardware That Will Be Installed for PTC System Implementation



A railroad must demonstrate that all PTC system hardware has been installed, consistent with the **totals** of each major hardware category provided in its PTCIP.

Criterion #1 – All Hardware Installation (2 of 2)

By December 31, 2018, Installed the Total Amount of PTC System Hardware That Will Be Installed for PTC System Implementation

For example, the PTCEI Act defines the following as the major categories of PTC system hardware:

locomotive apparatuses, locomotives radios, wayside interface units (including any associated legacy signal system replacements), communication towers or poles, switch position monitors, wayside radios, base station radios, and physical back office system equipment.

This list is not exhaustive. A railroad must demonstrate it has installed the total amount of any and all hardware specifically identified in the railroad's PTCIP.

Note: This criterion is related only to the *installation* of HARDWARE—not software or other components, and not commissioning.

Criterion #2 – All Spectrum Acquisition

By December 31, 2018, Acquired All Spectrum Necessary for Implementation of the PTC System

Consistent with the railroad's PTCIP (e.g., based on each geographical area)



Note: Some PTC systems, including Enhanced Automatic Train Control, do not use spectrum.

Criterion #3 – Employee Training (1 of 2)

Completed the Employee Training
Required Under 49 CFR Part 236,
Subpart I

Established the training program
required under 49 CFR 236.1041
through 236.1049

AND

Trained all applicable and necessary
personnel* in any territory (or
segment thereof) where the PTC
system is in field testing or RSD, or
being operated in revenue service

*Continued on next slide.

Criterion #3 – Employee Training (2 of 2)

***Under 49 CFR part 236, subpart I, the following personnel must receive training regarding PTC systems:**

- Persons who install, maintain, repair, modify, inspect, and test the PTC system;
- Persons who dispatch train operations or other office control personnel;
- Persons who operate trains or serve as a train or engine crew member;
- Roadway workers whose duties require them to know and understand how a train control system affects their safety and how to avoid interfering with its proper functioning; and
- Direct supervisors of the above persons.

Please see 49 CFR §§ 236.1041–236.1049 for relevant information regarding training required under FRA's PTC regulations.

Criterion #4 – Advanced Testing or Implementation

(1 of 2)

Class I Railroads
and Amtrak

Initiated RSD *or* implemented a
PTC system on:

>50% of the territories (e.g.,
subdivisions or districts) the railroad
owns or controls that are required to
have operations governed by a PTC
system.

OR

>50% of the route miles the railroad
owns or controls that are required to
have operations governed by a PTC
system.

(See FAQs on Slides 22 and 23)

Criterion #4 – Advanced Testing or Implementation

(2 of 2)

Class I Railroads and Amtrak

Initiated RSD *or*
implemented a
PTC system on
>50%

Metric: Territories (e.g.,
subdivisions or
districts) *or* **route
miles** the railroad owns
or controls and that are
subject to the mandate

Any Other Railroad

Initiated RSD on at
least 1 territory that is
required to have
operations governed by
a PTC system

OR

Met any other
criteria
established by
FRA ★

See Presentation #3

Frequently Asked Questions about Criterion #4 (1 of 2)

What is a territory?

It is an entire “track segment” identified in your PTCIP—for example, in the section where you list the risk-based schedule and sequence in which track segments will be equipped. Congress also provided “subdivisions or districts” as examples in the PTCEI Act.

What constitutes initiating RSD on a territory?

- 1) Requesting and obtaining FRA’s written approval to commence RSD under 49 CFR § 236.1035;
- 2) Meeting the preconditions that FRA imposes in its approval letter; and
- 3) In fact initiating RSD on the entire territory.

As a note, Class I railroads and Amtrak may instead meet the applicable criterion by demonstrating that the railroad has initiated RSD on over 50% of the **route miles that it owns or controls and that are required to have operations governed by a PTC system.*

Frequently Asked Questions about Criterion #4 (2 of 2)

Does this criterion require that all tenant railroads must be in RSD too?

No. The host railroad's RSD testing or revenue service operations are sufficient to meet this criterion.

Does this criterion require that 100% of host railroad trains need to be in RSD or in revenue service?

Not for purposes of this criterion. (However, please ensure you continue to comply with all conditions FRA imposed in its conditional RSD approval letter and/or conditional PTC System Certification).

If there will be multiple PTC systems on the territory (e.g., I-ETMS and ACSES II), must all PTC systems be in RSD to meet this criterion?

No; one PTC system is sufficient for purposes of this criterion.

Criterion #5 – Alternative Schedule

Best Practices

- Review and update all relevant sections of a railroad's PTCIP, including the risk-based sequence and every aspect regarding the schedule for full implementation of a PTC system; and
- Include the alternative schedule for implementing a PTC system in a railroad's PTCIP as soon as possible and before the railroad submits its written notification.

Criterion: Included in Its PTCIP an Alternative Schedule and Sequence

In its written notification, a railroad must demonstrate that the alternative schedule and sequence included in its PTCIP is as soon as practicable, and it may be no later than December 31, 2020.

Please thoroughly explain and justify a railroad's determination that the proposed deadline is "as soon as practicable."

Criterion #6 – Other Written Obligation

Written Assurances

You must certify to the Secretary of Transportation in writing that the railroad will be in full compliance with the requirements of 49 U.S.C. § 20157 on or before the deadline in the alternative schedule.

Procedure for Requesting an Alternative Schedule (1 of 2)

1. Submit a request to amend the railroad's PTCIP for any and all modifications to the entire PTCIP and ensure the PTCIP includes the proposed alternative schedule (with a deadline that is as soon as practicable, but no later than December 31, 2020).
See 49 U.S.C. § 20157(a)(2)(B)–(C); 49 CFR § 236.1021.
2. Submit the written notification required under 49 U.S.C. § 20157(a)(3)(A)–(B) demonstrating the railroad has met the statutory criteria necessary to qualify for FRA's approval of an alternative schedule.
 - Upload to FRA's Secure Information Repository (<https://sir.fra.dot.gov>).
 - Address to: Mr. Robert C. Lauby, PE
Associate Administrator for Railroad Safety and Chief Safety Officer
Federal Railroad Administration, U.S. Department of Transportation
1200 New Jersey Avenue, SE
West Building, Third Floor (Mail Stop 25)
Washington, DC 20590

Procedure for Requesting an Alternative Schedule (2 of 2)

Reminders:

- **A railroad may submit its written notification as soon as it meets, and can demonstrate it has met, the statutory criteria necessary to qualify for FRA approval.**
- A railroad's **revised PTCIP and written notification** will be uploaded to the railroad's PTC docket on regulations.gov.
- If a railroad seeks confidential treatment of any portion thereof, it must comply with the requirements under 49 CFR §§ 209.11 and 236.1009(e)(3), including:
 - Providing a statement justifying each request for confidentiality and referring to the specific legal basis for confidential treatment;
 - Providing three required versions: (1) an original, unredacted version; (2) a redacted version of the document; and (3) a version that is marked/highlighted to indicate which portions are redacted in the confidential version without obscuring the contents; and
 - Comply with all other requirements under 49 CFR § 209.11. FRA reserves the right to make its own determination with regard to any claim of confidentiality. *See* 49 CFR § 209.11(e).

Section 4

FRA's Review and Decision Process

FRA's Statutory Review Time of a Railroad's Written Notification Requesting Approval of an Alternative Schedule

Railroad submits **formal written notification** to FRA under 49 U.S.C. § 20157(a)(3).

Within 45 days, FRA will notify the railroad of any deficiencies that would prevent FRA approval and provide an opportunity to correct the deficiencies.

Within 90 days **total**, FRA must notify the railroad in writing of FRA's decision, based on the requirements of the statute.

Please Note: By law, the December 31, 2018, deadline is automatically extended until the date on which FRA approves or denies a railroad's alternative schedule, if the decision date is after December 31, 2018. If FRA approves the alternative schedule, the deadline is the date specified in the railroad's alternative schedule, which may be no later than December 31, 2020. 49 U.S.C. § 20157(a)(3)(D).

Next
Presentation

Industry Insights on How to Prepare the “Written Notification” to FRA



Questions?