



ASSOCIATION OF AMERICAN RAILROADS
425 Third St., S.W.
Suite 1000
Washington, D.C. 20024

Sarah Grimmer Yurasko
Assistant General Counsel

Phone: (202) 639-2504
Fax: (202) 639-2868
E-Mail: syurasko@aar.org

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Via electronic mail

Mr. Robert Brogan
Office of Safety, Regulatory Analysis Division
Federal Railroad Administration
1200 New Jersey Ave SE
Washington, DC 20590

Re: Docket No. FRA 2019-0004-0008

Dear Mr. Brogan:

The Association of American Railroads (“AAR”), on behalf of itself and its member railroads, submits the following comments in response to FRA’s Inquiry into Blocked Highway-Rail Grade Crossings throughout the United States, OMB Control Number 2130-NEW.¹

FRA is proposing to gather information from the public about “blocked crossings” and “slow moving trains.” However, the ICR does not define what constitutes either a “blocked crossing” or a “slow moving” train. While a member of the public can certainly determine that a train is stopped at a public crossing, a member of the public is unlikely to be able to reliably identify an inappropriately “slow moving” train, especially in light of the varying speed limits or restrictions that are in place in various locations and for different classes of track.

FRA also has not established any mechanism that would enable it – or the railroads -- to verify or investigate these public reports. Nor does FRA propose to take any steps to determine

¹ AAR is a trade association whose membership includes freight railroads that operate 83 percent of the line-haul mileage, employ 95 percent of the workers, and account for 97 percent of the freight revenues of all railroads in the United States; and passenger railroads that operate intercity passenger trains and provide commuter rail service. 84 Fed. Reg. 27,832 (June 14, 2019).

whether a reported “blocked crossing” was in fact avoidably blocked by a stopped or “slow-moving” train. The notice specifically provides that railroads will not be provided with the reports, so that neither investigation nor mitigation by an accused railroad is even possible. As a comparison, the Federal Aviation Administration directs the public to first address concerns with aircraft noise directly with the local airport manager or staff who respond to airport noise issues.² FRA should follow the FAA model and direct the public to the railroad for any “blocked crossing” or “slow moving train” concerns.

Unfortunately, it appears that the “data” collected by this proposal would be completely unreliable for any useful purpose. It will most likely result in substantial over-reporting of “blocked” crossings, which will create a false picture of the scope and magnitude of the issue. Also troubling, the effort will create an expectation in the general public that FRA and the railroads will investigate and take appropriate actions in response to these reports, which clearly is not in fact contemplated by the agency (and not possible for the railroads). The effort also will create the false impression among the public that there is no legitimate reason a crossing could be “blocked,” which as FRA knows is far from the truth.

AAR’s members appreciate that complaints about “blocked crossings” are an important issue for elected officials and for FRA. And AAR’s members acknowledge that there may be instances in which a grade crossing is *avoidably* blocked. But to determine whether complaints rise above relatively uncommon events to a systemic problem that warrants regulation, reliable data is essential. Collection of unreliable and unverified data only threatens to make public perception worse.

Sincerely,

A handwritten signature in cursive script that reads "Sarah Yurasko". The signature is written in dark ink and is positioned below the word "Sincerely,".

Sarah Yurasko

² “Aircraft Noise Issues,” available at: https://www.faa.gov/about/office_org/headquarters_offices/apl/noise_emissions/airport_aircraft_noise_issues/noise/