



DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Proposed Agency Information Collection Activities; Comment Request

[Docket No. FRA-2023-0002-N-47]

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, this notice announces that FRA is forwarding the Information Collection Request (ICR) summarized below to the Office of Management and Budget (OMB) for review and comment. The ICR describes the information collection and its expected burden. On December 26, 2023, FRA published a notice providing a 60-day period for public comment on the ICR. FRA received no comments in response to the notice.

DATES: Interested persons are invited to submit comments on or before **[INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*]**.

ADDRESSES: Written comments and recommendations for the proposed ICR should be sent within 30 days of publication of this notice to

www.reginfo.gov/public/do/PRAMain. Find the particular ICR by selecting “Currently under Review - Open for Public Comments” or by using the search function.

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 issue two notices

seeking public comment on information collection activities before OMB may approve paperwork packages. *See* 44 U.S.C. 3506, 3507; 5 CFR 1320.8 through 1320.12. On December 26, 2023, FRA published a 60-day notice in the *Federal Register* soliciting public comment on the ICR for which it is now seeking OMB approval. *See* 88 FR 89020. FRA has received no comments related to the proposed collection of information.

Before OMB decides whether to approve this proposed collection of information, it must provide 30 days' notice for public comment. Federal law requires OMB to approve or disapprove paperwork packages between 30 and 60 days after the 30-day notice is published. 44 U.S.C. 3507(b)–(c); 5 CFR 1320.12(d); *see also* 60 FR 44978, 44983, Aug. 29, 1995. OMB believes the 30-day notice informs the regulated community to file relevant comments and affords the agency adequate time to digest public comments before it renders a decision. 60 FR 44983, Aug. 29, 1995. Therefore, respondents should submit their respective comments to OMB within 30 days of publication to best ensure having their full effect.

Comments are invited on the following ICR regarding: (1) whether the information collection activities are necessary for FRA to properly execute its functions, including whether the information 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 to minimize the burden of information collection activities on the public, including the use of automated collection techniques or other forms of information technology.

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: 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. Additionally, FRA will review the required training programs to ensure they include initial, ongoing, and on-the-job training 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.

On December 26, 2023, FRA published a 60-day *Federal Register* notice that reflected 66,565 total burden hours. *See* 88 FR 89020. Upon further evaluation, FRA has determined that the training programs requirement under § 243.101(a)(2) has already

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

²79 FR 66460.

been completed. As a result, the associated paperwork burden has been removed, and the information collection now correctly reflects the estimated paperwork burden of 16,549 hours for this submission. For additional transparency FRA is including the updated burden table for publication with this 30-day *Federal Register* Notice.

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

Frequency of Submission: On occasion.

Total Estimated Annual Responses: 163,875.

Total Estimated Annual Burden: 16,549 hours.

Total Estimated Annual Burden Hour Dollar Cost Equivalent: \$1,429,526.

CFR	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)
243.101(a)(2)—Training program required for each employer not covered by (a)(1) and subject to this part by May 1, 2021	<i>The PRA burden associated with this requirement has been completed.</i>					
—(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
—(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
243.201(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
243.201(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 record-keeping 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	100 identifi- cations	5 minutes	8.33 hours	\$85.93	\$715.80
—(f) Notification by railroad of contractor employee non-compliance with federal laws/regulations/ orders to employee and employee’s employer	300 contractors	360 (90 employee + 270 employer notices)	20 minutes (10 + 10)	60 hours (15.00 + 45)	\$85.93	\$5,155.80
—(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 ³	1,155 railroads/ contractors/ training organizations/ learning institutions	163,875 responses	N/A	16,549 hours		\$1,429,526

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

³ Totals may not add up due to rounding.

a currently valid OMB control number.

Authority: 44 U.S.C. 3501–3520.

Christopher S. Van Nostrand,

Acting Deputy Chief Counsel.

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