



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

May 21, 2015

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:

On May 21, 2015, the Federal Railroad Administration (FRA) issued an Emergency Order (EO 31 or Order) requiring the National Railroad Passenger Corporation (Amtrak) to take actions to control passenger train speeds at certain curve locations on its main line track on the Northeast Corridor. This EO (and FRA Notice requesting OMB Emergency Clearance Processing for the associated information collection) will be published in the Federal Register.

EO 31 is FRA's direct and proactive response to a May 12, 2015, accident in Philadelphia, Pennsylvania, in which eight Amtrak passengers were killed and a significant number of others were seriously injured. The accident occurred when an Amtrak passenger train was traveling over twice the passenger train speed limit through a sharp curve and derailed. EO 31 describes the circumstances surrounding the accident, as well as the 2013 Metro-North accident that occurred in New York in which four passengers were killed. The 2013 Metro-North accident also occurred when a passenger train derailed in a curve while also traveling well in excess of the passenger train speed limit.

EO 31 explains that the lack of overspeed protections in place at certain locations on Amtrak's system create an emergency situation involving a hazard of death, personal injury, or significant harm to the environment, as evidenced by the two recent accidents described above. The Order requires Amtrak to identify significant main track curves on the Northeast Corridor with 5 days of the Order's issuance. Within 20 days, Amtrak must submit to FRA for approval an action plan whereby Amtrak identifies modifications to its signal systems or its operating procedures at those curves. Amtrak's action plan must also include milestone and target dates for completing those required modifications. Finally, within 30 days, Amtrak must begin installing additional speed limit signage on the Northeast Corridor. Moreover, Amtrak must notify FRA where it intends to install such signage and when installation is complete.

FRA emergency orders are rare, and EO 31 describes the most recent accident and circumstances leading the agency to issue the Order. The collection of information under this Order is aimed at ensuring that Amtrak (and any other passenger railroads operating over Amtrak's Northeast Corridor system) will implement the modifications at curves as required by the Order. The collection of information under this Order also relates to FRA's allowance for submission of petitions for special approval to take actions not in accordance with the Order. Any petition for special approval must clearly articulate an alternative action that will provide, in the Associate Administrator for Safety's/Chief Safety Officer's judgment, at least a level of safety equivalent to that provided by compliance with this Order.

As provided under Title 5 Code of Federal Regulations Section 1320.13, *Emergency Processing*, FRA is requesting emergency processing for this new collection 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. The EO takes effect immediately upon issuance. Amtrak has 20 days to provide a written action plan to FRA detailing what actions it plans to take to comply with the Order, and FRA will either approve or disapprove that plan within 15 days after Amtrak's submission of that action plan. At a later date (to be determined), Amtrak must provide FRA with notice of the completion of its action plan items. As such, FRA cannot wait the normal 90- to 180-day period for routine OMB review and approval. Under EO 31, Amtrak must immediately initiate steps to implement the Order. FRA is, therefore, requesting OMB approval of this collection of information as soon as possible.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Melissa L. Porter". The signature is fluid and cursive, written over a horizontal line.

Melissa L. Porter
Chief Counsel