

DEPARTMENT OF TRANSPORTATION  
FEDERAL RAILROAD ADMINISTRATION

---

DOCKET NO. FRA-2019-0074  
RAILROAD WORKPLACE SAFETY

---

COMMENTS OF  
THE ASSOCIATION OF AMERICAN RAILROADS  
AND THE  
AMERICAN SHORT LINE AND REGIONAL RAILROAD ASSOCIATION

---

The Association of American Railroads (“AAR”) and the American Short Line and Regional Railroad Association (“ASLRRRA”), on behalf of themselves and their member railroads, submit the following comments in response to the Federal Railroad Administration’s December 11, 2020, notice of proposed rulemaking to amend 49 C.F.R. Part 214.<sup>1</sup> AAR and ASLRRRA support the NPRM proposals.

FRA proposes two amendments to part 214. The first proposal is to update § 214.322 as related to roadway worker use of electronic devices to display electronic track occupancy authorities. FRA proposes a new paragraph (i) of this section to specify electronic display systems using a multi-factor authentication for digital authentication will comply with existing §

---

<sup>1</sup> AAR is a trade association whose membership includes freight railroads that operate approximately 83% of the line-haul mileage, employ 95% of the workers, and account for 97% of the freight revenues of all railroads in the United States; and passenger railroads that operate intercity passenger trains and provide commuter rail service. ASLRRRA is a non-profit trade association representing the interests of approximately 500 short line and regional railroad members and railroad supply company members in legislative and regulatory matters. Short lines operate 50,000 miles of track in 49 states, touching in origination or termination one out of every four cars moving on the national railroad system, serving customers who otherwise would be cut off from the national railroad network. 85 Fed. Reg. 79,973 (Dec. 11, 2020).

214.322(h) (outdated incorporation by reference to National Institute of Standards and Technology standards addressing authentication). The Railroads concur with FRA’s proposal. Standards incorporated by reference pose challenges both for railroads and regulators alike as they often quickly become outdated. FRA’s approach does not substantively change the electronic authentication technology that can be used by railroads and avoids the need for unnecessary waivers from obsolete standards.

FRA also proposes to codify in part 214 a longstanding waiver governing the use of unmanned drone roadway maintenance machines (Docket No. FRA–2008–0070).<sup>2</sup> FRA proposes to update § 214.505 to allow for the use of drone RMMs that are not equipped with operating controls, as long as certain specified safety requirements are met. The railroads also concur with this proposal.

The railroads support FRA’s incorporation of the NPRM proposals in a final rule and appreciate the agency’s consideration of these comments.

Respectfully submitted,



Kathryn D. Kirmayer  
General Counsel  
Association of American Railroads  
425 3<sup>rd</sup> Street, SW, Suite 1000  
Washington, DC 20024  
(202) 639-2100

February 9, 2021



Sarah Grimmer Yurasko  
General Counsel  
American Short Line and Regional Railroad  
Association  
50 F. Street, NW, Suite 500  
Washington, DC 20001-1597  
(202) 585-3448

---

<sup>2</sup> Harsco Rail, recipient of the waiver, is a supplier member of ASLRRA.