



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

JUN 01 2015

Jo E. Strang
Vice President – Safety and Regulatory Policy
American Short Line and Regional Railroad Association
50 F St., NW, Suite 7020
Washington, DC 20001-1564

Michael P. Melaniphy
President and CEO
American Public Transportation Association
1666 K St., NW, 11th Fl.
Washington, DC 20006

Matt Ginsberg
Vice President of Regulatory and Legislative Affairs
National Railroad Construction and Maintenance Association, Inc.
500 New Jersey, NW, Suite 400
Washington, DC 20001


Dear Ms. Strang and Messrs. Melaniphy and Ginsberg:

On December 22, 2014, the Federal Railroad Administration (FRA) received a petition for reconsideration of an FRA final rule titled “Training, Qualification, and Oversight for Safety-Related Railroad Employees” (79 Fed. Reg. 66460, Nov. 7, 2014) jointly filed on behalf of your associations. One comment in support of the petition was filed by the Association of Tourist Railroads & Railway Museums, Inc. (ATRRM). In accordance with the agency’s procedures found in 49 C.F.R. §§ 211.29 and 211.31, FRA is denying the petition in its entirety for the reasons set forth in the enclosed response.

As I have explained in the background section of this response, FRA has great respect for the four associations filing and commenting on this petition, and works closely with each association on issues of mutual interest. FRA’s denial decision should not be interpreted to mean that the requests were wholly without merit and the agency appreciates the opportunity to clarify the rule. Furthermore, among areas of common interest, FRA is hoping that each of your associations become model program developers pursuant to the final rule, as the agency believes most small, and some medium, railroads and contractors would prefer to adopt a model program than wholly develop training programs themselves, and the use of model programs will make the process easier for employers to submit and FRA to approve training programs.

If you have any questions about how to develop a model program or otherwise assist your members with regulatory compliance related to this final rule, please contact Rob Castiglione, FRA's Staff Director of Human Performance Programs at (817) 447-2715 or robert.castiglione@dot.gov. Please do not hesitate to be in touch with me at any time if I can be of assistance to you.

Sincerely,

A handwritten signature in black ink, appearing to read "Sarah Feinberg". The signature is written in a cursive style with a large, stylized "S" and "F".

Sarah Feinberg
Acting Administrator

Enclosure: FRA's Response to the Petition for Reconsideration

cc: Robert T. Opal
Regulatory Counsel
Association of Tourist Railroads &
Railway Museums, Inc.
205 Orchard Lane
Glen Ellyn, IL 60137