

113TH CONGRESS
1ST SESSION

S. 1462

To extend the positive train control system implementation deadline, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 1, 2013

Mr. THUNE (for himself, Mr. BLUNT, Mrs. MCCASKILL, and Mr. PRYOR) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To extend the positive train control system implementation deadline, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Railroad Safety and
5 Positive Train Control Extension Act”.

6 **SEC. 2. IMPLEMENTATION DEADLINE.**

7 (a) TECHNOLOGY IMPLEMENTATION PLAN.—Section
8 20156(e)(4) of title 49, United States Code, is amended
9 to read as follows:

10 “(4) POSITIVE TRAIN CONTROL.—

1 “(A) IN GENERAL.—Except as required by
2 section 20157 (relating to the requirements for
3 implementation of positive train control sys-
4 tems), the Secretary shall ensure that each rail-
5 road carrier’s technology implementation plan
6 required under paragraph (1) that includes a
7 schedule for implementation of a positive train
8 control system complies with that schedule.

9 “(B) RULE OF CONSTRUCTION.—Nothing
10 in this section shall be construed as requiring
11 the installation of positive train control on rail-
12 road tracks if—

13 “(i) positive train control is not re-
14 quired on those tracks under section
15 20157; and

16 “(ii) the railroad does not choose to
17 implement positive train control as a tech-
18 nology on those tracks under this section.”.

19 (b) EXTENSION OF DEADLINE.—Section 20157 of
20 title 49, United States Code, is amended—

21 (1) in subsection (a)(1)—

22 (A) by striking “Not later than 18 months
23 after the date of enactment of the Rail Safety
24 Improvement Act of 2008, each” and inserting
25 “Each”; and

1 (B) by striking “by December 31, 2015”
2 and inserting “by December 31, 2020”; and
3 (2) in subsection (a)(1)(B), by striking “trans-
4 ported” and inserting “transported on or after De-
5 cember 31, 2015”.

6 **SEC. 3. AUTHORITY OF SECRETARY OF TRANSPORTATION**
7 **TO EXTEND IMPLEMENTATION DEADLINE.**

8 (a) IN GENERAL.—Section 20157 of title 49, United
9 States Code, as amended by section 2(b) of this Act, is
10 further amended—

11 (1) in subsection (a)(1), by striking “Each
12 Class I” and inserting “Except as provided under
13 subsection (i), each Class I”;

14 (2) by redesignating subsection (i) as subsection
15 (j); and

16 (3) by inserting before subsection (j), as redesi-
17 gnated, the following:

18 “(i) IMPLEMENTATION EXTENSIONS.—

19 “(1) IN GENERAL.—The Secretary may extend
20 in 1-year increments, upon application, the deadline
21 for implementing a positive train control system
22 under subsection (a)(1) for an applicant, if the Sec-
23 retary determines that—

24 “(A) full implementation will likely be in-
25 feasible due to circumstances beyond the control

1 of the applicant, including funding availability,
2 spectrum acquisition, resource and technology
3 availability, software development and testing,
4 availability of alternate risk reduction strate-
5 gies, and interoperability standards;

6 “(B) the applicant has demonstrated good
7 faith in its positive train control system imple-
8 mentation;

9 “(C) the applicant has presented a revised
10 plan for implementing a positive train control
11 system indicating how the applicant will fully
12 implement a positive train control system as
13 soon as feasible, but not later than December
14 31, 2022; and

15 “(D) the extension will not extend later
16 than December 31, 2022.

17 “(2) CONSIDERATIONS.—In making a deter-
18 mination under paragraph (1), the Secretary shall
19 consider—

20 “(A) whether the affected areas of track
21 have been identified as areas of greater risk to
22 the public and railroad employees in the appli-
23 cant’s positive train control implementation
24 plan under section 236.1011(a)(4) of title 49,
25 Code of Federal Regulations (relating to PTC

1 Implementation Plan content requirements);
2 and

3 “(B) the risk of operational failure to the
4 affected service areas and the applicant.

5 “(3) REVIEW.—Not later than 10 days after
6 the Secretary receives an application under para-
7 graph (1), the Secretary shall review and approve or
8 disapprove the application.”.

9 (b) CONFORMING AMENDMENT.—Section
10 20156(e)(2) of title 49, United States Code, is amended
11 by striking “as defined in section 20157(i)” and inserting
12 “as defined in section 20157(j)”.

13 **SEC. 4. EQUIPPING LOCOMOTIVES OPERATING IN POSITIVE**
14 **TRAIN CONTROL TERRITORY.**

15 Not later than 180 days after the date of enactment
16 of this Act, the Secretary of Transportation shall revise
17 section 236.1006(b)(4)(iii)(B) of title 49, Code of Federal
18 Regulations (relating to equipping locomotives operating
19 in PTC territory) to extend each deadline 5 years.

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