



DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA-2020-0027-N-23]

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 Information Collection Request (ICR) abstracted below. Before submitting this ICR to the Office of Management and Budget (OMB) for approval, FRA is soliciting public comment on specific aspects of the activities identified in the ICR.

DATES: Interested persons are invited to submit comments on or before **[INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**.

ADDRESSES: Submit comments and recommendations for the proposed ICR to Ms. Hodan Wells, Information Collection Clearance Officer at email: hodan.wells@dot.gov or telephone: (202) 493-0440. 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.

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 through 1320.12. Specifically, FRA invites interested parties to comment on the following ICR 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 may 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) organize 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 summary below describes the ICR that FRA will submit for OMB clearance as the PRA requires:

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

Employees.

OMB Control Number: 2130-0597.

Abstract: In 2014, FRA published a final rule 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. Additionally, the rule requires most employers to conduct periodic oversight of their own employees and annual written reviews of their training programs to close performance gaps.

FRA will use the information collected to ensure each employer—railroad or contractor—conducting operations subject to 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, 2020, and for employers with fewer than 400,000 total annual employee work hours to May 1, 2021.

Type of Request: Extension with change (revised estimates) of a currently approved collection.

Affected Public: Businesses.

Form(s): N/A.

Respondent Universe: 1,155 railroads/ contractors/training organizations/ learning institutions.

Frequency of Submission: On occasion.

Reporting Burden:

CFR Section ¹	Respondent universe	Total Annual responses	Average time per responses	Total annual burden hours	Total cost equivalent ²
243.101(a)(2)—Training program required for each employer not covered by (a)(1) and subject to this part by May 1, 2021	1,046 railroads/ contractors	298 training programs	250 hours	74,500 hours	\$5,736,500
—(b) Submission by new employers commencing operations after Jan. 1, 2020 not covered by (a)(2)	10 new railroads/ contractors	10 training programs	20 hours	200 hours	\$24,000
—(e) Contractor’s duty to validate approved program to a railroad. (Revised requirement)	400 railroads/ contractors	50 documents	15 minutes	12.5 hours	\$963
—(f) Railroad’s duty to retain copies of contractor’s validation document (Revised requirement)	10 new railroads	10 copies	2 minutes	.3 hours	\$23

¹ Note: The current inventory exhibits a total burden of 282,824 hours while that of this requesting notice is 91,069 hours. FRA determined many of the estimates were initial estimates and outdated. Moreover, other estimates were not derived from PRA requirements, thus leading to the increased figures in the current inventory, which were decreased accordingly in this notice. Also, totals may not add due to rounding.

² The dollar equivalent cost is derived from the Surface Transportation Board's Full Year Wage A&B data series using the appropriate employee group hourly wage rate that includes a 75-percent overhead charge.

243.103(d)—Training components identified in program; modifications to components of the training programs	1,155 railroads/ contractors	70 modified training programs	5 hours	350 hours	\$26,950
243.109(b)—Previously approved programs requiring an informational filing when modified	1,155 railroads/ contractors/ learning institutions	10 informational filings	8 hours	80 hours	\$6,160
—(c) New portions or substantial revisions to an approved training program	10 railroads/ contractors	10 revised training programs	16 hours	160 hours	\$12,320
—(c) New portions or substantial revisions to an approved training program found non-conforming to this part by FRA—revisions required	5 railroads/ contractors	5 revised training programs	8 hours	40 hours	\$3,080
—(d)(1)(i) Copy of additional submissions, resubmissions, and informational filings to labor organization presidents	10 railroads/ contractors	25 copies	10 minutes	4.2 hours	\$323
—(d)(1)(ii) Railroad statement affirming that a copy of submissions, resubmissions, or informational filings has been served to labor organization presidents	228 railroads/ contractors	76 affirming statements	10 minutes	12.7 hours	\$978
—(d)(2) Labor comments on railroad training program submissions, resubmissions, or informational filings	228 railroads' labor organizations	3 comments	30 minutes	1.5 hours	\$116
243.111(g)—Safety-related railroad employees instructed by training organizations and learning institutions (TO/LI) — recordkeeping	109 TO/LI	5,450 records	5 minutes	454.2 hours	\$34,973
—(h) TO/LI to provide student's training transcript or training record to any employer upon request by the student	109 TO/LI	545 records	5 minutes	45.4 hours	\$3,496

243.201(a)(2)— Designation of existing safety-related railroad employees by job category (for employers not covered by (a)(1) and subject to this part by January 1, 2022)	1,039 railroads/ contractors	346 designation lists	15 minutes	86.5 hours	\$6,661
—(b) New employers operating after January 1, 2020, not covered by (a)(2), designation of safety-related employees by job category—Lists	10 new railroads/ contractors	10 designation lists	15 minutes	2.5 hours	\$193
—(c) Training records of newly hired employees or those assigned new safety-related duties	4,800 employees	4,800 records	15 minutes	1,200 hours	\$92,400
—(d)(1)(i) Requests for relevant qualification or training record from an entity other than current employer	4,800 employees	960 record requests	5 minutes	80 hours	\$6,160
243.203—(a)-(e) Recordkeeping—Systems set up to meet FRA requirements	1,155 railroads/ contractors/TOLI	1,046 recordkeeping systems	30 minutes	523 hours	\$40,271
—(f) Transfer of records to successor employer	1,155 railroads/ contractors/TOLI	3 records	30 minutes	1.5 hours	\$116
243.205(c)—Railroad identification of supervisory employees who conduct periodic oversight tests by category/subcategory	300 contractors	100 identifications	5 minutes	8.3 hours	\$639
—(f) Notification by RR of contractor employee non-compliance with Federal laws/regulations/orders to employee and employee's employer	300 contractors	90 employee notices	10 minutes	15 hours	\$1,155
—(f) Notification by RR of contractor employee non-compliance with Federal laws/regulations/orders to employee and employee's employer	300 contractors	270 employer notices	10 minutes	45 hours	\$3,465

—(i) and (j) Employer records of periodic oversight	1,046 railroads/ contractors	150,000 records	5 minutes	12,500 hours	\$962,500
243.207(a)—Written annual review of safety data (Railroads with 400,000 annual employee work hours or more)	22 railroads	22 reviews	16 hours	352 hours	\$27,104
—(b) Railroad copy of written annual review at system headquarters	22 railroads	22 review copies	5 minutes	1.8 hours	\$139
—(e) Railroad notification to contractor of relevant training program adjustments	22 railroads	2 notifications	15 minutes	.5 hours	\$39
243.209(a)–(b)—Railroad maintained list of contractors utilized	746 railroads	746 lists	30 minutes	373 hours	\$28,721
—(c) Railroad duty to update list of contractors utilized and retain record for at least 3 years showing if a contractor was utilized in last 3 years	746 railroads	75 updated lists	15 minutes	18.8 hours	\$1,444
Total	1,155 railroads/ contractors/training organizations/ learning institutions	165,054 responses	N/A	91,069 hours	\$7,020,889

Total Estimated Annual Responses: 165,054.

Total Estimated Annual Burden: 91,069 hours.

Total Estimated Annual Burden Hour Dollar Cost Equivalent: \$7,020,889.

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 a respondent is not required to respond to, conduct, or sponsor a collection of information that does not display a currently valid OMB control number.

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

Brett A. Jortland,

Deputy Chief Counsel.

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