Hundreds of trains to miss year-end PTC deadline, FRA says

By JENNIFER SCHOLTES | 8/7/15 6:05 PM EDT

More than 700 trains will need another three to five years to install the safety technology that could have prevented this spring's deadly Amtrak crash, federal regulators say in a new report — the latest acknowledgment that the industry is nowhere close to meeting the Dec. 31 deadline set by Congress.

Operators of nearly 200 additional trains have not provided enough information to evaluate whether they can meet the deadline for installing the systems, known as positive train control.

The Federal Railroad Administration's report comes as Congress continues to grapple with the details of how to extend the deadline and what penalties will befall train operators who don't have PTC in place by the end of this year.

The FRA report sent Friday to House and Senate appropriators reiterates the common knowledge that the vast majority of U.S. railroads will miss the deadline, but it also lays out some stunning predictions about railroads that won't even be nearing the final phases of implementation until 2018 or 2020.

The multiyear transportation bill the Senate just passed would give railroads another three years to comply with the mandate, but the FRA says more than 400 trains — run by four different operators — aren't even expected to be ready for PTC system testing until 2018, when that new deadline would hit. Another 310 trains, operated by the Massachusetts Bay Transportation Authority, aren't likely to near that final phase until 2020. And four operators, running a total of nearly 190 trains, haven't yet provided enough information for the FRA to weigh in with a prediction.

The report repeated what FRA officials have long been telling lawmakers: Many railroads just aren't making much progress or meeting interim agency requirements aimed at driving them toward compliance.

As of this month, for example, the FRA has only received three of 38 required PTC safety plans, despite maintaining years of "constant and consistent contact with railroads to assist on safety plans and offer guidance."

Even getting railroads to provide progress reports has been difficult, despite the "looming statutory deadline and the threat of aggressive enforcement actions (including the imposition of significant civil penalties)," the report says.

Ed Greenberg, a spokesman for the Association of American Railroads, argues that there have been "unprecedented technology challenges" for railroads trying to meet the deadline, and he says the new FRA report illustrates those complexities.

"The nation's freight railroads have been going all out for years to progress on PTC deployment and have been working through any technological or installation challenges before submitting reports to the FRA," Greenberg told POLITICO in a written statement.

Congress will almost surely extend the PTC deadline before year's end, but how leaders will execute that heavy legislative lift is still a major unknown.

The FRA's failure to inform Congress of exactly what penalties noncompliant railroads would face after Dec. 31 has prevented Congress from reaching a consensus on how to extend the a deadline, says Shane Skelton, executive director of the Alliance for Innovation and Infrastructure.

"We're not saying: Jan. 1 the hammer should come down. We don't want to put a gun to rail," said Skelton, whose group advocates for PTC compliance. "We just want rail to know what's expected of them and Congress to know what's expected of rail."

With that said, Skelton notes that the rail industry has had plenty of time to prepare for the looming deadline. And he argues that train operators should be interested in installing PTC for its safety benefits, not just because the law requires it.

"This mandate has been in place for five years. It's not like the administration announced it last year and said: 'Hey guys, good luck,'" Skelton told POLITICO. "We all need to think about how we can make rail safer, even if we don't have a binding mandate to do this tomorrow."

Heather Caygle contributed to this report.