



DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Proposed Agency Information Collection Activities; Comment Request

[Docket No. FRA-2014-0011-N-16]

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 and its implementing regulations, the Federal Railroad Administration (FRA) hereby announces that it is seeking renewal of the following currently approved information collection activities. Before submitting the information collection requests (ICRs) below for clearance by the Office of Management and Budget (OMB), FRA is soliciting public comment on specific aspects of the activities identified below.

DATES: Comments must be received no later than [INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

ADDRESSES: Submit written comments on any or all of the following proposed activities by mail to either: Mr. Robert Brogan, Office of Safety, Planning and Evaluation Division, RRS-21, Federal Railroad Administration, 1200 New Jersey Ave., SE, Mail Stop 17, Washington, DC 20590, or Ms. Kimberly Toone, Office of Information Technology, RAD-20, Federal Railroad Administration, 1200 New Jersey Ave., SE, Mail Stop 35, Washington, DC 20590. Commenters requesting FRA to acknowledge receipt of their respective comments must include a self-addressed stamped postcard stating, "Comments on OMB control number 2130-____." Alternatively, comments may be

transmitted via facsimile to (202) 493-6216 or (202) 493-6497, or via e-mail to Mr. Brogan at Robert.Brogan@dot.gov, or to Ms. Toone at Kim.Toone@dot.gov. Please refer to the assigned OMB control number in any correspondence submitted. FRA will summarize comments received in response to this notice in a subsequent notice and include them in its information collection submission to OMB for approval.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert Brogan, Office of Planning and Evaluation Division, RRS-21, Federal Railroad Administration, 1200 New Jersey Ave., SE, Mail Stop 17, Washington, DC 20590 (telephone: (202) 493-6292) or Ms. Kimberly Toone, Office of Information Technology, RAD-20, Federal Railroad Administration, 1200 New Jersey Ave., SE, Mail Stop 35, Washington, DC 20590 (telephone: (202) 493-6132). (These telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION:

The Paperwork Reduction Act of 1995 (PRA), Public Law 104-13, sec. 2, 109 Stat. 163 (1995) (codified as revised at 44 U.S.C. 3501-3520), and its implementing regulations, 5 CFR part 1320, require Federal agencies to provide 60-days notice to the public for comment on information collection activities before seeking approval for reinstatement or renewal by OMB. 44 U.S.C. 3506(c)(2)(A); 5 CFR 1320.8(d)(1), 1320.10(e)(1), 1320.12(a). Specifically, FRA invites interested respondents to comment on the following summary of proposed information collection activities regarding (i) whether the information collection activities are necessary for FRA to properly execute its functions, including whether the activities will have practical utility; (ii) the accuracy of FRA's estimates of the burden of the information collection activities, including the

validity of the methodology and assumptions used to determine the estimates; (iii) ways for FRA to enhance the quality, utility, and clarity of the information being collected; and (iv) 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 (e.g., permitting electronic submission of responses). See 44 U.S.C. 3506(c)(2)(A)(i)-(iv); 5 CFR 1320.8(d)(1)(i)-(iv). FRA believes that soliciting public comment will promote its efforts to reduce the administrative and paperwork burdens associated with the collection of information mandated by Federal regulations. In summary, FRA reasons that comments received will advance three objectives: (i) reduce reporting burdens; (ii) ensure that it organizes information collection requirements in a “user friendly” format to improve the use of such information; and (iii) accurately assess the resources expended to retrieve and produce information requested. See 44 U.S.C. 3501.

Below is a brief summary of currently approved information collection activities that FRA will submit for clearance by OMB as required under the PRA:

Title: Roadway Worker Protection

OMB Control Number: 2130-0539

Abstract: This rule establishes regulations governing the protection of railroad employees working on or near railroad tracks. The regulation requires that each railroad devise and adopt a program of on-track safety to provide employees working along the railroad with protection from the hazards of being struck by a train or other on-track equipment. Elements of this on-track safety program include an on-track safety manual; a clear delineation of employers’ responsibilities, as well as employees’ rights and

responsibilities thereto; well-defined procedures for communication and protection; and annual on-track safety training. The program adopted by each railroad is subject to review and approval by FRA. Part 214 regulations have been deemed different enough from the part 213 regulations as to require a separate and distinct reporting form (new Form FRA F 6180.119). Regardless of discipline, the FRA inspector will complete the new Roadway Workplace Safety Violation Report Form (FRA F 6180.119) when recommending civil penalties for part 214 infractions.

Form Number(s): FRA F 6180.119

Affected Public: Businesses/Individuals

Respondent Universe: 718 Railroads; 50,000 Roadway Workers

Frequency of Submission: On occasion

Reporting Burden:

CFR Section	Respondent Universe	Total Annual Responses	Average Time per Response	Total Annual Burden Hours
Form FRA F 6180.119 - Part 214 Railroad Workplace Safety Violation Report	350 Safety Inspectors	150 forms	4 hours	600 hours
214.303 - Railroad On-Track Safety Programs. - Amendments to Programs - Subsequent Years: New Programs	60 Railroads 5 New Railroads	20 amend. + 584 amend. 5 new prog.	20 hours; 4 hrs. 250 hours	2,736 hours 1,250 hours
214.313 - Good Faith Challenges to On-Track Safety Rules	20 Railroads	80 challenges	4 hours per challenge	320 hours
214.315/335 - Supervision +communication - Regular Job Briefings - Adjacent-Track Safety Briefings (New)	50,000 Rdwy Workers 24,500 Rdwy Workers	16,350,000 brf 2,403,450 brf.	2 minutes 30 seconds	545,000 hours 20,029 hours
214.321-Exclusive Track Occupancy: Working Limits - Written authority to roadway worker in charge	8,583 Roadway Workers	700,739 authorities	1 minute	11,679 hours
214.325 - Train Coordination - Establishing Working Limits through Communication	50,00 Roadway Workers	36,500 comm.	15 seconds	152 hours

214.327 - Inaccessible Track - Working Limits on Non-controlled Track: Notifications	718 Railroads	50,000 notifications	10 minutes	8,333 hours
214.336 - <u>Procedures for Adjacent-Track Movements Over 25 mph</u> - Notifications/Watchmen/ Lookout Warnings - Roadway Worker Communication with Train Engineers or Equipment Operators - <u>Procedures for Adjacent-Track Movements 25 mph or less</u> - Notifications/Watchmen/ Lookout Warnings - Roadway Worker Communication with Train Engineers or Equipment Operators -Exceptions to the requirements in paragraphs (a), (b), and (c) for adjacent - controlled-track on-track safety: Work activities involving certain equipment and purposes – On-Track Job Safety Briefings	100 Railroads 100 Railroads 100 Railroads 100 Railroads 100 Railroads	10,000 notific. 3,000 comm. 3,000 notific. 1,500 comm 1,030,050 briefings	15 seconds 1 minute 15 seconds 1 minute 15 seconds	42 hours 50 hours 13 hours 25 hours 4,292 hours
214.337 - On-Track Safety Procedures for Lone Workers: Statements by Lone Workers	718 Railroads	2,080,000 statements	30 seconds	17,333 hours
214.343/345/347/349/351/353/355 - training -Additional on-track safety training (New) - Records of Training	50,000 Rdwy Workers 35,000 Rdwy Workers 50,000 Roadway Workers	50,000 tr. RW 35,000 tr. RW 50,000 records	4.5 hours 5 min. 2 min.	225,000 hours 2,917 hours 1,667 hours
214.503 - Good Faith Challenges; Procedures for Notification and Resolution – Notifications for Non-Compliant Roadway Maintenance Machines or Unsafe Condition - Resolution Procedures	50,000 Rdwy Workers 644 Railroads	125 notific. 10 procedures	10 minutes 2 hours	21 hours 20 hours
214.505 - Required Environmental Control and Protection Systems For New On-Track Roadway Maintenance Machines with Enclosed Cabs - Designations/Additions to List	644 Railroads/ 200 contractors 644 Railroads/ 200 contractors	500 lists 150 additions/ designations	1 hour 5 minutes	500 hours 13 hours
214.507 - A-Built Light Weight on New Roadway Maintenance Machines	644 Railroads	1,000 stickers	5 minutes	83 hours
214.511 - Required Audible Warning Devices For New On-Track Roadway Maintenance Machines	644 Railroads	3,700 identified mechanisms	5 minutes	308 hours
214.513 - Retrofitting of Existing On-Track Roadway Maintenance Machines -Identification of Triggering Mechanism - Horns	703 Railroads	200 mechanisms	5 minutes	17 hours

214.515 - Overhead Covers For Existing On-Track Roadway Maintenance Machines	644 Railroads	500 requests + 500 responses	10 minutes; 20 minutes	250 hours
214.517 - Retrofitting of Existing On-Track Roadway Maintenance Machines Manufactured On or After Jan. 1, 1991	644 Railroads	500 stencils	5 minutes	42 hours
214.518 - Safe and Secure Position for riders - Positions identified by stencilings/markings/notices	644 Railroads	1,000 stencils	5 minutes	83 hours
214.523 -Hi-Rail Vehicles – Inspections/ Records - Non-Complying Conditions	644 Railroads 644 Railroads	2,000 records 500 tags + 500 reports	60 minutes 10 min.; 15 min.	2,000 hours 208 hours
214.527 – On-Track Roadway Maintenance Machine; Inspection for Compliance and Repair Schedules	644 Railroads	550 tags + 550 reports	5 min.; 15 min.	184 hours
214.533 - Schedule of Repairs Subject to Availability of Parts – Records of Compliance with this Section	644 Railroads	250 records	15 minutes	63 hours

Total Estimated Responses: 22,816,613

Total Estimated Annual Burden: 845,230 hours

Status: Extension of a Currently Approved Collection

Title: Conductor Certification

OMB Control Number: 2130-0596

Abstract: On November 9, 2011, FRA issued regulations for certification of conductors, as required by the Rail Safety Improvement Act of 2008. See 76 FR 69802. This rule requires railroads to have a formal program for certifying conductors. As part of that program, railroads are required to have a formal process for training prospective conductors and determining that all persons are competent before permitting them to serve as a conductor. FRA issued this regulation to ensure that only those persons who meet minimum Federal safety standards serve as conductors, to reduce the rate and number of accidents and incidents, and to improve railroad safety. Although this rule does not propose any specific amendments to the regulation governing locomotive

engineer certification, it does highlight areas in that regulation that may require conforming changes. The information collected under this rule is used by FRA to ensure that railroads and their employees fully comply with all the requirements of part 242, including a conductor certification/recertification program, fitness requirements, initial and periodic testing of conductors, territorial qualifications, etc.

Form Number(s): N/A

Affected Public: Businesses

Respondent Universe: 677 railroads

Frequency of Submission: On occasion; annually.

Reporting Burden:

CFR Section/Subject	Respondent Universe	Total Annual Responses	Average Time per Response	Total Annual Burden Hours
242.9 - Waivers – Petitions	677 railroads	10 petitions	3 hour	30 hours
242.101/103 - Certification Program: Written Program for Certifying Conductors	677 railroads	678 programs	160 hrs./581 Hrs./15.5 hrs.	16,799 hours
Approval of Design of Programs	6 railroads	6 new prog.	15.5 hours	93 hours
- Certification Programs for New RRs	677 railroads	200 copies	15 minutes	50 hours
- Conductor Certification Submission Copies to Rail Labor Organizations	677 railroads	200 state-ments	15 minutes	50 hours
- Affirmative Statements that Copies of Submissions Sent to RLOs	677 railroads	200 state-ments	15 minutes	50 hours
- Certified Comments on Submissions	677 railroads	35 comments	4 hours	140 hours
- Certification Programs Disapproved by FRA and then Revised	677 railroads	10 programs	4 hours	40 hours
-Revised Certification Programs Still Not Conforming and then Resubmitted	677 railroads	3 programs	2 hours	6 hours
- Certification Programs Materially Modified After Initial FRA Approval	677 railroads	50 programs	2 hours	100 hours
- Materially Modified Programs Disapproved by FRA & Then Revised	677 railroads	3 programs	2 hours	6 hours
-Revised programs Disapproved and Then Resubmitted	677 railroads	1 program	2 hours	2 hours

242.105 –Implementation Schedule - Designation of Certified Conductors (Class I Railroads) - Issued Certificates (1/3 each year) - Designation of Certified Conductors (Class II and III Railroads) - Issued Certificates (1/3 each year) - Requests for Delayed Certification - Testing/Evaluation to Certify Persons -Testing/Evaluation to Certify Conductors (Class III)	677 railroads 677 railroads 677 railroads 677 railroads 677 railroads 627 railroads	48,600 designations 16,200 certif. 5,400 design. 1,800 certif. 5,000 request 1,000 tests 100 tests	5 minutes 1 hour 5 minutes 1 hour 30 minutes 560 hours 400 hours	4,050 hours 16,200 hours 450 hours 1,800 hours 2,500 hours 560,000 hour 40,000 hours
242.107 – Types of Service -Reclassification to Diff. Type of Cert.	677 railroads	25 conductor Tests/ Evaluations	8 hours	200 hours
242.109 – Opportunity by RRs for Certification Candidates to Review and Comment on Prior Safety Record	677 Railroads	200 records + 200 comment	30 minutes + 10 minutes	133 hours
242.111 – Prior Safety Conduct As Motor Vehicle Operator - Eligibility Determinations - Initial Certification for 60 Days - Recertification for 60 Days - Driver Info. Not Provided and Request for Waiver by Persons/RR - Request to Obtain Driver’s License Information From Licensing Agency - Requests for Additional Information From Licensing Agency - Notification to RR by Persons of Never Having a License - Report of Motor Vehicle Incidents - Evaluation of Driving Record - DAC Referral by RR After Report of Driving Drug/Alcohol Incident - DAC Request and Supply by Persons of Prior Counseling or Treatment - Conditional Certifications Recommended by DAC	677 Railroads 677 Railroads 677 Railroads 677 Railroads 54,000 Conductors/ Persons 54,000 Conductors/ Persons 54,000 Conductors/ Persons 54,000 Conductors 54,000 Conductors 677 Railroads 677 Railroads 677 Railroads	1,100 dtrmin. 75 certific. 125 recertif. 25 requests 18,000 req. 25 requests 2 notification 200 reports 18,000 eval. 180 referrals 5 requests/ Records 50 certificat.	10 minutes 10 minutes 10 minutes 2 hours 15 minutes 10 minutes 10 minutes 10 minutes 15 minutes 5 minutes 30 minutes 4 hours	183 hours 13 hours 21 hours 50 hours 4,500 hours 4 hours .33 hour 33 hours 4,500 hours 15 hours 3 hours 200 hours
242.113 –Prior Safety Conduct As Employee of a Different Railroad	54,000 conductors	360 requests/ 360 records	15 minutes + 30 minutes	270 hours

242.115 – Substance Abuse Disorders and Alcohol Drug Rules Compliance: - Meeting Section’s Eligibility Reqmnt - Written Documents from DAC Person Not Affected by a Disorder -Self-Referral by Conductors for Substance Abuse Counseling - Certification Reviews for Occurrence/Documentation of Prior Alcohol/Drug Conduct by Persons/Conductors - Written Determination That Most Recent Incident Has Occurred - Notification to Person That Recertification Has Been Denied - Persons/Conductors Waiving Investigation	54,000 conductors	18,000 determination	2 minutes	600 hours
	677 railroads	400 docs.	30 minutes	200 hours
	54,000 conductors	10 self-referrals	10 minutes	2 hours
	677 railroads	18,000 reviews	10 minutes	3,000 hours
	677 railroads	150 determin.	60 minutes	150 hours
	677 railroads	150 notific.	10 minutes	25 hours
	54,000 conductors	100 waivers	10 minutes	17 hours
242.117- Vision and Hearing Acuity - Determination Vision Standards Met - Determination Hearing Stds. Met - Additional Gap Hearing Tests - Medical Examiner Certificate That Person Has Been Examined/Passed test - Document Standards Met with Conditions - Document Standards Not Met - Notation Person Needs Corrective Device (Glasses/Hearing Aid) - Request for Further Medical Evaluation for New Determination - Request for Second Retest and Another Medical Evaluation - Copies of Part 242 Provided to RR Medical Examiners - Consultations by Medical Examiners with Railroad Officer and Issue of Conditional Certification -Notification by Certified Conductor of Deterioration of Vision/Hearing	677 railroads	18,000 deter.	20 minutes	6,000 hours
	677 railroads	18,000 deter.	20 minutes	6,000 hours
	677 railroads	200 deter.	20 minutes	67 hours
	677 railroads	18,000 certif.	2 hours	36,000 hours
	677 railroads	50 document	30 minutes	25 hours
	677 railroads	25 document	30 minutes	13 hours
	677 railroads	10,000 notes	10 minutes	1,667 hours
	677 railroads	100 requests + 100 Evals.	60 minutes + 2 hours	300 hours
	677 railroads	25 requests + 25 Evals.	60 minutes + 2 hours	75 hours
	677 railroads	677 copies	60 minutes	677 hours
	677 railroads	100 consults + 100 certif.	2 hours + 10 minutes	217 hours
	677 railroads	10 notific.	10 minutes	2 hours

242..119 - Training - Completion of Training Program - Modification to Training Program - Completion of Training Program by Conductors/Persons + Documents - Modification of Training Program Due to New Laws/Regulations - Consultation with Supervisory Employee During Written Test - Familiarization Training Upon Transfer of RR Ownership - Continuing Education of Conductors	677 railroads 677 railroads 54,000 Conductors 677 railroads 677 railroads 677 railroads 677 railroads	678 Program 678 Program 18,000 Docs/ 18,000 Cond. 30 programs 1,000 consult 10 trained Conductors 18,000 cont. trained cond.	36 hours/ 70 hrs/3 hrs 12 hrs/20 hrs/ 30 min. 1 hour/560 hours 4 hours 15 minutes 8 hours 8 hours	3,751 hours 934 hours 10,098,000 hours 120 hours 250 hours 80 hours 144,000 hour
242.121 – Knowledge Testing - Determining Eligibility - Retests/Re-Examinations	677 railroads 677 railroads	18,000 deter. 500 Retests	30 minutes 8 hours	9,000 hours 4,000 hours
242.123- Monitoring Operational Performance - Unannounced Compliance Tests and Records - Return to Service That Requires Unannounced Compliance Test/Record	677 railroads 677 railroads	18,000 tests + 18,000 recd 1,000 tests + 1,000 records	10 minutes + 5 minutes 10 minutes + 5 minutes	4,500 hours 250 hours
242.125/127- Certificate Determination by Other Railroads/Other Country - Determination Made by RR Relying on Another RR’s Certification - Determination by Another Country	677 railroads 677 railroads	100 determin. 200 determin.	30minutes 30 minutes	50 hours 100 hours
242.203 – Retaining Information Supporting Determination -- Records -- Amended Electronic Records	677 railroads 677 railroads	18,000 recds 20 records	15 minutes 60 minutes	4,500 hours 20 hours
242.205 – List of Certified Conductors Working in Joint Territory	677 railroads	625 lists	60 minutes	625 hours
242.209- Maintenance of Certificates - Request to Display Certificate - Notification That Request to Serve Exceeds Certification	677 railroads 677 railroads	2,000 request /displays 1,000 notif.	2 minutes 10 minutes	67 hours 167 hours

242.211 – Replacement of Certificates	677 railroads	500 certific.	5 minutes	42 hours
242.213 –Multiple Certificates - Notification to Engineer That No Conductor Is On Train	677 railroads	5 notification	10 minutes	1 hour
- Notification of Denial of Certification by Individuals Holding Multiple Certifications	677 railroads	10 notific.	10 minutes	2 hours
242.215 – RR Oversight Responsibility - RR Review and Analysis of Administration of Certification Program	677 railroads	44 reviews/ Analyses	40 hours	1,760 hours
- Report of Findings by RR to FRA	677 railroads	36 reports	4 hours	144 hours
242.301 –Determinations -- Territorial Qualification and Joint Operations	320 railroads	1,080 Deter.	15 minutes	270 hours
- Notification by Persons Who Do Not Meet Territorial Qualification	320 railroads	500 Notific.	10 minutes	83 hours
242.401 –Notification to Candidate of Information That Forms Basis for Denying Certification and Candidate Response	677 railroads	40 notific. + 40 responses	60 minutes/ 60 minutes	80 hours
- Written Notification of Denial of Certification	677 railroads	40 notific.	60 minutes	40 hours
242.403/405 - Criteria for Revoking Certification; Periods of Ineligibility - Review of Compliance Conduct	677 railroads	950 reviews	10 minutes	158 hours
- Written Determination That the Most Recent Incident Has Occurred	677 railroads	950 determin.	60 minutes	950 hours

242.407 – Process for Revoking Certification				
- Revocation for Violations of Section 242.115(e)	677 railroads	950 Revoked Certificates	8 hours	7,600 hours
- Immediate Suspension of Certificate	677 railroads	950 suspend Certificate	1 hour	950 hours
- Determinations Based on RR Hearing Record	677 railroads	950 determin.	15 minutes	238 hours
- Hearing Record	677 railroads	950 records	30 minutes	475 hours
- Written Decisions by RR Official	677 railroads	950 decisions	2 hours	1,900 hours
- Service of Written Decision on Employee by RR + RR Service Proof	677 railroads	950 decisions + 950 proofs	10 minutes + 5 minutes	238 hours
- Written Waiver of Right to Hearing	54,000 Conductors	425 waivers	10 minutes	71 hours
- Revocation of Certification Based on Information That Another Railroad Has Done So	677 railroads	15 revoked Certifications	10 minutes	3 hours
-Placing Relevant Information in Record Prior to Suspending Certification/Convening Hearing	677 railroads	100 updated records	1 hour	100 hours

Total Estimated Responses: 354,076

Total Estimated Total Annual Burden: 3,972,997 hours

Status: Extension of a Currently Approved Collection

Pursuant to 44 U.S.C. 3507(a) and 5 CFR 1320.5(b), 1320.8(b)(3)(vi), FRA informs all interested parties that it may not conduct or sponsor, and a respondent is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Authority: 44 U.S.C. 3501-3520.

Issued in Washington, D.C. on August 28, 2014.

Rebecca Pennington,
Chief Financial Officer.

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