

114TH CONGRESS
1ST SESSION

H. R. 3651

To amend title 49, United States Code, to provide for the extension of certain deadlines related to positive train control, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 30, 2015

Mr. SHUSTER (for himself, Mr. DEFazio, Mr. DENHAM, and Mr. CAPUANO) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend title 49, United States Code, to provide for the extension of certain deadlines related to positive train control, 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 “Positive Train Control
5 Enforcement and Implementation Act of 2015”.

1 **SEC. 2. ENSURING SAFE IMPLEMENTATION OF POSITIVE**
2 **TRAIN CONTROL ON POISONOUS OR TOXIC-**
3 **BY-INHALATION AND PASSENGER RAIL**
4 **LINES.**

5 Section 20157 of title 49, United States Code, is
6 amended—

7 (1) in subsection (a)(1)—

8 (A) by striking “18 months after the date
9 of enactment of the Rail Safety Improvement
10 Act of 2008” and inserting “60 days after the
11 date of enactment of the Positive Train Control
12 Enforcement and Implementation Act of 2015”;

13 (B) by striking “develop” and inserting
14 “revise”;

15 (C) by striking “December 31, 2015” and
16 inserting “December 31, 2018, or the deadline
17 determined appropriate by the Secretary pursu-
18 ant to paragraph (2)”; and

19 (D) in subparagraph (B) by striking
20 “parts” and inserting “sections”;

21 (2) by striking subsection (a)(2) and inserting
22 the following:

23 “(2) **AUTHORITY TO EXTEND DEADLINE.—**

24 “(A) The Secretary may extend the dead-
25 line described in paragraph (1) of this sub-
26 section, applicable to each carrier or entity re-

1 required to submit a plan under paragraph (1),
2 for a period not to exceed 12 months if such a
3 carrier or entity demonstrates to the satisfac-
4 tion of the Secretary that such carrier or enti-
5 ty—

6 “(i) will not be able to implement a
7 positive train control system by the dead-
8 line described in paragraph (1) due to
9 technical, programmatic, or operational
10 challenges, such as availability of public
11 funding, spectrum, technology, and inter-
12 operability standards;

13 “(ii) has taken actions to address
14 such challenges and mitigate risks to suc-
15 cessful implementation of a positive train
16 control system; and

17 “(iii) has made good faith efforts to
18 implement the plan described in paragraph
19 (1).

20 “(B)(i) The Secretary may grant an addi-
21 tional one-time extension of the deadline de-
22 scribed in paragraph (1), applicable to each car-
23 rier or entity required to submit a plan under
24 paragraph (1), not to exceed 12 months, if such
25 a carrier or entity, or a group thereof, is not

1 able to fully implement a positive train control
2 system on or before the date that is the last day
3 of the extension granted under subparagraph
4 (A), and such carrier or entity—

5 “(I) demonstrates to the satisfaction
6 of the Secretary that implementing a posi-
7 tive train control system was delayed due
8 to 1 or more circumstances beyond the
9 control of the carrier or entity, such as a
10 delay in Federal approval of a plan, test-
11 ing, or certification; or

12 “(II) demonstrates to the satisfaction
13 of the Secretary—

14 “(aa) that such carrier or entity
15 will not be able to implement a posi-
16 tive train control system by the dead-
17 line described in paragraph (1) due to
18 technical, programmatic, or oper-
19 ational challenges;

20 “(bb) due diligence in its efforts
21 to fully implement a positive train
22 control system; and

23 “(cc) that substantial progress
24 has been made in deploying positive
25 train control, to the extent feasible.

1 “(ii) A demonstrating carrier or entity
2 under clause (i) must certify to the Secretary in
3 writing that such carrier or entity will be in full
4 compliance with the requirements of this section
5 on or before the date that is the last date of the
6 extension granted under clause (i).

7 “(3) IMPLEMENTATION.—

8 “(A) The revised plan shall—

9 “(i) describe how the railroad carrier
10 or entity will provide for interoperability of
11 the system with movements of trains of
12 other railroad carriers or entities over its
13 lines;

14 “(ii) to the extent practical, provide
15 for implementation of the system in a
16 manner that addresses areas of greater
17 risk before areas of lesser risk;

18 “(iii) comply with this section and
19 subpart I of part 236 of title 49, Code of
20 Federal Regulations; and

21 “(iv) include a detailed schedule and
22 sequence for fully implementing a positive
23 train control system in accordance with
24 this section and such regulations.

1 “(B) The railroad carrier shall implement
2 a positive train control system in accordance
3 with such plan.”;

4 (3) by striking subsections (c) and (d) and in-
5 serting the following:

6 “(c) PROGRESS REPORTS.—Not later than January
7 1, 2017, and annually thereafter until full implementation
8 of positive train control systems has been completed, each
9 railroad carrier or entity required to revise and transmit
10 a plan under subsection (a) shall submit to the Secretary
11 a report on the progress of such carrier or entity toward
12 implementing positive train control systems.

13 “(d) REPORTS.—

14 “(1) CONGRESSIONAL NOTIFICATION.—Not
15 later than April 1, 2018, the Secretary shall trans-
16 mit to the Committee on Transportation and Infra-
17 structure of the House of Representatives and the
18 Committee on Commerce, Science, and Transpor-
19 tation of the Senate a report on the progress of the
20 railroad carriers in implementing positive train con-
21 trol systems.

22 “(2) PUBLIC AVAILABILITY.—The Secretary
23 shall make available to the public on the Department
24 of Transportation’s Internet Web site each progress

1 report submitted pursuant to paragraph (1) and
2 subsection (c).”; and

3 (4) in subsection (h)—

4 (A) by striking “The Secretary” and in-
5 serting the following:

6 “(1) IN GENERAL.—The Secretary”; and

7 (B) by adding at the end the following:

8 “(2) PROVISIONAL OPERATION.—In lieu of the
9 requirements of paragraph (1), the Secretary may
10 authorize a railroad carrier or other entity to com-
11 mence operation in revenue service of a positive
12 train control system or component to the extent nec-
13 essary to enable the safe implementation of positive
14 train control systems in phases.”.

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