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News

# As safety deadline looms, railroads look to Congress to avert shutdown

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Chicago Tribune

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Railroads want safety deadline lifted

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**T**he nation's freight railroads, commuter lines like Metra, and Amtrak are facing a potential service crisis Dec. 31. The railroads insist they're not to blame, but critics say the warning signals were ignored for years.

Ever since two serious Metra derailments in 2003 and 2005, the latter of which killed two passengers and cost millions in lawsuits, federal safety investigators have called for the commuter rail agency to install a high-tech safety system known as Positive Train Control.

After a 2008 California derailment that killed 25 people, Congress responded by ordering all the nation's major passenger and freight railroads to implement PTC, and it gave them seven years to do so.

With that deadline just over three months away, however, Metra and almost all the other railroads say they won't meet it.

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Faced with millions of dollars in fines and the prospect of violating federal law — and the risk of enormous liability — the railroads warned Thursday that they will shut down by Dec. 31 unless Congress extends the PTC deadline.

"A shutdown would be devastating" for 300,000 daily riders and Chicago's economy, Metra said in a letter to U.S. Sen. John Thune, R-S.D., who requested status reports from the railroads. "The great majority of our riders will likely be forced onto our region's already congested roads and highways."

The Union Pacific Railroad told Thune it would curtail all passenger operations and much of its

freight shipments. "This will cause significant economic disruption for our country," the railroad's president wrote. Other freight railroads echoed that warning.

Chicago-area members of Congress and other experts say they don't believe the railroads are crying wolf and are hopeful that a shutdown will be averted. They acknowledge, however, that Washington politics can be a wild card and that extending the deadline is easier said than done.

"I always believe cooler heads will prevail, and so I am an optimist," said U.S. Rep. Mike Quigley, a Chicago Democrat. "But then again, I'm a Cubs fan too."

Quigley recently toured Metra's facility where PTC equipment was being installed, and he said he believes the agency has made a sincere effort to put the system in place as quickly as possible and deserves a reprieve.

Certain legislators, especially in the Northeast, have been hard-liners on enforcing the deadline in light of a May 12 Amtrak derailment in Philadelphia that killed eight people.

Mark Rosenker, a former chairman of the National Transportation Safety Board, which investigates train accidents, expressed outrage at extending the deadline and blamed railroads for pressuring lawmakers to do it.

"Obviously, the railroad lobbyists have gotten to Congress," Rosenker told The New York Times in July. "We just had a horrible accident (in Philadelphia). People died and people ended up becoming paralyzed when that (PTC) technology was available to the railroad."

Metra says it is committed to implementing PTC "in a safe and prudent manner" but that many significant challenges — mainly the complexity of the technology and its cost — make the Dec. 31 deadline "unattainable." Metra estimates that it won't have PTC fully implemented until 2019, although some lines will be ready before then.

The goal of PTC is to stop or slow a speeding train, prevent derailments and train-to-train collisions, and override human error, such as when an engineer is distracted or inattentive. PTC uses GPS, computers, radios and a network of trackside equipment to pinpoint the location and movement of every train.

The railroad industry says PTC isn't "simple and established off-the-shelf technology." Rather, "PTC is the largest and most complex technological undertaking ever attempted" by the railroad industry, according to the Union Pacific, which owns and operates three of Metra's 11 lines.

The BNSF Railway, which operates Metra's busiest commuter line, compared installation of PTC

to evolving from steam to diesel locomotives.

Metra says it faces "unique challenges" because it operates amid the nation's busiest rail hub. More than 1,300 trains, including 750 Metra trains, 500 freight trains and the rest Amtrak's, operate in Chicago daily.

To make PTC operative, all those trains must be able to "talk" to each other, Metra officials say.

In its letter to Thune, Metra said it has been making "steady and consistent progress" in implementing PTC.

The agency said it expects that 40 percent of Metra's train fleet will be PTC-compliant after systems are tested and running on its BNSF and Union Pacific lines by mid-2016. Other obstacles cited by Metra include the limited number of private firms that help design and install PTC equipment; questions over the availability of spectrum for the radios; and technological issues.

Money, however, remains "significant" problem, Metra says. The latest cost estimate is \$350 million, and Congress has mandated PTC but provided little or no funding — although Sen. Richard Blumenthal, D-Conn., helped secure a nearly \$1 billion low-interest federal loan to help his region's Metro-North commuter rail agency install PTC.

Metra says it gets \$150 million a year in federal funding for all its capital needs, such as bridges, tracks and signals.

"Thus, to fully fund PTC, Metra would need to spend 100 percent of its federal funding for two and one-half years," and ignore other needs, Metra Executive Director Don Orseno told Thune.

Metra says it is working with the railroad industry and the American Public Transportation Association to push Congress to allow the Federal Railroad Administration to grant waivers to railroads that show "good-faith efforts" to install PTC.

Joseph Szabo, the former head of the railroad agency and now executive director of the Chicago Metropolitan Agency for Planning, said he believes Congress should take neither of the two "extreme" sides on the issue: granting a "blanket" extension or no extension at all.

"This is critical rail safety technology," Szabo said. "It is important to the public it be employed as soon as possible, but we have to recognize the legitimate technical challenges that the different railroads face."

Congress, Szabo said, should give the Federal Railroad Administration the power to grant

railroads a "provisional certification" to extend the deadline on a case-by-case basis provided they show good faith and reach established benchmarks.

"From a broad national standpoint, those good-faith efforts have varied greatly," Szabo said.

"There are those railroads who are genuinely trying (to install PTC as soon as possible) and those who were dragging their heels, hoping this would go away."

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