



NEWS

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445 12th Street, S.W.
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This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action.
See *MCI v. FCC*, 515 F.2d 385 (D.C. Cir. 1974).

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NEWS MEDIA CONTACT:
Cecilia Sulhoff, 202-418-0587
E-mail: Cecilia.Sulhoff@fcc.gov

FCC ANNOUNCES TWO ACTIONS TO FACILITATE POSITIVE TRAIN CONTROL IMPLEMENTATION

FCC enters into agreement with freight rail industry to resolve previously-constructed facilities ACHP approves Program Comment for facilities to be constructed

Washington, DC – The Federal Communications Commission has entered into landmark agreements with the seven Class I freight rail companies to address the railroads’ construction prior to May 31, 2013, of positive train control (PTC) facilities that may not have undergone the statutorily required environmental and historic preservation review. As a result of this agreement, the freight railroads are immediately able to start using nearly 11,000 previously-constructed poles for important testing and other preparatory activities and for the ultimate provision of PTC.

The freight railroads have agreed to create a Cultural Resource Fund totaling ten million dollars (\$10,000,000.00) to provide funding directly to Tribal Nations and State Historic Preservation Offices to support cultural and historic preservation projects. A neutral third party administrator will administer the fund. Each freight railroad has also committed to training its employees on environmental and historic preservation compliance and to building working relationships with Tribal Nations.

Additionally, on May 16, 2014, the Advisory Council on Historic Preservation (ACHP) voted to approve a Program Comment that modifies the FCC’s usual procedures for historic preservation review. The process outlined in the Program Comment is tailored to the unique circumstances surrounding the deployment of PTC facilities, and provides a mechanism for timely review by all parties.

“I am pleased that we have reached an agreement with the freight rail industry that will resolve the siting issues for one third of the PTC poles while providing substantial resources to Tribal Nations and States to support and advance historic preservation. This agreement is an acknowledgement by the freight rail industry of the importance of environmental protection and historic preservation. PTC is a transformative technology that has the power to save lives, prevent injuries, and avoid extensive property damage. It is a top priority of the Commission to facilitate an efficient and timely review process that complies with the National Environmental Protection Act (NEPA) and the National Historic Preservation Act (NHPA) while expediting this important safety measure,” said Chairman Tom Wheeler.

Copies of the Memoranda of Understanding between the freight railroads and the FCC are available here: <http://www.fcc.gov/encyclopedia/positive-train-control-ptc>.

For more information about the Program Comment please see the Public Notice issued today by the Wireless Telecommunications Bureau, http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-14-680A1.pdf