



DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA-2023-0002-N-38]

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Federal Railroad Administration (FRA), 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) summarized 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: Written comments and recommendations for the proposed ICR should be submitted on regulations.gov to the docket, Docket No. FRA-2023-0002. All comments received will be posted without change to the docket, including any personal information provided. Please refer to the assigned OMB control number (2130-0597) in any correspondence submitted. FRA will summarize comments received in a subsequent 30-day notice and include them in its information collection submission to OMB for approval.

FOR FURTHER INFORMATION CONTACT: Ms. Arlette Mussington, Information Collection Clearance Officer, at email: arlette.mussington@dot.gov or telephone: (571) 609-1285, or Ms. Joanne Swafford, Information Collection Clearance Officer, at email:

joanne.swafford@dot.gov or telephone: (757) 897-9908.

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, 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: The regulations under 49 CFR part 243 set forth FRA’s minimum training and qualification requirements for each category and subcategory of safety-related railroad employee, regardless of whether the employee is employed by a railroad or a contractor of the railroad. 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 (RSIA) of 2008.¹ The final rule required 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 required most employers to conduct periodic oversight of their own employees and annual written reviews of their training programs to close performance gaps.²

FRA will use the information collected to ensure each employer—railroad or contractor—conducting operations subject to 49 CFR 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 2020, FRA developed requirements for a training program under § 243.101 for each Class I railroad, and each intercity or commuter passenger railroad conducting operations with 400,000 or more total annual employee work hours.

¹Public Law 110-432, 122 Stat. 4883 (Oct. 16, 2008), codified at 49 U.S.C. 20162.
²79 FR 66459

In this 60-day notice, FRA makes adjustments that will reduce the currently approved burden hours from 91,069 to 66,565 hours. The decrease, after a thorough review, is the result of a reduced estimate of annual responses for the number of training programs under § 243.103.

Type of Request: Extension without change (with changes in 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.

Total Estimated Annual Responses: 164,275.

Reporting Burden:

CFR Section	Respondent Universe	Total Annual Responses (A)	Average Time Per Response (B)	Total Annual Burden Hours (C = A * B)	Wage Rates	Total Cost Equivalent in U.S. Dollars (D = C * Wage Rates) ³
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	200 training programs	250 hours	50,000.00 hours	\$85.93	\$4,296,500.00
—(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	200.00 hours	\$123.41	\$24,682.00
—(e) Contractor’s duty to validate approved program to a railroad (Revised requirement)	400 railroad contractors	150 documents	15 minutes	37.50 hours	\$85.93	\$3,222.38

³ Throughout the tables in this document, the dollar equivalent cost is derived from the 2022 Surface Transportation Board Full Year Wage A & B data series using the appropriate employee group to calculate the average hourly rate that includes 75 percent overhead.

—(f) Railroad’s duty to retain copies of contractor’s validation documents (Revised requirement)	1,046 railroads/ contractors	1,046 copies	2 minutes	34.87 hours	\$85.93	\$2,996.38
243.103(d)— Training components identified in program; modifications to components of the training programs	1,155 railroads/ contractors	10 modified training programs	5 hours	50.00 hours	\$85.93	\$4,296.50
243.109(b)— Previously approved programs requiring an informational filing when modified	155 railroads/ contractors/ learning institutions	75 informational filings	8 hours	600.00 hours	\$85.93	\$51,558.00
—(c) New portions or substantial revisions to an approved training program	10 railroads/ contractors	10 revised training programs	16 hours	160.00 hours	\$85.93	\$13,748.80
—(c) New portions or substantial revisions to an approved training program found non-conforming to this part by FRA— revisions required	50 railroads/ contractors	50 revised training programs	8 hours	400.00 hours	\$85.93	\$34,372.00
—(d)(1)(i) Copy of additional submissions, resubmissions, and informational filings to labor organization presidents	50 railroads/ contractors	50 copies	10 minutes	8.33 hours	\$85.93	\$715.80
—(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	12.67 hours	\$85.93	\$1,088.73
—(d)(2) Labor comments on railroad training program submissions, resubmissions, or informational filings	228 railroad labor organizations	3 comments	30 minutes	1.50 hours	\$85.93	\$128.90
243.111(g)—Safety-related railroad employees instructed by training organizations or learning institutions— recordkeeping	109 training organizations/ learning institutions	5,450 records	5 minutes	454.17 hours	\$85.93	\$39,026.83

—(h) Training organizations or learning institutions to provide student's training transcript or training record to any employer upon request by the student	109 training organizations/ learning institutions	545 records	5 minutes	45.42 hours	\$85.93	\$3,902.94
—(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	2.50 hours	\$85.93	\$214.83
—(c) Training records of newly hired employees or those assigned new safety-related duties	4,800 employees	4,800 records	15 minutes	1,200.00 hours	\$85.93	\$103,116.00
—(d)(1)(i) Requests for relevant qualification or training record from an entity other than current employer	4,800 employees	250 record requests	5 minutes	20.83 hours	\$85.93	\$1,789.92
243.203—(a)-(e) Recordkeeping— Systems set up to meet FRA requirements— general requirements for qualification status records, accessibility	10 railroads/ contractors/ training organizations/ learning institutions	10 recordkeeping systems	30 minutes	5.00 hours	\$85.93	\$429.65
—(f) Transfer of records to successor employer – If an employer ceases to do business and its assets will be transferred to a successor employer, it shall transfer to the successor employer all records required to be maintained under this part, and the successor employer shall retain them for the remainder of the period prescribed in this part	1,155 railroads/ contractors/ training organizations/ learning institutions	3 railroads	30 minutes	1.50 hours	\$85.93	\$128.90
243.205(c)— Railroad identification of supervisory employees who conduct periodic oversight tests by category/subcategory	746 railroads	300 identifications	5 minutes	24.90 hours	\$85.93	\$2,139.66

—(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	15.00 hours	\$85.93	\$1,288.95
—(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	45.00 hours	\$85.93	\$3,866.85
—(i) and (j) Employer records of periodic oversight	1,046 railroads/contractors	150,000 records	5 minutes	12,500.00 hours	\$85.93	\$1,074,125.00
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	352.00 hours	\$85.93	\$30,247.36
—(b) Railroad copy of written annual review at system headquarters	22 railroads	22 review copies	5 minutes	1.83 hours	\$85.93	\$157.25
—(e) Railroad notification to contractor of relevant training program adjustments	22 railroads	2 notifications	15 minutes	0.50 hour	\$85.93	\$42.97
243.209(a) – (b)— Railroad-maintained list of contractors utilized	746 railroads	746 lists	30 minutes	373.00 hours	\$85.93	\$32,051.89
—(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	18.75 hours	\$85.93	\$1,611.19
Total ⁴	1,155 railroads/contractors/training organizations/learning institutions	164,275 responses	N/A	66,565 hours		\$5,727,450

Total Estimated Annual Responses: 164,275

⁴ Totals may not add up due to rounding.

Total Estimated Annual Burden: 66,565.

Total Estimated Annual Burden Hour Dollar Cost Equivalent: \$5,727,450.

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 that does not display a currently valid OMB control number.

Authority: 44 U.S.C. 3501–3520.

Allison Ishihara Fultz,

Chief Counsel.

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