

**SUPPORTING JUSTIFICATION
RAILROAD OPERATING RULES (49 CFR 217) (49 CFR 218)
OMB No. 2130-0035**

Summary of Submission

- This is a request for an extension with change to the above last approved information collection submission cleared by OMB on **December 31, 2014**, which expires on **December 31, 2017**.
- FRA published the required 60-day **Federal Register** Notice on **June 30, 2017**. See 82 FR 29976. FRA received no comments in response to this Notice.
- Total number of burden **hours requested** for this submission is **4,791,614 hours**.
- The total number of burden **hours previously approved** was **4,797,428 hours**.
- The total burden has decreased by **5,814** hours from the last submission.
- Total number of **responses requested** for this submission is **188,591,224**.
- Total number of **responses previously approved** for this submission was **188,659,926**.
- **Adjustments** decreased the total burden **5,814 hours**, and decreased total **responses** by **68,702** from the last approved submission.
- There are no **program changes** at this time to this submission.
- ****The answer to question number 12 itemizes the hourly burden associated with each requirement of this rule (See pp. 15-49).**
- ****The answer to question number 15 itemizes all **adjustments** (See pp. 49-51).**

Note: This collection of information is mandatory under 49 CFR part 217 and 49 CFR part 218. Respondents are Class I, Class II, and Class III railroads, and intercity passenger and commuter railroads. This collection of information involves both reporting and recordkeeping requirements. The collection frequency of the required information occurs on an occasional basis as well as annually. Reporting requirements include filing of rules, timetables, timetable special instructions, written programs of operational tests and inspections, written quarterly reviews of the railroad accident/incident data, the results of prior operational tests and inspections, and other pertinent safety data, and operating rule modifications among others.

Recordkeeping information includes written documentation of the qualification of each railroad testing officer, a record of the date, time, place, and result of each operational test and inspection performed by railroads in accordance with their programs, a copy of each amendment to the railroad's program of operational tests and inspections, records of periodic reviews, an annual summary on operational tests and inspections for each railroad, a record of the railroad's current program for periodic instruction of its employees, and written records documenting employees' successful completion of instruction, training, and examinations for qualification purposes. The purpose of this information collection is to enhance rail safety and drive down the number and severity of accidents/incidents and corresponding injuries, fatalities, and property damage caused by human factors in the daily operations of the nation's railroads. As noted above, this information collection request is for an extension with change.

1. Circumstances that make collection of the information necessary.

Background (Explaining Circumstances and Legal Authority for Information Collection)

FRA has grown steadily concerned over the past few years as the frequency of human factor caused accidents have increased. When these accidents are reported, the reporting railroad is required to cite the cause(s) of the accident. In the case of a human factor caused accident, an employee (or employees) is typically associated with a failure to abide by one or more railroad operating rules. Over the past few years, FRA inspectors have simultaneously observed a substantial increase in non-compliance with those railroad operating rules that cause or contribute to these types of accidents.

Accidents caused by mishandling of equipment, switches, and derails rose from 370 to 640 from the years 1997 to 2004 – an increase of 42 percent. The greatest causes of these accidents as identified by the railroads were (1) switch improperly lined and (2) absence of an employee on, at or ahead of a shoving movement. These two issues alone account for over 60 percent of all accidents caused annually by employees mishandling of equipment, switches, and derails.

A grouping of four other causes saw steady increases from 133 per year in 1997 to 213 per year in 2004 – a cumulative increase of 37 percent; these causes are (1) failure to control a shoving movement, (2) switch previously run through, (3) cars left foul, and (4) failure to apply or remove a derail. Two additional causes of accidents, (1) switch not latched or locked and (2) car(s) shoved out and left out of clear, were the cited cause of only 10 accidents in 1997 and 40 accidents in 2004.

While the accident data show significant increases, the data collected by FRA during inspections suggests that the number of accidents could easily increase at an even greater rate. FRA inspection data show that non-compliance related to mishandling of equipment, switches, and derails rose from 319 to 2,954 per year from 2000 to 2004 – a nine-fold increase. The most common areas of human non-compliance were:

(1) employee failed to observe switch points for obstruction before throwing switch; (2) employee failed to ensure all switches involved with a movement were properly lined; (3) employee failed to ensure switches were latched or locked, (4) employee failed to ensure switches were properly lined before movement began; and (5) employee left equipment fouling adjacent track.

Several other related issues of non-compliance also saw substantial increases, although the overall number of incidents found by FRA were lower than the top five. These additional areas of non-compliance are: (1) employee left derail improperly lined (on or off), (2) absence of employee on, at, or ahead of shoving movement, (3) employee failed to ensure train or engine was stopped in the clear, (4) employee failed to ensure switches were properly lined after being used, (5) employee failed to reapply hasp before making move over switch (if equipped), (6) employee failed to relock the switch after use, and (7) one or more employees failed to position themselves so that they could constantly look in the direction of movement.

Some non-compliance data apply particularly to human factor mistakes noted during inspections of operations involving remote control operations. FRA assigned non-compliance codes to identify the following problems specifically associated with these remote control operations: (1) employee operated equipment while out of operator's range of vision; (2) employee failed to provide point protection, locomotive leading; and (3) employee failed to provide point protection, car leading. In 2004, FRA inspectors recorded 29 instances of non-compliance with the railroad's operating rules underlying the three codes. In 2005, the number of instances of non-compliance with those same codes recorded by FRA inspectors increased to 92.

Although the increasing number of human factor caused accidents impacted the railroad industry and its employees, a catastrophic accident that occurred at Graniteville, South Carolina, on January 6, 2005, catapulted the issue into the national spotlight. As the National Transportation Safety Board (NTSB) described in its report NTSB/RAR-05/04, PB2005-916304 (Nov. 29, 2005), that accident occurred when Norfolk Southern Railway Company (NS) freight train 192, while traveling in non-signaled territory at about 47 miles per hour, encountered an improperly lined switch that diverted the train from the main track onto an industry track, where it struck an unoccupied, parked train (NS train P22). The collision derailed both locomotives and 16 of the 42 freight cars of train 192, as well as the locomotive and one of the two cars of train P22. Among the derailed cars from train 192 were three tank cars containing chlorine, one of which was breached, releasing chlorine gas. The train engineer and eight other people died as a result of chlorine gas inhalation. About 554 people complaining of respiratory difficulties were taken to local hospitals. Of these, 75 were admitted for treatment. Because of the chlorine release, about 5,400 people within a one-mile radius of the derailment site were evacuated for several days. Total property damages exceeded \$6.9 million. The total monetized damages were much higher than that, with one estimate as high as \$125 million. NTSB determined that the probable cause of the collision was the failure of the

crew of NS train P22 to return a main track switch to the normal position after the crew completed work at an industry track.

The crew's failure violated railroad operating rules but did not violate any Federal requirement. NS Operating Rule 104, in effect at the time, placed primary responsibility with the employee handling the switch and other crewmembers were secondarily responsible if they were in place to observe the switch's position. NTSB/RAR-05/04 at 8. In addition, NTSB concluded that NS rules required a job briefing which "would likely have included a discussion of the switches and specifically who was responsible for ensuring that they were properly positioned [and that] [h]ad such a briefing taken place, the relining of the switch might not have been overlooked." *Id.* at 44. FRA concurs that the lack of intra-crew communication regarding the switch's position was particularly significant at the time the crew was preparing to leave the site regarding the switch's position. *Id.* at 8-9.

Four days after the Graniteville accident [and coincidentally, two days after a similar accident at Bieber, California, with serious, but not catastrophic consequences], FRA responded by issuing Safety Advisory 2005-01, Position of Switches in Non-Signaled Territory. 70 FR 2455 (Jan. 10, 2005). The issuance of a safety advisory is an opportunity for the agency to inform the industry and the general public regarding a safety issue, to articulate agency policy, and to make recommendations. FRA explained in the Safety Advisory that "[a] review of FRA's accident/incident data shows that, overall, the safety of rail transportation continues to improve. However, FRA has particular concern that recent accidents on Class I railroads in non-signaled territory were caused, or apparently caused, by the failure of railroad employees to return manual (hand-operated) main track switches to their normal position, i.e., usually lined for the main track, after use. As a result, rather than continuing their intended movement on the main track, trains approaching these switches in a facing-point direction were unexpectedly diverted from the main track onto the diverging route, and consequently derailed."

Safety Advisory 2005-1 strongly urged all railroads to immediately adopt and comply with five recommendations that were intended to strengthen, clarify, and re-emphasize railroad operating rules so as to ensure that all main track switches are returned to their normal position after use. The recommendations emphasized communication both with the dispatcher and other crewmembers. FRA recommended that crewmembers complete and sign a railroad-created Switch Position Awareness Form (SPAF). Proper completion of a SPAF was expected to trigger specific communication relevant to critical elements of the tasks to be performed. Additional training and oversight were also recommended.

Safety Advisory 2005-1 did not have the long term effect that FRA hoped it would. The Safety Advisory was intended to allow the industry itself a chance to clamp down on the frequency and severity of one subset of human factor accidents, i.e., those accidents involving hand-operated switches in non-signaled territory. FRA credits the Safety

Advisory with contributing to a nearly six-month respite from this type of accident, from January 12 through July 6, 2005, but, following this respite, there was a sharp increase in serious accidents.

Three serious accidents over a 28-day period were the catalyst for FRA issuing an emergency order: *Emergency Order No. 24 (EO 24); Docket No. FRA-2005-22796, Notice 1, 70 FR 61496, 61498 (Oct. 24, 2005)*. The three accidents cited in EO 24 resulted in fatal injuries to one railroad employee, non-fatal injuries to eight railroad employees, an evacuation of civilians, and railroad property damage of approximately two million dollars. Furthermore, each of these accidents could have been worse, as each had the potential for additional deaths, injuries, property damage or environmental harm. Two of the accidents could have involved catastrophic releases of hazardous materials as these materials were present in at least one of the train consists that collided.

FRA is authorized to issue emergency orders where an unsafe condition or practice "causes an emergency situation involving a hazard of death or personal injury." 49 U.S.C. 20104. These orders may immediately impose "restrictions and prohibitions . . . that may be necessary to abate the situation." *Id.* EO 24 illuminated the problems associated with mishandling of hand-operated switches in non-signaled territory.

Prior to the Graniteville accident, FRA had developed and implemented procedures to focus agency resources on critical railroad safety issues. Such procedures were appropriate even though the industry's overall safety record had improved over the last decade and most safety trends were moving in the right direction. FRA recognizes that significant train accidents continue to occur, and the train accident rate has not shown substantive improvement in recent years. Several months after the Graniteville accident, an action plan was published. FRA acknowledged in the plan that "recent train accidents have highlighted specific issues that need prompt government and industry attention." Action Plan at 1 (published on FRA's website at <http://www.fra.dot.gov>).

In the plan, FRA introduced its basic principles to address critical railroad safety issues. One basic principle is that FRA's safety program is increasingly guided by careful analysis of accident, inspection, and other safety data. Another basic principle is that FRA attempts to direct both its regulatory and compliance efforts toward those areas involving the highest safety risks. The plan is intended to be proactive in that it will target the most frequent, highest risk causes of accidents.

FRA identified "reducing human factors accidents" as one of the major areas in which the agency planned initiatives. In fact, the plan discusses this issue first because it constitutes the largest category of train accidents, accounting for 38 percent of all train accidents over the first five years of this decade, and human factor accidents were growing in number at the time the action plan was implemented. Furthermore, FRA's plan takes aim at reducing human factor accidents because in recent years most of the serious events involving train collisions or derailments resulting in the release of hazardous materials, or

harm to rail passengers, have been caused by human factors or track problems. FRA's analysis of train accident data has revealed that a small number of particular kinds of human errors are accounting for an inordinate number of human factor accidents. For example, the eight human factor causes involving mishandling equipment, switches, and derails that FRA is addressing in this final rule accounted for nearly 48 percent of all human factor accidents in 2004; these eight causes, which resulted in accidents causing over \$113 million in damages to property and equipment from 2001-2005, can be grouped into three basic areas of railroad operations. They include: (1) operating switches and derails; (2) leaving equipment out to foul; and (3) the failure to protect shoving or pushing movements. In addition, two other human factor causes are catch-all general causes that may include some accidents involving handling equipment, operating switches/derails, and other general causes that account for an additional two-and-a-half percent of all human factor accidents in 2004. Thus, this final rule is geared to address approximately half of all human factor caused accidents on all classes of track.

Of the 118 available human factor causes that are tracked, the leading cause of human factor accidents was improperly lined switches, which alone accounted for more than 16 percent of human factor accidents in 2004. The next two leading causes were shoving cars without a person on the front of the movement to monitor conditions ahead, i.e., lack of point protection, and shoving cars with point protection but still resulting in a failure to control the movement; these two shoving related causes together accounted for 17.6 percent of human factor accidents in 2004. The remaining five causes addressed in this final rule account for nearly 14 percent of the total number of accident causes; these causes involve leaving cars in a position that fouls an adjacent track, operating over a switch previously run through, a failure to apply or remove a derail, a failure to latch or lock a switch, and a failure to determine before shoving that the track is clear ahead of the movement. The two catch-all general causes that might be cited when a railroad believes one or more related causes may apply, or is unsure of the exact cause, are as follows: (1) other general switching rules, and (2) other train operation/human factors.

The final rule – and associated collection of information – suggests a two pronged approach. One, by proposing that a railroad revise its program of operational tests and inspections, FRA would require greater oversight of railroad testing officers to ensure that they are qualified to perform their duties and are focusing their tests to reduce accidents. Two, by proposing that each railroad's operating rules meet certain minimum standards for handling of equipment, switches and derails, especially during shoving movements, FRA would be taking aim at a narrow set of railroad operating rules whose violations have caused 51 percent of all human factor caused accidents on class I track from 2002-2005.

The Federal Railroad Safety Act of 1970, as codified at 49 U.S.C. 20103, provides that "[t]he Secretary of Transportation, as necessary, shall prescribe regulations and issue orders for every area of railroad safety supplementing laws and regulations in effect on October 16, 1970." The Secretary's responsibility under this provision and the balance of

the railroad safety laws have been delegated to the Federal Railroad Administrator. See 49 CFR 1.49(m).

FRA is not specifically required by statute to issue a regulation on the subjects covered by this final rule. However, FRA believes that establishing greater accountability for implementation of sound operating rules is necessary for safety. FRA initiated and finalized this rulemaking because it has recognized that human factor train accidents comprise the largest single category of train accident causes and because existing regulations have proven inadequate to achieve a significant further reduction in their numbers or severity. Moreover, the current situation in the railroad industry, which is characterized by strong market demand, extensive hiring of new employees, and rapid attrition of older employees now becoming eligible for retirement, demands a more substantial framework of regulations to help ensure that operational necessity will not overwhelm systems of safeguards relied upon to maintain good discipline.

The theme of this final rule is accountability. It embodies both a broad strategy intended to promote better administration of railroad programs and a highly targeted strategy designed to improve compliance with railroad operating rules addressing three critical areas. Within this framework, FRA has taken responsibility to set out certain requirements heretofore left to private action. FRA will be monitoring compliance with those requirements through appropriate inspections and audits, and when necessary will be assessing appropriate civil penalties to assure compliance. Railroad management will be held accountable for putting in place appropriate rules, instructions, and programs of operational tests. Railroad supervisors will be held accountable for doing their part to administer operational tests and establish appropriate expectations with respect to rules compliance. Railroad employees will be held accountable for complying with specified operating rules, and will have a right of challenge should they be instructed to take actions that, in good faith, they believe would violate those rules. It is intended that this framework of accountability will promote good discipline, prevent train accidents, and reduce serious injuries to railroad employees.

2. **How, by whom, and for what purpose the information is to be used.**

The information collected from this rule's requirements is presently used by FRA to monitor and enforce its Part 217 and Part 218 safety regulations. Specifically, the information collected is used by FRA to enhance rail safety and drive down the number and severity of accidents/incidents and corresponding injuries, fatalities, and property damage caused by human factors in the daily operation of the nation's railroads.

FRA reviews the filed copies of the code of operating rules, timetables, and timetable special instructions submitted by Class I, Class II, the National Railroad Passenger Corporation (Amtrak), and railroads providing commuter service in metropolitan or suburban areas to ensure that these railroads have developed safe operating rules and practices before commencing operations. Additionally, FRA reviews amendments to the

code of operating rules, new timetables, and new timetable special instructions submitted by Class I, Class II, and railroads providing commuter service in metropolitan or suburban areas to attest that changes contemplated by these railroads are safe, necessary, and accord with Federal laws and regulations. FRA reserves the right to inspect Class III railroads' code of operating rules, new timetables, and new timetable special instructions, as well any amendments thereto, at their system headquarters to ensure that they have developed safe operating rules, and practices that conform to Federal laws and regulations.

Railroad officers must be qualified on the railroad's operational rules; must be qualified on the operational testing program requirements and procedures relevant to the testing the officer will conduct; and must receive appropriate field training, as necessary, to achieve proficiency, on each operational test that the officer is authorized to conduct. This information is used by railroads and FRA to ensure that all railroad testing officers on a particular railroad are properly qualified. Thus, a railroad testing officer who is trained and knowledgeable in the railroad's operating rules will be able to conduct competent tests and inspections, and will understand how the tests they conduct fit into the railroad's testing program. As a consequence, it will be more difficult for railroad testing officers to accept inconsistency in the application of operating rules. Operating rules that are more closely adhered to will provide increased levels of safety.

Written records documenting the qualifications of each railroad testing officer must be retained at the railroad's system headquarters and division headquarters for each division where the officer is assigned and made available to representatives of FRA for inspection and copying during normal business hours. Each railroad to which this Part applies must also keep a record of the date, time, place, and result of each operational test and inspection that was performed in accordance with its program. Each record must also specify the officer administering the test and inspection and each employee tested under this section. Railroads use this information to monitor the proficiency of their employees and to obtain greater compliance with their operating rules. FRA uses these records to ensure and enforce compliance with this regulation, and analyzes records of these tests to determine the extent these tests and inspections conform to the railroads written program of operational tests and inspections.

Each railroad to which this Part applies must periodically instruct each affected employee on the meaning and application of the railroad's operating rules in accordance with a written program retained at its systems headquarters and at the division headquarters for each division where the employee is instructed. The railroads use this information to ensure that their employees are qualified and that they understand their duties and responsibilities vis-a-vis the railroad's current operating rules/any changes to their current operating rules. FRA inspectors examine the written program of new railroads' operating rules and amendments to existing railroads' operating rules to verify that their rules conform to Federal safety laws and regulations.

Affected railroads must retain written records documenting the instruction, examination, and training of each employee at their system headquarters and at the division headquarters for each division where the employee is assigned, and must make these records available to representatives of FRA for inspection and copying during normal business hours. FRA inspectors review these records to ensure that railroad employees are qualified/re-qualified for the duties that they are/will be performing. In the event of an accident/incident, FRA can quickly ascertain whether an unqualified employee performed safety-sensitive work. Moreover, these written records provide an invaluable resource to FRA and NTSB investigators in determining the cause(s) of an accident/incident as well in devising corrective measures to prevent future such occurrences.

Each employer is responsible for the training and compliance by its employees with the requirements of this subpart. Each employer must adopt and implement written procedures which guarantee each employee the right to challenge in good faith as to whether the procedures that will be applied to accomplish a specific task comply with the requirements of this subpart or any operating rule relied upon to fulfill the requirements of this subpart. Each employer's written procedures must provide for prompt and equitable resolution of challenges made in accordance with this part. Also, a copy of the written procedures must be provided to each affected employee and made available for inspection and copying by representatives of FRA during normal business hours. Information under this requirement is used by railroad officials and railroad employees to improve understanding of procedures and to enhance dialogue and clear communication between railroad officials and their employees in safely carrying out orders related to operating rules. The good faith challenge procedures that are clearly spelled out – and that employees can readily carry with them (along with their operating rules book) as ready references – provide railroad employees an opportunity to question an order that may not comply with the railroads' own operating rules or that may be potentially unsafe, and provide a means for all parties to promptly resolve any question so that an order can be effectively and safely carried out by the tasked party.

Rolling equipment must not be shoved or pushed until the locomotive engineer has participated in a job briefing by the employee who will direct the move. This employee must also describe, as part of the job briefing, the means of communication to be used and how protection will be provided. This information is used to facilitate better communication between train employees and other employees who are directing shoving or pushing movements. In particular, employees know clearly the method of communication to be used in such movements, whether radio, hand signals, or pitch and catch. Such briefings are designed and are used to ensure that employees working together understand the task they intend to perform and know exactly what role is expected of them and their colleagues. Thus, through such proper job briefings, safety is likely to be enhanced, since clear communication may prevent some mishaps and contain others from exacerbating an already bad situation.

Each railroad must have in effect an operating rule which establishes minimum requirements for preventing equipment from fouling connecting tracks unsafely, and each railroad must implement procedures that will enable employees to identify when the equipment is fouling. Additionally, each railroad officer, supervisor, and employee must uphold and comply with the rule. The information is used by railroads to delineate the steps their employees must follow to avoid fouling connecting tracks unsafely, and is used by railroad employees to better understand and perform their duties in a more effective and safe manner. The mandated operating rule and adherence to it by railroad employees serve to reduce the likelihood of accidents, particularly collisions that result from equipment fouling connecting tracks.

Railroads are required to adopt operating rules which meet the minimum requirements set forth in this rule concerning hand-operated switches, including cross-over switches. Railroads must specify minimum requirements necessary for an adequate job briefing. Further, employees operating or verifying the position of a hand-operated switch must: (1) Conduct job briefings, before work is begun, each time a work plan is changed, and at completion of the work; (2) Be qualified on the railroad's operating rules relating to the operation of the switch; (3) Be individually responsible for the position of the switch in use; (4) Visually determine that switches are properly lined for the intended use; (5) Visually determine that points fit properly and the target, if so equipped, corresponds with the switch's position; (6) Before making movements in either direction over the switch, ensure the switch is secured from unintentional movement of the switch points; (7) Ensure that a switch is not operated while rolling and on-track maintenance-of-way equipment is standing or moving over the switch; and (8) Ensure that when not in use, each switch is locked, hooked or latched, if so equipped. There are also additional requirements for hand-operated main track switches. The information required under these sections are used by FRA to ensure railroads highlight the importance of properly handling switches and to ensure that those employees performing such operations are fully qualified and knowledgeable regarding the tasks they are called on to perform. Frequent job briefings are used by railroad supervisors and employees to focus greater attention on properly setting and then reversing operating switches in order to keep track safe for trains and other railroad equipment and to eliminate accidents/incidents similar to the ones which necessitated FRA Emergency Order No. 24. It is essential that rail employees know what is expected of them before they start working, that they know what is expected to happen if the work plan changes after work is initiated but before the work is completed, and that they understand the importance of confirming whether all the work was completed and according to the operating rules.

3. Extent of automated information collection.

FRA strongly endorses and highly encourages the use of advanced information technology, wherever possible, to reduce burden. Accordingly, FRA has authorized each railroad to which this Part applies the option of retaining the information prescribed in

§ 217.9 (d) and § 217.9 (f) by means of by electronic recordkeeping. This includes the written program of operational tests and inspections as well as the records of the date, time, place, and result of individual operational tests and inspections performed in accordance with the railroad's operating rules program. This also includes the annual summary on operational tests and inspections. FRA has authorized each railroad to which this Part applies the option of retaining by electronic recordkeeping its program for the periodic instruction of its operating rules under § 217.11, provided the stipulated requirements in § 217.9(e)(1) through (e)(5) are met. Also, the records of instruction, examination, and training required under (new) § 218.95(a)(5) can be retained electronically, as long as they are kept in accordance with §§ 217.9(g) and 217.111(c). Finally, under § 218.97(c)(2), railroad employees have the option of documenting electronically or in writing any protest to a direct order, and under § 218.97(d)(2), copies of records regarding good faith challenge verification decisions may be stored electronically if they are kept in accordance with the electronic recordkeeping standards set forth in § 217.9(g)(1) through (g)(5) of this chapter. Thus, approximately 43 percent of total responses may be kept electronically by railroads and their employees.

4. Efforts to identify duplication.

Because this information collection is entirely associated with this rulemaking, the collection of information is unique. The information collection requirements – to FRA's knowledge – are not duplicated anywhere.

Similar data are not available from any other source at this time.

5. Efforts to minimize the burden on small businesses.

Background

Small railroads were consulted frequently during the RSAC Working Group deliberations relating to the development of this rule, and a subgroup addressing their needs was formed, met, and contributed to FRA's understanding of their concerns. The impact on small entities was considered throughout the development of this rule. The single greatest concern of small railroads was that the Switch Position Awareness Form (SPAF) required by FRA's Emergency Order (E.O.) No. 24 was unduly burdensome. FRA eliminated the requirement for a SPAF in the final rule, which replaced E.O. 24 upon its effective date.

The biggest costs of this rule were related to the publication of the changed language, and management of the operating rules programs. The rule actually had even less impact on small entities, as they were excused from most of the burdens which regulate management of their operating rules testing programs. Additionally, while FRA amended § 217.9 to require railroads to focus programs of operational tests and inspections on those operating rules that cause or are likely to cause the most

accidents/incidents, it excepted small railroads with less than 400,000 employee work hours annually from the required quarterly and six-month reviews to further reduce burden on small (Class III) railroads.

It should be noted that, in the economic analysis accompanying the final rule, FRA certified that this rule will not have significant economic impact on a substantial number of small entities (railroads).

6. Impact of less frequent collection of information.

If this information were not collected or collected less frequently, railroad safety in the United States would be seriously jeopardized. Specifically, without this collection of information, FRA would have no way of knowing whether each affected railroad's code of operating rules, timetables, and timetable special instructions and subsequent amendments thereto conform to Federal safety laws and regulations. Unapproved operating rules, timetables, and timetable special instructions could have disastrous results. Without this collection of information, FRA would not know whether railroads conducted the required operational tests and inspections, and would not know whether these tests and inspections conform to the railroads' operating rules. Deprived of this information, FRA would not know whether railroads are engaging in unsafe practices. This could lead to higher rates of rail accidents/incidents with accompanying injuries – and possibly fatalities – to train crews and other railroad workers as well as to the general public.

Without the required written records documenting the qualifications of each railroad testing officer, FRA would have no way to verify whether railroad testing officers are qualified on the railroad's operating rules in accordance with §217.11 of this part, whether they are qualified on the operational testing program requirements and procedures relevant to the testing they will conduct, and whether they have received appropriate field training/retraining to achieve proficiency on each operational test that they are authorized to conduct. Railroad testing officers not properly qualified would lack the fundamental knowledge to perform adequate tests and inspections, thereby increasing the likelihood that railroad operating employees would inconsistently apply or violate the railroad's operating rules. The result would be a greater number of human factor errors and more human-factor related accident/incidents and corresponding casualties.

Without the required periodic reviews of tests (quarterly, and six-month), FRA would have no way to ensure that affected railroads are conducting tests and inspections directed at the causes of human factor train accidents and employee casualties. Such structured tests or observations permit railroads to find employees who are in need of additional training or who may benefit from a reminder that it is not acceptable to take shortcuts that violate operating rules. Additional training of railroad employees and greater adherence to operating rules serve to enhance safety.

Without the annual written summaries on operational tests and inspections required of railroads with more than 400,000 man-hours per year, FRA would lose a valuable resource necessary to monitor large railroads compliance with Federal safety laws and regulations. These annual written summaries are also extremely helpful to FRA and other investigatory agencies when searching for the cause(s) of accidents/incidents. Without the required program of instruction on operating rules for employees and corresponding required records, FRA would not know whether the various classes of railroad employees whose activities are governed by the railroad's operating rules are instructed periodically in these rules and are qualified to perform the tasks that they are assigned. Without this training, railroad employees might engage in unsafe practices that could result in more human factor-related accidents/incidents causing injuries, perhaps fatalities, to themselves, co-workers, and the general public. By careful monitoring of the information collected, FRA can take swift corrective action when safety in railroad operations begins to deteriorate.

Without the required good faith challenge procedures, railroad employees might be unsure how to comply with the requirements of this subpart or any operating rule relied upon to fulfill the requirements of this subpart. This could lead to employees taking greater risks or unsafe actions that lead to an accident/incident. The good faith challenges foster better communication through dialogue between employees and railroad officials. An employee who believes that a railroad officer has given the employee an order that does not comply with the railroad's own operating rules, or the operating rules required by this subpart, may initiate a good faith challenge. Good faith challenges serve to resolve operational procedure questions and thus increase compliance with the railroad's own operating rules and with Federal regulations, thereby reducing the number of human factor errors by railroad employees and enhancing overall safety.

Without the required job briefings for shoving or pushing rolling equipment, railroad employees might not understand or be clear on the task given to them and exactly what role is expected of them and their colleagues. The required job briefings cover the means of communication used to relay information (whether by radio, hand signals, or pitch and catch), and how protection will be provided. By fostering better communication through job briefings and by requiring a visual determination be made and proper signals or instructions given by a crewmember or other qualified employee, train crews can be assured that the track is clear when making shoving or pushing movements. These actions greatly reduce the likelihood of an accident/incident occurring.

In sum, this collection of information enhances accountability and responsibility on the part of railroad employees. It aims to reduce the number of human factor errors and accidents/incidents with corresponding casualties that result from such errors. This collection of information furthers FRA's primary mission, which is to promote and enhance rail safety throughout the nation.

7. **Special circumstances.**

Class I railroads, Class II railroads, the National Railroad Passenger Corporation (Amtrak), and commuter railroads do not regularly file their operating rules, and any subsequent amendments thereto with FRA. However, each railroad must file one copy of its operating rules with FRA, and any amendment to its operating rules must also be filed with FRA within 30 days after it is issued. FRA believes that the 30-day requirement is not unreasonable, given the paramount importance of maintaining safe train operations.

All other information collection requirements contained in this rule are in compliance with this section.

8. **Compliance with 5 CFR 1320.8.**

As required by the Paperwork Reduction Act of 1995, FRA published a notice in the Federal Register on June 30, 2017, soliciting public comment on this particular information collection. See 82 FR 29976. FRA received no comments in response to this 60-day Federal Register Notice.

FRA published the required 30-day Federal Register Notice on October 19, 2017. See 82 FR 48738. Although comments are sent directly to OMB, FRA believes that there will be none in response to this Notice as well.

9. **Payments or gifts to respondents.**

There are no monetary payments or gifts made to respondents associated with the information collection requirements contained in this regulation.

10. **Assurance of confidentiality.**

Under the Freedom of Information Act, the agency is required to make information collected in compliance with the regulations available to those requesting the documents. FRA does not actively solicit or encourage such requests.

Information collected is not of a confidential nature, and FRA pledges no confidentiality.

11. **Justification for any questions of a sensitive nature.**

These requirements have nothing to do with sensitive matters such as sexual behavior and attitudes, religious beliefs, and other matters commonly considered private.

12. Estimate of burden hours for information collected.

Note: Based on the latest available reporting data by railroads, FRA estimates that there are approximately 755 railroads currently operating in the United States. The breakdown is as follows: seven (7) Class I railroads, 11 Class II railroads, 33 passenger/commuter railroads, and 704 Class III railroads.

FRA is including the dollar equivalent cost for each of the itemized hours below using the AAR publication [Railroad Facts 2016](#) as the basis for each cost calculation. For railroad executives, officials, and staff assistants, the hourly wage rate is \$117 per hour. For professional and administrative staff, the hourly wage rate is \$75 per hour. For railroad train and engine employees (e.g., locomotive engineers, conductors, etc.), the hourly wage rate is \$73 per hour. For maintenance of way and structures employees (e.g., signalmen), the hourly wage rate is \$69 per hour. For maintenance of equipment and stores, the hourly wage rate is \$61. For transportation other than train and engine employees, the hourly wage is \$72 per hour. Note: All hourly wage calculations include 75% overhead costs.

Part 217.7 - Operating Rules; Filing and Recordkeeping

(a.) On or before December 21, 1994, each Class I railroad, Class II railroad, the National Railroad Passenger Corporation, and each railroad providing commuter service in a metropolitan or suburban area that is in operation on November 21, 1994, must file with the Federal Railroad Administrator, Washington, D.C. 20590, one copy of its code of operating rules, timetables, and timetable special instructions and each subsequent amendment to its code of operating rules, timetables, and timetable special instructions which were in effect on November 21, 1994. Each Class I railroad, each Class II railroad, and each railroad providing commuter service in a metropolitan or suburban area that commences operations after November 21, 1994, must file with the Administrator one copy of its code of operating rules, timetables, and timetable special instructions before it commences operations.

The requirement to file rules, timetables and timetable special instructions applies only to any railroad that qualifies as a Class I railroad or Class II railroad, or any new commuter railroad that is formed. FRA estimates that approximately two (2) railroads per year will fall into one of the specified categories. This is a one-time submission. It is estimated that it will take approximately one (1) hour to complete the required task. Total annual burden for this requirement is two (2) hours.

Respondent Universe:	2 new railroads
Burden time per response:	1 hour
Frequency of Response:	One-time
Annual number of Responses:	2 submissions

Annual Burden:	2 hours
Annual Cost	\$150 (\$75 x 2 hrs.)

Calculation: 2 submissions x 1 hr. = 2 hours

(b.) After November 21, 1994, each Class I railroad, each Class II railroad, the National Railroad Passenger Corporation, and each railroad providing commuter service in a metropolitan or suburban area must file each new amendment to its code of operating rules, each new timetable, and each new timetable special instruction with the Federal Railroad Administrator within 30 days after it is issued.

Respondent universe is approximately 55 railroads. It is estimated that each railroad will issue approximately three (3) amendments per year (165 amendments total). It is estimated that each amendment will take approximately 20 minutes to complete. Total annual burden for this requirement is 55 hours.

Respondent Universe:	55 railroads
Burden time per response:	20 minutes
Frequency of Response:	On occasion
Annual number of Responses:	165 amendments
Annual Burden:	55 hours
Annual Cost	\$4,125 (\$75 x 55 hrs.)

Calculation: 165 amendments x 20 min. = 55 hours

(c.)(i) On or after November 21, 1994, each Class III railroad and any other railroad subject to this Part but not subject to paragraphs (a) and (b) of this section must keep one copy of its current code of operating rules, timetables, and timetable special instructions, and one copy of each subsequent amendment to its code of operating rules, each new timetable, and each new timetable special instruction at its system headquarters, and must make such records available to representatives of the Federal Railroad Administration for inspection and copying during normal business hours.

The burden of the first part of this requirement applies only to new railroads that are formed annually. FRA is assuming that all Class III railroads in existence today already keep copies of their current code of operating rules, timetables, and timetable special instructions, and any subsequent amendments thereto at their system headquarters. FRA estimates that approximately five (5) Class III railroads will be formed each year. It is estimated that it will take each railroad approximately .92 hour to perform the required task. Total annual burden for this requirement is five (5) hours.

Respondent Universe:	5 new railroads
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Burden time per response:	.92 hour	
Frequency of Response:	On occasion	
Annual number of Responses:	5 submissions	
Annual Burden:	5 hours	
Annual Cost		\$375 (\$75 x 5 hrs.)

Calculation: 5 submissions x .92 hr. = 5 hours

(ii) There are an additional 704 Class III railroads subject to the second part of the above requirement. It is estimated that each railroad will issue approximately three (3) amendments each year (2,112 amendments total). It is further estimated that each amendment will take approximately 15 minutes to complete. Total annual burden for this requirement is 528 hours.

Respondent Universe:	704 railroads	
Burden time per response:	15 minutes	
Frequency of Response:	On occasion	
Annual number of Responses:	2,112 amendments	
Annual Burden:	528 hours	
Annual Cost		\$39,600 (\$75 x 528 hrs.)

Calculation: 2,112 amendments x 15 min. = 528 hours

Total annual burden for this entire requirement is 590 hours (2 + 55 + 5 + 528).

Part 217.9 - Program of Operational Tests and Inspections; Recordkeeping

(a.) Requirement to conduct operational tests and inspections. Each railroad to which this part applies must periodically conduct operational tests and inspections to determine the extent of compliance with its code of operating rules, timetables, and timetable special instructions, specifically including test and inspections sufficient to verify compliance with the requirements of subpart F of part 218 of this chapter, in accordance with a written program as required by paragraph (c) of this section.

The burden for this requirement is included under that of § 217.9(d) below. Consequently, there is no additional burden associated with this requirement.

(b.) Railroad and railroad testing officer responsibilities. (1) Each railroad officer who conducts operational tests and inspections (railroad testing officer) must: (i) Be qualified on the railroad's operational rules in accordance with § 217.11 of this part; and (ii) Be qualified on the operational testing and inspection program requirements and procedures relevant to the testing and inspections the officer will conduct; (iii) Receive appropriate

field training, as necessary to achieve proficiency, on each operational test or inspection that the officer is authorized to conduct.

*FRA believes that this requirement falls under one of the items in 5 CFR 1320.3(h)(7) (examinations designed to test the aptitude, abilities, or knowledge of the person tested) that are not considered **information** by OMB. Consequently, there is no burden associated with it.*

(iv) Conduct operational tests and inspections in accordance with the railroad's program of operational tests and inspections.

The burden for this requirement is also included under that of § 217.9(d) below. Consequently, there is no additional burden associated with this requirement.

(2) Written records documenting qualification of each railroad testing officer must be retained at the railroad's system headquarters and at the division headquarters for each division where the officer is assigned and must be made available to representatives of FRA for inspection and copying during normal business hours.

FRA estimates that there are approximately 4,732 railroad testing officers and a record will be kept for each one under the above requirement. It is estimated that it will take approximately two (2) minutes to conduct the exam and complete the record for each railroad testing officer. Total annual burden for these requirements is 158 hours.

Respondent Universe:	755 railroads
Burden time per response:	2 minutes
Frequency of Response:	On occasion
Annual number of Responses:	4,732 records
Annual Burden:	158 hours
Annual Cost	\$11,534 (\$73 x 158 hrs.)

Calculation: 4,732 records x 2 min. = 158 hours

(c.) Written program of operational tests and inspections. Every railroad must have a written program of operational tests and inspections in effect. New railroads must have such a program within 30 days of commencing rail operations. The program must:

(1) Provide for operational testing and inspection under the various operating conditions on the railroad. As of January 1, 2009, the program must address with particular emphasis those operating rules that cause or are likely to cause the most accidents or incidents, such as those accidents or incidents identified in the quarterly reviews, six month reviews, and the annual summaries as required under paragraphs (e) and (f), as applicable; (2) Require a minimum number of tests and inspections per year covering the requirements of part 218, subpart F of this chapter; (3) Describe each type of operational

test and inspection required, including the means and procedures used to carry it out; (4) State the purpose of each type of operational test and inspection; (5) State, according to operating divisions where applicable, the frequency with which each type of operational test and inspection is conducted; (6) As of January 1, 2009, identify the officer(s) by name, job title, and, division or system, who shall be responsible for ensuring that the program of operational tests and inspections is properly implemented. The responsibilities of such officers shall include, but not be limited to, ensuring that the railroad's testing officers are directing their efforts in an appropriate manner to reduce accidents/incidents and that all required reviews and summaries are completed. A railroad with divisions shall identify at least one officer at the system headquarters who is responsible for overseeing the entire program and the implementation by each division. (7) Include a schedule for making the program fully operative within 210 days after it begins.

Existing railroads already comply with this requirement. FRA estimates that approximately five (5) Class III railroads will commence operations each year. It is estimated that it will take approximately 9.92 hours to prepare the written program and file copies with the system and division headquarters (as required). Total annual burden for this requirement is 50 hours.

Respondent Universe:	5 new railroads
Burden time per response:	9.92 hours
Frequency of Response:	On occasion
Annual number of Responses:	5 programs
Annual Burden:	50 hours
Annual Cost	\$5,850 (\$117 x 50 hrs.)

Calculation: 5 programs x 9.92 hrs. = 50 hours

(d.) Records. Each railroad to which this Part applies must keep a record of the date, time, place, and result of each operational test and inspection that was performed in accordance with its program. Each record must specify the officer administering the test and inspection and each employee tested. These records must be retained at the system headquarters and at each division headquarters where the tests and inspections are conducted for one calendar year after the end of the calendar year to which they relate. These records must be made available to representatives of the FRA for inspection and copying during normal business hours.

Respondent universe is 755 railroads. FRA estimates that railroads subject to this requirement will perform a total of approximately 9,120,000 tests per year. (FRA's estimate breaks down as follows: FRA believes Class I railroads will perform approximately 7,800,000 tests a year; Class II railroads will perform approximately 1,000,000 tests a year; commuter railroads will perform approximately 260,000 tests a

year; and the remaining 704 railroads or Class IIIs will perform approximately 60,000 tests a year.) It is estimated that each test and corresponding record will take approximately five (5) minutes to complete. Total annual burden for this requirement is 760,000 hours.

Respondent Universe:	755 railroads
Burden time per response:	5 minutes
Frequency of Response:	On occasion
Annual number of Responses:	9,120,000 records
Annual Burden:	760,000 hours
Annual Cost	\$55,480,000
	(\$73 x 760,000 hrs.)

Calculation: 9,120,000 records x 5 min. = 760,000 hours

(2) Each railroad shall retain one copy of its current program for periodic performance of the operational tests and inspections required by paragraph (a) of this section and one copy of each subsequent amendment to such program. These records shall be retained at the system headquarters and at each division headquarters where the tests and inspections are conducted for three calendar years after the end of the calendar year to which they relate. These records shall be made available to representatives of the FRA for inspection and copying during normal business hours.

As stipulated above, railroads must retain one copy of each amendment to their operational test and inspection programs at their division headquarters and system headquarters. Respondent universe is 55 railroads. FRA estimates that each railroad will issue approximately three (3) amendments per year (a total 165 amendments annually). FRA estimates that it will take approximately 70 minutes to complete this task. Total annual burden for this requirement is 193 hours.

Respondent Universe:	55 railroads
Burden time per response:	70 minutes
Frequency of Response:	On occasion
Annual number of Responses:	165 amendments
Annual Burden:	193 hours
Annual Cost	\$14,475 (\$75
	x 193 hrs.)

Calculation: 165 amendments x 70 min. = 193 hours

(e.) Reviews of tests and inspections and adjustments to the program of operational tests. This paragraph (e) shall apply to each Class I railroad and the National Railroad Passenger Corporation effective April 1, 2009 and to all other railroads subject to this paragraph effective July 1, 2009.

Reviews by railroads other than passenger railroads. Each railroad to which this Part applies must conduct periodic reviews and analysis as provided in this paragraph and must retain, at each division headquarters, where applicable, and at its system headquarters, one copy of the following reviews, provided however that this requirement does not apply to either a railroad with less than 400,000 total employee work hours annually or a passenger railroad subject to paragraph (e)(2) of this section.

(ii) *Quarterly review.* The designated officer of each division headquarters, or system headquarters, if no division headquarters exists, must conduct a written quarterly review of the accident/incident data, the results of prior operational tests and inspections, and other pertinent safety data for that division or system to identify the relevant operating rules related to those accidents/incidents that occurred during the quarter. The review must also include the name of each railroad testing officer, the number of tests and inspections conducted by each officer, and whether the officer conducted the minimum number of each type of test or inspection required by the railroad’s program. Based upon the results of that review, the designated officer shall make any necessary adjustments to the tests and inspections required of railroad officers for the subsequent period(s). Quarterly reviews and adjustments must be completed no later than 30 days after the quarter has ended.

This requirement applies to the 7 Class I, 11 Class II, and approximately 19 Class III freight railroads (totaling 37 railroads in all). Consequently, FRA estimates that approximately 148 written quarterly reviews will be conducted under the above requirement. It is estimated that it will take approximately two (2) hours to complete each written quarterly review. Total annual burden for this requirement is 296 hours.

Respondent Universe:	37 railroads
Burden time per response:	2 hours
Frequency of Response:	On occasion
Annual number of Responses:	148 written quarterly reviews
Annual Burden:	296 hours
Annual Cost	\$21,608 (\$73 x 296 hrs.)

Calculation: 148 written quarterly reviews x 2 hrs. = 296 hours

(iii) *Six-month review.* The designated officer of each system headquarters office responsible for development and administration of the program of operational tests and inspections must conduct a review of the program of operational tests and inspections on a six month basis to ensure that it is being utilized as intended, that the quarterly reviews provided for in this paragraph have been properly completed, that appropriate adjustments have been made to the distribution of tests and inspections required, and that the railroad testing officers are appropriately directing their efforts. Six month reviews

must be completed no later than 60 days after the review period has ended.

This requirement applies to the 7 Class I, 11 Class II, and approximately 19 Class III freight railroads (totaling 30 railroads in all). Consequently, FRA estimates that approximately 37 designations will be made and approximately 74 semi-annual reviews will be conducted under the above requirement. It is estimated that it will take approximately five (5) seconds to make the required designations and approximately two (2) hours to complete each written semi-annual review. Total annual burden for this requirement is 148 hours.

Respondent Universe:	37 railroads
Burden time per response:	5 seconds + 2 hours
Frequency of Response:	On occasion
Annual number of Responses:	37 designations + 74 six-month reviews
Annual Burden:	148 hours
Annual Cost	\$10,804 (\$73 x 148 hrs.)

Calculation: 37 designations x 5 sec. + 74 six-month reviews x 1 hr. = 148 hours

(2) *Reviews by passenger railroads.* Not less than once every six months, the designated officers of the National Railroad Passenger Corporation and of each railroad providing commuter service in a metropolitan or suburban area must conduct periodic reviews and analyses as provided in this paragraph and must retain, at each division headquarters, where applicable, and at its system headquarters, one copy of the reviews. Each such review must be completed within 30 days of the close of the period.

The designated officer(s) must conduct a written review of: (i) the operational testing and inspection data for each division, if any, or the system to determine compliance by the railroad testing officers with its program of operational tests and inspections required by paragraph (c) of this section. At a minimum, this review must include the name of each railroad testing officer, the number of tests and inspections conducted by each officer, and whether the officer conducted the minimum number of each type of test or inspection required by the railroad's program.

(ii) accident/incident data, the results of prior operational tests and inspections, and other pertinent safety data for each division, if any, or the system to identify the relevant operating rules related to those accidents/incidents that occurred during the period. Based upon the results of that review, the designated officer shall make any necessary adjustments to the tests and inspections required of railroad officers for the subsequent period(s); and

(iii) implementation of the program of operational tests and inspections from a system perspective, to ensure that it is being utilized as intended, that the other reviews provided for in this paragraph have been properly completed, that appropriate adjustments have been made to the distribution of tests and inspections required, and that the railroad testing officers are appropriately directing their efforts.

FRA estimates that approximately 34 designations will be made and approximately 68 six-month reviews will be conducted under the above requirement. It is estimated that it will take approximately five (5) seconds to make the required designations and approximately two (2) hours to complete each written six-month review. Total annual burden for this requirement is 136 hours.

Respondent Universe:	Amtrak + 33 railroads
Burden time per response:	5 seconds + 2 hours
Frequency of Response:	On occasion
Annual number of Responses:	34 designations + 68 written six-month reviews
Annual Burden:	136 hours
Annual Cost	\$9,928 (\$73 x 136 hrs.)

Calculation: 34 designations x 5 sec. + 68 six mo. rev. x 2 hrs. = 136 hours

(3) *Records retention.* The records of periodic reviews required in paragraphs (e)(1) and (e)(2) of this section must be retained for a period of one year after the end of the calendar year to which they relate and must be made available to representatives of the Federal Railroad Administration for inspection and copying during normal business hours.

FRA estimates that approximately 290 records of periodic reviews will be retained under the above requirement. It is estimated that it will take approximately one (1) minute to keep each quarterly plan and each written review record. Total annual burden for this requirement is five (5) hours.

Respondent Universe:	101 railroads (68 + 33)
Burden time per response:	1 minute
Frequency of Response:	On occasion
Annual number of Responses:	290 review records
Annual Burden:	5 hours
Annual Cost	\$375 (\$75 x 5 hrs.)

Calculation: 290 review records x 1 min. = 5 hours

(f) *Annual summary on operational tests and inspections.* Before March 1 of each calendar year, each railroad to which this part applies, except for a railroad with less than 400,000 total employee work hours annually, must retain, at each of its division headquarters and at the system headquarters of the railroad, one copy of a written summary of the following with respect to its previous calendar year activities: The number, type, and result of each operational test and inspection, stated according to operating divisions where applicable, that was conducted as required by paragraphs (a) and (c) of this section. These records must be retained for three calendar years after the end of the calendar year to which they relate, and must be made available to representatives of the Federal Railroad Administration for inspection and copying during normal business hours.

(g) *Electronic recordkeeping.* Each railroad to which this Part applies is authorized to retain by electronic recordkeeping the information prescribed in this section, provided that all of the following conditions are met: (1) The railroad adequately limits and controls accessibility to such information retained in its electronic database system and identifies those individuals who have such access; (2) The railroad has a terminal at the system headquarters and at each division headquarters; (3) Each such terminal has a computer (i.e., monitor, central processing unit, and keyboard) and either a facsimile machine or a printer connected to the computer to retrieve and produce information in a usable format for immediate review by FRA representatives; (4) The railroad has a designated representative who is authorized to authenticate retrieved information from the electronic system as true and accurate copies of the electronically kept records; and (5) The railroad provides representatives of the Federal Railroad Administration with immediate access to these records for inspection and copying during normal business hours and provides printouts of such records upon request.

FRA estimates that approximately 71 summary records will be kept each year under the above requirement. It is estimated that it will take approximately 61 minutes to complete each summary and corresponding record. Total annual burden of this requirement is 72 hours.

Respondent Universe:	101 railroads (68 + 33)
Burden time per response:	61 minutes
Frequency of Response:	Annually
Annual number of Responses:	71 summary records
Annual Burden:	72 hours
Annual Cost	\$5,400 (\$75 x 72 hrs.)

Calculation: 71 summary records x 61 min. = 72 hours

(h) Upon review of the program of operational tests and inspections required by this section, the Associate Administrator for Safety may, for cause stated, disapprove the program. Notification of such disapproval shall be made in writing and specify the basis for the disapproval decision. If the Associate Administrator for Safety disapproves the program, (1) the railroad has 35 days from the date of the written notification of such disapproval to: (i) amend its program and submit it to the Associate Administrator for Safety for approval; or (ii) provide a written response in support of the program to the Associate Administrator for Safety, who informs the railroad of FRA's final decision in writing; and (2) a failure to submit the program with the necessary revisions to the Associate Administrator for Safety in accordance with this paragraph will be considered a failure to implement a program under this part.

FRA estimates that approximately five (5) programs will be disapproved by the Associate Administrator under the above requirement. As a result, railroads will submit five (5) written supporting documents defending their programs. It is estimated that it will take each railroad approximately 60 minutes to complete its supporting documents. Total annual burden of this requirement is five (5) hours.

Respondent Universe:	716 railroads
Burden time per response:	60 minutes
Frequency of Response:	On occasion
Annual number of Responses:	5 supporting documents
Annual Burden:	5 hours
Annual Cost	\$375 (\$75 x 5 hrs.)

Calculation: 5 supporting documents x 60 min. = 5 hours

Additionally, FRA estimates that approximately five (5) programs will need to be amended under the above requirement. It is estimated that it will take each railroad approximately 30 minutes to amend its program and submit the revised documents. Total annual burden of this requirement is three (3) hours.

Respondent Universe:	716 railroads
Burden time per response:	30 minutes
Frequency of Response:	On occasion
Annual number of Responses:	5 amended program documents
Annual Burden:	3 hours
Annual Cost	\$225 (\$75 x 3 hrs.)

Calculation: 5 amended program documents x 30 min. = 3 hours

Total annual burden for this entire requirement is 761,066 hours (158 + 50 + 760,000 + 193 + 296 + 148 + 136 + 5 + 72 + 5 + 3).

Part 217.11 - Program of Instruction on Operating Rules; Recordkeeping; Electronic Recordkeeping

(a.) To ensure that each railroad employee whose activities are governed by the railroad's operating rules understands those rules, each railroad to which this Part applies must periodically instruct each such employee on the meaning and application of the railroad's operating rules in accordance with a written program retained at its system headquarters and at the division headquarters for each division where the employee is instructed. Each railroad is required to file one copy of its current program for periodic instruction of its employees. The system headquarters must retain one copy of all these records while the division headquarters for each division where the employees are instructed must retain one copy of all portions of these records that the division applies and enforces. (Note: Existing railroads already comply with this requirement.)

FRA estimates that approximately 130,000 railroad employees will receive periodic instruction under the above requirement. It is estimated that it will take approximately eight (8) hours to instruct each employee on the meaning and application of the railroad's operating rules in accordance with its written program. Total annual burden for this requirement is 1,040,000 hours.

Respondent Universe:	755 railroads
Burden time per response:	8 hours
Frequency of Response:	On occasion
Annual number of Responses:	130,000 instructed employees
Annual Burden:	1,040,000 hours
Annual Cost	\$78,000,000
	(\$75 x 1,040,000 hrs.)

Calculation: 1,040,000 instructed employees x 8 hrs. = 1,040,000 hours

New Railroads

FRA estimates that approximately five (5) railroads will commence operations each year and will be required to retain one copy of their programs at their division and/or system headquarters. It is estimated that it will take each railroad approximately eight (8) hours to develop an operating rules instruction program. Total annual burden for this requirement is 40 hours.

Respondent Universe:	5 new railroads
Burden time per response:	8 hours
Frequency of Response:	On occasion

Annual number of Responses:	5 programs	
Annual Burden:		40 hours
Annual Cost		\$3,000 (\$75 x
	40 hrs.)	

Calculation: 5 programs x 8 hrs. = 40 hours

(b.) On or after November 21, 1994, or 30 days before commencing operations, whichever is later, each railroad to which this Part applies must retain one copy of its current program for the periodic instruction of its employees as required by paragraph (a) of this section and one copy of each subsequent amendment to that program. The system headquarters of the railroad must retain one copy of all these records; the division headquarters for each division where the employees are instructed must retain one copy of all portions of these records that the division applies and enforces. These records must be made available to representatives of the Federal Railroad Administration for inspection and copying during normal business hours. This program must: (1) Describe the means and procedures used for instruction of the various classes of affected employees; (2) State the frequency of instruction and the basis for determining that frequency; (3) Include a schedule for completing the initial instruction of employees who are already employed when the program begins; (4) Begin within 30 days after November 21, 1994, or the date of commencing operations, whichever is later; and (5) Provide for initial instruction of each employee hired after the program begins.

Each railroad to which this Part applies is authorized to retain by electronic recordkeeping its program for periodic instruction of its employees on operating rules, provided that the requirements stated in §217.9(g)(1) through (g)(5) of this Part are satisfied.

The burden for the current program for the periodic instruction of employees is provided in (a) above. Additionally, each railroad must retain one copy of each amendment to its operating rules instruction program at its division and/or system headquarters. FRA estimates that Class I and Class II railroads will issue a total of approximately 80 amendments each year, and that Class III railroads will issue approximately 30 amendments each year (a total of 110). It is estimated that it will take approximately 30 minutes to prepare an amendment and retain one copy of the amendment at each division and/or system headquarters. Total annual burden for this requirement is 55 hours.

Respondent Universe:	755 railroads
Burden time per response:	30 minutes
Frequency of Response:	On occasion
Annual number of Responses:	110 amendments
Annual Burden:	55 hours
Annual Cost	\$4,125 (\$75 x
	55 hrs.)

Calculation: 110 amendments x 30 min. = 55 hours

Total annual burden for this entire requirement is 1,040,095 hours (1,040,000 + 40 + 55).

Part 218.95 - Instruction, Training, and Examination

(a.) *Program.* Effective January 1, 2009, each railroad must maintain a written program of instruction, training, and examination of employees for compliance with operating rules implementing the requirements of this subpart to the extent these requirements are pertinent to the employee's duties. If all requirements of this subpart are satisfied, a railroad may consolidate any portion of the instruction, training or examination required by this subpart with the program of instruction required under § 217.11 of this chapter. An employee who successfully completes all instruction, training, and examination required by this written program shall be considered qualified.

(1) The written program of instruction, training, and examination must address the requirements of this subpart, as well as consequences of non-compliance.

(2) The written program of instruction, training, and examination must include procedures addressing how the railroad qualifies employees in any technology necessary to accomplish work subject to the requirements of this subpart. Such procedures shall include, but are not limited to, those which explain: (i) the purpose for using the technology; (ii) how an employee will be expected to use the technology; (iii) how to detect malfunctioning equipment or deviations from proper procedures; (iv) how to respond when equipment malfunctions or deviations from proper procedures are detected; and (v) how to prevent unintentional interference with the proper functioning of the technology.

The burden for this requirement is already included under that of § 217.11 above. Consequently, there is no additional burden associated with this provision.

(3) *Implementation schedule for employees, generally.* Each employee performing duties subject to the requirements in this subpart must be initially qualified prior to July 1, 2009.

The burden for this requirement is already included under that of § 217.11 above. Consequently, there is no additional burden associated with this provision.

(4) After July 1, 2009, no employee shall perform work requiring compliance with the operating rules implementing the requirements of this subpart unless qualified on these rules within the previous three years.

The burden for this requirement is already included under that of § 217.11 above.

Consequently, there is no additional burden associated with this provision.

(5) The records of successful completion of instruction, examination, and training required by this section must document qualification of employees under this subpart.

Written records documenting successful completion of instruction, training, and examination of each employee required by this subpart must be retained at its system headquarters and at the division headquarters for each division where the employee is assigned for three calendar years after the end of the calendar year to which they relate and made available to representatives of the FRA for inspection and copying during normal business hours. Each railroad to which this Part applies is authorized to retain a program, or any records maintained to prove compliance with such program, by electronic recordkeeping in accordance with §§ 217.9(g) and 217.11(c) of this chapter. Because the required instruction, examination, and training takes place every other year or every three years in some cases, FRA estimates that approximately 98,000 records will be kept under the above requirement. It is estimated that it will take approximately five (5) minutes to complete each record. Total annual burden for this requirement is 8,167 hours.

Respondent Universe:	755 railroads
Burden time per response:	5 minutes
Frequency of Response:	On occasion
Annual number of Responses:	98,000 employee records
Annual Burden:	8,167 hours
Annual Cost	\$612,525 (\$75 x 8,167 hrs.)

Calculation: 98,000 employee records x 5 min. = 8,167 hours

(c) Upon review of the program of instruction, training, and examination required by this section, the Associate Administrator for Safety may, for cause stated, disapprove the program. Notification of such disapproval shall be made in writing and specify the basis for the disapproval decision. If the Associate Administrator for Safety disapproves the program, (1) the railroad has 35 days from the date of the written notification of such disapproval to: (i) amend its program and submit it to the Associate Administrator for Safety for approval; or (ii) provide a written response in support of the program to the Associate Administrator for Safety, who informs the railroad of FRA's final decision in writing; and (2) a failure to submit the program with the necessary revisions to the Associate Administrator for Safety in accordance with this paragraph will be considered a failure to implement a program under this Part.

FRA estimates that approximately five (5) written/oral responses will be submitted to the agency under the above requirement. It is estimated that it will take approximately one (1) hour to complete each response. Total annual burden for this requirement is five (5)

hours.

Respondent Universe:	755 railroads
Burden time per response:	1 hour
Frequency of Response:	On occasion
Annual number of Responses:	5 written/oral submissions
Annual Burden:	5 hours
Annual Cost	\$375 (\$75 x 5 hrs.)

Calculation: 5 written/oral responses x 1 hr. = 5 hours

Additionally, FRA estimates that the Associate Administrator will disapprove five (5) of these written/oral submissions and, as a result, approximately five (5) programs will be amended under the above requirement. It is estimated that it will take each railroad approximately 30 minutes to amend its program and submit the revised document to FRA. Total annual burden for this requirement is three (3) hours.

Respondent Universe:	755 railroads
Burden time per response:	30 minutes
Frequency of Response:	On occasion
Annual number of Responses:	5 amended program documents
Annual Burden:	3 hours
Annual Cost	\$225 (\$75 x 3 hrs.)

Calculation: 5 amended program documents x 30 min. = 3 hours

Total annual burden for this entire requirement is 8,175 hours (8,167 + 5 + 3).

Part 218.97 - Good Faith Challenge Procedures

(a) *Employee Responsibility.* An employee must inform the railroad or employer whenever the employee makes a good faith determination that the employee has been directed to either take actions that would violate FRA regulations regarding the handling of equipment, switches, and fixed derails as required by this subpart, or to take actions that would violate the railroad's operating rules implementing the requirements of this subpart.

The burden for this requirement is included under that of § 218.97 (c) below. Consequently, there is no additional burden associated with this requirement.

(b) *General Procedures.* Each railroad or employer is responsible for the training of and

compliance by its employees with the requirements of this subpart. (1) Each railroad or employer shall adopt and implement written procedures which guarantee each employee the right to challenge in good faith whether the procedures that will be used to accomplish a specific task comply with the requirements of this subpart or any operating rule relied upon to fulfill the requirements of this subpart. Each railroad or employer's written procedures shall provide for prompt and equitable resolution of challenges made in accordance with this subpart. (2) The written procedures required by this section must indicate that the good faith challenge described in paragraph (b)(1) is not intended to abridge any rights or remedies available to the employee under a collective bargaining agreement, or any Federal law, including, but not limited to, 29 U.S.C. 651 et seq., 6 U.S.C. 1142 or 49 U.S.C. 20109.

Railroads have already fulfilled the above requirement. Consequently, there is no additional burden associated with it.

(3) Each affected employee shall be instructed on the written procedures required by this paragraph as part of the training prescribed by § 217.11 of this chapter.

The burden for this requirement is already included under that of § 217.11 above. Consequently, there is no additional burden associated with this provision.

(4) A copy of the written procedures must be provided to each affected employee and made available for inspection and copying by representatives of the Federal Railroad Administration (FRA) during normal business hours.

This requirement has already been fulfilled for current employees. However, new employees will still have to receive a copy of the written procedures. Consequently, FRA estimates that approximately 4,732 affected employees will receive a copy of the written procedures under the above requirement. It is estimated that it will take approximately five (5) minutes to make each copy and another (1) minute to distribute it to each employee. Total annual burden for this requirement is 473 hours.

Respondent Universe:	755 railroads
Burden time per response:	6 minutes
Frequency of Response:	One-time
Annual number of Responses:	4,732 written procedures copies
Annual Burden:	473 hours
Annual Cost	\$35,475 (\$75 x 473 hrs.)

Calculation: 4,732 written procedures copies x 6 min. = 473 hours

(c) The written procedures shall: (1) grant each employee the right to challenge any directive which, based on the employee's good faith determination, would cause the

employee to violate any requirement of this subpart or any operating rule relied upon to fulfill the requirements of this subpart; (2) provide that the railroad or employer shall not require the challenging employee to comply with the directive until the challenge resulting from the good faith determination is resolved; (3) provide that the railroad or employer may require the challenging employee to perform tasks unrelated to the challenge until the challenge is resolved; (4) provide that the railroad or employer may direct an employee, other than the challenging employee, to perform the challenged task prior to the challenge being resolved as long as this other employee is informed of the challenge and does not also make a good faith determination that the challenged task would violate FRA regulations regarding the handling of equipment, switches, and fixed derails as required in this subpart, or a railroad’s operating rules implementing the requirements of this subpart.

FRA estimates that approximately 15 good faith challenges will be made by railroad employees under the above requirement. It is estimated that it will take approximately 10 minutes to make a good faith challenge. Total annual burden for this requirement is three (3) hours.

Respondent Universe:	98,000 railroad employees
Burden time per response:	10 minutes
Frequency of Response:	On occasion
Annual number of Responses:	15 good faith challenges
Annual Burden:	3 hours
Annual Cost	\$219 (\$73 x 3 hrs.)

Calculation: 15 good faith challenges x 10 min. = 3 hours

(5) Provide that a challenge may be resolved by: (i) a railroad or employer officer’s acceptance of the employee’s request; (ii) an employee’s acceptance of the directive; (iii) an employee’s agreement to a compromise solution acceptable to the person issuing the directive; or (iv) as further determined under paragraph (d) of this of this section.

Based on the above numbers, FRA estimates that approximately 15 challenges will be resolved by one of the above listed methods. It is estimated that it will take approximately five (5) minutes for each type of resolution. Total annual burden for this requirement is one (1) hour.

Respondent Universe:	15 railroads
Burden time per response:	5 minutes
Frequency of Response:	On occasion
Annual number of Responses:	15 challenge responses
Annual Burden:	1 hour

Annual Cost \$73 (\$73 x 1
hr.)

Calculation: 15 challenge responses x 5 min. = 1 hour

(d) In the event that the challenge cannot be resolved because the person issuing the directive determines the employee’s challenge has not been made in good faith or there is no reasonable alternative to the direct order, the written procedures must: (1) provide for immediate review by at least one officer of the railroad or employer, except for each railroad with less than 400,000 total employee work hours annually. This immediate review must: (1) not be conducted by the person issuing the challenged directive, or that person’s subordinate; and (ii) provide that a challenge may be resolved by using the same options available for resolving the challenge as the initial officer as well as the option described in paragraph (d)(2), except that the reviewing officer’s decision shall not be subject to further review, unless provided for in the railroad’s or employer’s written procedures.

FRA estimates that approximately five (5) immediate reviews will be conducted by an officer of the railroad in response to a good faith challenge under the above requirement. It is estimated that it will take approximately 30 minutes to conduct each review. Total annual burden for this requirement is three (3) hours.

Respondent Universe:	15 railroads
Burden time per response:	30 minutes
Frequency of Response:	On occasion
Annual number of Responses:	5 immediate reviews
Annual Burden:	3 hours
Annual Cost	\$219 (\$73 x 3 hr.)

Calculation: 5 immediate reviews x 30 min. = 3 hours

(2) Provide that if the officer making the railroad’s or employer’s final decision concludes that the challenged directive would not cause the employee to violate any requirement of this subpart or the railroad’s or employer’s operating rule relied upon to fulfill the requirements of this subpart and directs the employee to perform the challenged directive, the officer shall further explain to the employee that Federal law may protect the employee from retaliation if the employee refuses to do the work and if the employee’s refusal is a lawful, good faith act.

FRA estimates that the officer will further explain, in five (5) out of the 15 good faith challenges mentioned above, to the employee that Federal law may protect the employee from retaliation if the employee refuses to do the work and if the employee’s refusal is a lawful, good faith act. It is estimated that it will take approximately one (1) minute to

convey this information. Total annual burden for this requirement is .08 hour.

Respondent Universe:	15 railroads
Burden time per response:	1 minute
Frequency of Response:	On occasion
Annual number of Responses:	5 explanations
Annual Burden:	.08 hour
Annual Cost	\$6 (\$73 x .08 hr.)

Calculation: 5 explanations x 1 min. = .08 hour

(3) Provide that the employee be afforded an opportunity to document electronically or in writing any protest to the railroad's or employer's final decision before the tour of duty is complete. The employee must be afforded the opportunity to retain a copy of the protest.

FRA estimates that approximately 10 protests will be made under the above requirement. It is estimated that each protest will take approximately 15 minutes to complete electronically or in writing. Total annual burden for this requirement is three (3) hours.

Respondent Universe:	10 railroads
Burden time per response:	15 minutes
Frequency of Response:	On occasion
Annual number of Responses:	10 electronic/written protests
Annual Burden:	3 hours
Annual Cost	\$219 (\$73 x 3 hrs.)

Calculation: 10 electronic/written protests x 15 min. = 3 hours

Additionally, FRA estimates that approximately 10 copies of protests will be made under the above requirement. It is estimated that each protest copy will take approximately one (1) minute to complete electronically or in writing. Total annual burden for this requirement is .17 hour.

Respondent Universe:	10 railroads
Burden time per response:	1 minute
Frequency of Response:	On occasion
Annual number of Responses:	10 protest copies
Annual Burden:	.17 hour
Annual Cost	\$12 (\$73 x .17 hr.)

Calculation: 10 protest copies x 1 min. = .17 hour

(4) Provide that the employee, upon written request, has a right to further review by a designated railroad or employer officer, within 30 days after the expiration of the month during which the challenge occurred, for the purpose of verifying the proper application of the regulation, law, procedure or rule in question.

FRA estimates that approximately three (3) further reviews will take place by a designated railroad or employer officer under the above requirement. It is estimated that each further review will take approximately 15 minutes to complete. Total annual burden for this requirement is one (1) hour.

Respondent Universe:	10 railroads
Burden time per response:	15 minutes
Frequency of Response:	On occasion
Annual number of Responses:	3 further reviews
Annual Burden:	1 hour
Annual Cost	\$73 (\$73 x 1 hr.)

Calculation: 3 further reviews x 15 min. = 1 hour

The verification decision shall be made in writing to the employee.

FRA estimates that approximately 10 requests will be made by railroad employees to have the verification decision in writing. It is that it will take approximately 10 minutes to make the request and complete the written verification decision. Total annual burden for this requirement is two (2) hours.

Respondent Universe:	10 railroads
Burden time per response:	10 minutes
Frequency of Response:	On occasion
Annual number of Responses:	10 requested written verification decisions
Annual Burden:	2 hours
Annual Cost	\$146 (\$73 x 2 hrs.)

Calculation: 10 requested written verification decisions x 10 min. = 2 hours (rounded off)

(e) *Recordkeeping and record retention.* (1) A copy of the written procedures required by this section must be retained at the employer or railroad's system headquarters and at each division headquarters, and made available to representatives of the FRA for inspection and copying during normal business hours.

FRA estimates that approximately 755 copies of written procedures will be retained at the railroad’s system headquarters and at each division headquarters under the above requirement. It is estimated that it will take approximately five (5) minutes to complete each copy. Total annual burden for this requirement is 63 hours.

Respondent Universe:	755 railroads
Burden time per response:	5 minutes
Frequency of Response:	On occasion
Annual number of Responses:	755 copies of written procedures
Annual Burden:	63 hours
Annual Cost	\$4,725 (\$75 x 63 hrs.)

Calculation: 755 copies written procedures x 5 min. = 63 hrs.

(2) A copy of any written good faith challenge verification decision, made in accordance with paragraph (d)(4), must be retained at the employer or railroad’s system headquarters and at the division headquarters to which the employee was working when the challenge was initiated, and made available to representatives of the FRA for inspection and copying during normal business hours for at least one calendar year after expiration of the year during which the decision was issued.

Each employer or railroad to which this subpart applies is authorized to retain by electronic recordkeeping the information prescribed in this subpart in accordance with the electronic recordkeeping standards set forth in § 217.9(g)(1) through (5) of this chapter.

FRA estimates that approximately 20 copies of good faith challenge verifications will be retained at the railroad’s system headquarters and at each division headquarters under the above requirement. It is estimated that it will take approximately five (5) minutes to complete each copy. Total annual burden for this requirement is two (2) hours.

Respondent Universe:	20 railroads
Burden time per response:	5 minutes
Frequency of Response:	On occasion
Annual number of Responses:	20 verification decision copies
Annual Burden:	2 hours
Annual Cost	\$150 (\$75 x 2 hrs.)

Calculation: 20 verification decision copies x 5 min. = 2 hours

Total annual burden for this entire requirement is 551 hours (473 + 3 + 1 + 3 + .08 + 3 + .17 + 1 + 2 + 63 + 2).

Part 218.99 - Shoving or Pushing Movements

(a) Each railroad must adopt and comply with an operating rule which complies with the requirements of this section. When any person including, but not limited to, each railroad, railroad officer, supervisor, and employee violates any requirement of an operating rule which complies with the requirements of this section, that person shall be considered to have violated the requirements of this section.

This one-time requirement has already been fulfilled by the earlier estimated 687 Class III railroads. However, FRA estimates that five (5) new railroads that will come into existence and the additional 27 passenger/commuter railroads that comprise the estimated 704 railroads now in existence in this country will modify their operating rule to comply with the requirements contained in paragraphs (b) and (c) of this. It is estimated that it will take approximately one (1) hour to complete such a modification. Total annual burden for this requirement is 32 hours.

Respondent Universe:	755 railroads
Burden time per response:	1 hour
Frequency of Response:	One-time
Annual number of Responses:	32 operating rule modifications
Annual Burden:	32 hours
Annual Cost	\$2,400 (\$75 x 32 hrs.)

Calculation: 32 operating rule modifications x 1 hr. = 32 hours

(2) The following requirements for shoving or pushing movements do not apply to rolling equipment intentionally shoved or pushed to permit the rolling equipment to roll without power attached, i.e., free rolling equipment, during switching activities known as kicking, humping, or dropping cars.

(b) General movement requirements. (1) *Job briefing.* Rolling equipment shall not be shoved or pushed until the locomotive engineer participating in the move has been briefed by the employee who will direct the move. The job briefing must include the means of communication to be used between the locomotive engineer and the employee directing the move and how point protection will be provided. (2) *No unrelated tasks.* During the shoving or pushing movement, the employee directing the movement shall not engage in any task unrelated to the oversight of the shoving or pushing movement

FRA estimates that approximately 180,000 job briefings will be completed under the above requirement. It is estimated that each briefing will be a verbal communication and will take approximately one (1) minute to complete. Total annual burden for this requirement is 3,000 hours.

	Respondent Universe:	130,000
	Railroad Employees	
Burden time per response:	1 minute	
Frequency of Response:	On occasion	
Annual number of Responses:	180,000 job briefings	
Annual Burden:	3,000 hours	
Annual Cost		\$219,000 (\$73 x 3,000 hrs.)

Calculation: 180,000 job briefings x 1 min. = 3,000 hours

(3) *Point Protection.* When rolling equipment or a lite locomotive consist is shoved or pushed, point protection must be provided by a crewmember or other qualified employee by: (i) visually determining that the track is clear. The determination that the track is clear may be made with the aid of monitored cameras or other technological means, provided that it and the procedures for use provide an equivalent level of protection to that of a direct visual determination by a crewmember or other qualified employee properly positioned to make the observation as prescribed in this section and appendix D to this Part; and (ii) giving signals or instructions necessary to control the movement.

FRA estimates that approximately 87,600,000 shoving or pushing movements will be made each year requiring point protection and thus 87,600,000 determinations and 87,600,000 signals/instructions will be made/given under the above requirement. It is estimated that each determination and each signal or instruction will take approximately one (1) minute to complete. Total annual burden for this requirement is 2,920,000 hours.

Respondent Universe:	130,000 Railroad employees
Burden time per response:	1 minute + 1 minute
Frequency of Response:	On occasion
Annual number of Responses:	87,600,000 determinations + 87,600,000 point protection signals or instructions
Annual Burden:	2,920,000 hours
Annual Cost	\$213,160,000 (\$73 x 2,920,000 hrs.)

Calculation: 87,600,000 determinations x 1 min. + 87,600,000 point protection signals or instructions x 1 min. = 2,920,000 hours

(c) *Additional requirements for remote control movements.* All remote control

movements are considered shoving or pushing movements, except when the remote control operator controlling the movement is riding the leading end of the leading locomotive in a position to visually determine conditions in the direction of the movement. In addition to the other requirements of this section, (1) when initiating a remote control shoving or pushing movement: (i) the remote control operator shall visually determine the direction the equipment moves; or (ii) a member of the crew shall visually determine the direction the equipment moves and confirm the direction with the remote control operator. If no confirmation is received, the movement must be immediately stopped; and (2) if technology is relied upon, whether primarily or as a safeguard, to provide pull-out protection by preventing the movement from exceeding the limits of a remote control zone, the technology shall be demonstrated (i) to be failsafe; or (ii) to provide suitable redundancy to prevent unsafe failure.

FRA estimates that there will be approximately 876,000 remote control movements and 876,000 corresponding verbal confirmations made under the above requirement. It is estimated that it will take approximately one (1) minute to complete each verbal confirmation. Total annual burden for this requirement is 14,600 hours.

Respondent Universe:	130,000 Railroad employees
Burden time per response:	1 minute
Frequency of Response:	On occasion
Annual number of Responses:	876,000 verbal confirmations
Annual Burden:	14,600 hours
Annual Cost	\$1,065,800 (\$73 x 14,600 hrs.)

Calculation: 876,000 verbal confirmations x 1 min. = 14,600 hours

(d) *Remote control zone, exception to track is clear requirements.* After an initial track is clear determination has been made in an activated remote control zone, it is not necessary to make a new determination prior to each subsequent shoving or pushing movement provided that: (1) The controlling locomotive of the remote control movement is on the leading end in the direction of movement, i.e., the movement occurs on the pull-out end; (2) The remote control zone is not jointly occupied; and (3) The initial determination was made by a crewmember of either: (i) The remote control crew; (ii) A relieved remote control crew who has transferred the remote control zone directly to the relieving crew; or (iii) The last jointly occupying crew who directly communicates, i.e., not through a third party, to a remote control crewmember that the remote control zone is no longer jointly occupied and meets the requirements for track is clear.

FRA estimates that approximately 876,000 determinations will be made that the track is clear under the above requirement. It is estimated that it will take approximately one (1) minute to make each determination. Total annual burden for this requirement is 14,600

hours.

Respondent Universe:	130,000 Railroad employees
Burden time per response:	1 minute
Frequency of Response:	On occasion
Annual number of Responses:	876,000 determinations
Annual Burden:	14,600 hours
Annual Cost	\$1,065,800 (\$73 x 14,600 hrs.)

Calculation: 876,000 determinations x 1 min. = 14,600 hours

(e) *Operational exceptions.* A railroad does not need to comply with paragraphs (b) through (d) in the following circumstances:

(1) Push-pull operations when operated from the leading end in the direction of movement, i.e., push mode;

(2) Shoving or pushing operations with manned helper locomotives or distributed power locomotives assisting a train when the train is being operated from the leading end in the direction of the movement;

(3) During the performance of roadway maintenance activity under the direct control of a roadway worker performing work in accordance with railroad operating rules specific to roadway workers; or

(4) When the leading end of a shoving movement is on a main track or signaled siding, under the following conditions:

(i) The train dispatcher gives authority or permission to make the movement and verifies that:

(A) Another movement or work authority is not in effect within the same or overlapping limits unless conflicting movements are protected; and

(B) A main track is not removed from service by a work authority within the same or overlapping limits;

FRA estimates that approximately 30,000 dispatcher authorized or permitted movements with the necessary verifications will be made under the above requirement. It is estimated that it will take approximately one (1) minute for the dispatcher to complete the verifications and give permission for movement. Total annual burden for this requirement is 500 hours.

Respondent Universe:	6,000 Railroad dispatchers
Burden time per response:	1 minute
Frequency of Response:	On occasion
Annual number of Responses:	30,000 dispatcher authorized or permitted movements
Annual Burden:	500 hours
Annual Cost	\$36,000 (\$72 x 500 hrs.)

Calculation: 30,000 dispatcher permitted movements x 1 min. =
500 hours

(ii) Movement is limited to the train's authority;

(iii) Movement shall not be made into or within yard limits, restricted limits, drawbridges, or work authority limits;

(iv) Movement shall not enter or foul a public highway-rail grade crossing or pedestrian crossing except when:

(A) Crossing gates are in the fully lowered position; or

(B) A designated and qualified employee is stationed at the crossing and has the ability to communicate with trains; or

Railroads already have designated employees of theirs who perform this function as part of their normal routine duties. Consequently, there is no additional burden involved with this requirement.

(C) At crossings equipped only with flashing lights or passive warning devices, when it is clearly seen that no traffic is approaching or stopped at the crossing and the leading end of the movement over the crossing does not exceed 15 miles per hour; and

(v) Movement shall not be made into or within interlocking limits or controlled point limits unless the following conditions are met:

(A) The signal governing movement is more favorable than restricting aspect;

(B) Each signal governing movement into and through interlocking limits or controlled point limits shall be continuously observed by a member of that crew who is in a position to determine that the train's movement has occupied the circuit controlling that signal as evidenced by that signal assuming its most restrictive aspect; and

(C) Movement does not exceed the train's length.

Crewmembers already perform this function as part of their normal routine duties. Consequently, there is no additional burden involved with this requirement.

(5) Shoving or pushing movements made in the direction of the circuited end of a designated departure track equipped with a shove light system, if all of the following conditions are met: (i) The shove light system is demonstrated to be failsafe; (ii) The shove light system is arranged to display a less favorable aspect when the circuited section of the track is occupied; (iii) Written procedures are adopted and complied with that provide for a reliable means of determining track occupancy prior to commencing a shoving or pushing movement.

This one-time requirement has already been fulfilled by all the Class I railroads. Consequently, there is no additional burden associated with this requirement.

(iv) The track is designated in writing; (v) The track is under the exclusive and continuous control of a yardmaster or other qualified employee; (vi) The train crewmember or other qualified employee directing the shoving or pushing movement complies with the general movement requirements contained in paragraphs (b)(1) and (b)(2) of this section; (vii) All remote control shoving or pushing movements comply with the requirements contained in paragraph (c)(1) of this section; and (viii) The shove light system is continuously illuminated when the circuited section of the track is unoccupied.

This one-time requirement has already been fulfilled by all the Class I railroads. Consequently, there is no additional burden associated with this requirement.

Total annual burden for this entire requirement is 2,952,732 hours (32 + 3,000 + 2,920,000 + 14,600 + 14,600 + 500).

Part 218.101 - Leaving Rolling and On-Track Maintenance-of-Way Equipment in the Clear

(a) Each railroad must adopt and comply with an operating rule which complies with the requirements of this section. When any person including, but not limited to, each railroad, railroad officer, supervisor, and employee violates any requirement of an operating rule which complies with the requirements of this section, that person shall be considered to have violated the requirements of this section.

(b) Rolling and on-track maintenance-of-way equipment shall not be left where it will foul a connecting track unless: (1) The equipment is standing on a main track and a siding track switch that the equipment is fouling is lined for the main track on which the equipment is standing; or (2) The equipment is standing on a siding and a main track

switch that the equipment is fouling is lined for the siding on which the equipment is standing; or (3) The equipment is standing on a yard switching lead track, and the yard track switch that the equipment is fouling is lined for the yard switching lead track on which the equipment is standing; or (4) The equipment is on an industry track beyond the clearance point of the switch leading to the industry.

(c) Each railroad must implement procedures that enable employees to identify clearance points and a means to identify locations where clearance points will not permit a person to safely ride on the side of a car.

This one-time requirement has already been fulfilled by the earlier estimated 687 railroads. However, FRA estimates that five (5) new railroads that will come into existence and the additional 27 passenger/commuter railroads that comprise the estimated 704 railroads now in existence in this country will amend their operating rules under the above requirement. It is estimated that it will take each railroad approximately 30 minutes to develop such procedures and amend its operating rule. Total annual burden for this requirement is 16 hours.

Respondent Universe:	755 railroads
Burden time per response:	30 minutes
Frequency of Response:	One-time
Annual number of Responses:	32 amended operating rules
Annual Burden:	16 hours
Annual Cost	\$1,200 (\$75 x 16 hrs.)

Calculation: 32 amended operating rules x 30 min. = 16 hours

Part 218.103 - Hand-operated switches, including cross-over switches.

(a)(1) Each railroad must adopt and comply with an operating rule which complies with the requirements of this section. When any person including, but not limited to, each railroad, railroad officer, supervisor, and employee violates any requirement of an operating rule which complies with the requirements of this section, that person shall be considered to have violated the requirements of this section.

This one-time requirement has already been fulfilled by the earlier estimated 671 railroads. However, FRA estimates that five (5) new railroads that will come into existence and the additional 27 passenger/commuter railroads that comprise the estimated 716 railroads now in existence in this country will modify/amend their operating rules under the above requirement. It is estimated that it will take each railroad approximately 60 minutes to develop such procedures and amend its operating rule. Total annual burden for this requirement is 32 hours.

Respondent Universe:	755 railroads
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Burden time per response:	60 minutes
Frequency of Response:	On occasion
Annual number of Responses:	32 modified operating rules
Annual Burden:	32 hours
Annual Cost	\$2,400 (\$75 x 32 hrs.)

Calculation: 32 modified operating rules x 60 min. = 32 hours

(2) Each railroad must specify minimum requirements necessary for an adequate job briefing.

Class I and II railroads already do this. Consequently, only Class III railroads are affected by this requirement. All of the earlier estimated 671 Class III railroads have already fulfilled this one-time requirement. However, there still are approximately five (5) railroads that will need to modify their operating rules to meet the above requirement. It is estimated that it will take each railroad approximately 30 minutes to modify its operating rule. Total annual burden for this requirement is three (3) hours.

Respondent Universe:	755 railroads
Burden time per response:	30 minutes
Frequency of Response:	On occasion
Annual number of Responses:	5 modified operating rules
Annual Burden:	3 hours
Annual Cost	\$225 (\$75 x 3 hrs.)

Calculation: 5 modified operating rules x 30 min. = 3 hours

(b) *General.* Employees operating or verifying the position of a hand-operated switch must: (1) Conduct job briefings, before work is begun, each time a work plan is changed, and at completion of the work; (2) Be qualified on the railroad's operating rules relating to the operation of the switch; (3) Be individually responsible for the position of the switch in use; (4) Visually determine that switches are properly lined for the intended route and that no equipment is fouling the switches; (5) Visually determine that the points fit properly and the target, if so equipped, corresponds with the switch's position; (6) After operating a switch and before making movements in either direction over the switch, ensure that the switch is secured from unintentional movement of the switch points; (7) Ensure that a switch is not operated while rolling and on-track maintenance-of-way equipment is fouling the switch, or standing or moving over the switch; and (8) After operating a switch, ensure that when not in use, each switch is locked, hooked or latched, if so equipped.

FRA estimates that approximately 1,125,000 job briefings will be conducted annually under the above requirement. It is estimated that each job briefing will take

approximately one (1) minute to complete. Total annual burden for this requirement is 18,750 hours.

Respondent Universe:	755 railroads
Burden time per response:	1 minute
Frequency of Response:	Annually
Annual number of Responses:	1,125,000 job briefings
Annual Burden:	18,750 hours
Annual Cost	\$1,293,750
	(\$69 x 18,750 hrs.)

Calculation: 1,125,000 job briefings x 1 min. = 18,750 hours

(c) Rolling and on-track maintenance-of-way equipment shall not foul a track until all hand-operated switches connected with the movement are properly lined, or in the case of hand-operated switches designed and permitted to be trailed through, until the intended route is seen to be clear or the train has been granted movement authority. When a conflicting movement is approaching a hand-operated switch, the track shall not be fouled or the switch operated. (d) When rolling and on-track maintenance-of-way equipment has entered a track, the hand-operated switch to that track shall not be lined away from the track until the equipment has passed the clearance point of the track.

This is the usual and customary practice. Consequently, there is no additional burden associated with this requirement.

Total annual burden for this entire requirement is 18,785 hours (32 + 3+ 18,750).

218.105 Additional operational requirements for hand-operated main track switches.

(a) Each railroad must adopt and comply with an operating rule which complies with the requirements of this section. When any person including, but not limited to, each railroad, railroad officer, supervisor, and employee violates any requirement of an operating rule which complies with the requirements of this section, that person shall be considered to have violated the requirements of this section.

The burden for this requirement is included under that of § 218.103(a) above. Consequently, there is no additional burden associated with this provision.

(b) *Designating switch position.* The normal position of a hand-operated main track switch must be designated by the railroad in writing and the switch must be lined and locked in that position when not in use except when: (1) The train dispatcher directs otherwise with respect to the position of a hand-operated main track switch and the necessary protection is provided; or (2) The hand-operated switch is left in the charge of a crewmember of another train, a switchtender, or a roadway worker in charge.

The normal position of a hand-operated main track switch is designated by the railroad in writing in its operating rules, and the rest of the requirement is the usual and customary practice. Consequently, there is no additional burden associated with this requirement.

(c) Additional job briefing requirements for hand-operated main track switches.

(1) Before a train or a train crew leaves the location where any hand-operated main track switch was operated, all crewmembers must have verbal communication to confirm the position of the switch.

FRA estimates that all 755 railroads are affected by the above requirement and that approximately 60,000 job briefings will take place among crewmembers annually under the above requirement. It is estimated that each job briefing will take approximately one (1) minute to complete. Total annual burden for this requirement is 1,000 hours.

Respondent Universe:	755 railroads
Burden time per response:	1 minute
Frequency of Response:	Annually
Annual number of Responses:	60,000 job briefings
Annual Burden:	1,000 hours
Annual Cost	\$73,000 (\$73 x 1,000 hrs.)

Calculation: 60,000 job briefings x 1 min. = 1,000 hours

(2) In the case of exclusive track occupancy authority established under § 214.321, foul time under § 214.323, or rain coordination under § 214.325, when a roadway worker qualified to operate hand-operated main track switches is granted permission by the roadway worker in charge to occupy or otherwise use the limits of the exclusive track occupancy, such employee receiving permission to occupy the working limits shall report the position of any such switches operated upon expiration of the authority limits to the roadway worker in charge or to a designated intermediary employee who shall convey the switch position to the roadway worker in charge.

FRA estimates that approximately 687 Class III railroads are affected by the above requirement and that approximately 100,000 employee reports and 100,000 switch position information conveyances will be made annually under the above requirement. It is estimated that each report and each information conveyance will take approximately one (1) minute to complete. Total annual burden for this requirement is 3,333 hours.

Respondent Universe:	704 railroads
Burden time per response:	1 minute
Frequency of Response:	Annually

Annual number of Responses:	100,000 employee reports + 100,000 switch position conveyances
Annual Burden:	3,333 hours
Annual Cost	\$229,977 (\$69 x 3,333 hrs.)

Calculation: 100,000 employee reports x 1 min. + 100,000 switch position conveyances x 1 min. = 3,333 hours

- (c) *Releasing Authority Limits.* In non-signaled territory, before an employee releases the limits of a main track authority and a hand-operated switch is used to clear the main track, and, prior to departing the switch's location, the following conditions are required: (1) the employee releasing the limits, after conducting a job briefing in accordance with this subpart, must report to the train dispatcher that the hand-operated main track switch has been restored to its normal position and locked, unless the train dispatcher directs that the hand-operated main track switch be left lined and locked in the reverse position and the necessary protection is provided; (2) if the report of the switch position is correct, the train dispatcher must repeat the reported switch position information to the employee releasing the limits and ask whether that is correct; and (3) the employee releasing the limits must then confirm to the train dispatcher that this information is correct.

The only extra requirement here is for the train dispatcher since railroad employees (usually the conductor or engineer) normally reports the switch position as a routine part of the railroad's operating rules. FRA estimates that approximately 60,000 switches a year will be affected by the above requirement. Thus, dispatchers will make 60,000 acknowledgments (before clearing the limits of an authority) and railroad employees will make 60,000 confirmations a year in response. It is estimated that each acknowledgment will take approximately 30 seconds to complete and each confirmation by the employee will take approximately five (5) seconds. Total annual burden for this requirement is 583 hours.

	Respondent Universe: 6,000
	Dispatchers
Burden time per response:	30 seconds + 5 seconds
Frequency of Response:	On occasion
Annual number of Responses:	60,000 acknowledgments + 60,000 verbal confirmations
Annual Burden:	583 hours
Annual Cost	\$40,227 (\$69 x 583 hrs.)

Calculation: 60,000 acknowledgments x 30 sec. + 60,000 verbal

confirmations x 5 sec. = 583 hours

Total annual burden for this entire requirement is 4,916 hours (1,000 + 3,333 + 583).

218.107 Additional operational requirements for hand-operated crossover switches.

Each railroad must adopt and comply with an operating rule which complies with the requirements of this section. When any person including, but not limited to, each railroad, railroad officer, supervisor, and employee violates any requirement of an operating rule which complies with the requirements of this section, that person shall be considered to have violated the requirements of this section.

The burden for this requirement is included under that of § 218.103(a) above. Consequently, there is no additional burden associated with this provision.

218.109 Hand-operated fixed derails.

- A. (a) (1) Each railroad must adopt and comply with an operating rule which complies with the requirements of this section. When any person including, but not limited to, each railroad, railroad officer, supervisor, and employee violates any requirement of an operating rule which complies with the requirements of this section, that person shall be considered to have violated the requirements of this section. (2) Each railroad shall specify minimum requirements necessary for an adequate job briefing.

The burden for this requirement is included under that of § 218.103(a) above. Consequently, there is no additional burden associated with this provision.

- B. Employees operating or verifying the position of a fixed derail must: (1) Conduct job briefings, before work is begun, each time a work plan is changed, and at completion of the work; (2) Be qualified on the railroad's operating rules relating to the operation of the derail; (3) Be individually responsible for the position of the derail in use; (4) Determine that the target, if so equipped, corresponds with the derail's position; (5) Determine that the derail is secured by: (i) placing the throw lever in the latch stand, if so equipped; (ii) placing the lock or hook in the hasp, if so equipped; and (iii) testing such latches, locks or hooks; and (6) Ensure that when not in use, derails are locked, hooked, or latched if so equipped.

FRA estimates that approximately 562,500 job briefings will take place among crewmembers annually under the above requirement. It is estimated that each job briefing will take approximately 30 seconds to complete. Total annual burden for this requirement is 4,688 hours.

Respondent Universe:

755 railroads

Burden time per response:	30 seconds
Frequency of Response:	Annually
Annual number of Responses:	562,500 job briefings
Annual Burden:	4,688 hours
Annual Cost	\$323,472 (\$69 x 4,688 hrs.)

Calculation: 562,500 job briefings x 30 sec. = 4,688 hours

Total annual burden for this entire requirement is 4,688 hours.

Part 220.21(b) - Railroad Operating Rules; Radio Communications; Recordkeeping

Thirty days before commencing to use radio communications in connection with railroad operations, each railroad must retain one copy of its current operating rules with respect to radio communications at the locations prescribed in paragraphs (b)(1) and (b)(2) of this section. Each amendment to these operating rules must be filed at such locations within 30 days after it is issued. These records must be made available to representatives of the Federal Railroad Administration for inspection and photocopying during normal business hours.

(1) Each Class I railroad, each Class II railroad, each railroad providing intercity rail passenger service, and each railroad providing commuter service in a metropolitan or suburban area must retain such rules at each of its division headquarters and at its system headquarters; and (2) Each Class III railroad and any other railroad subject to this Part, but not subject to paragraph (b)(1) of this section, must retain such rules at the system headquarters of the railroad.

Railroads then are required to retain one copy of their current operating rules with respect to radio communications and one copy of each subsequent amendment thereto. All Class I railroads, Class II railroads, the National Railroad Passenger Corporation (Amtrak), and railroads providing commuter service in a metropolitan or suburban area must retain their radio rules at their division headquarters and system headquarters. All Class III railroads must retain their radio rules at their system headquarters.

Railroads usually prepare their radio rules in conjunction with their operating rules as required by 49 CFR § 217.7. Section 220.21(b), however, does not require Class I railroads, Class II railroads, the National Railroad Passenger Corporation (Amtrak), and railroads providing commuter service in a metropolitan or suburban area to file their radio rules with FRA. Instead, these railroads must retain their radio rules at their system headquarters and division headquarters. (Class III railroads need only retain their radio rules at their system headquarters.) Therefore, FRA believes that the radio rules requirements will not impose any additional burden on the railroad industry than

what is already required under 49 CFR § 217.7.

The total annual burden for the entire information collection is **4,791,614** hours, and the total dollar equivalent cost of these hours amounts to **\$351,779,642**.

13. Estimate of total annual costs to respondents

There are no additional costs to the railroads outside of the burden hour costs mentioned above under Item 12.

14. Estimate of Cost to Federal Government.

Approximately, 40 man-hours are spent annually reviewing the reports and an additional 15 hours in processing the respondents' submissions. This excludes time spent doing routine compliance and enforcement activities. Multiplying 40 hours times the estimated \$107 per hour (2017 OPM General Schedule Pay Scale for Washington, DC-Baltimore-Arlington-MD-VA-WV-PA area at GS-13-5 level, includes 75% overhead) equals **\$4,280** which is the cost of reviewing the reports. An additional **\$1,605** is spent annually for processing the reports [\$107 per hour again at GS-13-5 level and includes 75% overhead)].

Total annual cost to the Federal government is **\$5,885**.

15. Explanation of program changes and adjustments.

The burden for this collection of information has decreased by **5,814 hours** and **68,702 responses** from the last approved submission. The decrease in burden is due solely to **adjustments**. There are no **program changes** at this time.

The table below depicts all the adjustments:

TABLE FOR ADJUSTMENTS

Part 217Sec./ Part 218 Sec.	Responses & Avg. Time (Previous Submission)	Responses & Avg. Time (This Submission)	Burden Hours (Previous Submission)	Burden Hours (This Submission)	Difference (plus/minus)
217.7(c)(ii) – RR amendments to current code of operating rules, timetables, and timetable special instructions	2013 amendment 15 minutes	2112 amendment 15 minutes	503 hours	528 hours	+ 25 hours + 99 responses

217.9(d) – Records of operational test/ inspections	9,188,700 records 5 minutes	9,120,000 records 5 minutes	765,725 hours	760,000 hours	-- 5,725 hours -- 68,700 resp.
217.9e(ii) -Railroad written quarterly review of accident/ incident data, etc.	140 reviews 2 hours	148 reviews 2 hours	280 hours	296 hours	+ 16 hours + 8 responses
217.9e(iii) -Railroad designated officers + 6-month reviews	70 designations + 140 reviews 5 seconds + 1 hour	37 designations + 74 reviews 5 seconds + 2 hours	280 hours	148 hours	-- 132 hours -- 99 responses
217.9e(2) -Passenger RR Designated officers + 6-month reviews	27 designations + 54 reviews 5 seconds + 2 hours	34 designations + 68 reviews 5 seconds + 2 hours	108 hours	136 hours	+ 28 hours + 21 responses
217.9e(3) – Records of periodic reviews	334 review records 1 minute	290 review records 1 minute	6 hours	5 hours	-- 1 hour -- 44 responses
217.9f – Annual summary records of operational test/ inspections	97 records 61 minutes	71 records 61 minutes	99 hours	72 hours	-- 27 hours -- 26 responses
218.97(b)(3) – Copy of written procedure at headquarters	716 copies 5 minutes	755 copies 5 minutes	60 hours	63 hours	+ 3 hours + 39 responses
218.105(c)(2) – Employee report of switch position to intermediary employee and conveyance of this information to roadway-worker- in-charge	100,000 reports + 100,000 switch position conveyances 1 minute + 1 minute	100,000 reports + 100,000 switch position conveyances 1 minute + 1 minute	3,334 hours	3,333 hours (corrects rounding error)	-- 1 hour 0 responses

Adjustments above decreased the burden amount by *5,814 hours*, and decreased the number of responses by *68,702*.

The correct current inventory exhibits a burden total of *4,797,428 hours* and *188,659,926 responses*, while the present submission reflects a burden total of *4,791,614 hours* and *188,591,224 responses*. Hence, there is a total burden decrease of **5,814 hours** and **68,702 responses**.

There is no change in cost to respondents from the previously approved submission.

16. Publication of results of data collection.

There is no tabulation or publication of responses. This information is used by specialists in the Office of Safety to determine the level of safety of each railroad's operations.

Persons outside FRA's Office of Safety use the material for research and development purposes.

17. Approval for not displaying the expiration date for OMB approval.

Once OMB approval is received, FRA will publish the approval number for these information collection requirements in the Federal Register.

18. Exception to certification statement.

No exceptions are taken at this time.

Meeting Department of Transportation (DOT) Strategic Goals

This information collection supports the top DOT strategic goal, namely transportation safety. Without this collection of information, rail safety throughout the U.S. might be seriously hindered. Specifically, the number of accidents/incidents and the severity of injuries might increase because railroads' code of operating rules, timetables, and timetable special instructions did not conform to Federal safety laws and regulations. Also, the number of accidents/incidents and the severity of injuries might increase because railroad employees were not familiar with the railroad's current operating rules, timetables, and timetable special instructions, and consequently engaged in unsafe practices.

The collection of information promotes safety by providing FRA an opportunity to review and monitor railroads operating rules and any amendments thereto to ensure full compliance with Federal laws and regulations. The collection of information promotes

safety by providing FRA oversight to ensure that railroads conduct the required operational tests and inspections. Moreover, the collection of information promotes safety by ensuring that railroad workers are properly trained concerning the railroad's current operating rules, timetables, and timetable special instructions. Periodic training reduces the likelihood that workers will not understand current operating rules or engage in unsafe practices.

The collection of information, notably the written summaries on operational tests and inspections required of railroads with more than 400,000 man-hours per year, further enhances rail safety by providing a valuable resource that FRA and other investigating agencies can use in determining the cause(s) of accidents/incidents. These records provide valuable information such as the number, type, and result of each operational test and inspection that was conducted (as required under § 217.9(a)). By accurately determining the cause(s) of accidents/incidents, FRA and the railroad industry can take measures to reduce the likelihood of similar events occurring in the future.

In summary, this collection of information enhances railroad safety by providing an additional layer of protection through the agency's close monitoring and full awareness of the railroads' current operating rules and practices. It furthers DOT's goal of promoting the public health and safety by working toward the elimination of transportation-related deaths, injuries, and property damage.

In this information collection, as in all its information collection activities, FRA seeks to do its utmost to fulfill DOT Strategic Goals and to be an integral part of One DOT.