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(Original Signature of Member)

114TH CONGRESS  
1ST SESSION

**H. R.**

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

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IN THE HOUSE OF REPRESENTATIVES

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

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**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.”.