



## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket No. FRA-2024-0010]

#### 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-2024-0010. All comments received will be posted without change to the docket, including any personal information provided. Please refer to the assigned OMB control number (2130-0596) 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 statutes and 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:* 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 any person as a conductor. As part of that program, railroads are required to have a process for determining competency to

serve as a conductor through training, testing, and qualifying prospective conductors and existing conductors before issuing each person certification or recertification. The regulation is intended 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, and territorial qualifications.

In this 60-day notice, FRA made adjustments that decreased the previously approved burden hours from 49,761 hours to 46,858 hours. The decrease in burden is a result of the reduced amount of time per response for § 242.115(e) certification review for prior alcohol/drug conduct. The average time was reduced from 10 minutes to 5 minutes, providing a more accurate analysis of the time needed to complete the review.

Additionally, upon a detailed review of part 242, FRA made several adjustments to its estimated paperwork burdens in this ICR extension.<sup>1</sup> FRA determined that fewer employees were changing employers, therefore reducing the number of prior safety records being reviewed. FRA also found that the associated burdens related to substance abuse and medical conditions have decreased as fewer employees have medical conditions that require further evaluation or positive drug and alcohol tests. As a result of these decreased burdens, the number of certification denials due to medical conditions and substance abuse has also decreased.

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

*Affected Public:* Businesses.

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<sup>1</sup> The public can view all estimate adjustments to FRA's active ICRs in the Supporting Statements published at <https://www.reginfo.gov/public/>. The Supporting Statement for this ICR will be available after the 30-day *Federal Register* notice is published in *reginfo.gov*.

Form(s): N/A

Respondent Universe: 784 railroads

Frequency of Submission: On occasion.

Reporting Burden:

CFR Section	Respondent Universe	Total Annual Responses (A)	Average Time per Response (B)	Total Annual Burden Hours (C=A*B)	Wage Rate (E)	Total Cost Equivalent U.S. Dollars (D=C* E)
242.9—Waivers—Petitions	784 railroads	1 waiver petition	3.00 hours	3.00 hours	\$85.93	\$257.79
242.103(b)-(c)(2)—Approval of design of individual railroad programs by FRA—Certification programs for new railroads	784 new railroads	3 new conductor certification programs	8.00 hours	24.00 hours	\$123.41	\$2,961.84
—(c)(1) Conductor certification submission—Copies to rail labor organizations (RLOs)	784 railroads	6 certification program submission copies	15.00 minutes	1.50 hours	\$85.93	\$128.90
—(c)(2) Affirmative statements that copies of submissions were sent to RLOs	784 railroads	6 affirmative statements	15.00 minutes	1.50 hours	\$85.93	\$128.90
—(d) RLOs submit comments on RR programs	784 railroads	6 certified comments	4.00 hours	24.00 hours	\$85.93	\$2,062.32
—(g) Non-conforming program revised and resubmitted to FRA	784 railroads	15 revised programs	3.00 hours	45.00 hours	\$85.93	\$3,866.85
—(h)(2) Resubmitted certification programs still not conforming and then resubmitted	784 railroads	3 resubmitted certification programs	2.00 hours	6.00 hours	\$85.93	\$515.58
—(i)(1)-(2) Certification programs materially modified after initial FRA approval	784 railroads	96 certificate program material modifications	2.00 hours	192.00 hours	\$85.93	\$16,498.56
—(i)(3) Materially modified programs disapproved by FRA and then revised	784 railroads	20 modified certification programs	2.00 hours	40.00 hours	\$85.93	\$3,437.20
—Revised programs disapproved and then re-submitted	<i>The estimated paperwork burden for this requirement is included under § 242.103(i)(3).</i>					
242.107(c)—Types of service—emergency training for reclassification to different type of certification	35 railroads	400 records of trainings	2.00 minutes	13.00 hours	\$63.07	\$840.72

242.109— Determinations by RRs before certification or recertification and the opportunity for candidates to comment on their prior safety conduct record	784 railroads	300 records + 300 comments	30 minutes + 10 minutes	225hours	\$85.93	\$19,334.25
242.111(b)—Prior Safety Conduct as Motor Vehicle Operator—Eligibility determinations	784 railroads	16,200 eligibility determinations	10.00 minutes	2,700.00 hours	\$85.93	\$232,011.00
—(c) Initial certification for 60 days	784 railroads	150 initial certifications	10.00 minutes	25.00 hours	\$85.93	\$2,148.25
—(d) Recertification for 60 days	784 railroads	125 re-certifications	10.00 minutes	21.00 hours	\$85.93	\$1,804.53
—(f) Driver info not provided and request for waiver by persons/railroad	<i>FRA anticipates that there will be zero waiver requests during this three-year collection period.</i>					
—(h) Request to obtain driver's license information from licensing agency	41,000 conductors	16,200 written requests	15.00 minutes	4,050.00 hours	\$63.07	\$255,433.50
—(j) Requests for additional information from driver licensing agency	<i>The estimated paperwork burden for this requirement is included under § 242.111(h).</i>					
—(k) Notification to RR by persons of never having a license	41,000 conductors	10 notices	10.00 minutes	2.00 hours	\$63.07	\$126.14
—(l) Report of Motor Vehicle Incidents	41,000 conductors	400 self-reporting	10.00 minutes	68 hours	\$63.07	\$4,288.76
—(m)-(n) Evaluation of driving record	41,000 conductors	16,200.00 motor vehicle record evaluations	5.00 minutes	1,350.00 hours	\$63.07	\$85,144.50
—(o)(1) DAC referral by RR after report of driving drug/alcohol incident	784 railroads	200 DAC referrals	5.00 minutes	16.00 hours	\$123.41	\$1,974.56
—(o)(2) DAC requests person supply records of prior counseling or treatment and the person must provide the records requested	784 railroads	20 DAC requests	30.00 minutes	10.00 hours	\$123.41	\$1,234.10
—(o)(3) Condition certifications based upon participation in aftercare or follow-up testing recommended by DAC	784 railroads	40 conditional certification recommendations	4.00 hours	160.00 hours	\$123.41	\$19,745.60
242.113—Prior safety conduct as employee of a different railroad	The estimated paperwork burden for this requirement is included above in § 242.109					
242.115(b)— Determination that person meets	41,000 conductors	16,200 determinations	2.00 minutes	540.00 hours	\$63.07	\$34,057.80

eligibility requirements						
—(c) Written documents from DAC that person is not affected by a substance abuse disorder	41,000 conductors	250 filed documents	30.00 minutes	125.00 hours	\$123.41	\$15,426.25
—(d)(3) RR treats self-referral for substance abuse counseling by employee as confidential except with respect to ineligibility for certification	784 railroads	30 self-referrals	5.00 minutes	2.5 hours	\$123.41	\$308.53
—(e) Certification reviews for occurrence/documentation of prior alcohol/drug conduct by persons/conductors	784 railroads	16,200 certification reviews	5.00 minutes	1,350.00 hours	\$123.41	\$166,603.50
—(e)(3)(i) Written determination that person not currently certified is ineligible and the conditions for the ineligibility period	784 railroads	75 written determinations	1.00 hour	75.00 hours	\$123.41	\$9,255.75
—(e)(3)(ii) Notification to current conductor that recertification has been denied or certification has been revoked and the conditions for the ineligibility period	784 railroads	75 notifications	30.00 minutes	37.50 hours	\$85.93	\$3,222.38
—(e)(4) Persons/conductors waiving investigation/de-certifications	41,000 conductors	150 waived investigations	10.00 minutes	25.50 hours	\$63.07	\$1,608.29
242.117(b)—Vision and hearing acuity—Determination vision standards met	784 railroads	16,200 records	2.00 minutes	540.00 hours	\$123.41	\$66,641.40
—(b) Determination hearing standards met	784 railroads	16,200 records	2.00 minutes	540.00 hours	\$123.41	\$66,641.40
—Additional gap hearing tests	<i>The estimated paperwork burden for this requirement is included under § 242.117(b).</i>					
—(c)(1) Medical examiner certificate that person has been examined/passed test	784 railroads	16,200 file medical examiners	10.00 minutes	2,700.00 hours	\$123.41	\$333,207.00
—(c)(2)(i) Document standards can be met with conditions attached	784 railroads	25 written documents	30.00 minutes	12.50 hours	\$123.41	\$1,542.63
—(c)(2)(ii) Document standards cannot be	784 railroads	25 written documents	30.00 minutes	12.50 hours	\$123.41	\$1,542.63

met even with conditions attached						
—(e) Notation person needs corrective device (glasses or hearing aid, or both)	784 railroads	5,000 certificate notifications	10.00 minutes	833.33 hours	\$123.41	\$102,841.26
—(j) Person not meeting hearing or vision thresholds requests further medical evaluation for new determination	784 railroads	50 requests + 50 determination	30 minutes + 10 minutes	33.50 <sup>2</sup> hours	\$63.07 \$123.41	\$2,625.73
—(j) Consultations by medical examiners with railroad officer and issue of conditional certification	784 railroads	15 consults + 15 certifications	30 minutes + 10 minutes	10.05 <sup>3</sup> hours	\$123.41 \$85.93	\$1,144.69
—(k) Notification by certified conductor of deterioration of vision/hearing	784 railroads	20 notifications	10.00 minutes	3.00 hours	\$63.07	\$189.21
242.119(a)—Training—New railroads—Training program	3 new railroads	3 training programs	3.00 hours	9.00 hours	\$123.41	\$1,110.69
—(a) Modification to training program	783 railroads	75 programs	30.00 minutes	38.00 hours	\$85.93	\$3,265.34
—(c) Written documentation showing each person completed training for certification or recertification	783 railroads	50 written documents	30.00 minutes	25.00 hours	\$85.93	\$2,148.25
—(d)(5) Modified training programs due to new laws, regulations, orders, technologies, procedures, or equipment	784 railroads	24 modified training programs	2.00 hours	48.00 hours	\$85.93	\$4,124.64
—(f) Employee consultation with qualified supervisory employee if given written test to demonstrate knowledge of physical characteristics of any assigned territory	784 railroads	1,000 consultations	15.00 minutes	250.00 hours	\$63.07	\$15,767.50
—(i) Familiarization training for conductor of acquiring railroad from selling company/railroad prior to	784 railroads	20 training records	15.00 minutes	5.00 hours	\$63.07	\$315.35

<sup>2</sup> Breakdown of total burden hours is 25 hours x \$63.07 = \$1,576.75, and 8.5 hours x 123.41 = \$1,048.98 for a total of 33.50 hours and \$2,625.73 total cost equivalent.

<sup>3</sup> Breakdown of total burden hours is 7.5 hours x \$123.41 = \$925.57, and 2.55 hours x 85.93 = \$219.12 for a total of 10.05 hours and \$1,144.69 total cost equivalent.

commencement of new operation						
—(l) RR continuous education/training of conductors	784 railroads	16,200 training records	15.00 minutes	4,050.00 hours	\$63.07	\$255,433.50
242.121(a)-(f)— Knowledge testing — Determining eligibility	784 railroads	16,200 examination records	15.00 minutes	4,050.00 hours	\$63.07	\$255,433.50
—(g) Retests/re-examinations	784 railroads	1,000 retests or reexamination records	15.00 minutes	250.00 hours	\$63.07	\$15,767.50
242.123(a)-(e)— Monitoring operational Performance	784 railroads	16,200 operational compliance test records	10.00 minutes	2,700.00 hours	\$85.93	\$232,011.00
—(f) Return to service that requires unannounced compliance test/record	784 railroads	1,000 unannounced compliance test records	10.00 minutes	167 hours	\$85.93	\$14,350.31
242.125— Determination made by railroad relying on another railroad's certification	784 railroads	100 determinations	30.00 minutes	50.00 hours	\$63.07	\$3,153.50
242.127—Reliance on qualification requirements of other countries	784 railroads	20 determinations	30.00 minutes	10.00 hours	\$63.07	\$630.70
242.203(b)— Retaining information supporting determination— Records	784 railroads	16,200 record retentions	15.00 minutes	4,050.00 hours	\$85.93	\$348,016.50
—(c) Amended electronic records	784 railroads	20 amended records	30.00 minutes	10.00 hours	\$85.93	\$859.30
242.205— Identification of certified persons and recordkeeping. List of certified persons	784 railroads	784 lists	5.00 minutes	63.00 hours	\$85.93	\$5,413.59
242.209(a)— Maintenance of Certificates—Request to display certificate	784 railroads	2,000 displayed certificates	2.00 minutes	67.00 hours	\$63.07	\$4,225.69
—(b) Notification by conductors that RR request to serve exceeds certification	784 railroads	1,000 notifications	10.00 minutes	167 hours	\$63.07	\$10,532.69
242.211— Replacement of certificates	784 railroads	500 temporary replacement certificates	5.00 minutes	42.00 hours	\$85.93	\$3,609.06
242.213(e)—Multiple certificates— Notification to engineer that no conductor is on train	35 railroads	5 locomotive engineer notifications	10.00 minutes	1.00 hour	\$85.93	\$85.93

—(f) Notification of denial of certification by individuals holding certifications from more than one railroad	784 railroads	10 notifications	10.00 minutes	2.00 hours	\$63.07	\$126.14
242.215(a)—Railroad oversight responsibilities— Review and analysis of administration of certification program	53 railroads	53 reviews and analyses	40.00 hours	2,120.00 hours	\$85.93	\$182,171.60
—(d)-(i) Upon FRA's request, railroad provides a report of findings and conclusions	784 railroads	53 reports	4.00 hours	212.00 hours	\$85.93	\$18,217.16
242.301(a)— Determinations— Territorial qualification and joint operations	320 railroads	1,000 determinations	15.00 minutes	250.00 hours	\$63.07	\$15,767.50
—(b) Notification by persons who do not meet territorial qualification	320 railroads	300 notifications	10.00 minutes	50.00 hours	\$63.07	\$3,153.50
242.401(a)—Denial of certification— Notification to candidate of information that forms basis for denying certification and candidate response	784 railroads	80 notices + 40 responses	1 hour + 1 hour	120.00 <sup>4</sup> hours	\$123.41 \$63.07	\$12,395.60
—(c) Written notification of denial of certification	784 railroads	40 notifications	1.00 hour	40.00 hours	\$85.93	\$3,437.20
242.403—Criteria for revoking certification—Review of compliance conduct	784 railroads	1,000 certification reviews	15.00 minutes	250.00 hours	\$63.07	\$15,767.50
242.407(a)—Process for revoking certification — Revocation for violations of section 242.115(e) and 242.403(e)	784 railroads	1,000 revoked certifications	8.00 hours	8,000.00 hours	\$123.41	\$987,280.00
—(b)(1) and (2) Immediate suspension of certificate	784 railroads	1,000 suspended certification letters	1.00 hour	1,000.00 hours	\$85.93	\$85,930.00
—(b)(7) Hearing record	784 railroads	1,000 records	5.00 minutes	250.00 hours	\$85.93	\$21,482.50
—(c) Written decisions by railroad official	784 railroads	1,000 written decisions	2.00 hours	2,000.00 hours	\$123.41	\$246,820.00

<sup>4</sup>Breakdown of total burden hours is 80 hours x \$123.41 = \$9,872.80, and 40 hours x 63.07 = \$2,522.80 for a total of 120 hours and \$12,395.60 total cost equivalent.

—(c) Service of written decision on employee by RR + RR service proof	784 railroads	1,000 served written decisions + 1,000 service proofs	10 minutes + 5 minutes	250.00 hours	\$85.93	\$21,482.50
—(f) Written waiver of right to hearing	41,000 conductors	700 written waivers	10.00 minutes	117.00 hours	\$63.07	\$7,379.19
—(g) Revocation of certification based on information that another railroad has done so	784 railroads	15 revoked certifications	10.00 minutes	3.00 hours	\$123.41	\$370.23
—(j) Placing relevant information in record prior to suspending certification/convening hearing	784 railroads	100 updated records	1.00 hour	100.00 hours	\$85.93	\$8,593.00
Totals <sup>5</sup>	784 railroads	220,123 Responses	N/A	46,858 Hours		\$4,281,590

*Total Estimated Annual Responses: 220,123.*

*Total Estimated Annual Burden: 47,858 hours.*

*Total Estimated Annual Burden Hour Dollar Cost Equivalent: \$4,344,660.*

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,**

*Deputy Chief Counsel.*

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<sup>5</sup>Totals may not add up due to rounding.