

Request for Expedited Treatment

As discussed in the “Narrative Statement” accompanying this application, BNSF Railway Company (“BNSF”) is actively involved in the development and testing of hardware and software associated with Positive Train Control (“PTC”) systems. PTC is a communications-based traffic control system mandated by the U.S. Congress for all of the largest U.S. railroads, including BNSF, pursuant to the Rail Safety Improvement Act of 2008, 49 U.S.C. § 20157, and implementing regulations of the Federal Railroad Administration (FRA), 49 C.F.R. § 236.1001 *et seq.* PTC is designed to prevent train-to-train collisions, over-speed derailments, incursions into established work zones, and unintended movements of trains through switches. Such events jeopardize the safety of not only railroad personnel, but also passengers and the public. PTC will be required on lines over which intercity or commuter rail passenger transportation is regularly provided and on lines over which hazardous materials (including such everyday materials such as chlorine, which is used for drinking water) may be transported.

Congress has mandated that PTC be implemented by December 31, 2015. The FRA is overseeing and monitoring the progress of each railroad in implementing PTC. PTC technology is a highly complex and untried system that requires (i) the development of new communications equipment and software, (ii) acceptability and functionality testing through pilot programs, (iii) interoperability testing among all of the railroads’ PTC systems, and (iv) FRA certification. Thus, the deadline for its required completion is demanding and one that cannot be met if implementation is unduly delayed.

Like the other railroads, BNSF is subject to a tight implementation schedule due to the demanding scope of the project, unforeseen weather considerations, and the need to reserve free track-time without interfering with the activity of an operating railroad. Accordingly, BNSF seeks to commence the necessary extensive preparatory work associated with this proposal as soon as possible, and no later than April 15, 2014. It therefore respectfully requests expedited action on this application. Expedited processing of this application will serve the public interest, convenience, and necessity by ensuring that BNSF can start realizing the public safety benefits of PTC as soon as possible and by enabling BNSF to meet its Congressionally-mandated deadline of December 31, 2015.