



November 25, 2014

Docket Management Facility
U.S. Department of Transportation
1200 New Jersey Avenue, S.E.
West Building, Ground Floor
Room W12-140
Washington, DC 20590-0001

RE: Docket No. FRA–2009–0039; RIN 2130–AC10

Dear Docket Clerk:

On behalf of the more than 1,500 member organizations of the American Public Transportation Association (APTA), I write to provide comments on the Federal Railroad Administration's (FRA) Notice of Proposed Rulemaking (NPRM) on Control of Alcohol and Drug Use, published July 28, 2014 at 79 FR 43830.

About APTA

APTA is a non-profit international trade association of more than 1,500 public and private member organizations, including public transit systems; high-speed intercity passenger rail agencies; planning, design, construction and finance firms; product and service providers; academic institutions; and state associations and departments of transportation. More than ninety percent of Americans who use public transportation are served by APTA member transit systems and APTA members provide the overwhelming majority of passenger rail trips throughout the nation.

APTA speaks for its members. Its Board of Directors reiterated that fact on March 9, 2013, when it adopted the following statement: "While APTA encourages its members to provide specific examples or impacts in support of the association's positions, APTA crafts its comments to represent those of all APTA members. The association goes to great lengths to ensure its regulatory comments represent the consensus views of our members. Every APTA member has the opportunity to review drafts, participate in discussions, and assist in crafting those consensus comments. In short, we speak with a single voice and, when the rare instance occurs that we cannot reach consensus, we do not speak at all. APTA's comments are those of our more than 1,500 members. This consensus-based method of crafting regulatory comments is a factor underlying APTA's selection as one of Washington's most trusted brands in a broad survey conducted by the National Journal and we encourage all federal agencies to recognize the representative nature of the association's regulatory comments."

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We have reviewed the extensive comments of both the Association of American Railroads (AAR) and the National Railroad Construction and Maintenance Association (NRC). We endorse, reiterate, and associate our Association with those comments.

We do note one minor aspect of disagreement between the AAR and NRC comments. The AAR has called for an eighteen month delay in the effective date for the final rule while the NRC has asked for a five year delay. Our members believe the appropriate period is two years. We share the well stated concerns of both the AAR and NRC on the details of program implementation and believe two years to be the minimum time necessary to properly craft and deploy new testing policies and procedures.

We appreciate the opportunity to assist FRA in this important endeavor. For additional information, please contact James LaRusch, APTA's chief counsel and vice president corporate affairs, at (202) 496-4808 or jlarsch@apta.com.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Michael P. Melaniphy". The signature is fluid and cursive, with a long horizontal stroke at the end.

Michael P. Melaniphy
President & CEO

MPM/jpl:jr