



U.S. Department
of Transportation

**Federal Railroad
Administration**

Administrator

1200 New Jersey Avenue, SE
Washington, DC 20590

NOV - 7 2008

The Honorable Susan E. Dudley
Office of Management and Budget
Administrator, Office of Information and Regulatory Affairs
725 17th Street NW
Washington, DC 20503

Dear Ms. Dudley:

The Federal Railroad Administration (FRA) is publishing a notice in today's Federal Register (73 FR 6609) that spells out the agency's emergency request for Office of Management and Budget (OMB) clearance of the collection of information titled, "Notice of Funds Availability and Solicitation of Applications for Grants Under the Railroad Rehabilitation and Repair Grant Program," which is also being published in today's Federal Register (73 FR 66096). FRA asks for emergency clearance for the proposed collection of information for the reasons stated below.

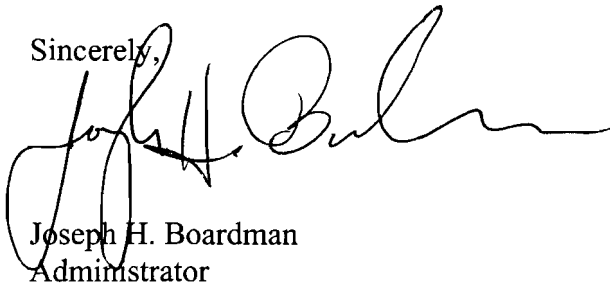
First, the program for which this Information Collection Request (ICR) is being submitted is a new program established by Congress as part of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Public Law 110-329; September 30, 2008). Because of the nature of these funds (\$20 million allocated), current economic conditions, and the various States' need for immediate assistance to improve vital transportation pathways by rehabilitating and repairing Class II and Class III railroad infrastructure damaged by recent natural disasters (hurricanes, floods, and other natural disasters) and the important role these sectors of transportation play in the overall national economy, it would be impossible for FRA to go through normal clearance procedures without great public harm resulting. Moreover, the Congress created this new program in a Continuing Resolution Appropriations Act (rather than through the normal legislative process) because it was urgent that affected railroads and surrounding communities damaged by natural disasters receive these funds immediately. The emergency clearance will allow FRA to fulfill Congress' intent concerning this greatly needed economic program.

Second, there has been a high level of interest expressed in discussions with FRA staff that the agency move quickly to make awards under this new program. FRA has been contacted by several State departments of transportation inquiring about the status of this new program and requesting that the application and award process begin at the earliest possible date. Only through the granting of emergency clearance will FRA be able to act in a timely manner

to assist States and affected communities, thereby meeting the demands of the stakeholders in this program. It should be noted that the grant funding will be open for a short period of time (until **January 16, 2009**, or the date on which all funds have been committed) with the funds expected to be obligated soon.

For the reasons stated above, FRA requests a waiver of the normal clearance procedures specified in the Paperwork Reduction Act of 1995 and Title 5 Code of Federal Regulations Part 1320. FRA cannot reasonably comply with these normal procedures without considerable economic harm redounding to affected States and Class II and Class III railroads. In these States, railroad rights-of-way, bridges, signals, and other infrastructure damaged by hurricanes, floods, and other natural disasters need immediate rehabilitation and repair. In order to accomplish this goal, States must have the \$20 million provided by the Congress for that purpose, and FRA must have the necessary means to evaluate applications so it can properly direct these critical resources. Therefore, FRA respectfully requests that OMB grant emergency clearance for the proposed ICR by **Friday November 21, 2008**, for the maximum period of 180 days, so that FRA can implement this vitally important congressional program.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph H. Boardman". The signature is fluid and cursive, with a large initial "J" and "B".

Joseph H. Boardman
Administrator