

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

<b>In the Matter of</b>	)	
	)	
<b>Request of PTC-220, LLC for Waivers of</b>	)	<b>WT Docket No. 08-256</b>
<b>Certain 220 MHz Rules</b>	)	
	)	
<b>Construction Progress Report</b>	)	

**To: Chief, Wireless Telecommunications Bureau**

**PTC-220, LLC  
CONSTRUCTION PROGRESS REPORT**

**I. INTRODUCTION**

PTC-220, LLC (“PTC-220”) submits this Construction Progress Report to satisfy the requirements of paragraph 16 of the Memorandum Opinion and Order (“*2009 Waiver Order*”) adopted by the Federal Communications Commission (“FCC”) on June 25, 2009.<sup>1</sup> This Report details the progress made during the past six months in implementing the Systemwide Build-out Plan (the “Build-out Plan”) submitted by PTC-220 on November 1, 2010 in the above-referenced docket. The Build-out Plan explained how PTC-220’s 220 MHz licenses (“Licenses”) would be used in deploying a nationwide positive train control (“PTC”) system, as required by Federal

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<sup>1</sup> *Request of PTC-220, LLC for Waivers of Certain 220 MHz Rules*, Memorandum Opinion and Order, 24 FCC Rcd 8537 (2009).

statute.<sup>2</sup> The construction of the Licenses will be undertaken in large part by each of PTC-220's member railroads,<sup>3</sup> although PTC-220 will also coordinate construction activities by non-member railroads.

## **II. SITE BUILD-OUT ACTIVITY**

Since the November 1, 2018 Report,<sup>4</sup> PTC-220's member railroads have completed 100% of the build-out of base stations needed to provide PTC service along all track required to have PTC. The table below indicates the completed base station build-out numbers by state for each PTC-220 member railroad. More than 97% of the installed radios are in service and supporting PTC communications. Moreover, member railroads have also completed the installation of mobile radios throughout their locomotive fleets.

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<sup>2</sup> In October 2015, Congress extended the PTC implementation deadline from December 31, 2015 to December 31, 2018. *See* Positive Train Control Enforcement and Implementation Act of 2015, Pub. L. No. 114-73 § 1302, 129 Stat. 568 (2015) (“*PTCEI Act*”); 49 U.S.C. § 20157(a)(1). The PTCEI Act also provided an additional two-year extension, until December 31, 2020, for testing and full implementation of PTC so long as certain milestones were achieved by the end of 2018. *Id.* at § 20157(a)(3)(B).

<sup>3</sup> PTC-220's members are BNSF Railway (“BNSF”), Canadian National Railway (“CN”), Canadian Pacific Railway (“CP”), CSX Transportation (“CSX”), Kansas City Southern Railway (“KCS”), Norfolk Southern Railway (“NS”), and Union Pacific Railroad (“UP”).

<sup>4</sup> *Request of PTC-220, LLC for Waivers of Certain 220 MHz Rules*, PTC-220, LLC Construction Progress Report, WT Docket No. 08-256 (November 1, 2018).

### Completed Base Station Installed Radios

State	BNSF	CN	CP	CSX	KCS	NS	UP	State Totals
AL	4	2		51		45		102
AR	7				9		29	45
AZ	21						13	34
CA	49						107	156
CO	21						59	80
FL				44		2		46
GA				66		45		111
IA	26	13	23				25	87
ID	6						24	30
IL	42	41	6	22	5	26	53	195
IN		3		49		32		84
KS	40				3		36	79
KY		3		61		15		79
LA	6	7		1	29	2	22	67
MA				19				19
MD				41		3		44
MI		18		19		4		41
MN	36	7	29				3	75
MO	41		7		14	7	29	98
MS	3	26		3	12	11		55
MT	67							67
NC				38		29		67
ND	54		16					70
NE	32						38	70
NJ				6		4		10
NM	16						15	31
NV							58	58
NY			14	65		14		93
OH		1		76		41		118
OK	26				6		10	42
OR	13						81	94
PA				54		75		129
SC				58		22		80
SD	10							10
TN	2	5		61		31	1	100
TX	59				25		136	220
UT							39	39
WA	53						18	71
WI	3	26	15				15	59
WV				110		11		121
WY	6						28	34
VA				65		52		117
<b>Total</b>	<b>643</b>	<b>152</b>	<b>110</b>	<b>909</b>	<b>103</b>	<b>471</b>	<b>839</b>	<b>3227</b>

### **III. SPECTRUM**

#### **A. Spectrum Capacity**

As previously reported, PTC-220 has identified dozens of markets across the country where additional spectrum will be needed in the future to provide for PTC deployment growth and to support increased PTC reliability. Because the PTC networks of the freight railroads can only utilize spectrum in the 219.5 – 222 MHz range, PTC-220 is limited in what spectrum it can acquire to meet this additional capacity demand. In September 2018, applications were filed for the assignment of 220 MHz spectrum in eight markets from NRTC. This transaction was consummated on December 6, 2018. In March 2019, PTC-220 filed applications to acquire spectrum at 219.5-220 MHz covering four AMTS license regions. This transaction closed on April 26, 2019. PTC-220 plans shortly to submit the required Channel 13 interference studies and requests for the AMTS rule waivers that will be necessary to make this spectrum usable for PTC. In addition, PTC-220 will continue to pursue additional spectrum in other geographic markets to provide for robust PTC operations in the future.

#### **B. Non-Member Spectrum Leases**

PTC-220 currently has active spectrum manager leases with several non-member railroads including Amtrak, CalTrain, Conrail, MetroLink, North Country Transit District, Northern Indiana Commuter Transportation District, Metra, Sound Transit, and the Terminal Railroad Association of St. Louis. Dallas Area Rapid Transit, Kansas City Terminal Railway, the South Florida Regional Transportation Authority and the State of Florida, DOT, have entered into sublease arrangements with PTC-220 members BNSF and CSX, respectively. PTC-220 also has a testing lease with Belt Railway Company of Chicago. Other non-member railroads are currently considering leasing arrangements with PTC-220, and PTC-220 anticipates possible

future negotiations with other non-member railroads. Some short-line railroads may also need long-term spectrum leases, depending on the PTC requirements of their owned track.

### **C. Extension Requests**

In passing the PTCEI Act in 2015, Congress recognized the significant remaining challenges in achieving full PTC implementation even by December 2018, and allowed for the approval of “alternative schedules” that would permit railroads to seek an extension to complete full PTC implementation by December 31, 2020. In order to qualify for such an extension, Class I freight railroads were required to establish that they had, by the end of 2018:

- (1) installed all PTC system hardware, including all radios;
- (2) acquired all necessary spectrum;
- (3) completed required employee training;
- (4) filed a revised implementation plan setting out an alternative schedule;
- (5) certified to the FRA that they will be in full compliance with PTC statutory requirements by the date in the alternative schedule; and
- (6) implemented an operational PTC system on more than 50 percent of their track that is required to have PTC.

All seven PTC-220 member railroads satisfied these statutory criteria and their alternative schedules were subsequently approved by the FRA, allowing them until December 31, 2020 to achieve full PTC compliance. In anticipation of the formal approval of the FRA of this statutory extension, PTC-220 filed a request with the Commission for further extension of the December 31, 2018 substantial service deadline that applied to most of its licenses.<sup>5</sup> Likewise, PTC-220 also subsequently filed requests for further extension of the substantial service showing required at renewal for a number of licenses with an expiration date of March 22, 2019.<sup>6</sup> These applications remain pending.

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<sup>5</sup> See, e.g., ULS File No. 0008478123 (filed Dec. 21, 2018).

<sup>6</sup> See, e.g., ULS File No. 0008570467 (filed Mar. 19, 2019).

#### IV. CONCLUSION

PTC-220's member railroads have completed the deployment of the necessary RF infrastructure to support PTC, and each member has initiated PTC service on at least 50% of its track that is required to have PTC. All PTC-220 members have obtained FRA approval of alternative deployment schedules, giving them until December 31, 2020 to achieve full PTC implementation on 100% of required track.

Respectfully submitted,

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May 1, 2019