



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

AUG 28 2013

Mr. Howard Shelanski
Administrator, Office of Information and Regulatory Affairs
Office of Management and Budget
725 17th Street NW
Washington, DC 20503

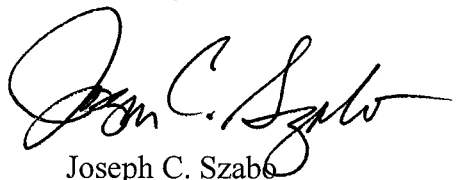
Dear Administrator Shelanski:

In a notice published on August 7, 2013, in the Federal Register, the Federal Railroad Administration (FRA) spells out the circumstances behind the issuance of FRA Emergency Order No. 28 (EO 28 or Order). See 78 FR 48218. EO 28 (and associated information collection) is FRA's direct and proactive response to the derailment that occurred in Lac-Mégantic, Quebec, Canada, on July 6, 2013. This tragic rail accident resulted in the deaths of 42 people (estimated; 5 people are still missing). There was also extensive damage to the town, and approximately 2,000 people were evacuated from the surrounding area. FRA emergency orders are rare and EO 28 describes the accident and the agency's rationale for issuing the Order. The collection of information included under EO 28 is aimed at helping to ensure that railroads operating on the general system of transportation implement additional processes and procedures to help make sure that unattended trains and vehicles on main track or sidings are properly secured against unintended movement.

As provided under Title 5 Code of Federal Regulations Section 1320.13, *Emergency processing*, FRA is requesting emergency processing for this submission of collections of information as specified in the Paperwork Reduction Act of 1995 and its implementing regulations. FRA cannot reasonably comply with normal clearance procedures because the use of normal clearance procedures is reasonably likely to disrupt the collection of information. EO 28 takes effect on September 1, 2013. FRA cannot wait the normal 90- to 180-day period for routine Office of Management and Budget (OMB) review and approval. Under EO 28, railroads must immediately initiate steps to implement the Order, and they must complete implementation no later than September 1, 2013. It is imperative that FRA be able to collect the information prescribed by the Order on September 1, 2013, to verify railroad compliance and thereby reduce the risk that an accident similar to the one that occurred in Lac-Mégantic would occur in the United States. Prevention of such an accident is essential to FRA's railroad safety mission. FRA is therefore requesting OMB approval of this collection of information by September 1, 2013.

FRA is working with the regulated community by conducting an emergency meeting of its Railroad Safety Advisory Committee on August 29, 2013, to review Federal safety regulations and to make a determination concerning whether revisions or additions to the current Federal railroad safety regulations are necessary in light of the Lac-Mégantic accident. Upon OMB approval of its emergency clearance request, FRA will follow the normal clearance procedures for the information collection associated with EO 28 while the agency fully considers the issue of further rulemaking. Should these outreach efforts result in going forward with new or additional agency rulemakings, FRA will discontinue the OMB approval for EO 28 once any subsequent rulemakings are published and take effect.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph C. Szabo". The signature is fluid and cursive, with the first name "Joseph" being the most prominent part.

Joseph C. Szabo
Administrator