



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

December 17, 2020

Mr. James Sincaglia
Acting Senior Vice President & General Manager, Rail Operations
New Jersey Transit
One Penn Plaza East
Newark, NJ 07105-2246

jsincaglia@njtransit.com

**Re: New Jersey Transit's Request for Amendment to Its Positive Train Control
Implementation Plan — Approval (Docket No. FRA-2010-0033)**

Dear Mr. Sincaglia:

The Federal Railroad Administration (FRA) has completed its review of New Jersey Transit's (NJT) request for amendment (RFA), dated December 3, 2020, to its current Positive Train Control Implementation Plan (PTCIP), Version 10.0, dated June 30, 2020. NJT submitted this RFA under Title 49 Code of Federal Regulations (CFR) Section 236.1021, *Discontinuances, material modifications, and amendments*.

With its RFA, NJT submitted its revised PTCIP, Version 10.1, dated December 3, 2020. NJT's proposed amendments include updating sections of its PTCIP that describe the specific wayside locations where its Interoperable Electronic Train Management System must be (and has been) installed, based on current operations by certain freight tenant railroads. NJT also updated the quantity of locomotives equipped with a positive train control (PTC) apparatus to 436 from the previously reported 418; this increase in PTC-equipped locomotives will help NJT optimize consist formulations and provide operational flexibility. In addition, to reflect NJT's current employee roster, NJT updated the number of personnel trained to 2,647 from 2,613, and the number of personnel required to be trained to 2,647 from 2,723.

Version 10.1 of NJT's PTCIP also updated the implementation schedule for certain Class II and Class III tenant railroads.¹ NJT's updated implementation schedule now requires these tenant railroads' operations to be controlled by fully operative PTC-equipped locomotives by December

¹ Specifically, Dover and Delaware Railroad; Middletown & New Jersey Railroad; Morristown & Erie Railway; The New York, Susquehanna and Western Railway Corporation; and Southern Railroad of New Jersey.

31, 2023 (instead of December 31, 2020), pursuant to the temporary exception under 49 CFR § 236.1006(b)(4)(iii)(B). *See also* 49 U.S.C. § 20157(k). In addition, NJT confirmed it is requiring such tenant railroads to operate with an onboard cab signal system on NJT's PTC-mandated main lines until their onboard PTC systems are fully implemented. As a reminder, each Class II or III railroad operating on NJT's PTC-mandated main lines pursuant to an exception under 49 CFR § 236.1006(b)(4) must continue to meet the criteria under § 236.1006(b)(4)(i)–(iii). For example, each applicable Class II or III railroad may operate only four or fewer unequipped trains per day (as calculated under § 236.1006(b)(4)(ii)) on NJT's PTC-mandated main lines. In addition, such tenant railroads must submit progress-related reports to FRA by December 31, 2020, and December 31, 2022, consistent with the requirement under § 236.1006(b)(4)(iii)(B). Finally, 49 CFR § 236.1006(c) specifies that any unequipped movements made pursuant to an exception under § 236.1006(b)(4) must be made in accordance with the operational restrictions under 49 CFR § 236.1029, after December 31, 2021. *See also* 49 U.S.C. § 20157(j), *Early Adoption*.

After careful consideration, FRA hereby approves NJT's RFA and revised PTCIP, Version 10.1, both dated December 3, 2020. *See, e.g.*, 49 CFR § 236.1021; 49 U.S.C. § 20157(a)(2)(C). As a reminder, the Positive Train Control Enforcement and Implementation Act of 2015 requires NJT to fully implement an FRA-certified and interoperable PTC system on its PTC-mandated main lines by December 31, 2020, and in accordance with its PTCIP, including any FRA-approved amendments. *See* 49 U.S.C. § 20157(a)(2)(D), (e). In addition, NJT shall not allow any tenant railroad without a functional onboard PTC system to operate on its PTC-mandated main lines unless one of the exceptions under 49 CFR § 236.1006(b) applies to that tenant railroad's operations.

FRA reserves the right to modify or rescind this approval upon receipt of information about the safety or rail operations or noncompliance with any applicable regulatory or statutory requirement. Also, please note that NJT must submit to FRA for review and approval an RFA to its FRA-approved PTCIP if, for example, NJT intends to:

- Initiate a new category of service (*e.g.* passenger or freight);
- Add, subtract, or otherwise materially modify one or more lines of railroad for which implementation of a PTC system is required; or
- Decrease the PTC system's limits (*e.g.*, by excluding or removing a PTC system from a track segment).

See 49 CFR §§ 236.1009(a)(2)(ii), 236.1021(h). Before any such changes occur, FRA's Associate Administrator for Railroad Safety must approve the RFA. *See* 49 CFR § 236.1021(a); 49 U.S.C. § 20157(a)(2)(C).

If you have questions regarding this letter, please contact Mr. Gabe Neal, Deputy Staff Director, Signal, Train Control, and Crossings Division, at 816-516-7168 or gabe.neal@dot.gov.

Sincerely,

Karl Alexy
Associate Administrator for Railroad Safety
Chief Safety Officer

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