

BEFORE THE
FEDERAL RAILROAD ADMINISTRATION

DOCKET NO. FRA-2022-0019:
CERTIFICATION OF DISPATCHERS

SUPPLEMENTAL PETITION FOR EXTENSION OF PUBLIC COMMENT PERIOD
FROM
THE AMERICAN SHORT LINE AND REGIONAL RAILROAD ASSOCIATION

The American Short Line and Regional Railroad Association (ASLRRA), on behalf of itself and its member railroads, petitions the Federal Railroad Administration (FRA) for a 60-day extension of the time to submit comments in response to the Notice of Proposed Rulemaking (NPRM) in Docket No. FRA-2022-0019: *Certification of Dispatchers*.¹

ASLRRA is a small non-profit trade association representing approximately 500 short line and regional railroad (short line) members and 500 railroad supply, contractor, and service company members in legislative and regulatory matters. Short lines operate about 50,000 miles of track, or approximately 30% of the national freight network, employing approximately 18,000 people, and connect manufacturers, businesses and farmers in rural communities and small towns to larger markets, urban centers, and ports. The majority of short line railroads are considered small businesses.²

FRA proposes to require railroads to develop programs for certifying individuals who perform dispatching tasks on their networks. Under this proposed rule, railroads would be

¹ 88 Fed. Reg. 35,574 (May 31, 2023).

² See 13 C.F.R. § 121.201 and North American Industry Classification System code 482112, “Short Line Railroad.”

required to have formal processes for training prospective dispatchers, as well as verifying that each dispatcher has the requisite knowledge, skills, safety record, and abilities to safely perform all of the safety-related dispatcher duties mandated by Federal laws and regulations, prior to certification. In addition, railroads would be required to have formal processes for revoking certification (either temporarily or permanently) for dispatchers who violate specified minimum requirements.³ This NPRM proposes a significant change to existing railroad operations, as there are currently no FRA regulations mandating that railroads develop and execute a certification program for dispatchers.

On June 16, 2023, ASLRRA petitioned the FRA for a 60-day extension to the public comment period. The petition stated that the additional time is warranted so that ASLRRA can thoroughly obtain and review feedback from its member railroads in order to respond to the NPRM's assumptions and provide FRA with data to perform a meaningful regulatory flexibility analysis as required by the Small Business Regulatory Fairness Act. Further, the NPRM was issued the same day as a parallel NPRM proposing a certification process for signal employees.⁴ On July 5, 2023, FRA granted a 30-day extension.⁵

On June 27, 2023, the Association of American Railroads shared with FRA that the docket was missing the supplemental data to support the agency's Regulatory Impact Analysis. ASLRRA also alerted FRA to the missing data on July 3, 2023. ASLRRA shared that, without the underlying data, the association is unable to do a thorough analysis of the proposed changes and their dramatic impact on its member railroads. This underlying data, typically included by agencies to the docket the same day of the publication of the NPRM, or at least very close to it,

³ 88 Fed. Reg at 35,574.

⁴ 88 Fed. Reg. 35,632 (May 31, 2023).

⁵ 88 Fed. Reg. at 42,907 (July 5, 2023).

was not uploaded to the docket until July 24, 2023 – almost two full months after the publication of the NPRM.

Given the lack of complete background information to the docket for almost two months from the original date of the NPRM’s publication, ASLRRA urges FRA to provide an additional 30 days for public comment, which would constitute the full 60 days originally requested.

Respectfully submitted,

A handwritten signature in cursive script that reads "Sarah Yurasko".

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

August 5, 2023