

Comment on Updating Class I Rail Carrier Reporting Requirements
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*Trouble with you is the trouble with me
Got two good eyes but we still don't see
Come round the bend, you know it's the end
The fireman screams and the engine just gleams.*

“Casey Jones”- Robert Hunter, Jerome Garcia

Positive Train Control (PTC) is an important federally mandated safety system designed to prevent train-to-train collisions, overspeed derailments, incursions into work zones, and movements through misaligned switches. The original PTC reporting supplement reflected the substantial capital and operating investments required during PTC design and installation and served transparency and oversight goals while PTC was being deployed.

The Surface Transportation Board’s proposed rule to repeal the PTC supplement in 49 CFR 1241.11(b) and to add weekly OETA and ISP reporting under new part 1251 is premised on the Federal Railroad Administration’s certification that required PTC implementation is complete and on the Board’s assessment that continuing detailed carve-outs for PTC now impose disproportionate allocation burdens.

But the changes as proposed would reduce visibility into PTC-specific expenditures and, without targeted clarifications, could hinder comparability across carriers and the Board’s ability to identify material future PTC investments or service-related problems.

This comment supports the deregulatory objective while recommending a few targeted, low-burden clarifications to preserve transparency, comparability, and auditability. I endorse repeal of the PTC Supplement and adoption of weekly OETA and ISP reporting in principle, provided the Board adopts the clarifications below or explains in the final rule why they are unnecessary.

Clarify applicability language

I recommend revising the opening of §1251.2 to read: “All Class I rail carriers shall report to the Board on a weekly basis, in a manner and form determined by the Board, the data described in this section.” The NPRM’s §1251.1 already defines “Rail carrier(s)” as Class I.

The current wording could be read by a quick reader to require every rail carrier to report, since the definitional provision is separate; explicitly saying “All Class I rail carriers” makes the scope clear without forcing readers to consult the definitions.

Specify the 15 percent one-time mapping calculation method

The NPRM requires a one-time summary identifying R-1 line items that contain PTC-related expenditures representing at least 15 percent of the line-item amounts but does not specify whether the 15 percent test should be measured on a gross or net basis. I suggest the Board require carriers to calculate the 15 percent test on a net-of-government-contributions basis consistent with R-1 accounting practice, and to include a one-page methodology statement plus one worked numeric example showing the calculation.

Preserve Board access to targeted PTC information and audit authority

The repeal of the PTC Supplement should not foreclose the Board's ability to obtain targeted information when reasonably necessary. I recommend the Board clarify that removing routine PTC carve-outs does not limit the Board's statutory authority under 49 U.S.C. 11145 to request PTC-specific financial or operational data, to require production of records, or to conduct audits when the Board reasonably determines such actions are needed to investigate material developments or to support enforcement or oversight proceedings. This preserves the deregulatory objective of reducing recurring reporting burdens while ensuring the Board retains practical tools to investigate, audit, or follow up on emergent PTC issues as required.

Allow narrowly defined, documented carrier OETA revisions

The NPRM states the OETA metric is based on the original estimated time of arrival communicated to the shipper and that once communicated that time shall not be changed except by shipper action. To reflect operational realities, I suggest the Board permit carrier-initiated OETA revisions only for documented operational reasons (for example, safety holds, mechanical failures, severe weather, or receiving-carrier plan changes), require a standardized reason code and timestamp for each revision, and direct the Board to publish the primary metric calculated on the original OETA while also publishing an ancillary adjusted-OETA series that identifies documented revisions.

Conclusion

The proposed repeal of the PTC Supplement and the addition of weekly OETA and ISP reporting can advance the Board's deregulatory and service-monitoring goals if it includes the modest, narrow clarifications discussed above. I ask the Board to consider incorporating these targeted amendments, or else to provide a clear explanation in the final rule for why they were not adopted.

Thank you for considering these comments.

/s/

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