



4910-06-P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA-2017-0002-N-21]

Proposed Agency Information Collection Activities; Comment Request

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

ACTION: Notice of information collection; request for comment.

SUMMARY: Under the Paperwork Reduction Act of 1995 (PRA) and its implementing regulations, FRA seeks approval of the currently approved information collection activities listed below. Before submitting these information collection requests (ICRs) to the Office of Management and Budget (OMB) for approval, FRA is soliciting public comment on specific aspects of the activities, which are identified in this notice.

DATES: Comments must be received no later than [INSERT DATE 60 DAYS AFTER THE 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, Information Collection Clearance Officer, Office of Railroad Safety, Regulatory Analysis Division, RRS-21, Federal Railroad Administration, 1200 New Jersey Avenue, SE, Mail Stop 25, Washington, DC 20590; or Ms. Kim Toone, Information Collection Clearance Officer, Office of Information Technology, RAD-20, Federal Railroad Administration, 1200 New Jersey Avenue, 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-XXXX,” and should also include the title of the collection of information. Alternatively, comments may be faxed to (202) 493-6216 or (202) 493-6497, or emailed to Mr. Brogan at Robert.Brogan@dot.gov, or 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, Information Collection Clearance Officer, Office of Railroad Safety, Regulatory Analysis Division, RRS-21, Federal Railroad Administration, 1200 New Jersey Avenue, SE, Mail Stop 25, Washington, DC 20590 (telephone: (202) 493-6292) or Ms. Kim Toone, Information Collection Clearance Officer, Office of Information Technology, RAD-20, Federal Railroad Administration, 1200 New Jersey Avenue, SE, Mail Stop 35, Washington, DC 20590 (telephone: (202) 493-6132).

SUPPLEMENTARY INFORMATION: The PRA, 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 to allow comment on information collection activities before seeking OMB approval of the activities. See 44 U.S.C. 3506, 3507; 5 CFR 1320.8-12.

Specifically, FRA invites interested parties to comment on the following ICRs regarding:

(1) whether the information collection activities are necessary for FRA to properly execute its functions, including whether the activities will have practical utility; (2) 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; (3) ways for FRA to enhance the quality, utility, and clarity of the information being collected; and (4) ways for FRA to minimize the burden of information collection activities on the public, including the use of automated collection techniques or other forms of information technology. See 44 U.S.C. 3506(c)(2)(A); 5 CFR 1320.8(d)(1).

FRA believes that soliciting public comment will promote its efforts to reduce the administrative and paperwork burdens associated with the collection of information that Federal regulations mandate. In summary, FRA reasons that comments received will advance three objectives: (1) reduce reporting burdens; (2) ensure that it organizes information collection requirements in a “user-friendly” format to improve the use of such information; and (3) accurately assess the resources expended to retrieve and produce information requested. See 44 U.S.C. 3501.

The summaries below describe the ICRs that FRA will submit for OMB clearance as the PRA requires:

Title: Identification of Cars Moved under 49 CFR 232.3(d) (Formerly Order 13528)

OMB Control Number: 2130-0506

Abstract: This collection of information identifies certain railroad freight cars authorized to move under 49 CFR 232.3(d) (formerly Interstate Commerce Commission Order 13528). Paragraph (d) of 49 CFR 232.3 allows for the movement of certain railroad freight cars without air brakes from initial terminal locations or through interchange locations under certain conditions.

Paragraph (d) of 49 CFR 232.3 requires the cars to be identified by a card

attached to the side of the equipment specifically noting and signed by the shipper that the car is being moved under the authority of that paragraph. Railroads typically use carrier bad order forms or tags for these purposes. These forms are readily available from all carrier repair facilities. If a car moving under 49 CFR 232.3(d) is not properly tagged, a carrier is not legally allowed to move the car. Section 232.3(d)(3) does not require carriers or shippers to retain cards or tags. When a car bearing a tag for movement under this provision arrives at its destination, the tag is simply removed. FRA estimates approximately 400 cars per year are moved under this regulation.

Form Number(s): N/A

Affected Public: Businesses

Respondent Universe: 755 railroads

Frequency of Submission: On occasion

Affected Public: Businesses

Reporting Burden:

CFR Section	Respondent Universe	Total Annual Responses	Average Time per Response	Total Annual Burden Hours
232.3(d) – Cars moved in Accordance with Emergency Order 13528 -- Tagging	755 railroads	800 tags	5 minutes	67 hours

Total Estimated Annual Responses: 800

Total Estimated Annual Burden: 67 hours

Type of Request: Extension without Change of a Currently Approved Collection

Title: U.S. Locational Requirement for Dispatching U.S. Rail Operations

OMB Control Number: 2130-0556

Abstract: With one exception, 49 CFR part 241 requires, in the absence of a waiver, that all dispatching of railroad operations occurring in the United States be performed in the United States. A railroad may, however, conduct dispatching from Mexico or Canada in an emergency situation, but only for the duration of the emergency situation. A railroad relying on this exception must provide written notification of its action to the FRA Regional Administrator of each FRA region in which the railroad emergency operation occurs as soon as practicable; such notification is not required before addressing the emergency situation. The information collected under this rule is used as part of FRA's oversight function to ensure that extraterritorial dispatchers comply with applicable safety regulations.

Form Number(s): N/A

Affected Public: Businesses

Respondent Universe: 4 railroads

Frequency of Submission: On occasion

Affected Public: Businesses

Reporting Burden:

CFR Section	Respondent Universe	Total Annual Responses	Average Time per Response	Total Annual Burden Hours
241.9 – Written notification to FRA Regional Administrator of emergency where dispatcher outside the U.S. dispatches a railroad operation in the U.S. for the duration of the emergency	4 railroads	1 notice	8 hours	8 hours

Total Estimated Annual Responses: 1

Total Estimated Annual Burden: 8 hours

Type of Request: Extension without Change of a Currently Approved Collection

Title: Safety and Health Requirements Related to Camp Cars

OMB Control Number: 2130-0595

Abstract: Subparts C and E of 49 CFR part 228 address the construction of railroad-provided sleeping quarters (camp cars) and set certain safety and health requirements for such camp cars. Specifically, subpart E of part 228 prescribes minimum safety and health requirements for camp cars that a railroad provides as sleeping quarters to any of its train employees, signal employees, and dispatching service employees (covered-service employees) and individuals employed to maintain its right of way. Subpart E requires railroad-provided camp cars to be clean, safe, sanitary, and be equipped with indoor toilets, potable water, and other features to protect the health of car occupants. Subpart C of part 228 prohibits a railroad from positioning a camp car intended for occupancy by individuals employed to maintain the railroad's right of way in the immediate vicinity of a switching or humping yard which handles railcars containing hazardous material. Generally, the requirements of Subparts C and E to part 228 are intended to provide covered-service employees an opportunity for rest free from the interruptions caused by noise under the control of the railroad.

The information collected under this rule is used by FRA to ensure railroads operating camp cars comply with all the requirements mandated in this regulation to protect the health and safety of camp car occupants.

Form Number(s): N/A

Affected Public: Businesses

Respondent Universe: 1 railroad

CFR Section	Respondent Universe	Total Annual Responses	Average Time per Response	Total Annual Burden Hours
228.323 - Copy – Water Hydrant/Hoses/Nozzle Inspections - Hydrant/Hoses/Nozzle Inspections – Records - Copy of records at Central Location - Training – For Individuals to Fill Potable Water Systems - Certification from State/Local Health Authority - Certification by Laboratory - Certification Copies - Draining/Flushing and Record - Occupant Report of Taste Problem - Draining/Flushing and Record When Taste Report - Lab Tests from Taste Report - Lab Report Copies - Signage (for Non-Potable Water)	1 railroad	740 Inspections	3 minutes	37 hours
	1 railroad	740 Records	2 minutes	25 hours
	1 railroad	740 Record copies	10 seconds	2 hours
	1 railroad	5 Trained employees	15 minutes	1 hour
	1 railroad	666 Certificates	1 hour	666 hours
	1 railroad	74 Certificates	20 minutes	25 hours
	1 railroad	740 Certification copies	10 seconds	2 hours
	1 railroad	111 Records	30 minutes	56 hours
	1 railroad	10 Taste reports	10 seconds	.028 hour
	1 railroad	10 Records	30 minutes	5 hours
	1 railroad	10 Tests/certificates	20 minutes	3 hours
	1 railroad	10 Lab report copies	2 minutes	.3333 hour
	1 railroad	740 Signs	2.5 minutes	31 hours
228.331 – First Aid and Life Safety - Modified Emergency Preparedness Plan -- Modified Emergency Preparedness Copies	1 railroad	740 Modified Plans	15 minutes	185 hours
	1 railroad	5,840 Plan Copies	3 seconds	5 hours
228.333 – Remedial Action - Oral Report of Needed Repair	1 railroad	30 Reports	10 seconds	.08333 hour

Total Estimated Annual Responses: 11,206

Total Estimated Annual Burden: 1,043 hours

Type of Request: Extension without Change of a Currently Approved Collection

Title: Training, Qualification, and Oversight for Safety-Related Railroad Employees

OMB Control Number: 2130-0597

Abstract: On November 7, 2014, FRA published a final rule – 49 CFR Parts 214, 232, and 243 – establishing minimum training standards for all safety-related railroad employees, as required by the Rail Safety Improvement Act of 2008. The final rule requires each railroad or contractor that employs one or more safety-related employees to develop and submit a training program to FRA for approval and to designate the minimum training qualifications for each occupational category of employee.

The rule also requires most employers to conduct periodic oversight of their own employees and annual written reviews of their training programs to close performance gaps. Additionally, the rule requires specific training and qualification of operators of roadway maintenance machines that can hoist, lower, and horizontally move a suspended load.

Finally, the rule clarifies the existing training requirements for railroad and contractor employees who perform brake system inspections, tests, or maintenance.

FRA will use the information collected to ensure each employer – railroad or contractor – conducting operations subject to new part 243 develops, adopts, submits, and complies with a training program for each category and subcategory of safety-related railroad employee. Each program must have training components identified so that FRA will understand how the program works when it reviews the program for approval. Further, FRA will review the required training programs to ensure they include initial,

ongoing, and on-the-job criteria; testing and skills evaluation measures designed to foster continual compliance with Federal standards; and the identification of critical safety defects and plans for immediate remedial actions to correct them.

In response to petitions for reconsideration, FRA has extended the effective date for developing the required Training Program under § 243.101 for employers with 400,000 or more total annual employee work hours to January 1, 2019, and for employers with less than 400,000 total annual employee work hours to May 1, 2020.

Form Number(s): N/A

Affected Public: Businesses

Respondent Universe: 1,550 railroads/contractors/training organizations/learning institutions

214.357 – Training and Qualification Program for Operators of Roadway Maintenance Machines (RMM) Equipped with a Crane - Initial Training/Qualification of RMM Operators (Cranes) - Periodic Training/Qualification of RMM Operators (Cranes) - Records of Training/Qualification	535 railroads/ contractors 17,396 roadway workers 17,396 roadway workers 17,396 roadway workers	535 revised programs 1,750 tr. worker + 15,646 tr. wrkr 17,396 trained workers 17,396 records	4 hours 24 hours + 4 hours 1 hour 15 minutes	2,140 hours 104,584 hour 17,396 hours 4,349 hours
243.101 – Training Programs Submissions by Employers subject to this Part with 400,000 total annual employee work hours or more by Jan. 1, 2018 - Submissions by Employers subject to this Part with less than 400,000 total annual work hours by May 1, 2020 -- Submission by New Employers Commencing Operations after Jan. 1, 2019 -- Validation documents sent from contractors that train their own safety-related employees to railroads that are using their training programs -- Copies of contractor validation documents kept by railroads	56 railroads/ contractors/etc. 1,461 railroads/ contractors/etc. 5 New Railroads 795 railroad contractors/ subcontractors 795 railroads	18 programs 496 programs 5 programs 50 documents 50 copies	6,480 hours 20 hours 40 hours 15 minutes 10 minutes	116,640 hours 9,920 hours 200 hours 13 hours 8 hours
243.103 – Training Programs required to be modified by FRA due to essential missing/inadequate components	1,489 railroads/ contractors/etc.	73 programs	10 hours	730 hours

243.105 – Optional Model Program Development – Customized Training Program Submissions	1,489 railroads/ contractors/etc. 1,489 railroads/ contractors/etc.	4 model training programs 113 customized training programs	8 hours 4 hours	32 hours 452 hours
243.109 –Initial Training Programs Found Non-Conforming to this Part by FRA – Revisions to Programs - Written Request to Extend Revision/Resubmission Deadline - Previously Approved Programs Requiring an Informational Filing When Modified - New Portions or Substantial Revisions to an approved Training Program - Training Programs found Deficient - Copy of Additional Submissions, Resubmissions, and Informational Filings to Labor (Union) Presidents - Railroad Statement Affirming that a copy of Submissions, Resubmissions, or Informational Filings has been served to Labor (Union) Presidents - Labor comments on Railroad Training Program Submissions, Resubmissions, or Informational Filings	56 railroads/ contractors/etc. 56 railroads/ contractors/etc. 56 railroads/ contractors/etc. 56 railroads/contractors 56 railroads/contractors 56 railroads/contractors 56 railroads/contractors /etc. 5 RR labor organizations	7 programs 1 request 8 informational filings 25 revised programs 12 rev. program 225 copies 25 affirming statements 3 comments	10 hours 15 minutes 432 hours 16 hours 16 hours 15 minutes 60 minutes 4 hours	70 hours .25 hour 3,456 hours 400 hours 192 hours 56 hours 25 hours 12 hours
243.111 – Written Request by Training Organization/Learning Institution Previously Providing Training Services to Railroads Prior to Jan. 1, 2018, to Provide Such Services after Jan. 1, 2019 - Revised/Resubmitted Training Program by Training Organization /Learning Institution after found Deficient by FRA - Informational Filing by Training Organization/Learning Institution due to New Federal Laws/Regulations/Order or New Technologies/Procedures/ Equipment - New Portions or Revisions to Training Organization/Learning Institution Training Program Found Deficient - Safety Related Employees Instructed by Training Organizations/Records - Request to Training Organization/Learning Institution by Student to Provide Transcript or Record	50 tr. organizations /Learning Institutions 50 tr. Organizations/ Learning Inst. 50 tr. Organizations/ Learning Inst. 50 tr. Organizations/ Learning Inst. 50 tr. Organizations/ Learning Inst. 50 tr. Organizations/ Learning Inst.	3 requests 2 programs 1 filing 2 programs 1,600employees + 1,600 records 200 requests + 200 records	60 minutes 20 hours 432 hours 20 hours 8 hours + 5 minutes 5 minutes + 5 minutes	3 hours 40 hours 432 hours 40 hours 12,933 hours 34 hours
243.113 – Required Employer Information Sent to FRA Prior to First Electronic Submission (Employers with 400,000 Annual Work Hours or More)	106 RRs/contractors /learning institution /associations	60 letters	15 minutes	15 hours

243.201 – Designation of Existing Safety-related Employees by Job Category – Lists (Employer with 400,000 Annual Work Hours or More) - Written Request to Extend Deadline for Designation List by These Employers - New RRs Operating After Jan. 1, 2018, Designation of Safety-related Employees by Job Category -- Lists - Training of Newly Hired Employees or Those Assigned New Safety-related Duties and Records - Requests for Relevant Qualification or Training Record from an Entity Other Than Current Employer - Testing of Employees When Current Record of Training is Unavailable - Testing of Employees Who Have Not Received Initial/Periodic Training or Who Have Not Performed the Necessary Safety-Related Duties for an Occupational Category or Subcategory in the Previous 180 Days	106 railroads/ contractors	13 lists	15 minutes	3 hours
	106 railroads/ contractors	3 requests	60 minutes	3 hours
	5 railroads	5 lists	15 minutes	1 hour
	106 railroads/contractors	114 tr. employees + 114 records	8 hours + 15 minutes	941 hours
	106 railroads/ contractors	11 requests + 11 records	5 minutes + 5 minutes	2 hours
	106 railroads/ contractors	68 tests + 68 records	8 hours + 30 minutes	578 hours
243.203 – Electronic Recordkeeping – Systems Set Up to Meet FRA Requirements - Transfer of Records to Successor Employer	106 RRs/ contractors	20 systems	120 hours	2,400 hours
	106 RRs/ contractors	20 records	15 minutes	5 hours
243.205 – Modified Training Resulting from Periodic Oversight Tests and Inspections - Periodic Tests and Inspections - RR Identification of Supervisory Employees Who Conduct Periodic Oversight Tests by Category/Subcategory - Contractor Periodic Tests/Inspections Conducted by RR Supervisory Employees - Notification by RR of Contractor Employee Non-Compliance with Federal Laws /Regulations/Orders to Employee and Employee’s Employer - Contractor conduct of Periodic Oversight Tests/Inspections of Its Safety-related Employees - Contractor Direct Training of Its Employees for Qualifying Those Employees to Perform Safety-related Duties - Employer Records of Periodic Oversight	106 railroads/contractors	1 modified programs	40 hours	40 hours
	106 railroads/contractors	8,600 tests/ Inspections	10 minutes	1,433 hours
	106 railroads/contractors	10 identification	5 minutes	1 hour
	106 railroads/ contractors	4,695 tests/ inspections	20 minutes	1,565 hours
	106 railroads/ contractors	175 notices + 175 notices	5 minutes	30 hours
	795 contractors	795 tests/ inspections	10 minutes	133 hours
	11 contractors	45 trained employees	8 hours	360 hours
	56 railroads/ contractors	5,490 records	5 minutes	458 hours
243.207 – Written Annual Review of Safety Data (RRs with 400,000 Annual Employee Work Hours or More) -RR Copy of Written Annual Review at System Headquarters - RR Designation of Person(s) to Conduct Written Annual Review - Adjustments to Initial/Refresher Training Based Upon Results of Written Annual Review - RR Notification to Contractor of Relevant Training Program Adjustments - Contractor Adjustment of Its Training Program Based on RR Information	18 railroads	4 reviews	20 hours	80 hours
	18 railroads	4 review copies	20 minutes	1 hour
	18 railroads	48 designations	15 minutes	12 hours
	18 railroads	1 adjusted program	1 hour	1 hour
	18 railroads	2 notifications	15 minutes	1 hour
	38 contractors	1adjusted program	20 hours	20 hours

243.209 Railroad Maintained List of Contractors Utilized	106 railroads	11 lists	30 minutes	6 hours
- Updated Lists of Contractors	106 railroads	1 list	15 minutes	.25 hour

Total Estimated Annual Responses: 71,752

Total Estimated Annual Burden: 281,752 hours

Under 44 U.S.C. 3507(a) and 5 CFR 1320.5(b) and 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.

Brett A. Jortland,

Acting Chief Counsel.

[FR Doc. 2017-19354 Filed: 9/12/2017 8:45 am; Publication Date: 9/13/2017]