



U.S. Department
of Transportation

**Federal Railroad
Administration**

Administrator

1200 New Jersey Avenue, SE
Washington, DC 20590

November 17, 2020

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

Dear Administrator Ray:

On November 16, 2020, the Federal Railroad Administration's (FRA) *Metrics and Minimum Standards for Intercity Passenger Rail Service* final rule was published. This rulemaking is critically important to Amtrak, railroads that host Amtrak services, and the train-riding public, by establishing uniform measures to understand Amtrak train performance. We believe the rule will result in some immediate improvement to Amtrak passenger train performance, and it will also provide much needed guidance to Congress in its evaluation of Amtrak services that may require billions of dollars in supplemental funding, due to declining ridership in the face of COVID-19.

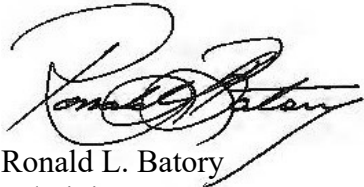
Your office did not review the *Metrics and Minimum Standards for Intercity Passenger Rail Service* final rule at the proposal stage. In the proposal, FRA had not identified any parts of the rule that would trigger the need for an information collection request, but FRA believed that one provision added to the final rule did trigger the need for an information collection request. However, during review of the final rule, your staff determined that FRA's treatment of Amtrak as a government entity under the PRA was not correct, thus Amtrak's reporting to FRA required under the rule was also subject to the PRA. While FRA is currently drafting an information collection request for all relevant provisions of the final rule, there are two provisions for which the collection of information (Amtrak reporting to FRA) begins on December 16, 2020. The collection of information specifically concerns ridership data and certified schedules, which form the building blocks of Amtrak's ability to certify train schedules and to ultimately provide reliable service to passengers. The success of the rule hinges, in part, on these timely collections as they will ensure Amtrak and host railroads can begin the process towards improved Amtrak passenger train performance.

Under the Paperwork Reduction Act of 1995 and its implementing regulations at 5 CFR 1320.13, *Emergency Processing*, FRA is requesting emergency processing for this subset of the final rule's total collection of information. FRA cannot reasonably comply with normal clearance procedures, because the normal clearance procedures are reasonably likely to disrupt the collection of information and functioning of the rule. FRA cannot wait the normal 90- to 180-day period for routine Office of Management and Budget (OMB) review and approval.

Upon approval, FRA will begin requesting reports from Amtrak on December 16, 2020. FRA is, therefore, requesting OMB approval of this collection of information as soon as possible.

Concurrent with OMB clearance of its emergency clearance request for these two items, FRA will follow the normal clearance procedures for the entire information collection associated with this final rule.

Sincerely,

A handwritten signature in black ink, appearing to read "Ronald L. Batory". The signature is stylized with large, sweeping loops and a long horizontal stroke at the end.

Ronald L. Batory
Administrator