



DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Proposed Agency Information Collection Activities; Comment Request

[Docket No. FRA-2014-0011-N-6]

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT)

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 and its implementing regulations, the Federal Railroad Administration (FRA) hereby announces that it is seeking renewal of the following currently approved information collection activities. Before submitting the information collection request (ICR) below for clearance by the Office of Management and Budget (OMB), FRA is soliciting public comment on specific aspects of the activities identified below.

DATES: Comments must be received no later than [INSERT DATE 60 DAYS AFTER THE DATE OF PUBLICATION IN THE FEDERAL REGISTER].

ADDRESSES: Submit written comments on any or all of the following proposed activities by mail to either: Mr. Robert Brogan, Office of Safety, Planning and Evaluation Division, RRS-21, Federal Railroad Administration, 1200 New Jersey Ave., SE, Mail Stop 25, Washington, D.C. 20590, or Ms. Kimberly Toone, Office of Information Technology, RAD-20, Federal Railroad Administration, 1200 New Jersey Ave., SE, Mail Stop 35, Washington, D.C. 20590. Commenters requesting FRA to acknowledge receipt of their respective comments must include a self-addressed stamped postcard stating,

“Comments on OMB control number 2130-0005.” Alternatively, comments may be transmitted via facsimile to (202) 493-6216 or (202) 493-6479, or via e-mail to Mr. Brogan at Robert.Brogan@dot.gov, or to Ms. Toone at Kimberly.Toone@dot.gov. Please refer to the assigned OMB control number in any correspondence submitted. FRA will summarize comments received in response to this notice in a subsequent notice and include them in its information collection submission to OMB for approval.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert Brogan, Office of Planning and Evaluation Division, RRS-21, Federal Railroad Administration, 1200 New Jersey Ave., SE, Mail Stop 17, Washington, DC 20590 (telephone: (202) 493-6292) or Ms. Kimberly Toone, Office of Information Technology, RAD-20, Federal Railroad Administration, 1200 New Jersey Ave., SE, Mail Stop 35, Washington, DC 20590 (telephone: (202) 493-6132). (These telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION:

The Paperwork Reduction Act of 1995 (PRA), Public Law 104-13, sec. 2, 109 Stat. 163 (1995) (codified as revised at 44 U.S.C. 3501-3520), and its implementing regulations, 5 CFR part 1320, require Federal agencies to provide 60-days notice to the public for comment on information collection activities before seeking approval for reinstatement or renewal by OMB. 44 U.S.C. 3506(c)(2)(A); 5 CFR 1320.8(d)(1), 1320.10(e)(1), 1320.12(a). Specifically, FRA invites interested respondents to comment on the following summary of proposed information collection activities regarding (i) whether the information collection activities are necessary for FRA to properly execute its functions, including whether the activities will have practical utility; (ii) the accuracy of

FRA's estimates of the burden of the information collection activities, including the validity of the methodology and assumptions used to determine the estimates; (iii) ways for FRA to enhance the quality, utility, and clarity of the information being collected; and (iv) ways for FRA to minimize the burden of information collection activities on the public by automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (e.g., permitting electronic submission of responses). See 44 U.S.C. 3506(c)(2)(A)(i)-(iv); 5 CFR 1320.8(d)(1)(i)-(iv). FRA believes that soliciting public comment will promote its efforts to reduce the administrative and paperwork burdens associated with the collection of information mandated by Federal regulations. In summary, FRA reasons that comments received will advance three objectives: (i) reduce reporting burdens; (ii) ensure that it organizes information collection requirements in a "user friendly" format to improve the use of such information; and (iii) accurately assess the resources expended to retrieve and produce information requested. See 44 U.S.C. 3501.

Below is a brief summary of currently approved information collection activities that FRA will submit for clearance by OMB as required under the PRA:

Title: Hours of Service Regulations

OMB Control Number: 2130-0005

Abstract: FRA amended its hours of service recordkeeping regulations, to add substantive hours of service regulations, including maximum on-duty periods, minimum off-duty periods, and other limitations, for train employees (e.g., locomotive engineers and conductors) providing commuter and intercity rail passenger transportation on August 12, 2011. See 76 FR 50359. The new substantive regulations require that railroads

employing such train employees analyze and mitigate the risks for fatigue in the schedules worked by these train employees, and that the railroads submit to FRA for its approval the relevant schedules and fatigue mitigation plans. This final rule also made corresponding changes to FRA's hours of service recordkeeping regulation to require railroads to keep hours of service records and report excess service to FRA in a manner consistent with the new substantive requirements. This regulation was authorized by the Rail Safety Improvement Act (RSIA) of 2008. The information collected under this rule is used by FRA and its inspectors to ensure compliance with the Hours of Service Laws and the requirements of this regulation. In particular, the new information collected as a result of new Subpart F is used by FRA to verify that the employees of covered commuter and intercity passenger railroads do not exceed maximum on-duty periods, abide by minimum off-duty periods, and adhere to other limitations set forth in this regulation to enhance rail safety and reduce the risk of accidents/incidents caused by train employee fatigue, as well as those accident/incidents where fatigue of train employees served as a contributory factor.

Form Number(s): FRA F 6180.3

Affected Public: Businesses

Respondent Universe: 768 railroads/signal contractors

Frequency of Submission: On occasion/monthly

Reporting Burden:

CFR Section	Respondent Universe	Total Annual Responses	Average Time per Response	Total Annual Burden Hours
228.11 – Hours of Duty Records	768 railroads/signal contractors	27,429,750 records	1 min./5 min./10 minutes	2,856,125 hours
228.17 – Dispatcher’s Records of Train Movements	150 Dispatch Offices	200,750 records	3 hours	602,250 hours
228.19 – Monthly Reports of Excess Service	300 railroads	2,670 reports	2 hours	5,340 hours
228.103 – Construction of Employee Sleeping Quarters – Petitions to Allow Construction near Work Area	50 railroads	1 petition	16 hours	16 hours
228.203 – Program Components – Electronic Recordkeeping – Modification for Daylight Savings Time - System Security/Individual User I.D./ Program Logic Capabilities/Search Capabilities	9 railroads	5 modifications	120 hours	600 hours
	9 railroads	1 program with system security etc.	720 hours	720 hours
228.205 – Access to Electronic Records – System Access Procedures for Inspectors	768 railroads/signal contractors	100 electronic records access procedures	30 minutes	50 hours
228.207 – Training in Use of Electronic System – Initial Training -- Refresher Training	768 railroads/signal contractors	47,000 trained employees	1 hour	47,000 hours
	768 railroads/signal contractors	2200 trained employees	1 hour	2,200 hours
49 U.S.C. 21102(b) – The Federal Hours of Service Laws – Petitions for Exemption from Laws	10 railroads	2 petition	10 hours	20 hours
228.403 –Exemption Requests from Passenger/Commuter Railroads -- Initial Exemption Requests from Tourist/ Excursion Railroads -- Renewal Exemption Requests from Tourist/Excursion Railroads	280 railroads	5 exemption requests	8 hours	40 hours
	140 railroads	10 exemption requests	2 hours	20 hours
	140 railroads	5 exemption requests	30 minutes	3 hours

228.407 – Analysis of Work Schedules Submissions	168 railroads	28 analyses	80 hours	2,240 hours
-- Reports to FRA of Work Schedules that Violate Fatigue Threshold	168 railroads	20 reports	2 hours	40 hours
-- Fatigue Mitigation Plans Submitted to FRA	168 railroads	15 plans	4 hours	60 hours
-- Submission of Work Schedules Using Validation Model Violating Threshold that can Be Mitigated by Tools	168 railroads	15 submissions	4 hours	60 hours
-- Submission of Work Schedules Using Validation Model Violating Threshold that cannot Be Mitigated by Tools	168 railroads	5 submissions	4 hours	20 hours
-- Railroad Determination of Necessary Schedules	168 railroads	20 decisions	2 hours	40 hours
-- Railroad Declaration that No Work Schedule Needs to Be Submitted to FRA for Violating Fatigue Threshold	168 railroads	148 written declarations	1 hour	148 hours
-- Corrected Work Schedules/Etc.	168 railroads	2 documents	2 hours	4 hours
-- Submission of Follow-Up Analysis by Railroad Due to Work Schedule Change	168 railroads	28 analyses	4 hours	112 hours
-- Corrected Work Schedules/Etc.	168 railroads	2 documents	2 hours	4 hours
-- Updated Fatigue Mitigation Plans	168 railroads	28 plans	4 hours	112 hours
-- Railroad Consultation with Employees	168 railroads	20 consults	4 hours	80 hours
-- Filed Statements with FRA by Employees and Employee Organizations Unable to Reach Consensus with Railroad on Work Schedules or Mitigation Tools	Railroad Employees/ Employee Organizations	5 statements	2 hours	10 hours
228.411 – Training Programs	168 railroads	29 programs	20 hours	580 hours
-- Employee Initial Training	168 railroads	10,200 trained employees	1 hour	10,200 hours
-- New Employees Initial Training	168 railroads	150 trained employees	1 hour	150 hours
-- Records of Training	168 railroads	10,350 records	5 minutes	863 hours
-- Written Declaration by Tourist Railroads for Exclusion from This Section's Requirements	140 railroads	100 written declarations	1 hour	100 hours
-- Appendix D: Guidance on Fatigue Management Plan	168 railroads	4 plans	15 hours	60 hours

Estimated Annual Burden: 3,529,267 hours

Status: Extension of a Currently Approved Collection

Pursuant to 44 U.S.C. 3507(a) and 5 CFR 1320.5(b), 1320.8(b)(3)(vi), FRA informs all interested parties that it may not conduct or sponsor, and a respondent is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Authority: 44 U.S.C. 3501-3520.

Rebecca Pennington,
Chief Financial Officer.

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