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November 22, 2016

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Docket Management Facility:
U.S. Department of Transportation
1200 New Jersey Avenue SE., West Building
Ground Floor, Room W12-140
Washington, DC 20590-0001

RE: FRA 2010-0002-N-23 Proposed Agency Information Collection Activities

Dear Docket Clerk:

On behalf of the more than 1,500 member organizations of the American Public Transportation Association (APTA), I write to provide comments on the Federal Railroad Administration (FRA) 2010-0002-N-23 Proposed Agency Information Collection Activities notice and request for comments, published on September 23, 2016 at 81 FR 65698-65699.

About APTA

APTA is a non-profit international trade association of more than 1,500 public and private member organizations, including public transit systems; high-speed intercity passenger rail agencies; planning, design, construction and finance firms; product and service providers; academic institutions; and state associations and departments of transportation.

General Comments

Docket No. FRA 2010-0002-N-23 relates to the Alleged Violation Reporting Form. The FRA invited interested respondents to comment on four questions. Our responses are below:

Question 1 *Whether the information collection activities are necessary for FRA to properly execute its functions, including whether the activities will have practical utility.*

Response: Yes, the FRA would be remiss in not following-up on suspected violations of Federal Railroad Safety requirements that are reported by the public. Accordingly, no exception is taken to renewing FRA's currently approved information collection activities – provided FRA does not delegate the actual data input to the railroads. However, one cautionary comment is offered: Absent submission of direct evidence to the alleged violation, FRA should initially view such reports judicially as hearsay – pending FRA investigation and follow-up. Similarly, FRA should not trend such initial reports per se; but rather only those incidents in which FRA can verify that the alleged act occurred.

Question 2 *The accuracy of FRA's estimates of the burden of information collection activities, including the validity of the methodology and assumptions used to determine the estimates.*

Response: (FRA estimate: 10 minutes per form) No particular comment here, as the burden resides with FRA. However, the docket does not estimate the investigative time FRA will expend per reported incident, nor the incremental railroad costs in being investigated.

Question 3 *Ways for FRA to enhance the quality, utility, and clarity of information being collected.*

Response: No comment.

Question 4 *Ways for FRA to minimize the burden of information collection activities on the public by automated, electronic, mechanical or other technological collection techniques or other forms of information technology*

Response: No comment.

We appreciate the opportunity to assist the FRA in this important endeavor. For additional information, please contact Daniel Duff, Counsel to APTA, at (202) 496-4808 or dduff@apta.com.

Sincerely yours,



Richard A. White
Acting President & CEO