

Congress of the United States
Washington, DC 20515

June 12, 2014

The Honorable Tom Wheeler
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Received & Inspected

JUN 17 2014

FCC Mail Room

Dear Chairman Wheeler:

We are writing to bring your attention to a recent letter we received from the Southern California Regional Rail Authority (Metrolink) and to ask for your personal attention to address the issues it raised, relating to its efforts to obtain the radio spectrum needed to continue to operate and implement positive train control (PTC) throughout Southern California.

14-598

As you know, the Rail Safety Improvement Act of 2008 mandated the installation of PTC for commuter and freight rail systems. This is an essential, life-saving technology necessary to enhance the safety of our nation's railroads. Metrolink is on track to be the first commuter railroad in the nation to implement PTC on its entire 512 mile system.

In March, 2010, Metrolink sought FCC approval of the acquisition and related necessary modifications and waivers for spectrum required to deploy its PTC system. Since that time, Metrolink has filed at least six applications and supplemental "Showings" with the FCC in an effort to navigate what has often been a very complicated and frustrating process. Despite repeated inquiries and applications, the situation remains unresolved.

In light of the difficulties with purchasing its own spectrum, Metrolink took the precautionary step of entering into a short-term lease of spectrum from PTC-220 LLC (an organization of freight railroad operators) for preliminary PTC purposes. The lease was always considered a stopgap measure to allow for continued development of PTC, but was never considered a long-term solution. Now, as Metrolink nears full implementation of its PTC system, in accordance with the federal mandate, the insufficiencies of the lease with PTC-220 are becoming increasingly clear. We are not alone in noting the importance of action related to the spectrum. The language in Section 9402 of the Administration's proposed GROW America Act requires cooperation between the Department of Transportation and the FCC to develop a plan to "assess spectrum needs and availability for implementing positive train control systems." While we are encouraged by the inclusion of this language, we are troubled that it is necessary and we look forward to resolution of this ongoing process.

Please note that we are not addressing the merits of the issues raised relative to Metrolink's applications. We fully expect the Commission to dispose of those issues consistent with its statutory authority and applicable administrative and judicial precedent. But we encourage and expect the Commission to take prompt steps to act on the Metrolink applications and related

waiver requests. In response to this letter, we would appreciate an estimate of when a decision resolving the Metrolink applications may be expected.

Thank you for your attention to this critical matter. Please do not hesitate to call on us if you have any questions or if you require additional information. Please note that a copy of this letter is being submitted to the FCC's public docket No. 13-85.

Sincerely,



COL. PAUL COOK (RET.)
Member of Congress



GARY MILLER
Member of Congress



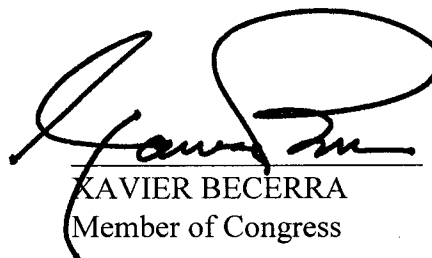
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