



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

January 14, 2021

Mr. Jeremy R. Ferguson
President
SMART Transportation Division
24950 Country Club Boulevard
North Olmsted, OH 44070

Mr. Dennis R. Pierce
National President
Brotherhood of Locomotive Engineers & Trainmen
7061 East Pleasant Valley Road
Independence, OH 44131

Dear Messrs. Ferguson and Pierce:

This letter is in response to your submission of January 11, 2021, petitioning the Federal Railroad Administration (FRA) to issue an emergency order addressing security issues surrounding the upcoming presidential inauguration. FRA shares your concern for the safety of passenger rail crews and passengers.

It is FRA's statutory mission and primary focus to promote the safety of America's freight and passenger railroads, including protecting the employees who keep them running. FRA is not the primary Federal agency given jurisdiction to address by emergency order the security concerns identified in your submission; the U.S. Department of Homeland Security and its Transportation Security Administration are the lead agencies here. While your petition correctly notes the differences in statutory and regulatory authorities between the Federal Aviation Administration and the FRA, which evolved based upon operational differences and legislative considerations, these differences do not provide a basis for FRA to take the requested action. Accordingly, FRA declines to grant your request for an emergency order.

In addition, FRA does not believe it would be appropriate to introduce such an emergency order into the long-standing, well-established law enforcement partnerships between railroads and Federal, state, and local agencies. Consistent with your stated willingness "to work with the applicable agencies," we encourage you to work with railroads as they coordinate to provide for safe passenger rail service at the upcoming Inauguration and beyond. Under the leadership of the U.S. Department of Homeland Security, FRA will continue actively to support Federal efforts to secure the Nation's railroad transportation system.

Sincerely,

A handwritten signature in black ink, appearing to read "Ronald L. Batory".

Ronald L. Batory
Administrator

cc:

The Honorable Mitch McConnell, Senate Majority Leader

The Honorable Charles E. Schumer, Senate Minority Leader

The Honorable Maria Cantwell, Committee on Commerce, Science, and Transportation

The Honorable Nancy Pelosi, Speaker of the House

The Honorable Kevin McCarthy, House Minority Leader

The Honorable Peter DeFazio, Committee on Transportation and Infrastructure

Acting Secretary Steven Bradbury, U.S. Department of Transportation

Acting Secretary Pete Gaynor, U.S. Department Homeland Security

Administrator David Pekoske, Transportation Security Administration