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August 19, 2021

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VIA ELECTRONIC MAIL

The Honorable Amit Bose
Administrator
Federal Railroad Administration
U.S. Department of Transportation
1200 New Jersey Avenue S.E.
Washington, D.C. 20590

Subject: FRA Docket No. 2020-0002; Renewal of COVID-19 Emergency Relief

Dear Administrator Bose:

The American Public Transportation Association (APTA) on behalf of our member railroads, petitions the Federal Railroad Administration (FRA) to renew the relief granted from certain regulations due to the COVID-19 pandemic originally granted on March 25, 2020, and renewed last on September 18, 2020.

On March 21, 2020, APTA, along with the Association of American Railroads (AAR) and American Short Line and Regional Railroad Association (ASLRRA), petitioned FRA for emergency relief from certain regulations due to the COVID-19 pandemic. FRA granted emergency relief from several regulations in response to the petition. Subsequently, FRA also granted relief from certain training requirements (March 30, 2020), commuter and passenger rail specific requirements (April 6, 2020), and permitted the use of locomotive event recorders to conduct monitoring rides (April 10, 2020). FRA's grant of emergency relief specified strict conditions and tracking processes that the railroads have successfully complied with. The renewed emergency relief waiver granted by FRA is set to expire on September 18, 2021.

The emergency relief allows for operational adaptations needed to maintain public and railroad employee health and safety. The granted relief enables commuter and passenger railroads to operate consistent with recommendations of the Centers for Disease Control and Prevention (CDC) for social distancing and limiting the touching of common surfaces. For example,

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the CDC guidance on social distancing, as well as avoiding crowds and poorly ventilated spaces, are expected to remain in place for the foreseeable future. Additionally, commuter railroads are still operating with a much-reduced workforce. Over 12,000 commuter rail employees have tested positive and/or self-quarantined over the last 17 months since the railroads have started tracking statistics. Additionally, the new delta variant has created uncertainty for the railroads in terms of return to normalcy.

As evidenced by the weekly reports being submitted by APTA to FRA, commuter and passenger railroads have utilized very few of the waivers granted by FRA. This is because safety is a core value for APTA's member commuter and passenger railroads. Waiver relief has been utilized only when no other option was available to the railroad and was utilized under the conditions required by FRA for the relief granted. APTA urges FRA to maintain the emergency waivers granted by FRA on September 18, 2020 (see attached list).

Because of the changing dynamics of the pandemic, our member railroads continuously review safe practices for their employees and some of the relief granted not currently being used may be necessary in the future. APTA requests FRA renew the waiver relief by a period of one (1) year.

Thank you for your consideration of APTA's request on behalf of commuter and passenger railroads. Please contact us if you require any further information. APTA and its member railroads appreciate the continued urgency and understanding shown by FRA staff on the emergency relief waiver efforts.

If you have any questions regarding this letter, please contact APTA's Senior Director of Engineering and Commuter Rail, Mr. Narayana Sundaram, at nsundaram@apta.com or (202) 496-4813.

Sincerely,

A handwritten signature in black ink that reads "Paul P. Skoutelas". The signature is written in a cursive, flowing style.

Paul P. Skoutelas
President and CEO