



**ASSOCIATION OF
AMERICAN RAILROADS**

**Office of the President
Edward R. Hamberger
President and Chief Executive Officer**

April 9, 2014

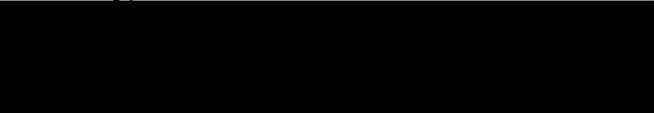
The Honorable Ed Whitfield
Chairman, Subcommittee on Energy and Power
House Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Whitfield:

Thank you for the opportunity to testify before the Energy and Power Subcommittee on March 6, 2014 regarding the transportation of energy products by rail. Enclosed, please find a response to your question for the record of this hearing.

Thank you for considering our views. If you or a member of your staff should have any additional questions, please feel to contact me at 202-639-2400 or John Wetzel of the AAR Government Affairs staff at 202-639-2538 or jwetzel@aar.org.

Sincerely,


Edward R. Hamberger

**THE HONORABLE ED WHITFIELD
CHAIRMAN, SUBCOMMITTEE ON ENERGY AND POWER
HEARING ON BENEFITS OF AND CHALLENGES TO ENERGY ACCESS
IN THE 21ST CENTURY: FUEL SUPPLY AND INFRASTRUCTURE
MARCH 6, 2014**

**QUESTIONS FOR THE RECORD
TO
MR. ED HAMBERGER, PRESIDENT
ASSOCIATION OF AMERICAN RAILROADS (AAR)**

Q. Can you please explain the review process that is being proposed by the FCC for each and every one of these [22,000 antenna] poles and what kind of impact these reviews will have on deploying this new [Positive Train Control] technology?

A. The applicant railroad would begin work on a cultural resources report and the State Historic Preservation Office due diligence process several weeks prior to the intended application date for one or more sites. On day one, the applicant would then file a batch submission of locations in a particular county into the FCC's Tower Construction Notification System (TCNS). TCNS would send out electronic notices to tribes that have indicated interest in that particular county. Each individual pole location would need to be cleared by every Tribe that has indicated interest in TCNS at that location. In the absence of any response over the course of the next 20 days and assuming the applicant has made at least one follow-up inquiry, the applicant could then ask the FCC to send a letter/e-mail to the Tribe(s) in question. This would happen five business days following the applicant's request. On day 40, if there is still no response, then the sites in the batch would be considered cleared.

However, at any time during this 40-day period, a Tribe could request more information and/or compensation. If the Tribe does not respond after receiving additional information, the applicant may request that the FCC contact the Tribe(s) and give them an additional 15 days to respond. If there is no further response, the sites would be considered cleared.

If the parties have disputes regarding information or compensation that they cannot resolve after 15 days, they can bring them to the FCC to resolve. Also, if the parties have

disputes about the identification of sites of cultural and religious significance or appropriate mitigation they can bring it to the FCC to resolve.

The FCC is required to resolve all disputes within 30 days, with one 30-day extension permitted. Further extensions are only to be granted upon extraordinary circumstances.

In terms of impacts, the fact is that railroad industry would not have been able to achieve the 2015 deadline even if there had been no delay attributable to the FCC. However, the delay in installation of the antennas has set back the timeline for rolling out PTC. Last May, AAR projected that by December 31, 2015, the industry would have rolled out PTC on 40 percent of the approximate 60,000 miles of route mileage required to be equipped with PTC. AAR has now reduced that December 31, 2015, projection to 20 percent of the PTC route mileage, and lacking a date certain by which approval to install PTC antennas will be granted, the industry cannot offer any additional projections.