



Federal Communications Commission
Washington, D.C. 20554

March 13, 2014

Mr. Alexander Hunt
Chief, Information Policy Branch
Office of Information and Regulatory Affairs
Office of Management and Budget
725 17th Street, N.W.
Washington, D.C. 20503

Dear Mr. Hunt:

In accordance with OMB's emergency processing rules, 5 C.F.R. § 1320(13), the Federal Communications Commission (FCC or Commission) requests expedited review and approval, under the Paperwork Reduction Act of 1995 (PRA), of a revision to OMB collection 3060-1039, "Nationwide Programmatic Agreement Regarding the Section 106 National Historic Preservation Act - Review Process, WT Docket No. 03-128." We request emergency approval be granted on or before April 9, 2014 in order to allow us meet the requirements imposed on the Nation's freight and commuter railroads by the Rail Safety Improvement Act of 2008 (RSIA).

In the Spring of 2013, the FCC received notice from the Nation's freight railroads that they will need to construct more than 20,000 wayside poles and associated communications equipment in order to comply with the RSIA. The RSIA requires installation of positive train control (PTC) systems by December 31, 2015. PTC is a public-safety system that will enable a central station to stop or slow trains that exceed speed limits or that are approaching other trains where a collision may result.

The FCC has determined that the construction of PTC transmission facilities and their supporting structures is a Federal undertaking under Section 106 of the National Historic Preservation Act. As such, the railroads are required to ascertain prior to construction the impacts of these facilities on historic properties under the relevant procedures set forth by the Advisory Council on Historic Preservation (ACHP) and the FCC. To accommodate the PTC infrastructure deployment by the statutory deadline, the FCC is requesting approval of minor revisions to our E-106 System and Tower Construction Notification System (TCNS), which collect information on infrastructure projects to be shared with Tribal Nations and State Historic Preservation Officers (SHPOs) for the purposes of Section 106 compliance reviews.

The proposed revisions were determined after extensive consultation, which began in September 2013 with the issuance of a Public Notice to our system users, Tribal Nations, and SHPOs. Following the issuance of the Public Notice, the FCC consulted with the Tribal Nations, SHPOs, and the railroads, including government-to-government consultation with Tribal Nations, to provide our system users a better understanding of the PTC infrastructure and the associated deadlines and to provide the FCC with a better understanding of these parties' needs. In January of 2014, the Commission issued a Public Notice seeking comment on a draft Program Comment developed by the Commission in consultation with the ACHP to tailor the FCC's Section 106 review process for PTC Construction projects. On March 5, 2014, the FCC submitted the proposed Program Comment to ACHP for its approval. The parameters outlined in the Program

Comment will require the FCC to make changes to the TCNS and E-106 systems that require OMB approval. The railroads must start the Section 106 review process as soon as the Program Comment is approved by ACHP to be able to construct by the statutory deadline.

The system revisions require adding two new data elements to the electronic systems which will provide the railroads with a method to indicate that the filing is a PTC submission and a description field to specify the pole locations within a county. This information will be used to notify the appropriate Tribal representatives and the SHPOs of the proposed projects. These revisions will allow for added efficiencies in the submission and review process for Section 106 compliance.

The Commission is requesting OMB approval of the revisions to our existing information collections described above by April 9, 2014, in order to allow the FCC to make the system changes as soon as practicable to allow the railroads to move forward with the more efficient review process. The Commission will publish a notice in the Federal Register seeking public comment on the information collection requirements associated with the requirements listed above, with a full 15 day comment period. Please have your PRA Desk Officer contact Cathy Williams or Walt Boswell if he has any questions or requires any additional information.

Sincerely,



Mindy J. Ginsburg
Deputy Managing Director