



4910-06-P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Proposed Agency Information Collection Activities; Comment Request

[Docket No. FRA 2016-0002-N-5]

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

ACTION: Notice and request for comments

SUMMARY: FRA hereby gives notice that it is submitting the following information collection request (ICR) to the Office of Management and Budget (OMB) for Emergency Processing under the Paperwork Reduction Act of 1995. FRA is republishing its February 12, 2016, Notice, see 81 FR 7628, to include two accompanying documents that were not included with that Notice. FRA requests that OMB authorize the collection of information identified below seven days after publication of this Notice for a period of 180 days.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert Brogan, Information Collection Clearance Officer, Regulatory Safety Analysis Division, RRS-21, Federal Railroad Administration, 1200 New Jersey Ave., SE, Mail Stop 25, Washington, DC 20590 (telephone: (202) 493-6292) or Ms. Kimberly Toone, Information Collection Clearance Officer, 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 No. 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 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.

Organizations and individuals desiring to submit comments on these information collection requirements should send them directly to the Office of Management and Budget, Office of Information and Regulatory Affairs, 725 17th St., NW, Washington, DC 20503, Attention: FRA Desk Officer. Comments may also be sent via e-mail to the Office of Management and Budget at the following address:

oirra_submissions@omb.eop.gov

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

Title: Bridge Safety Standards

OMB Control Number: 2130-0586

Abstract: On December 4, 2015, President Obama signed into law the Fixing America's Surface Transportation Act (FAST Act) (Public Law 114-94). Section 11405, "Bridge Inspection Reports," provides a means for a State or a political subdivision of a State to obtain a public version of a bridge inspection report generated by a railroad for a bridge located within their respective jurisdiction. While the FAST Act specifies that requests for such reports are to be filed with the Secretary of Transportation, the responsibility for fulfilling these requests is delegated to FRA. See 49 CFR 1.89.

FRA is revising its currently approved information collection to account for the additional burden that will be incurred by States and political subdivisions of States requesting a public version of a bridge inspection report generated by a railroad for a

bridge located within their respective jurisdiction. FRA has developed a new form titled “Bridge Inspection Report Public Version Request Form” (see below) to facilitate such requests by States and their political subdivisions. Additionally, FRA is revising its currently approved information collection to account for the additional burden that will be incurred by railroads to provide the public version of a bridge inspection report upon agency request to FRA.

As background, on July 15, 2010, FRA published its Bridge Safety Standards Final Rule. See 75 FR 41281. The final rule on bridge safety standards normalized and established federal requirements for railroad bridges. The final rule established minimum requirements to assure the structural integrity of railroad bridges and to protect the safe operation of trains over those bridges. The final rule required railroads/track owners to implement bridge management programs to prevent the deterioration of railroad bridges and to reduce the risk of human casualties, environmental damage, and disruption to the Nation’s transportation system that would result from a catastrophic bridge failure. Bridge management programs were required to include annual inspection of bridges as well as special inspections, which must be conducted if natural or accidental events cause conditions that warrant such inspections. Lastly, the final rule required railroads/track owners to audit bridge management programs and bridge inspections and to keep records mandated under 49 CFR part 237. This final rule culminated FRA’s efforts to develop and promulgate bridge safety regulations and fulfilled the Railroad Safety Improvement Act of 2008 (Public Law 110-432, Division A) mandate.

The information collected is used by FRA to ensure that railroads/track owners

meet Federal standards for bridge safety and comply with all the requirements of this regulation. In particular, the collection of information is used by FRA to confirm that railroads/track owners adopt and implement bridge management programs to properly inspect, maintain, modify, and repair all bridges that carry trains over them for which they are responsible. Railroads/track owners must conduct annual inspections of railroad bridges. Further, railroads/track owners must incorporate provisions for internal audit into their bridge management program and must conduct internal audits of bridge inspection reports. The internal audit information is used by railroads/track owners to verify that the inspection provisions of the bridge management program are being followed and to continually evaluate the effectiveness of their bridge management program and bridge inspection activities. FRA uses this information to ensure that railroads/track owners implement a safe and effective bridge management program and bridge inspection regime.

As provided under 49 CFR 1320.13, FRA is requesting emergency processing for this new collection of information as specified in the Paperwork Reduction Act of 1995 and its implementing regulations. FRA cannot reasonably comply with normal clearance procedures since they would be reasonably likely to disrupt the collection of information. With the recent passage of the FAST Act, FRA expects States and their political subdivisions to immediately request a public version of bridge inspection reports that affect critical infrastructure within their jurisdiction to ensure public safety. Upon receipt of such requests, FRA will require railroads to submit to the agency a public version of the most recent bridge inspection report. Therefore, FRA is requesting OMB approval as

soon as possible (i.e., 7 days after publication of this Notice) for this collection of information.

Form Number(s): FRA F 6180.167

Affected Public: States/Political Subdivisions of States and Businesses

Respondent Universe: 50 States/State Political Subdivisions and 693 Railroads

Frequency of Submission: On occasion

Reporting Burden:

CFR Section	Respondent Universe	Total Annual Responses	Average Time per Response	Total Annual Burden Hours
<u>NEW FAST ACT REQUIREMENTS</u> - Form FRA F 6180.167 - Railroad Submission to FRA of Bridge Inspection Report – Public Version	50 States/State Political Subdivision	75 forms	5 minutes	6 hours
	693 Railroads	75 reports	60 minutes	75 hours
237.3 – Notifications to FRA of Assignment of Bridge Responsibility - Signed Statement by Assignee Concerning Bridge Responsibility	693 Railroads	15 notifications	90 minutes	22.5 hours
	693 Railroads	15 signed statements	30 minutes	7.5 hours
237.9 – Waivers -- Petitions	693 Railroads	6 petitions	4 hours	24 hours
23731/33 – Development/Adoption of Bridge Management Program	693 Railroads	5 plans	24 hours	120 hours
237.57 – Designation of Qualified Individuals	693 Railroads	1,000 designations	30 minutes	400 hours
237.71 – Determination of Bridge Load Capacities	693 Railroads	2,000 determinations	8 hours	16,000 hours
237.73 – Issuance of Instructions to Railroad Personnel by Track Owner	693 Railroads	2,000 instructions	2 hours	4,000 hours
237.105 – Special Bridge Inspections and Reports/Records - Special Underwater Inspections	693 Railroads	7,500 insp. and reports/records	12.50 hours	93,750 hours
	693 Railroads	50 insp. and Reports/rcds.	40 hours	2,000 hours

237.107 and 237.109 – Nationwide Annual Bridge Inspections – Reports - Records -Report of Deficient Condition on a Bridge	693 Railroads	15,450 insp. & reports	4 hours	61,800 hours
	693 Railroads	15,450 records	1 hour	15,450 hours
	693 Railroads	50 reports	30 minutes	25 hours
237.111 – Review of Bridge Inspection Reports by RR Bridge Engineers – Prescription of Bridge Insp. Procedure Modifications After Review	693 Railroads	2,000 insp. rpt. reviews	30 minutes	1,000 hours
	693 Railroads	200 insp. proc. modifications	30 minutes	100 hours
237.131 – Design of Bridge Modifications or Bridge Repairs - Bridge Modification Repair Reviews/Supervisory Efforts -- Common Standard Designed by Railroad Bridge Engineer	693 Railroads	1,250 designs	16 hours	20,000 hrs.
	693 Railroads	1,250 br. mod. repair reviews	1.50 hours	1,875 hours
	693 Railroads	50 standards	24 hours	1,200 hours
237.153 – Audits of Inspections	693 Railroads	725 insp. audits	80 hours/24 hours/6 hours	5,534 hours
237.155 – Documents and Records - Establishment of RR Monitoring and Info. Technology Security Systems for Electronic Recordkeeping – Employees Trained in System	693 Railroads	5 systems	80 hours	400 hours
	693 Railroads	100 employees	8 hours	800 hours

Total Estimated Responses for New FAST Act Requirements: 150

Total Estimated Responses for Entire Information Collection: 49,271

Total Estimated Total Annual Burden for New FAST Act Requirements: 81 hours

Total Estimated Total Annual Burden Entire Information Collection: 224,689 hours

Type of Request: Emergency Clearance to the revision of a currently approved information 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, DC on February 12, 2016.

Corey Hill,
Acting Executive Director.

**Federal Railroad Administration
Bridge Inspection Report Public Version Request Form**

OMB Control No. 2130-####

Public reporting burden for this information collection is estimated to average 5 minutes per response, including the time for searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. According to the Paperwork Reduction Act of 1995, a federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with, a collection of information unless it displays a currently valid OMB control number. The valid OMB control number for this information collection is 2130-####. All responses to this collection of information are voluntary. Send comments regarding this burden estimate or any other aspect of this collection, including suggestions for reducing this burden to: Information Collection Officer, Federal Railroad Administration, 1200 New Jersey Ave S.E., Washington D.C. 20590.

Requester's Name:

Requester's Title:

Requester's Address:

Requester's Email:

Telephone Number:

Bridge Identification:
(Street name, waterway, other
identifiable land feature, etc.)

Railroad Owning Bridge:
(if known)

Requester's State or political
subdivision:

I hereby certify that I am a duly elected or appointed representative of the State or the political subdivision of a State indicated above, this request is being made in my official capacity, and the bridge is located within my jurisdiction. (check one)

Yes
 No

Clicking the submit button will open your default email application allowing you to send the filled form to: FRABridgeReportRequest@dot.gov

FAST Act Bridge Inspection Report Requests

The Fixing America's Surface Transportation Act (FAST Act) (Pub. L. 114-94) (Dec. 4, 2015), Section 11405, "Bridge Inspection Reports," provides a means for a State or a political subdivision of a State to obtain a public version of a bridge inspection report generated by a railroad for a bridge located within their respective jurisdiction. While the FAST Act specifies that requests for such reports are to be filed with the Secretary of Transportation, the responsibility for fulfilling these requests is delegated to the Federal Railroad Administration (FRA). See 49 CFR 1.89. The text of Section 11405 of the FAST Act is provided in attachment 1.

Frequently Asked Questions

Q. Who can make a request for a bridge inspection report under Section 11405 of the FAST Act?

A. Section 11405 of the FAST Act permits a State or a political subdivision of a State to file a request for a public version of a bridge inspection report for a bridge located in that State or political subdivision's jurisdiction. Thus, any duly elected or appointed official of a State or political subdivision of a State, acting in his or her official capacity, may file a request. This includes officials of a State, city, county, town, municipality or other political subdivision of a State.

Q. What information do I need to provide in my request?

A. Go to FRA's website (www.fra.dot.gov) and click on the Bridge Inspection Report link and fill out the "Bridge Inspection Report Public Version Request Form" (FRA F 6180.167) in its entirety (a link to the form is provided at the end of these questions). Please provide the following information:

- Your name and title;
- Official address;
- E-mail address;
- Telephone number;
- Identification of the individual bridge(s) for which you are requesting a public version of a bridge inspection report(s). Bridge identification information could include a street name, a nearby intersecting street, a waterway or a recognizable land feature where appropriate;
- Name of the railroad that owns and/or operates over the requested bridge(s) (if known); and

- An indication that the request is being made in your official capacity as a representative of a State or a political subdivision of a State. The bridge(s) for which the inspection report(s) is sought must be within the jurisdiction of the political subdivision of the State you represent.

Q. How do I file my request?

A. You can file a request by going to FRA’s website (www.fra.dot.gov) and clicking on the Bridge Inspection Report link. There you will find the “*Bridge Inspection Report Public Version Request Form*” (FRA F 6180.167). Please complete this pdf fillable form by providing all of the information listed in the question above and click on the “submit” box when completed. This will automatically create an e-mail that will send the completed form directly to FRA. A link to the form has also been provided at the end of these questions below.

If you are unable to submit the form to FRA directly, please fill out the “*Bridge Inspection Report Public Version Request Form*” (FRA F 6180.167) and attached it in an e-mail to FRABridgeInspectionReportRequest@dot.gov. Requests will only be accepted through this e-mail address with the proper form completely filled out and attached.

Q. How will FRA handle a request?

A. FRA will evaluate the request and, if found to be compliant with law, FRA will promptly request that the railroad responsible for the bridge provide a public version of the most recent inspection report(s) to FRA. Once FRA has received the report(s), FRA will review the report(s) to ensure that at least the minimum information required by law has been provided. Once determined to be satisfactory, the report(s) will be sent to the requester electronically by reply to the request unless the requester provides an alternate e-mail address to send the report to.

Q. What information must a railroad include in the public version of the bridge inspection report provided to FRA?

A. The FAST Act requires the following information to be included in a public version of a bridge inspection report:

1. The date of the last inspection;
2. Length of bridge;
3. Location of bridge;
4. Type of bridge (superstructure);
5. Type of structure (substructure);
6. Features crossed by the bridge;
7. Railroad contact information; and
8. A general statement on the condition of the bridge.

Q. How much time does a railroad have to provide the public version of a bridge inspection report to FRA?

A. FRA interprets the statute to require a railroad to provide a requested report containing at least the minimum specified information within a reasonable amount of time. FRA believes that a reasonable time for a railroad to provide a requested report is within 30 days of receipt of FRA's request.

Q. How long will it take FRA to produce a public version of a bridge inspection report to a requester?

A. FRA will handle these requests as expeditiously as possible and generally expects to respond to most requests by providing the requester with a public version of a bridge inspection report within 45 days of receipt of the request.

(Link to Form will be located here)

Attachment 1 to Frequently Asked Questions

FAST Act - SECTION 11405 - BRIDGE INSPECTION REPORTS.

Section 417(d) of the Rail Safety Improvement Act of 2008 (49 U.S.C. 20103 note) is amended—(1) by striking “The Secretary” and inserting the following: “(1) IN GENERAL.—The Secretary”; and (2) by adding at the end the following: “(2) AVAILABILITY OF BRIDGE CONDITION.—

“(A) IN GENERAL.—A State or political subdivision of a State may file a request with the Secretary for a public version of a bridge inspection report generated under subsection (b)(5) for a bridge located in such State or political subdivision’s jurisdiction.

“(B) PUBLIC VERSION OF REPORT.—If the Secretary determines that the request is reasonable, the Secretary shall require a railroad to submit a public version of the most recent bridge inspection report, such as a summary form, for a bridge subject to a request under subparagraph (A). The public version of a bridge inspection report shall include the date of last inspection, length of bridge, location of bridge, type of bridge, type of structure, feature crossed by bridge, and railroad contact information, along with a general statement on the condition of the bridge.

“(C) PROVISION OF REPORT.—The Secretary shall provide to a State or political subdivision of a State a public version of a bridge inspection report submitted under subparagraph (B).

“(D) TECHNICAL ASSISTANCE.—The Secretary, upon the reasonable request of State or political subdivision of a State, shall provide technical assistance to such State or political subdivision of a State to facilitate the understanding of a bridge inspection report.”

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