

To:

Freedom of Information Act Coordinator
Office of Chief Counsel
Federal Railroad Administration (“FRA”)
1200 New Jersey Avenue, Stop 10
Washington, D.C. 20590
Voice (202) 493-6039
Fax (202) 493-6068

Requestor: Skybridge Spectrum Foundation (“Skybridge”)

Address: 2nd Office at: 2649 Benvenue Ave., Berkeley, CA 94704

Phone: 510-841-2220 or 510-848-7797

Fax: 510-740-3412

Email: jstobaugh@telesaurus.com and
warren.havens@sbcglobal.net

Date: May 17, 2010

Description of Records Requested

Full and complete copies of all documents and information that the Federal Railroad Administration has in its possession or control, in written and electronic form, including all attached or appended materials (delivered to Requestor in their original forms) (“DOCUMENTS”) that pertain to the following:

The timeframe of all DOCUMENTS requested is from the start of year 2000 to the present time.

A. Regarding the Southern California Regional Rail Authority (“SCAX”):

(1) All DOCUMENTS that contain or relate to the following (including all those indicated in the underlined text in the Exhibit below):

Southern California Regional Rail Authority (SCAX)	FRA-2010-0048
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The item in the frames above is from the Excel table found at the following FRA website link: <http://www.fra.dot.gov/pages/484.shtml> : go to the “Railroad list” at the bottom of this page and click on it: this will download said Excel table. See also the Exhibit below this pertains to the above requested Documents.

(2) All DOCUMENTS that contain or relate to **SCAX** views, plans, or implementations of any aspects of:

(a) “Positive Train Control” or “PTC,” -- and/or

(b) The Federal "Rail Safety Improvement Act of 2008" (PUBLIC LAW 110-432 [H.R. 2095] OCT. 16, 2008) -- and/ or

(c) Radio Communications for PTC and radio spectrum for PTC, or for its other (non-PTC) purposes and plans.

B. Regarding Burlington Northern Santa Fe (“BNSF”) and Amtrak:

(1) All DOCUMENTS that contain or relate to the following (including all those indicated in the underlined text in the Exhibit below):

BNSF	FRA-2010-0056
Amtrak (ATK)	FRA-2010-0029

The item in the frames above is from the Excel table found at the following FRA website link: <http://www.fra.dot.gov/pages/484.shtml> : go to the “Railroad list” at the bottom of this page and click on it: this will download said Excel table. See also the Exhibit below this pertains to the above requested Documents.

(2) Same request as under A(2) (regarding SCAX) above, but for BNSF and Amtrak.

Maximum Search Fee

\$500 (five hundred fifty dollars). If getting the requested documents is going to exceed this maximum search fee, then Skybridge asks that it be informed of the amount by which it will be exceeded since Skybridge may want the FCC to proceed anyway for whatever additional cost there may be, or Skybridge may modify its request as to obtain copies of documents up to the maximum amount specified here. This Search Fee statement is subject to the waiver request below.

Waiver or Reduction of Fees

Skybridge is a nonprofit, tax-exempt scientific, educational and charitable foundation which, as one of its primary functions, researches and publishes information on FCC matters (and other matters) in the public interest.* Skybridge intends to publish information resulting from the fulfillment of this FOIA request. Thus, by FOIA statute, the fees charged should be waived or reduced.

* See e.g. www.tetra-us.us website, and http://www.scribd.com/warren_havens.

The fact above listed web sites and pages are operated by and for Skybridge and state in the information and documents published on these cites the nonprofit public interest reasons for these online publications, including to promote in the United States “intelligent” or “smart” transportation systems, and that includes railroad systems for freight and passengers.

The documents at the sites have had tens of thousands of “reads” and the sites have had a greater number of visitors. This is shown on the counters of the online-publisher Scribd (which are their independent source, not under control of Skybridge). The information sought in this request will be published on one of the Skybridge sites to inform the public of the workings of government on a major issue of public interest, which include more intelligent and safe railroads, including by use of PTC oand alternatives to PTC as currently conceived in the US.

Thus, fees should be waived or reduced.

Thanks for your assistance.

/s/

Warren Havens
for
Warren Havens and
Jimmy Stobaugh

Exhibit (underlining added)

From: <http://www.fra.dot.gov/pages/484.shtml>

All railroads meeting the criteria within the Rail Safety Improvement Act of 2008 and subpart I to 49 CFR part 236 for mandatory implementation of Positive Train Control (PTC) systems—including those railroads which may seek full or partial exemption under subpart I—are required to submit certain PTC-associated documents for Federal Railroad Administration (FRA) approval. This requirement includes submission of a PTC Implementation Plan, accompanied by either a PTC Development Plan or a Notice of Product Intent, by April 16, 2010. See 49 CFR § 236.1009.

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FRA will periodically update this page. For further related information please contact: Thomas McFarlin, Staff Director, Signal and Train Control Division via phone at 202-493-6203 or via email at thomas.mcfarlin@dot.gov; George Hartman, Specialist, Signal and Train Control Division via phone at 202-493-6225 or via email at george.hartman@dot.gov; or Dr. Mark Hartong, Senior Electronics Engineer via phone at 202-493-1332 or via email at mark.hartong@dot.gov.