

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 an Emergency Order issued on May 7, 2014, the U.S. Department of Transportation (Department or DOT) details the circumstances behind the issuance of an Emergency Order (EO) issued in docket number DOT-OST-2014-0067. This EO (and FRA Notice requesting OMB Emergency Clearance Processing for the associated information collection) will be published in the Federal Register. The EO is the Department's direct and proactive response to a recent series of train accidents involving the transportation of petroleum crude oil, a hazardous material the transportation of which is regulated by the Department. The most recent accident occurred on April 30, 2014, when a train transporting petroleum crude oil derailed in Lynchburg, Virginia and released approximately 30,000 gallons of its contents into the James River. Further, the EO explains that, with the rising demand for rail transportation of petroleum crude oil throughout the United States, the risk of rail incidents has increased commensurate with the increase in the volume of the material shipped and that there have been several significant derailments in both the U.S. and Canada over the last several months causing deaths and property and environmental damage that involved petroleum crude oil. DOT emergency orders are rare and the EO itself describes the most recent accidents and circumstances leading the agency to issue the EO. The collection of information included under this EO is aimed at ensuring that railroads that transport in a single train a large quantity of petroleum crude oil (1 million gallons or more), particularly crude oil from the Bakken shale formation in the Williston Basin, provide certain information to the relevant State Emergency Response Commissions (SERCs) in each State in which the railroad operates such trains. Ensuring that railroads provide this information to SERCs is critical to ensuring that local and State emergency responders are aware of the large quantities of crude oil that are being transported through their jurisdictions and are prepared to respond to accidents involving such trains should they occur.

As provided under Title 5 Code of Federal Regulations Section 1320.13, *Emergency Processing*, DOT is requesting emergency processing for this new collection of information as specified in the Paperwork Reduction Act of 1995 and its implementing regulations. DOT

cannot reasonably comply with normal clearance procedures because the use of normal clearance procedures is reasonably likely to disrupt the collection of information. The EO takes effect immediately upon issuance, although the railroads have 30 days to provide the required information to the SERCs. DOT cannot wait the normal 90- to180-day period for routine Office of Management and Budget (OMB) review and approval. Under the EO, railroads must immediately initiate steps to implement the Order, and are prohibited from transporting Bakken crude oil in large quantities single trains in any state until such notification is made to the relevant SERC. Ensuring States and emergency responders are aware of the large quantities of Bakken crude oil moving through their jurisdictions and having the opportunity to appropriately prepare to respond to any potential incidents involving these trains is critical to ensuring safety and mitigating any impacts if a rail accident/incident does occur. DOT is, therefore, requesting OMB approval of this collection of information as soon as possible.

Upon OMB approval of its emergency clearance request, DOT will follow the normal clearance procedures for the information collection associated with the EO.

Sincerely,

Anthony R. Foxx  
Secretary of Transportation

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A. Williams: August 27, 2013, August 28, 2013