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August 15, 2016

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Richard A. White

Docket Management Facility
U.S. Department of Transportation
1200 New Jersey Avenue SE., W12-140,
Washington, DC 20590

RE: Docket No. FRA-2014-0033

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) and request for comments on its Train Crew Staffing, published on June 15, 2016 at 81 FR 39014.

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.

General Comments

The proposed requirement for minimum crew staffing is made without statistical or scientific evidence that the requirement would improve safety. FRA points to two incidents, Lac-Megantic and Casselton, that 'suggest' a need for this proposed rule, yet admits that the "Canada Transportation Safety Board could not conclude that use of a one-person crew was a cause or contributing factor" in Lac-Megantic and sites only to post accident response enhancement in Casselton. Moreover, "FRA is not aware that any of the accidents/incidents it investigated involved a one-person crew operation."

FRA then presents a series of subjective arguments in support of its position, including the proposition that a single additional crew member would significantly increase safety in case of an evacuation, and that an additional crew member would support observation and reporting of impairment or distraction. These propositions, unsupported by data, provide little support for the proposed rule. It is unlikely, at best, that a single additional crew

member could evacuate hundreds of passengers, or that a fellow crew member would be more likely to detect and report impairment or distraction better than inward facing cameras. In fact, in light of technological advances, having a second person in the cab may well be counter-productive, distracting the engineer from the tasks at hand.

FRA has made no distinction between freight and passenger operations. The significant differences in operating environments does not allow for a 'one size fits all' approach

FRA posits that it must act in the absence of an RSAC recommendation, yet explains it had entered into the RSAC process with preconceived notions of the result, and told the RSAC as much at the outside. It is not surprising that the advisory committee did not provide advice in light of FRA's dictated results of the consultation. FRA should allow the RSAC process to proceed, supported by statistics and science rather than supposition.

FRA's cost-benefit analysis fails to take into account cost implications from service agreements and collective bargaining agreements in place throughout the country.

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 "Richard A. White". The signature is fluid and cursive, with the first name "Richard" being more prominent.

Richard A. White
Acting President & CEO

RAW/jpl:jr