



October 30, 2023

**American  
Public Transportation  
Association**

---

**EXECUTIVE COMMITTEE**

CHAIR  
Michele Wong Krause

VICE CHAIR  
MJ Maynard

SECRETARY-TREASURER  
Jeffrey Wharton

IMMEDIATE PAST CHAIR  
Dorval R. Carter, Jr.

Jose Bustamante  
Francis "Buddy" Coleman  
Jim Derwinski  
Dawn Distler  
Denise Figueroa  
Jannet Walker-Ford  
Carolyn Gonot  
Richard J. Leary  
Henry Li  
MJ Maynard  
Raymond J. Melleady  
Allan Pollock  
Naomi Renek  
Leslie S. Richards  
Erin Rogers  
Rita A. Scott  
Troi Taylor  
Doug Tisdale  
Matthew O. Tucker  
Thomas Waldron  
Evalynn "Eve" Williams

---

**PRESIDENT AND CEO**  
Paul P. Skoutelas

U.S. Department of Transportation  
Docket Operations  
M-30, Ground Floor, Room W12-140  
1200 New Jersey Avenue S.E.  
Washington, DC 20590

Subject: Docket No. PHMSA-2016-0015 (HM-263); RIN 2137-AF21

Dear Docket Clerk:

The American Public Transportation Association (APTA) represents an \$80 billion industry that directly employs 450,000 people and supports millions of private-sector jobs. APTA's membership includes operating railroads, consultants, car builders and suppliers. We appreciate the chance to respond to your proposed rulemaking on behalf of our commuter rail members. APTA writes to you today to submit comments for the notice of proposed rulemaking (NPRM) for Hazardous Materials: FAST Act Requirements for Real-Time Train Consist Information published in the *Federal Register* June 27, 2023, at 88 FR 41541.

Throughout the United States, regional and commuter railroads, principally in passenger transportation, host freight trains operated by freight railroads on their systems. Generally, crews of these regional and commuter railroads (or their contract operators) do not operate freight trains – except for work trains engaged in maintenance of way activities. It should be noted that while employees of (or contractors to) the regional/commuter railroad dispatch their territory, crews of the freight carriers report to their employing railroad, and freight carriers' electronic manifest systems are generally restricted to access by employees of the freight carrier only.

The proposed subject NPRM contains a requirement to maintain accurate train consist information and it is assigned, in the proposed 49 CFR 174.28(a), to the freight carrier - "Each railroad carrying hazardous materials...". However, in other paragraphs within the NPRM more broad terminology exists such as "each railroad". We respectfully request clarification be provided in the final rule that any reference to "railroad" applies to freight railroads operating trains carrying hazardous materials.

1300 I Street NW  
Suite 1200 East  
Washington, DC 20005  
p: (202) 496-4800  
f: (202) 496-4324

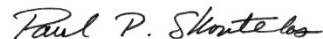
---

**APTA.COM**

Additionally, a dispatching regional/commuter railroad would typically have limited access to a freight railroads computer system. APTA requests that freight railroads be required to provide host regional/commuter railroads identical access to electronic consist information as first responders and emergency officials will receive under 49 CFR 174.28 paragraphs (a), (b), and (d). It should be noted that in the event of an emergency on trackage controlled by a regional/commuter railroad, first responders may initially communicate with the dispatching center of the regional/commuter railroad instead of the freight railroad, and such a requirement would ensure that all relevant entities have current and accurate information.

APTA appreciates the opportunity to comment on this NPRM. If there are any questions regarding this letter, please contact APTA's General Counsel, Linda Ford, at [lford@apta.com](mailto:lford@apta.com).

Sincerely,



Paul P. Skoutelas  
President and CEO

