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United States Senate

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COMMERCE, SCIENCE, AND
TRANSPORTATION
ENVIRONMENT AND PUBLIC WORKS

September 20, 2022

The Honorable Amit Bose
Administrator
Federal Railroad Administration
1200 New Jersey Avenue SE
Washington, DC 20590

Dear Administrator Bose:

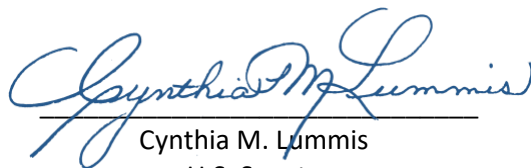
On July 28, 2022, the Federal Railroad Administration (FRA) published a proposed rule for "Train Crew Size Safety Requirements" (87 Fed. Reg. 45564). The comment period is currently scheduled to close on September 26, 2022. I write to urge you to consider extending this time period by at least 60 days to ensure stakeholders can properly respond.

This proposed rule is a significant regulatory undertaking that would impact the rail industry. It would affect short line railroads, most of whom are small businesses, and the larger railroads alike, despite both facing distinct challenges in their crewing operations. More than 50 short lines would be affected by the proposed rule. It is critical that affected businesses, particularly small businesses, be afforded a reasonable opportunity to assess how this proposal would affect their operations so they can provide you with substantive and meaningful comments.

Many stakeholders that would be affected by this rule have focused their resources in recent weeks on the potential labor strike that would have crippled the railroad industry and our economy more broadly. FRA published this proposed rule only days after President Biden announced the formation of a Presidential Emergency Board to prevent a work stoppage on the railroads. With the comment period now set to close only days after the announcement of tentative agreements to prevent work stoppage and without a final agreement in place, I remain concerned that many stakeholders have been unable to analyze fully the impacts of the proposed rule on their operations. The Small Business Administration shares these concerns and also supports an extension of the comment period of at least 60 days.

I am confident you share my eagerness to guarantee that FRA does not advance any regulatory effort without ensuring those affected can adequately give you their views on the matter. Therefore, I respectfully request an extension of the comment period for at least 60 days beyond the September 26, 2022 deadline. I appreciate your attention to this issue and look forward to your response.

Sincerely,


Cynthia M. Lummis
U.S. Senator