COMMENTARY

BY FRED W. FRAILEY

Positive train control: Oh, what a mess

Five years ago, if I’d told you what would transpire, you wouldn’t have believed me.

Events of the past several months have taught me one thing. You can never exaggerate the impact of a railroad disaster in the courts of government policy and public opinion. There’s a reason why people refer to something they don’t like that goes terribly wrong as a “train wreck.” Google “train wreck” and the Affordable Care Act and see what I mean.

Well, at this point, positive train control is something of a train wreck all its own. Everything that could go wrong with its implementation seems to have done so. Now the deadline for having PTC in place on some 63,000 miles of railroad is less than two years away. There is no way that deadline of Dec. 31, 2015, set seven years earlier, will be met by any of the four biggest Class I railroads (save for possibly BNSF Railway), or cash-strapped commuter agencies. The government itself is as much or more to blame for the failure to meet the deadline as are the railroads. But in the courts of government policy and public opinion, there is no sympathy whatsoever for the railroads in the back offices. Finally everything has to be tested for reliability, so that trains can seamlessly go about their business, including moves from one railroad to another.

This $13 billion mandate (unfunded by the government, naturally) is massive beyond all understanding. And it didn’t take long for the logjams to appear. The Federal Railroad Administration did not have the expertise in enough abundance to write the rules for installing PTC and then to review the specific implementation plans of each railroad in a timely manner. The railroads were in no better position. Scarcer than a wise man in Washington, D.C., is an unemployed signal engineer.

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In 2008, seven years must have seemed a generous amount of time to give the railroads to install the collision-avoidance system. But doing so required the entire railroad industry to agree on the technologies to be used, some of which hadn’t even been invented then. Radio-spectrum had to be bought (even now, some railroads can’t find it at any price). Radios and communications systems had to be designed and built by the tens of thousands. Then all of the hardware has to be installed at trackside, in locomotives, and in the back offices. Finally everything has to be tested for reliability, so that trains can seamlessly go about their business, including moves from one railroad to another.

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It recommended that Congress extend the deadline and permit incremental rollouts, provisional certification of PTC systems by the agency, and the temporary substitution of other technologies.

This past August, the Government Accountability Office echoed the FRAs recommendations. What the GAO didn’t know was that three months earlier, the Federal Communications Commission quit accepting applications for licenses to build more than 20,000 communications towers (needed every mile or so along the tracks) to transmit data to the back-office computers. It seems that the rail safety law had been broadened by the National Historic Preservation Act of 1966. The FCC staff awoke to the fact that these towers weren’t going stop existing infrastructure but instead would require digging new holes. “You can’t do that,” the FCC said. Its interpretation of the preservation law requires it to allow Native American nations to inspect each site for ancient artifacts and sites of cultural and religious significance before such licenses can be issued. At the rate the tribes are able to make such inspections, I’ll be long in my grave before they finish. But the FCC, could just change course. First, it initiated “nation to nation” dialogue with the tribes. Hearings were held. Comments were invited. Then the FCC wrote a “program comment” that was to be presented to the Advisory Council on Historical Preservation in March. By then, 10 months will have gone by and there’s no guarantee that the council will agree with the FCCs proposals to streamline the inspection process. Bloomberg Businessweek reported that some tribes are irked that the white man considers this their problem that they have to fix, and I am in their corner. Government caused this problem, and government should fix it.

Except that government won’t. On Dec. 1, 2013, a Metro-North Railroad commuter train rounded a 30-mph curve at 82 mph and veered off the tracks; four passengers died. The engineer was apparently inattentive. In the aftermath, Sen. Dianne Feinstein (D-Calif.), champion of the PTC legislation, and Deborah Hersman, chair of the National Transportation Safety Board, publicly objected to any push-back of the PTC deadline. So did the editorial writers of major newspapers such as the New York Times. Smug in their ignorance of what is actually happening, these pundits and politicians will swiftly move public opinion against any official who dares delay the deadline. And the railroads? All they want is to install PTC ASAP, and damn the cost. Will the government please get out of the way?!

Fred W. Frailey is a Trains special correspondent and blogs on www.TrainsMag.com. Reach him at frailey@gmail.com.