

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. EP 706

REPORTING REQUIREMENTS FOR
POSITIVE TRAIN CONTROL EXPENSES AND INVESTMENTS

Digest:¹ The Board is opening a rulemaking proceeding to explore whether it should require the nation's largest railroads to report separately how much each railroad is spending on the development, installation, and maintenance of Positive Train Control, a federally mandated safety system that will automatically stop or slow a train before an accident can occur.

Decided: February 10, 2011

On October 13, 2010, the Union Pacific Railroad Company (UP), a Class I rail carrier, filed a petition requesting that the Board institute a rulemaking to adopt supplemental schedules that would require Class I carriers to separately identify Positive Train Control (PTC) expenditures in annual R-1 reports to the Board. On November 2, 2010, the Canadian Pacific Railway Company replied in support of UP's petition and the Fertilizer Institute replied in opposition to UP's request. On November 24, 2010, the Norfolk Southern Railway Company (NS) late-filed comments in support of UP's petition. On January 18, 2011, PPG Industries, Inc. (PPG) late-filed comments opposing UP's petition, and on January 21, 2011, UP responded to PPG's filing.²

PTC is a system designed to prevent train-to-train collisions, over-speed derailments, incursions into established work zone limits, and the movement of a train through a switch left in the wrong position.³ The Rail Safety Improvement Act of 2008 requires Class I rail carriers to implement PTC, by December 31, 2015, on main lines where intercity rail passenger transportation or commuter rail transportation is regularly provided, and on main lines over

¹ The digest constitutes no part of the decision of the Board but has been prepared for the convenience of the reader. It may not be cited to or relied upon as precedent. Policy Statement on Plain Language Digests in Decisions, EP 696 (STB served Sept. 2, 2010).

² In the interest of compiling a complete record, the Board will accept the late-filed comments from NS and PPG, as well as the reply to reply filed by UP.

³ Generally, PTC systems use digital data communications, an automated means of determining train location, and computer control systems to supplement or replace traditional signaling systems. For example, a global positioning system could be used to track train movements and a computer program could intervene if trains were about to collide.

which hazardous toxic-by-inhalation or poisonous-by-inhalation materials are transported. 49 U.S.C. § 20157. In complying with The Rail Safety Improvement Act of 2008, rail carriers will make expenditures related to installation and maintenance of PTC.

While Class I carriers currently report PTC investments and expenditures in the R-1 annual report, the proposal by UP to segregate such data to make it separately identifiable is an issue that warrants further consideration. We will therefore grant the petition requesting that the Board institute a rulemaking proceeding. However, we have made no determination here regarding the merits of UP's specific proposal. We will address the arguments and issues already raised by the parties in their filings, as well as establish further procedures for public comment, in a subsequent decision.

It is ordered:

1. UP's petition to institute a rulemaking is granted.
2. This decision is effective on the date of service.

By the Board, Chairman Elliott, Vice Chairman Nottingham, and Commissioner Mulvey.