



## **DEPARTMENT OF TRANSPORTATION**

### **Federal Railroad Administration**

**[Docket No. FRA-2020-0027-N-38]**

#### **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](mailto: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:* 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, and territorial qualifications.

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

*Affected Public:* Businesses.

*Form(s):* N/A.

*Respondent Universe:* 765 railroads.

*Frequency of Submission:* On occasion.

*Reporting Burden:*

CFR Section <sup>1</sup>	Respondent universe	Total Annual responses	Average time per response	Total annual burden hours	Total cost equivalent <sup>2</sup>
242.9—Waivers—petitions	765 railroads	3 petitions	3 hours	9 hours	\$693
242.103(b)—Approval of design of individual railroad programs by FRA— Certification programs for new railroads	3 new railroads	3 new conductor certification programs	8 hours	24 hours	\$2,880
—(c)(1) Conductor certification submission— Copies to rail labor organizations (RLOs)	765 railroads	6 certification program submission copies	15 minutes	2 hours	\$154
—(c)(2) Affirmative statements that copies of submissions were sent to RLOs	765 railroads	6 affirmative statements	15 minutes	2 hours	\$154
—(d) Certified comments on submissions	765 railroads	6 certified comments	4 hours	24 hours	\$1,848
—(g) Certification programs disapproved by FRA and then revised	765 railroads	15 modified programs	3 hours	45 hours	\$3,465
—(h) Revised certification programs still not conforming and then resubmitted	765 railroads	3 resubmitted certification programs	2 hours	6 hours	\$462

<sup>1</sup> The current inventory exhibits a total burden of 856,406 hours while the total burden of this notice is 49,761 hours. FRA determined some of the burdens were outdated and already completed. Other burdens 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.

<sup>2</sup> 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

—(i)(2) Certification programs materially modified after initial FRA approval	765 railroads	15 certificate program material modifications	2 hours	30 hours	\$2,310
—(i)(3) Materially modified programs disapproved by FRA and then revised	765 railroads	3 modified certification programs	2 hours	6 hours	\$462
242.107—Types of service—reclassification to passenger conductor or RR imposes restrictions	35 railroads	400 records of trainings	2 minutes	13 hours	\$767
242.109—Opportunity for certification candidates to review and comment on prior safety record, and RRs to retain/respond to comments	765 railroads	200 records + 200 comments	30 minutes + 10 minutes	133 hours	\$9,647
242.111(b)—Prior safety conduct as motor vehicle operator—eligibility determinations	765 railroads	16,200 eligibility determinations	10 minutes	2,700 hours	\$207,900
—(c) Initial certification for 60 days	765 railroads	150 initial certifications	10 minutes	25 hours	\$1,925
—(d) Recertification for 60 days	765 railroads	125 re-certifications	10 minutes	21 hours	\$1,617
—(h) Request to obtain driver's license information from licensing agency	48,500 conductors	16,200 written requests	15 minutes	4,050 hours	\$238,950
—(k) Notification to RR by persons of never having a license	48,500 conductors	25 notices	10 minutes	4 hours	\$236
—(l) Report of motor vehicle incidents	48,500 conductors	400 self-reporting	10 minutes	67 hours	\$3,953
—(m)-(n) Evaluation of driving record	48,500 conductors	16,200 motor vehicle record evaluations	5 minutes	1,350 hours	\$79,650
—(o)(1) Drug and alcohol counselor (DAC) referral by RR after report of driving drug/alcohol incident	765 railroads	400 DAC referrals	5 minutes	33 hours	\$3,960
—(o)(2) DAC request and supply by persons of prior counseling or treatment	765 railroads	20 requests and supplied records	30 minutes	10 hours	\$1,200
—(o)(3) Conditional certifications recommended by DAC	765 railroads	50 conditional certification recommendations	4 hours	200 hours	\$24,000
242.113—Prior safety conduct as employee of a different railroad	48,500 conductors	360 requests + 360 records	15 minutes + 30 minutes	270 hours	\$20,790
242.115(b)—Determination that person meets eligibility requirements	48,500 conductors	16,200 determinations	2 minutes	540 hours	\$31,860
—(c) Written documents from DAC that person is not affected by a substance abuse disorder	48,500 conductors	400 filed documents	30 minutes	200 hours	\$24,000
—(d) Self-referral by conductors for substance abuse counseling	765 railroads	30 self-referrals	10 minutes	5 hours	\$600

—(e) Certification reviews for occurrence/documentation of prior alcohol/drug conduct by persons/conductors	765 railroads	16,200 certification reviews	10 minutes	2,700 hours	\$324,000
—(e)(3)(i) Written determination that most recent incident has occurred	765 railroads	150 written determinations	1 hour	150 hours	\$18,000
—(e)(3)(ii) Notification to person that recertification has been denied	765 railroads	300 notifications	30 minutes	150 hours	\$11,550
—(e)(4) Persons/conductors waiving investigation/de-certifications	48,500 conductors	300 waived investigations	10 minutes	50 hours	\$2,950
242.117(b)—Vision and hearing acuity—determination vision standards met	765 railroads	16,200 records	2 minutes	540 hours	\$64,800
—(b) Determination hearing standards met	765 railroads	16,200 records	2 minutes	540 hours	\$64,800
—(c)(1) Medical examiner certificate that person has been examined/passed test	765 railroads	16,200 medical examiner certificates	10 minutes	2,700 Hours	\$324,000
—(c)(2)(i) Document standards met with conditions	765 railroads	100 written documents	30 minutes	50 hours	\$6,000
—(c)(2)(ii) Document standards not met	765 railroads	100 written documents	30 minutes	50 hours	\$6,000
—(e) Notation person needs corrective device (glasses/hearing aid)	765 railroads	5,000 certificate notifications	10 minutes	833 hours	\$99,960
—(j) Request for further medical evaluation for new determination	765 railroads	100 requests + 100 records of field tests	30 minutes + 10 minutes	67 hours	\$4,950
—(j) Request for second retest and another medical evaluation	765 railroads	25 retest requests + 25 reviews	30 minutes + 10 minutes	17 hours	\$1,238
—(j) Consultations by medical examiners with railroad officer and issue of conditional certification	765 railroads	100 consults + 100 certifications	30 minutes + 10 minutes	67 hours	\$7,283
—(k) Notification by certified conductor of deterioration of vision/hearing	765 railroads	20 notifications	10 minutes	3 hours	\$177
242.119(a)—Training—new railroads—training program	3 new railroads	3 training programs	3 hours	9 hours	\$1,080
—(a) Modification to training program	765 railroads	3 programs	30 minutes	2 hours	\$154
—(c) Completion of training program by conductors/persons—documents	765 railroads	100 written documents	1 hour	100 hours	\$7,700
—(d)(5) Modified training programs due to new laws, regulations, orders, technologies, procedures, or equipment	765 railroads	24 modified training programs	2 hours	48 hours	\$3,696

—(f) Employee consultation with qualified supervisory employee if given written test to demonstrate knowledge of physical characteristics of any assigned territory	765 railroads	1,000 consultations	15 minutes	250 hours	\$14,750
—(i) Familiarization training for conductor of acquiring railroad from selling company/railroad prior to commencement of new operation	765 railroads	20 training records	15 minutes	5 hours	\$295
—(l) RR continuous education/training of conductors	765 railroads	16,200 training records	15 minutes	4,050 hours	\$238,950
242.121(a)—Knowledge testing—determining eligibility	765 railroads	16,200 examination records	15 minutes	4,050 hours	\$238,950
—(g) Retests/re-examinations	765 railroads	1,000 retests or reexamination records	15 minutes	250 hours	\$14,750
242.123(c)—Monitoring operational performance — unannounced compliance tests and records	765 railroads	16,200 unannounced compliance test records	10 minutes	2,700 hours	\$207,900
—(f) Return to service that requires unannounced compliance test/record	765 railroads	1,000 unannounced compliance test records	10 minutes	167 hours	\$12,859
242.125—Determination made by railroad relying on another railroad’s certification	765 railroads	100 determinations	30 minutes	50 hours	\$2,950
242.127—Reliance on qualification requirements of other countries	765 railroads	20 determinations	30 minutes	10 hours	\$590
242.203(b)—Retaining information supporting determination—records	765 railroads	16,200 record retentions	15 minutes	4,050 hours	\$311,850
—(c) Amended electronic records	765 railroads	20 amended records	30 minutes	10 hours	\$770
242.209(a)—Maintenance of certificates—request to display certificate	765 railroads	2,000 displayed certificates	2 minutes	67 hours	\$3,953
—(b) Notification by conductors that RR request to serve exceeds certification	765 railroads	1,000 notifications	10 minutes	167 hours	\$9,853
242.211—Replacement of certificates	765 railroads	500 temporary replacement certificates	5 minutes	42 hours	\$3,234
242.213(e)—Multiple certificates—notification to engineer that no conductor is on train	35 railroads	5 locomotive engineer notifications	10 minutes	1 hour	\$70
—(f) Notification of denial of certification by individuals holding multiple certifications	765 railroads	10 notifications	10 minutes	2 hours	\$118

242.215(a)—Railroad oversight responsibility—review and analysis of administration of certification program	53 railroads	53 reviews and analyses	40 hours	2,120 hours	\$163,240
—(d) Report of findings by RR to FRA	765 railroads	53 reports	4 hours	212 hours	\$16,324
242.301(a)—Determinations—territorial qualification and joint operations	320 railroads	1,000 determinations	15 minutes	250 hours	\$14,750
—(b) Notification by persons who do not meet territorial qualification	320 railroads	500 notifications	10 minutes	83 hours	\$4,897
242.401(a)—Denial of certification—notification to candidate of information that forms basis for denying certification	765 railroads	40 notices + 40 responses	1 hour + 1 hour	80 hours	\$5,440
—(c) Written notification of denial of certification, including the basis and response to any rebuttal from the candidate	765 railroads	80 notifications	1 hour	80 hours	\$6,160
242.403—Criteria for revoking certification—review of compliance conduct	765 railroads	1,000 certification reviews	15 minutes	250 hours	\$14,750
242.405—Period of ineligibility—written determination that the most recent incident has occurred	765 railroads	1,000 written determinations	1 hour	1,000 hours	\$59,000
242.407(a)—Process for revoking certification — revocation for violations of § 242.115(e)	765 railroads	1,000 revoked certifications	8 hours	8,000 hours	\$960,000
—(b)(1) Immediate suspension of certificate	765 railroads	1,000 suspended certification letters	1 hour	1,000 hours	\$77,000
—(b)(5) Determinations based on railroad hearing record	765 railroads	1,000 determinations	15 minutes	250 hours	\$14,750
—(b)(7) Hearing record	765 railroads	1,000 records	15 minutes	250 hours	\$19,250
—(c) Written decisions by railroad official	765 railroads	1,000 written decisions	2 hours	2,000 hours	\$240,000
—(c) Service of written decision on employee by RR and RR retains proof of service	765 railroads	1,000 served written decisions + 1,000 service proofs	10 minutes + 5 minutes	250 hours	\$19,250
—(f) Written waiver of right to hearing	48,500 conductors	700 written waivers	10 minutes	117 hours	\$6,903
—(g) Revocation of certification based on information that another railroad has done so	765 railroads	15 revoked certifications	10 minutes	3 hours	\$360
—(j) Placing relevant information in record prior to suspending certification/convening hearing	765 railroads	100 updated records	1 hour	100 hours	\$7,700

Totals	765 railroads	222,386 responses	N/A	49,761 Hours	\$4,303,437
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*Total Estimated Annual Responses: 222,386.*

*Total Estimated Annual Burden: 49,761 hours.*

*Total Estimated Annual Burden Hour Dollar Cost Equivalent: \$4,303,437.*

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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