



DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA-2018-0008-N-9]

Proposed Agency Information Collection Activities; Comment Request

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

ACTION: Notice of information collection; request for comment.

SUMMARY: Under the Paperwork Reduction Act of 1995 (PRA) and its implementing regulations, FRA seeks approval of the Information Collection Requests (ICRs) abstracted below. Before submitting these ICRs to the Office of Management and Budget (OMB) for approval, FRA is soliciting public comment on specific aspects of the activities identified below.

DATES: Interested persons are invited to submit comments on or before [INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

ADDRESSES: Submit written comments on the ICRs activities by mail to either: Mr. Robert Brogan, Information Collection Clearance Officer, Office of Railroad Safety, Regulatory Analysis Division, RRS-21, Federal Railroad Administration, 1200 New Jersey Avenue, SE, Room W33-497, Washington, DC 20590; or Ms. Kim Toone, Information Collection Clearance Officer, Office of Information Technology, RAD-20, Federal Railroad Administration, 1200 New Jersey Avenue, SE, Room W34-212, Washington, DC 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-XXXX,” (the relevant OMB control number for each ICR is listed below) and should also include the title of the ICR. Alternatively, comments may be faxed to (202) 493-6216 or (202) 493-6497, or emailed to Mr. Brogan at Robert.Brogan@dot.gov, or Ms. Toone at Kim.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, Information Collection Clearance Officer, Office of Railroad Safety, Regulatory Analysis Division, RRS-21, Federal Railroad Administration, 1200 New Jersey Avenue, SE, Room W33-497, Washington, DC 20590 (telephone: (202) 493-6292) or Ms. Kim Toone, Information Collection Clearance Officer, Office of Information Technology, RAD-20, Federal Railroad Administration, 1200 New Jersey Avenue, SE, Room W34-212, Washington, DC 20590 (telephone: (202) 493-6132).

SUPPLEMENTARY INFORMATION: The PRA, 44 U.S.C. 3501–3520, and its implementing regulations, 5 CFR part 1320, require Federal agencies to provide 60-days’ notice to the public to allow comment on information collection activities before seeking OMB approval of the activities. *See* 44 U.S.C. 3506, 3507; 5 CFR 1320.8 through 1320.12. Specifically, FRA invites interested parties to comment on the following ICRs regarding: (1) whether the information collection activities are necessary for FRA to properly execute its functions, including whether the activities will have practical utility; (2) the accuracy of FRA’s estimates of the burden of the information collection activities,

including the validity of the methodology and assumptions used to determine the estimates; (3) ways for FRA to enhance the quality, utility, and clarity of the information being collected; and (4) ways for FRA to minimize the burden of information collection activities on the public, including the use of automated collection techniques or other forms of information technology. *See* 44 U.S.C. 3506(c)(2)(A); 5 CFR 1320.8(d)(1).

FRA believes that soliciting public comment may reduce the administrative and paperwork burdens associated with the collection of information that Federal regulations require. In summary, FRA reasons that comments received will advance three objectives: (1) reduce reporting burdens; (2) organize information collection requirements in a “user-friendly” format to improve the use of such information; and (3) accurately assess the resources expended to retrieve and produce information requested. *See* 44 U.S.C. 3501.

The summaries below describe the ICRs that FRA will submit for OMB clearance as the PRA requires:

Title: State Safety Participation Regulations and Reporting of Remedial Actions.

OMB Control Number: 2130-0509.

Abstract: The collection of information is set forth under 49 CFR part 212, and requires qualified state inspectors to provide various reports to FRA for monitoring and enforcement purposes concerning state investigative, inspection, and surveillance activities regarding railroad compliance with Federal railroad safety laws and regulations. Additionally, under 49 CFR part 209, subpart E, railroads are required to report to FRA actions taken to remedy certain alleged violations of law.

Form Number(s): FRA F 6180.33/61/67/96/96A/109/110/111/112 /144.

Affected Public: Businesses.

Respondent Universe: States and Railroads.

Frequency of Submission: On occasion.

Reporting Burden:

CFR Section	Respondent Universe	Total Annual Responses	Average Time per Response	Total Annual Burden Hours	¹ Burden Hours Dollar Equivalent Cost
Application for Participation	16 States	16 updates	2.5 hours	40 hours	\$2,960
State Railroad Technical Training Funding Agreement	32 States	32 agreements	1 hour	32 hours	\$2,368
Inspector Travel Planning and Reimbursement	32 States	400 vouchers	1 hour	400 hours	\$29,600
212.109 - Annual Work Plan	32 States	1,862 reports	5 hours	9,310 hours	\$688,940
Inspection Form (FRA F 6180.96)	32 States	69,885 forms	15 minutes	17,471 hours	\$1,292,854
Violation Report – Motive, Power, and Equipment Regulations (Form FRA F 6180.109)	19 States	1,862 reports	4 hours	7,448 hours	\$551,152
Violation Report – Operating Practices Regulations (Form FRA F 6180.67)	19 States	868 reports	4 hours	3,472 hours	\$256,928
Violation Report – Hazardous Materials Regulations (Form FRA F 6180.110)	17 States	856 reports	4 hours	3,424 hours	\$253,376
Violation Report – Hours of Service Law (F 6180.33)	19 States	103 reports	4 hours	412 hours	\$30,488
Violation Report – Accident/Incident Reporting Rules (Form FRA F 6180.61)	19 States	146 reports	4 hours	584 hours	\$43,216
Violation Report – Track Safety Regulations (Form FRA F 6180.111)	26 States	667 reports	4 hours	2,668 hours	\$197,432
Violation Report – Signal and Train Control Regulations (Form FRA F 6180.112)	14 States	440 reports	4 hours	1,760 hours	\$130,240
209.405 - Remedial Actions Reports	566 Railroads	4,050 reports	15 minutes	1,013 hours	\$74,962
209.407 - Violation Report Challenge	566 Railroads	810 challenges	1 hour	810 hours	\$59,940
209.407 - Delayed Reports	695 Railroads	405 reports	30 minutes	203 hours	\$15,022

Total Estimated Annual Responses: 82,402.

¹ To determine the dollar equivalent cost for the estimated burden hours under OMB No. 2130-0509, FRA used an average hourly wage rate of \$74. FRA derived this estimate from Bureau of Labor Statistics (BLS) data for management occupations, NAICS 99920 – State Government, excluding schools and hospitals (OES Designation). To calculate the mean hourly wage of \$42.17 for this category of workers, FRA included a 75-percent charge for overhead costs. The calculation is \$42.17 per hour x 1.75 = \$73.7975 or \$74 per hour (rounded). The Web address for this data is: https://www.bls.gov/oes/current/naics4_999200.htm#11-0000

Total Estimated Annual Burden: 49,047 hours.

Total Estimated Annual Burden Hour Dollar Cost Equivalent: \$3,629,478.

Title: Use of Locomotive Horns at Highway-Rail Grade Crossings.

OMB Control Number: 2130-0560.

Abstract: Under 49 CFR part 222, FRA seeks to collect information from railroads and public authorities in order to increase safety at public highway-rail grade crossings nationwide by requiring that locomotive horns be sounded when trains approach and pass through these crossings or by ensuring that a safety level at least equivalent to that provided by routine locomotive horn sounding exists for quiet zone corridors in which horns are silenced. FRA reviews applications by public authorities intending to establish new quiet zones or, in some cases, continue pre-rule quiet zones to ensure the necessary level of safety is achieved.

Form Number(s): N/A.

Affected Public: Businesses.

Respondent Universe: 728 railroads/340 Public Authorities.

Frequency of Submission: On occasion.

CFR Section	Respondent Universe	Total Annual Responses	Average Time Per Response	Total Annual Burden Hours	Burden Hours Dollar Equivalent Cost
222.15 – Waiver Petitions	784 Railroads/531 Public Authorities	2 petitions	4 hours	8 hours	\$584
222.39 – Applications to Establish Quiet Zone - Diagnostic Team Review	531 Public Authorities	15 applications	80 hours	1,200 hours	\$88,800
-- Updated Crossing Inventory Forms	531 Public Authorities	3 team reviews	16 hours	48 hours	\$3,504
-- Copies of Quiet Zone Application	531 Public Authorities	75 updated forms	1 hour	75 hours	\$5,550
-Comments to FRA on Quiet Zone Application	784 Railroads/ State Agencies	90 copies	10 minutes	15 hours	\$1,110
		30 comments	1.5 hours	45 hours	\$3,285

222.43 – Written Notice of Public Authority Intent to Create New Quiet Zone and Notification to Required Parties	216 Communities/ Public Authorities	60 notices + 180 notifications	40 hours + 10 minutes	2,430 hours	\$179,820
-- Updated Crossing Inventory Forms	216 Communities	300 updated forms	1 hour	300 hours	\$22,200
-- Comments on proposed Quiet Zone	784 Railroads/State Agencies	120 comments	4 hours	480 hours	\$35,040
-- Notice of Quiet Zone Establishment + Notification to Required Parties	531 Public Authorities	60 notices + 360 notifications	40 hours + 10 minutes	2,460 hours	\$182,040
-- Updated Crossing Inventory Forms	531 Public Authorities	300 updated forms	1 hour	300 hours	\$22,200
-- Certification by CEO of Public Authority Regarding Accuracy of Information	531 Public Authorities	60 certifications	5 minutes	5 hours	\$370
222.47 – Periodic Updates: Written Affirmation that Supplementary Safety Measures Implemented w/in Quiet Zone Conform to Rule or Terms of Approval	531 Public Authorities	213 written affirmations + 1,278 copies (to required parties)	30 minutes + 2 minutes	150 hours	\$11,100
-- Updated Crossing Inventory Forms	531 Public Authorities	810 updated forms	1 hour	810 hours	\$59,940
222.51 – Written Commitment to Lower Risk to Traveling Public in Quiet Zones Exceeding Nationwide Significant Risk Threshold	15 Public Authorities	10 written commitments	5 hours	50 hours	\$3,700
-- Comments Upon FRA Review of Quiet Zone Status	3 Public Authorities	2 comments	30 minutes	1 hour	\$74
222.55 – Request for FRA Approval of New Supplementary Safety Measures/Alternative Safety Measures (ASMs) for Quiet Zone	265 Interested Parties	1 letter	30 minutes	1 hour	\$74
-- Comments on New SSMs or ASMs	265 Interested Parties/	5 comments	30 minutes	3 hours	\$222
-- Request for SSM/ASM Approval – Demo.	General Public 265 Interested Parties	1 letter	30 minutes	1 hour	\$74
222.57 – Petition for FRA Review of Decision Granting or Denying a New SSM or ASM; Petition Copies to Relevant Parties	531 Public Authorities/ Interested Parties	1 petition + 5 petition copies	60 minutes + 2 minutes	1 hour	\$74
-- Request for FRA Reconsideration of Disapproval of Quiet Zone + Party Copies	531 Public Authorities	1 letter + 6 letter copies	5 hours + 2 minutes	5 hours	\$370
-- Additional Documents to FRA as Follow-up to Petition for Reconsideration	531 Public Authorities	1 additional document/ set of materials	2 hours	2 hours	\$148
-- Letter Requesting FRA Informal Hearing	531 Public Authorities	1 letter	30 minutes	1 hour	\$74
222.59 – Written	531 Public	5 notices +	2.5 hours +	18 hours	\$1,332

Notice of Use of Wayside Horn at Grade Crossing within Quiet Zone + Party Copies - Notice of Wayside Horn Outside Quiet Zone	Authorities 531 Public Authorities	30 notice copies 5 notices + 30 notice copies	10 minutes 2.5 hours + 10 minutes	 18 hours	 \$1,332
Appendix B – Public Authority Record Relating to Monitoring and Sampling Efforts at Grade Crossing in Quiet Zone with Programmed Enforcement	531 Public Authorities	1 record	500 hours	500 hours	\$37,000
– Public Authority Record Relating to Monitoring and Sampling Efforts at Grade Crossing in Quiet Zone with Photo Enforcement	531 Public Authorities	1 record	9 hours	9 hours	\$666
222.129 – Written Reports/Records of Locomotive Horn Testing	784 Railroads	300 reports /records	60 minutes	300 hours	\$21,900

Total Estimated Responses: 4,362.

Total Estimated Annual Burden: 9,236 hours.

Total Estimated Annual Burden Hour Dollar Cost Equivalent: \$681,983.

Under 44 U.S.C. 3507(a) and 5 CFR 1320.5(b) and 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.

Juan D. Reyes III,
Chief Counsel.

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