



DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA-2023-0002-N-36]

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 (2130-0533) 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: Qualification and Certification of Locomotive Engineers.

OMB Control Number: 2130–0533.

Abstract: Section 4 of the Rail Safety Improvement Act of 1988, Public Law 100–342, 102 Stat. 624 (June 22, 1988), later amended and re-codified by Public Law

103–272, 108 Stat. 874 (July 5, 1994), required FRA to issue regulations to establish any necessary program for certifying or licensing locomotive engineers. The collection of information is used by FRA to ensure that railroads employ and properly train qualified individuals as locomotive engineers and designated supervisors of locomotive engineers (DSLEs).

The collection of information is used by FRA to verify that railroads have established required certification programs for locomotive engineers and that these programs fully conform to the standards specified in the regulation.

In this 60-day notice, FRA makes adjustments that increased the burden hours from 23,964 to 23,969 hours. This increase is a result of a correction of rounding errors from the previous submission and in the number of estimated qualified DSLEs and locomotive engineers as required under 49 CFR 240.201 and 240.221.

Type of Request: Extension without change (with changes in estimates) of a currently approved collection.

Affected Public: Businesses (Railroads).

Form(s): N/A.

Respondent Universe: 784 Railroads.

Frequency of Submission: On occasion; annually; triennially.

Reporting Burden:

CFR Section	Respondent universe	Total annual responses (A)	Average time per response (B)	Total annual burden hours (C=A*B)	Wage rate	Total cost equivalent in U.S. dollars (D=C* wage rates) ¹
240.9 – Waivers	784 railroads	2 waiver petitions	1.00 hour	2.00 hours	\$85.93	\$171.86
240.101/103 – Certification Program: written program for certifying qualifications of locomotive engineers	784 railroads	25 material modifications	5.00 minutes	2.08 hours	\$85.93	\$178.73

¹ 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.

– material modifications						
— Certification programs for new railroads	5 new railroads	5 programs	1.00 hour	5.00 hours	\$85.93	\$429.65
— New railroads final review and submission of certification program	5 new railroads	5 reviews	1.00 hour	5.00 hours	\$85.93	\$429.65
—(b)(1) – RR provision of copy of certification program submission or resubmission to president of labor unions representing employees simultaneously with filing with FRA	62 railroads	62 copies	5.00 minutes	5.17 hours	\$85.93	\$444.26
— (b)(2) – RR affirmative statement that it has served certification program copy to labor unions	62 railroads	62 copies	5.00 minutes	5.17 hours	\$85.93	\$444.26
— (c) – RR employee comment on submission, resubmission, or material modification of RR certification program	62 railroads	62 comments	8.00 hours	496.00 hours	\$85.93	\$42,621.28
— (h) – RR material modifications to program after initial FRA approval (formerly under (e))	784 railroads	10 modified programs	10.00 minutes	1.67 hours	\$85.93	\$143.50
240.105 (c) Written reports/determinations of DSLE performance skills	784 railroads	10 written reports	30.00 minutes	5.00 hours	\$123.41	\$617.05
240.109/App. C – Prior safety conduct data	17,667 candidates	25 responses	5.00 minutes	2.08 hours	\$63.07	\$131.19
240.111/App C – Driver’s license data requests from chief of driver licensing agency of any jurisdiction, including foreign countries	17,667 candidates	17,667 requests	10.00 minutes	2,944.50 hours	\$85.93	\$253,020.89
— NDR match – notifications and requests for data	784 railroads	177 notices +177 requests	5 + 5 minutes	29.50 ² hours	\$85.93 \$63.07	\$2,197.75
— Written response from candidate on driver’s license data	784 railroads	20 cases/comments	10.00 minutes	3.33 hours	\$63.07	\$210.02

² Total burden hours are divided equally for each requirement 14.75 + 14.75 = 84.84 hours.

240.111(g) – Notice to RR of absence of license	53,000 candidates	4 letters	5.00 minutes	0.33	\$63.07	\$20.81
240.111(h) – Duty to furnish data on prior safety conduct as motor vehicle operator	784 railroads	100 communications	5.00 minutes	8.33 hours	\$63.07	\$525.37
240.113 – Notice to RR furnishing data on prior safety conduct – different RR	17,667 candidates	353 requests +353 responses	5 + 5 minutes	58.84 ³ hours	\$85.93 \$63.07	\$4,383.58
240.115(d) - RR temporary certification or recertification of locomotive engineer for 60 days after having requested the motor vehicle information specified in paragraph (h) of this section	784 railroads	25 recertifications	5.00 minutes	2.08 hours	\$85.93	\$178.73
— (i)(2) – RR drug and alcohol counselor request of employee’s record of prior counseling or treatment	17,667 candidates	400 requests	5.00 minutes	33.33 hours	\$63.07	\$2,102.12
— (i)(3) – Conditional certification based on recommendation by drug and alcohol counselor (DAC) of employee aftercare and/or follow-up testing for alcohol/drugs	17,667 candidates	100 conditional certifications /DAC recommendations	1.00 hour	100.00 hours	\$63.07	\$6,307.00
— (i)(4) – RR employee is evaluated by DAC as having an active substance abuse disorder	17,667 candidates	100 DAC evaluations	1.00 hour	100.00	\$63.07	\$6,307.00
240.117(i)(4) – RR employee completion of training/retraining prior to return to service – records	53,000 locomotive engineers	400 trained/retrained records	5.00 minutes	33.33 hours	\$63.07	\$2,102.12
240.119(c) – Written records indicating dates that the engineer stopped performing or returned to certification service + compliance/ observation test	784 railroads	400 records	5.00 minutes	33.33 hours	\$63.07	\$2,102.12
240.119(d) – Self-referral re: active substance abuse disorder	53,000 locomotive engineers	150 self-referrals	5.00 minutes	12.50 hours	\$63.07	\$788.38
240.119(e)(3)(i) – RR determination that the most recent incident occurred	<i>The estimated paperwork burden for this requirement is included above under § 240.119(c).</i>					

³ Total burden hours are divided equally for each requirement 29.42 + 29.42 = 84.84 hours.

240.119(e) (3)(ii) – RR notification to person that recertification has been denied or revoked	784 railroads	200 notifications	30.00 minutes	100.00 hours	\$63.07	\$6,307.00
240.119(e)(4)(iii) – Locomotive engineer waiver of investigation in case of one violation of section 219.101	53,000 locomotive engineers	200 waivers	2.00 minutes	6.67 hours	\$63.07	\$420.68
240.121 – Criteria – vision/hearing acuity data – new railroads	5 railroads	5 copies	5.00 minutes	0.42 hours	\$85.93	\$36.09
240.121 – Criteria – vision/hearing acuity data – condition certification	784 railroads	5 reports	5.00 minutes	0.42 hours	\$123.41	\$51.83
240.121 – Criteria – vision/hearing acuity data – not meeting standards – notice by employee	784 railroads	10 notifications	5.00 minutes	0.83 hours	\$63.07	\$52.35
240.129(b) – RR documents on file regarding determination made regarding operational fitness	53,000 locomotive engineers	1,000 records	5.00 minutes	83.33 hours	\$85.93	\$7,160.55
240.201/221 – List of qualified DSLEs	784 railroads	784 updates	5.00 minutes	65.33 hours	\$85.93	\$5,613.81
240.201/221 – List of qualified locomotive engineers	784 railroads	784 updated lists	5.00 minutes	65.33 hours	\$85.93	\$5,613.81
240.201/223/301 – Locomotive engineers certificate	53,000 candidates	17,667 certificates	5.00 minutes	1,472.25 hours	\$85.93	\$126,510.44
240.207 – Medical certificate showing hearing/vision standards are met	53,000 candidates	17,667 certificates	30.00 minutes	8,833.50 hours	\$123.41	\$1,090,142.24
— Written determinations waiving use of corrective device	784 railroads	30 determinations	5.00 minutes	2.50 hours	\$123.41	\$308.53
240.219(a) – RR notification letter to employee of certification denial + employee written rebuttal	17,667 candidates	90 letters and responses	30.00 minutes	45.00 hours	\$85.93	\$3,866.85
— RR Notice/written documents/records to candidate that support its pending denial decision	784 railroads	45 documents/ records	2.00 minutes	1.50 hours	\$85.93	\$128.90
240.229(3)(ii) – Joint operations – notice – not qualified	321 railroads	184 employee calls	5.00 minutes	15.33 hours	\$63.07	\$966.86
240.301(b) – Temporary replacement certificates valid for no more than 30 days	784 railroads	600 replacement certificates	30.00 minutes	300.00 hours	\$85.93	\$25,779.00

240.305(c) – Engineer’s notice of non-qualification to RR	53,000 engineers or candidates	100 notifications	5.00 minutes	8.33 hours	\$63.07	\$525.37
— (d) – Relaying certification denial or revocation status to other certifying railroad	1,060 engineers	2 letters	15.00 minutes	0.50 hour	\$63.07	\$31.54
240.307(a-b) – Notice to engineer of disqualification	784 railroads	550 + 550 letters	1 + 1 hour	1,100.00 ⁴ hours	\$85.93 \$63.07	\$81,950.00
240.307(b)(4) – RR provision to employee of copy of written information and list of witnesses that it will present at hearing	784 railroads	690 copies/list	5.00 minutes	57.50 hours	\$85.93	\$4,940.98
240.307(b)(5) – RR determination on hearing record whether person no longer meets certification requirements of this CFR part	784 railroads	690 hearing determination	1.00 hour	690.00 hours	\$85.93	\$59,291.70
240.307 (c)(11)(i)(ii) – RR written decision after close of hearing containing findings of fact & whether a revocable event occurred	784 railroads	690 written decisions	30.00 minutes	345.00 hours	\$85.93	\$29,645.85
240.307(c)(11)(iii) –RR service of written decision on employee and employee’s representative	784 railroads	690 copies	5.00 minutes	57.50 hours	\$85.93	\$4,940.98
240.307(f) – Personal waiver of right to hearing under this section	784 railroads	750 written waivers	5.00 minutes	62.50 hours	\$63.07	\$3,941.88
240.307(j) – RR update of record with relevant information	784 railroads	50 updated records	10.00 minutes	8.33 hours	\$85.93	\$715.80
240.309 – RR oversight responsibilities: detected poor safety conduct – annotation	15 railroads	6 annotations	15.00 minutes	1.50 hours	\$63.07	\$94.61
— Railroad annual review	51 railroads	51 reviews	3.00 hours	153.00 hours	\$85.93	\$13,147.29
240.205 – Data to DAC Counselor	784 railroads	177 records	5.00 minutes	14.75 hours	\$123.41	\$1,820.30
240.209/213 – Written documentation of tests	53,000 candidates	17,667 testing records	1.00 minute	294.45 hours	\$85.93	\$25,302.09
240.211/213 – Written documentation of performance tests	53,000 candidates	17,667 testing records	1.00 minute	294.45 hours	\$85.93	\$25,302.09

⁴ Total burden hours are divided equally for each requirement 550 + 550 = 84.84 hours.

240.215 – Retaining information supporting determination	784 railroads	17,667 records	5.00 minutes	1,472.25 hours	\$85.93	\$126,510.44
240.303 – Annual operational monitoring observation	53,000 candidates	53,000 testing records	1.00 minute	883.33 hours	\$85.93	\$75,904.55
240.303 – Annual operating rules compliance test	53,000 candidates	53,000 testing records	1.00 minute	883.33 hours	\$85.93	\$75,904.55
240.307(b)(4) – RR hearings/hearing records	784 railroads	690 hearings/ records	4.00 hours	2,760.00 hours	\$85.93	\$237,166.80
Total ⁵	784 railroads	224,652 responses	N/A	23,969 hours	N/A	\$2,365,953

Total Estimated Annual Responses: 224,652.

Total Estimated Annual Burden: 23,969.

Total Estimated Annual Dollar Cost Equivalent: \$2,365,953.

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.

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Chief Counsel.

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⁵Totals may not add up due to rounding.