



4910-06-P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA-2017-0002-N-23]

Proposed Agency Information Collection Activities; Comment Request

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

ACTION: Notice and request for comments.

SUMMARY: Under the Paperwork Reduction Act of 1995 (PRA) and its implementing regulations, FRA seeks renewed approval of the proposed 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 2130-0571” or “Comments on OMB Control Number 2130-0596,” 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, 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 to implement them. See 44 U.S.C. 3506(c)(2)(A); 5 CFR 1320.8(d)(1), 1320.10(e)(1), 1320.12(a). FRA invites interested respondents to comment on the following summary of proposed information collection activities 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 by automated, electronic, mechanical, or other technological collection techniques and other forms of information technology (e.g., permitting electronic submission of responses). 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.

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

Title: Occupational Noise Exposure for Railroad Operating Employees

OMB Control Number: 2130-0571

Abstract: FRA uses the collection of information to ensure railroads covered by this rule establish and implement noise monitoring, hearing conservation, and audiometric testing programs. This collection also includes hearing conservation training programs that protect railroad employees from the damaging and potentially dangerous effects of excessive noise in the everyday rail environment.

Form Number(s): N/A

Affected Public: Businesses

Respondent Universe: 755 railroads

Frequency of Submission: On occasion

Affected Public: Businesses (Railroads, railroads equipment manufacturers)

Reporting Burden:

CFR Section	Respondent Universe	Total Annual Responses	Average Time per Response	Total Annual Burden Hours
227.13 - Waivers	502 railroads	2 petitions	60 minutes	2 hours
227.103 - Noise monitoring program: development and implementation - Notification of employee of monitoring	502 railroads	5 programs	30 hours	150 hours
	502 railroads	5 lists	30 minutes	3 hours
227.107 - Hearing Conservation Program (HCP) – Development of programs - Revised hearing conservation programs (HCPs)	502 railroads	5 HCPs	31 hours	155 hours
	502 railroads	5 HCPs	1.75 hours	9 hours
227.109 - Audiometric Testing Program - Existing employees - baseline audiograms - Periodic audiograms - Evaluation of audiograms - Problem audiograms/& provision of required documents to medical professional - Follow-up procedures –notifications - Fitting/training of employees: hearing protectors - Referrals for clinical/otological exam - Notification to employee of need for otological examination - New audiometric interpretation	85,600 employees	7,704 tests	25 minutes	3,210 hours
	85,600 employees	28,530 tests	10 minutes	4,755 hours
	85,600 employees	2,330 ratings + 93 retests	6 min./ + 30 min.	280 hours
	8,000 employees	45 documents	10 minutes	8 hours
	8,000 employees	93 notices	5 minutes	8 hours
	240 employees	240 tr. session	5 minutes	20 hours
	240 employees	20 referrals	2 hours	40 hours
	240 employees	20 notices	5 minutes	2 hours
240 employees	20 notices	5 minutes	2 hours	
227.111 - Audiometric test requirements	1,000 mobile vans	1,000 tests	45 minutes	750 hours
227.117 - Hearing protection attenuation - evaluation - Re-evaluations of adequacy of hearing protection attenuation when employee noise exposure increases	502 railroads	50 evaluations	30 minutes	25 hours
	502 railroads	10 re-evaluations	30 minutes	5 hours

227.119 - Hearing Conservation Training Program - development	502 railroads	5 programs	60 minutes	5 hours
- Employee HCP Training	502 railroads	26,000 tr. employees	30 minutes	13,000 hours
- Periodic Training	502 railroads	7,704 tr. employees	30 minutes	3,852 hours
227.121 - Recordkeeping - authorization: records	502 railroads	30 requests + 30 responses	10 minutes + 15 minutes	13 hours
- Request for copies of reports	502 railroads	150 requests + 150 responses	21 minutes + 45 minutes	166 hours
- Records transfer when carrier becomes defunct	502 railroads	10 records	24 minutes	4 hours
- Railroad audiometric test records	502 railroads	26,000 records	2 minutes	867 hours
- Hearing Conservation Program (HCP): Records	502 railroads	54,000 records	45 seconds	675 hours
229.121 - Locomotive Cab Noise - tests/records and certification	3 equipment manufacturers	610 records + 90 certs	5 minutes + 40 minutes	111 hours
- Equipment maintenance: excessive noise reports	484 railroads	3,000 reports + 3,000 record	1 minute + 1 minute	100 hours
- Maintenance records	484 railroads	3,750 records 22systems + 2 systems	1 minute	63 hours
- Internal auditable monitoring systems	484 railroads		36 min. + 8.25 hours	30 hours
Appendix H - Static test protocols/records	700 locomotives	2 retests + 2 records	10 minutes + 5 minutes	1 hour

Total Estimated Annual Responses: 164,734

Total Estimated Annual Burden: 28,311 hours

Type of Request: Extension of a Currently Approved Collection

Title: Conductor Certification

OMB Control Number: 2130-0596

Abstract: FRA's conductor certification regulation (49 CFR part 242) 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 intended the regulation to ensure that only those persons who meet minimum Federal safety standards serve as conductors. FRA collects information 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: 704 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	704 railroads	3 petitions	3 hours	9 hours
242.101/103 -- Certification programs for new railroads	704 railroads	5 new programs 40 copies	15.5 hours	78 hours
- Conductor certification submission: copies to rail labor organizations -RLO	704 railroads	40 avowals	15 minutes	10 hours
- Affirmative statements that copies of submissions were sent to RLOs	704 railroads	15 comments	15 minutes	10 hours
- Certified comments on submissions	704 railroads	10 programs	4 hours	60 hours
- Certification programs disapproved by FRA and then revised	704 railroads		3 hours	30 hours
-Revised certification programs still not conforming and then resubmitted	704 railroads	3 programs		
- Certification programs materially modified after initial FRA approval	704 railroads	15 programs	2 hours	6 hours
- Materially modified programs disapproved by FRA & then revised	704railroads	3 programs	2 hours	30 hours
-Revised programs disapproved and then re-submitted	704 railroads	1 program	2 hours	6 hours
			2 hours	2 hours

242.105 –Implementation Schedule - Issued certificates (1/3 each year) - Issued certificates (1/3 each year) - Requests for delayed certification - Testing/evaluation to certify persons -Testing/evaluation to certify conductors (Class III)	704 railroads 704 railroads 704 railroads 704 railroads 704 railroads	16,200 certif. 1,800 certif. 200 requests 1,000 tests 100 tests	30 minutes 30 minutes 30 minutes 560 hours 400 hours	8,100 hours 900 hours 100 hours 560,000 hour 40,000 hours
242.107 – Types of service -Reclassification to diff. type of cert.	704 railroads	25 conductor tests/ratings	8 hours	200 hours
242.109 – Opportunity by RRs for certification candidates to review and comment on prior safety record	704 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/railroad - 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	704 Railroads 704 Railroads 704 Railroads 704 Railroads 54,000 Conductors/ Persons 54,000 Conductors/ Persons 54,000 Conductors/ Persons 54,000 Conductors/ Persons 54,000 Conductors 54,000 Conductors 704 Railroads 704 Railroads 704 Railroads	1,100 ratings 75 certif. 125 re-certif. 5 requests 18,000 requests 25 requests 25 notices 200 reports 18,000 rating 180 referrals 5 requests/ records 50 certificate endorsements	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 10 hours 4,500 hours 4 hours 4 hours 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 – Determination that person meets eligibility requirements - Written documents from DAC that person is 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/de-certifications	54,000 conductors	18,000 determination	2 minutes	600 hours
	54,000 conductors	400 docs.	30 minutes	200 hours
	704 railroads	30 self-referrals	10 minutes	5 hours
	704 railroads	18,000 cert. reviews	10 minutes	3,000 hours
	704 railroads	150 decision.	60 minutes	150 hours
	704 railroads	300 notices	10 minutes	50 hours
	54,000 conductors	300 waivers/ de-certs	10 minutes	50 hours
242.117- Vision and Hearing Acuity - Determination vision standards met - Determination hearing standards 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 - Consultations by medical examiners with railroad officer and issue of conditional certification -Notification by certified conductor of deterioration of vision/hearing	704 railroads	18,000 deter.	20 minutes	6,000 hours
	704 railroads	18,000 deter.	20 minutes	6,000 hours
	704 railroads	200 deter.	20 minutes	67 hours
	704 railroads	18,000 certif.	2 hours	36,000 hours
	704 railroads	100 docs.	30 minutes	50 hours
	704 railroads	100 docs.	30 minutes	50 hours
	704 railroads	10,000 notes	10 minutes	1,667 hours
	704 railroads	100 requests + 100 ratings.	60 minutes + 2 hours	300 hours
	704 railroads	25 requests + 25 ratings	60 minutes + 2 hours	75 hours
	704 railroads	100 consults + 100 certif.	2 hours + 10 minutes	217 hours
704 railroads	10 notices	10 minutes	2 hours	

242..119 - Training - New RRs - Training program - Modification to training program	5 railroads 704 railroads	5 programs 5 program	3 hours 30 minutes	15 hours 3 hours
- Completion of training program by conductors/persons - documents - Conductor refresher training	704 railroads 704 railroads	100 docs. 100 retrained conductors	60 minutes 2 hours	100 hours 200 hours
- Modified training programs due to new laws, regulations, orders, technologies, procedures, or equipment - Employee consultation with qualified supervisory employee if given written test to demonstrate knowledge of physical characteristics of any assigned territory	704 railroads 704 railroads	24 modified programs 1,000 consult	4 hours 15 minutes	96 hours 250 hours
- Familiarization training for conductor of acquiring railroad from selling company//railroad prior to commencement of new operation - RR Continuous education/training of conductors	704 railroads 704 railroads	10 trained conductors 18,000 tr. Conductors	8 hours 8 hours	80 hours 144,000 hours
242.121 – Knowledge Testing - Determining eligibility - Retests/re-examinations	704 railroads 704 railroads	18,000 deter. 500 re-tests	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	704 railroads 704 railroads	18,000 tests + 18,000 records 1,000 tests + 1,000 records	10 minutes + 5 minutes 10 minutes + 5 minutes	4,500 hours 250 hours
242.125/127- Determination made by RR relying on another railroad's certification - Determination by Another Country	704 railroads 704 railroads	100 decisions 100 decisions	30 minutes 30 minutes	50 hours 50 hours
242.203 – Retaining information supporting determination: Records -- Amended electronic records	704 railroads 704 railroads	18,000 record 20 records	15 minutes 60 minutes	4,500 hours 20 hours
242.209- Maintenance of Certificates - Request to display certificate - Notification by conductors that RR request to serve exceeds certification	704 railroads 704 railroads	2,000 request /displays 1,000 notices	2 minutes 10 minutes	67 hours 167 hours

242.211 – Replacement of certificates	704 railroads	500 replaced certifications	5 minutes	42 hours
242.213 –Multiple Certificates - Notification to engineer that no conductor is on train - Notification of denial of certification by individuals holding multiple certifications	704 railroads	5 notification	10 minutes	1 hour
	704 railroads	10 notices	10 minutes	2 hours
242.215 – RR Oversight Responsibility - RR review and analysis of administration of certification program - Report of findings by RR to FRA	704 railroads	44 reviews/ analyses	40 hours	1,760 hours
	704 railroads	36 reports	4 hours	144 hours
242.301–Determinations -- Territorial qualification and joint operations - Notification by persons who do not meet territorial qualification	320 railroads	1,080 deter.	15 minutes	270 hours
	320 railroads	500 notices	10 minutes	83 hours
242.401 –Notification to candidate of information that forms basis for denying certification and candidate response - Written notification of denial of certification	704 railroads	40 notices. + 40 responses	60 minutes/ 60 minutes	80 hours
	704 railroads	80 notices	60 minutes	80 hours
242.403/405 - Criteria for revoking certification; periods of ineligibility - Review of compliance conduct - Written determination that the most recent incident has occurred	704 railroads	950 reviews	10 minutes	158 hours
	704 railroads	950 written determination	60 minutes	950 hours

242.407 – Process for Revoking Certification				
- Revocation for violations of section 242.115(e)	704 railroads	950 revoked certificates	8 hours	7,600 hours
- Immediate suspension of certificate	704 railroads	950 suspend certificates	1 hour	950 hours
- Determinations based on RR hearing record	704 railroads	950 decisions	15 minutes	238 hours
- Hearing record	704 railroads	950 records	30 minutes	475 hours
- Written decisions by RR official	704 railroads	950 decisions	2 hours	1,900 hours
- Service of written decision on employee by RR + RR service proof	704 railroads	950 decisions + 950 proofs	10 minutes + 5 minutes	238 hours
- Written waiver of right to hearing	54,000	425 waivers	10 minutes	71 hours
- Revocation of certification based on information that another railroad has done so	Conductors 704 railroads	15 revoked certifications	10 minutes	3 hours
-Placing relevant information in record prior to suspending certification/ convening hearing	704 railroads	100 updated Records	1 hour	100 hours

Total Estimated Responses: 268,799

Total Estimated Total Annual Burden: 856,406 hours

Type of Request: Extension of a Currently Approved Collection

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 Jortland,
Acting Deputy Chief Counsel.

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