



## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket No. FRA-2024-0011]

#### 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-2024-0011. All comments received will be posted without change to the docket, including any personal information provided. Please refer to the assigned OMB control number (2130-0571) 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 FURTHER INFORMATION CONTACT:** Ms. Arlette Mussington, Information Collection Clearance Officer, at email: [arlette.mussington@dot.gov](mailto:arlette.mussington@dot.gov) or telephone: (571) 609-1285 or Ms. Joanne Swafford, Information Collection Clearance Officer, at email: [joanne.swafford@dot.gov](mailto: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:* Occupational Noise Exposure for Railroad Operating Employees.

*OMB Control Number:* 2130-0571.

*Abstract:* Title 49 CFR part 227 contains requirements for occupational noise exposure.

FRA uses the collection of information to ensure that railroads covered by this rule establish and implement noise monitoring, hearing conservation, and audiometric testing programs to protect their employees against the harmful effects of excessive noise in the workplace.

Additionally, railroads must maintain testing and training records on noise and hearing conservation. Further, railroads must make exposure measurement records for specific locations available to regional or national labor representatives upon request.

In this 60-day notice, FRA has made minor adjustments to correct rounding from the previous submission, resulting in a decrease in burden of 6 hours. The estimated paperwork burden for this submission is 3,974 hours.

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

*Affected Public:* Businesses (Railroads, railroads equipment manufacturers).

*Form(s):* N/A.

*Respondent Universe:* 531 railroads.

*Frequency of Submission:* On occasion.

*Reporting Burden:*

CFR Section	Respondent Universe <sup>1</sup>	Total Annual Responses (A)	Average Time per Response (B)	Total Annual Burden Hours (C=A*B)	Wage Rate (E) <sup>2</sup>	Total Cost Equivalent in U.S. Dollars (D=C*E)
227.13—Waivers	531 railroads	0.30 petitions (1 petition over 3-year period)	1.00 hour	0.30 hours	\$85.93	\$25.78
227.103(a)-(f)—Noise monitoring program—development and implementation	531 railroads	5.00 programs	30.00 hours	150.00 hours	\$123.41	\$18,511.50
—(g) Reporting of monitoring results—notification of employee of monitoring	531 railroads	5.00 lists	0.50 hours	2.50 hours	\$85.93	\$214.83
227.107(a)—Hearing Conservation Program (HCP)—development of programs	531 railroads	3.00 HCPs	31.00 hours	93.00 hours	\$123.41	\$11,477.13

<sup>1</sup> The total respondent universe is taken from the 2022 railroad classification data. The total of 531 represents all Class I, II and III (751) less the small railroads such as tourist, steam, historic, and excursion (220).

<sup>2</sup> 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.

—Revised hearing conservation programs (HCPs)	531 railroads	3.00 HCPs	1.75 hours	5.25 hours	\$85.93	\$451.13
227.109(e)—Audiometric testing program—baseline audiograms—New and existing employees	76,244 employees	6,862.00 records of tests	30 seconds	56.95 hours	\$85.93	\$4,894.71
—(f) Periodic audiograms includes retests	76,244 employees	25,415.00 records of tests	30 seconds	210.94 hours	\$85.93	\$18,126.07
—(g)(1)-(2) Evaluation of audiograms	76,244 employees	2,330 ratings + 93 records of retests	6 minutes + 30 seconds	233.77 hours	\$85.93	\$20,087.86
—(g)(3) Review of problem audiograms	8,000 employees	45.00 documents	10.00 minutes	7.52 hours	\$85.93	\$646.19
—(h)(1) Follow-up procedures—notifications	8,000 employees	93.00 notices	5.00 minutes	7.72 hours	\$85.93	\$663.38
—(h)(2)(i)-(ii) Fitting/training of employees: hearing protectors	240 employees	240.00 documented training sessions	5.00 minutes	19.92 hours	\$85.93	\$1,711.73
—(h)(2)(iii) Referrals for clinical/otological exam	240 employees	20.00 referrals	1.00 hour	20.00 hours	\$85.93	\$1,718.60
—(h)(2)(iv) Notification to employee of need for otological examination	240 employees	20.00 notices	5.00 minutes	1.66 hours	\$85.93	\$142.64
—(h)(3) New audiometric interpretation	240 employees	20.00 notices	5.00 minutes	1.66 hours	\$85.93	\$142.64
227.111—Audiometric test requirements	1,000 mobile vans	1,000.00 recalibration test records	30 seconds	8.30 hours	\$85.93	\$713.22
227.117 (a)—Hearing protection attenuation—evaluation	531 railroads	50.00 evaluations	0.50 hours	25.00 hours	\$85.93	\$2,148.25
—(d) Reevaluations of adequacy of hearing protection attenuation when employee noise exposure increases	531 railroads	10.00 re-evaluations	0.50 hours	5.00 hours	\$85.93	\$429.65
227.119—Hearing Conservation Training Program—development	531 railroads	3.00 training program modifications	1.00 hour	3.00 hours	\$85.93	\$257.79
—Employee HCP training	531 railroads	26,000.00 records of training	2.00 minutes	866.58 hours	\$85.93	\$74,465.22
—Periodic training	531 railroads	6,862.00 records of training	2.00 minutes	228.71 hours	\$85.93	\$19,653.05
227.121(a)(1)(i)-(ii)—Recordkeeping—availability of records upon request	531 railroads	30 requests + 30 responses	10 minutes + 15 minutes	12.60 hours	\$85.93	\$1,082.72

—(a)(1)(iv) Availability of exposure measurement records to regional or national labor representatives upon request	531 railroads	150 requests + 150 responses	21 minutes + 45 minutes	165.00 hours	\$85.93	\$14,178.45
—(a)(2)-(3) Electronic records—maintenance and transfer of records	531 railroads	10.00 records	24.00 minutes	4.00 hours	\$85.93	\$343.72
—(c) Audiometric test records	531 railroads	26,000.00 records	2.00 minutes	866.58 hours	\$85.93	\$74,465.22
—(d) Positions and person designated records	531 railroads	54,000.00 records	45 seconds	675.00 hours	\$85.93	\$58,002.75
229.121(a)—Locomotive cab noise—performance standards for locomotives—records and certification	3 equipment manufacturers	610 records + 90 certifications	5 minutes + 40 minutes	110.93 hours	\$85.93	\$9,532.21
—(b)(3) Maintenance of locomotives—Excessive noise reports	514 railroads	3,000 reports + 3,000 records	1 minute + 1 minute	100.00 hours	\$85.93	\$8,593.00
—(b)(4) Recordkeeping—written or electronic records	514 railroads	3,750.00 records	1.00 minutes	62.63 hours	\$85.93	\$5,381.80
—(b)(4)(iii) Internal auditable monitoring systems—records	514 railroads	22 systems + 2 systems	36 mins + 8.25 hours	29.70 hours	\$85.93	\$2,552.12
Appendix H(IV)—Static noise test protocols—records for retest	500 locomotives	2.00 retest records	5.00 minutes	0.17 hours	\$85.93	\$14.61
Total <sup>3</sup>	531 railroads	159,925 responses	N/A	3,974 hours	N/A	\$350,627

*Total Estimated Annual Responses: 159,925.*

*Total Estimated Annual Burden: 3,974 hours.*

*Total Estimated Annual Burden Hour Dollar Cost Equivalent: \$350,627.*

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.

**Christopher S. Van Nostrand,**

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<sup>3</sup> Totals may not add up due to rounding.

*Deputy Chief Counsel.*

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