

QUESTION 4: NEED FOR SPECIAL TEMPORARY AUTHORITY

Applicant is an equipment manufacturer developing communications devices to be used for Positive Train Control ("PTC") applications. The applicant proposes to conduct analysis and tests of PTC equipment in the Seattle, Washington area to determine suitability for the intended purpose.

PTC technology uses the latest in wireless communications to transmit train movement information between locomotives and a network operations center, evaluating movement related information from the locomotive and comparing it against information such as authority limits, work zones, and speed restrictions. PTC acts as a safety net to prevent track authority and speed limit violations and to reduce the potential for train accidents. The positive train control system also checks track side communications points for data regarding broken rails, proper switch alignment and signals, using this information to calculate locomotive speed and braking requirements. Positive train control has the capability to warn a locomotive engineer to reduce speed and, if the warning is not followed, the system can automatically brake the locomotive, potentially avoiding an accident.

Positive train control represents the future of railway safety and efficiency.

The Rail Safety Improvement Act of 2008 (PL 110-432) requires all Class I freight rail carriers and any entity providing regularly scheduled intercity or commuter rail passenger transportation to implement PTC systems by December 31, 2015. The industry is committed to an even shorter 2012 deadline for PTC deployment across the State of California.

The process of developing PTC equipment and deploying a nationwide system by the end of 2015 places the rail industry under a tight timeframe. Applicant has expedited equipment research and design and has fast-tracked the prototype testing for which authority is requested in this application to begin in early July 2009. This request is being submitted to the Commission at the earliest opportunity following initial equipment development.

Applicant is working with the licensee for the spectrum on which testing is to be conducted, PTC 220 LLC. A consent letter from PTC 220 LLC is included with this Application.

Due to the deadlines imposed by Federal regulations and the need to begin testing in early July 2009, Applicant requests expedited processing of this Application pursuant to Section 5.61 of the Commission's rules.