Pursuant to 49 C.F.R. § 211.29, the American Short Line and Regional Railroad Association (ASLRRA), on behalf of itself and its member railroads, petitions the Federal Railroad Administration (FRA) for a stay of the effective date of the Risk Reduction Program final rule and an extension of time to submit a petition for reconsideration, due to the impact of the COVID-19 virus.1

On February 27, 2015, FRA issued a notice of proposed rulemaking (NPRM) to implement the requirement in the Rail Safety Improvement Act of 2008 that requires the development and implementation of railroad safety risk reduction programs.2 The NPRM proposed requiring each Class I railroad and each railroad with inadequate safety performance to develop and implement a Risk Reduction Program (RRP). On February 18, 2020, FRA issued a final rule, which modified the provisions in the NPRM. In particular, the final rule’s version of Section 271.13 – Determination of Inadequate Safety Performance, is significantly different from the version proposed in the 2015 NPRM.

On March 11, 2020, the World Health Organization has classified COVID-19 as a global pandemic, and on March 13, 2020, President Trump declared a National Emergency.3 The focus on this pandemic has profoundly impacted the U.S. short line railroad industry and has limited the short line railroad industry’s ability to sufficiently review and analyze the revised regulatory

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1 ASLRRA is a non-profit trade association representing the interests of approximately 600 short line and regional railroad members and railroad supply company members in legislative and regulatory matters. Short lines operate 47,500 miles of track in 49 states, or approximately 29% of the national freight network, touching in origin or destination one out of every five cars moving on the national railroad system, serving customers who otherwise would be cut off from the national railroad network. 85 Fed. Reg. 9,262 (Feb. 18, 2020). Due to the circumstances behind this petition, it is also being filed in FRA’s Emergency Relief Docket for Calendar Year 2020 at Docket No. FRA-2020-0002.

2 See 80 FR 10,950 (Feb. 27, 2015).

provisions provided in the final rule, especially the complex quantitative analysis and qualitative assessment to determine if a railroad is deemed to be an insufficient safety performer. We request that FRA extend the deadline for submitting a petition for reconsideration of the final rule by 90 days to August 9, 2020. Likewise, we request that FRA extend the effective date of the regulation by 90 days to August 19, 2020.

Respectfully submitted,

[Signature]

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