

**SUPPORTING JUSTIFICATION
REPORTING REQUIREMENTS
STATE SAFETY PARTICIPATION REGULATIONS
49 CFR 212
REMEDIAL ACTIONS REPORTING
49 CFR 209**

- 1. EXPLAIN THE CIRCUMSTANCES THAT MAKE THE COLLECTION OF INFORMATION NECESSARY. IDENTIFY ANY LEGAL OR ADMINISTRATIVE REQUIREMENTS THAT NECESSITATE THE COLLECTION. ATTACH A COPY OF THE APPROPRIATE SECTION OF EACH STATUTE AND REGULATION MANDATING OR AUTHORIZING THE COLLECTION OF INFORMATION.**

This collection of information is a request for an extension of a currently approved submission. FRA has revised the information in this collection – where appropriate and necessary – to reflect the most current data, and FRA’s experience over the past three years in implementing the requirements of Part 212.

Background

On October 16, 1970, Congress enacted the Federal Railroad Safety Act of 1970 (45 U.S.C. 435). This Act gave the Secretary of Transportation the authority to prescribe, as necessary, appropriate rules, regulations, orders, and standards for all areas of railroad safety.

In order to establish nationally uniform railroad regulations, the statute envisioned that the Federal Government would be responsible for the establishment and primary enforcement of railroad safety regulations. To assist in achieving this goal, conflicting state rules were pre-empted. In lieu of their prior role, states were given the opportunity to participate with the Federal Government in carrying out a portion of the investigative and surveillance activities relating to any safety rules issued under this statute.

FRA implemented this statutory concept with the adoption of the State Participation Regulation in 1975 (49 CFR Part 212) which provided the necessary administrative and legal framework for enforcement and funding purposes. The regulation established qualification requirements for state inspectors, and permitted enforcement of two safety regulations (track and freight car) that had been issued under the authority of the Safety Act.

FRA was hindered in implementing the concept of a fully effective state program by a legal technicality that limited state inspectors to enforcing only those regulations based on the Safety Act. Since FRA had six additional statutes that provide the legal authority

for many of its safety regulations, this technicality severely limited the scope of the state program. This legal problem was eliminated by the passage of Section 4 of the Federal Railroad Safety Authorization Act of 1980 (Public Law 96-423, 94 Stat. 1812). Section 4 specifically authorized FRA to permit state inspectors to enforce all FRA safety regulations.

On June 25, 1981, FRA published a NPRM (49 FR 32888) to revise the State Participation Program regulation. The specific objectives of the proposed revision included expansion of the inspection and surveillance authority of State inspectors; clarification of the policy framework; redefinition of inspector qualification requirements; and appropriate editorial changes to the rules. The final rule, as contained in the 1982 modifications in the FRA State Participation Regulations (49 CFR 212), implements the authorization for expansion contained in the 1980 statute. State inspectors are now authorized to work in all inspection disciplines except hazardous materials. States can currently inspect track, freight cars, locomotives, brake systems, operating practices, safety glazing, safety appliances, and signal systems.

The State Safety Participation Regulations (49 CFR Part 212) were revised in the Federal Register on June 24, 1992, to permit states to perform rail hazardous materials (hazmat) inspections, per the authorization contained in Section 28 of the Hazardous Materials Transportation Uniform Safety Act of 1990. On September 30, 1994, State Safety Participation Regulations were revised to permit states to perform highway-rail grade crossing inspections as authorized by Section 4 of the Federal Railroad Safety Authorization Act of 1980 (Public Law 96-423, 94 Stat. 1812).

The State Safety Participation Regulations (49 CFR Part 212) were revised again in the Federal Register on May 24, 1996, to reduce the administrative cost to government and industry, reduce government printing costs, and provide a more concise and useful Title 49, Code of Federal Regulations. The revision removed Subpart D, Grants-in-Aid, of 49 CFR Part 212 and corresponding appendices. This revision was authorized by a March 4, 1995, memorandum issued by the President directing the heads of federal departments and agencies to conduct a page-by-page review of all agency regulations in force and eliminate or revise those that are outdated or otherwise in need of reform.

The-Grants-in Aid program was intended to provide a transition to a uniform pattern of rail safety regulation and provide a continuing state role in rail safety regulation. As originally conceived, participating states were reimbursed up to 50 percent of their operating costs, Congressional appropriations permitting.

Once the goal of uniform rail safety regulation was achieved, Congress elected to eliminate funding. States have continued to participate in this rail safety program even though FRA's funding share, per Congressional appropriations, has declined from the maximum of 50 percent through FY 1985 to 39 percent in FY 1986, 24 percent in FY 1987, 16 percent in FY 1988, and zero percent in FY 1989 and subsequent years. FRA

continues to assist the states in (1) certifying their inspectors and providing on-the-job and classroom training, and (2) coordinating and consolidating state inspection plans with FRA's National Inspection Plan to reflect current safety issues and to establish the priority of national inspection efforts.

Despite the lack of federal funding, the State Participation Program has actually grown. In 1989, there were 110 participating state inspectors and currently there are 150162 state inspectors. The revision eliminates reporting requirement at 49 CFR Part 212.303 (Annual Funding Process) and 49 CFR Part 212.305 Reports.

Currently, the specific sections of 49 CFR 212 describing reporting requirements are found in:

212.105	Agreements
212.107	Certification
212.109	Joint Planning of Inspections

Remedial Actions Reporting

Currently, state and federal inspectors use one form to report their inspections for four of the five inspection disciplines.

FRA has included, as part of this new inspection form, a section for the reporting of remedial actions taken by the railroads when they have been notified both that assessment of a civil penalty will be recommended against the railroad for its failure to comply with a provision of the Federal railroad safety laws and that a remedial actions report must be submitted to FRA stating what actions were taken to correct the safety problem. The requirement for remedial actions reporting is contained in Section 3 of the Rail Safety Enforcement and Review Act (PL 102-365, 106 Stat. 972) dated September 3, 1992.

NOTE: FRA issued an NPRM on June 18, 1993 (49 FR 33595) concerning remedial actions reporting. Under the NPRM, FRA had created a separate form, "Remedial Actions Report," (FRA F 6180.93), to be used by the railroads in reporting what remedial actions were taken to FRA. This form was approved by OMB under OMB approval number 2130-0536. Since remedial actions reports are now reported to FRA on the new consolidated inspection report and that form has been cleared by OMB under the State Participation regulations, FRA cancelled: (1) the paperwork package concerning Remedial Actions Reporting under OMB approval number 2130-0536; and (2) the separate Remedial Actions Report form (FRA F 6180.93).

- 2. INDICATE HOW, BY WHOM, AND FOR WHAT PURPOSE THE INFORMATION IS TO BE USED. EXCEPT FOR A NEW COLLECTION, INDICATE THE ACTUAL USE THE AGENCY HAS MADE OF THE INFORMATION RECEIVED FROM THE CURRENT COLLECTION.**

State Participation

This information is collected in order to comply with Federal railroad safety laws and regulations concerning the State Participation Program. States are required to prepare an Annual Work Plan which reflects the planned investigative and surveillance activities for qualified state inspectors. The Annual Work Plan is used by FRA as a mechanism for coordinating joint Federal-State inspections in order to avoid duplication of inspection efforts which otherwise would result in additional travel and man-hour costs.

Additionally, inspection information received from state agencies on their railroad safety investigative and surveillance activities is used by FRA to implement various statutory laws. A portion of the information is needed to establish the legal authority for certain aspects in processing administrative or litigation responses in non-compliance situations.

The final portion of the information is needed for the overall administration and management of the program. These data are used in monitoring the effectiveness of the program and in preparing various annual safety reports, including mandated reports to the Congress. Furthermore, FRA uses this information to determine whether State Participation Programs are productive and properly managed.

Remedial Actions Reporting

FRA Office of Safety personnel review remedial action reports to ensure that railroads take necessary corrective actions to remedy a failure discovered by an FRA or State Safety Inspector during a safety inspection. Specifically, after notification by FRA, railroads must provide information on the inspection report form by selecting the appropriate remedy code that most accurately reflects the action or actions it took to remedy the failure, such as repair or replacement of a defective component without movement, movement of a locomotive or car for repair (where permitted) and its subsequent repair, completion of a required test or inspection, removal of a non-complying item from service but not for repair (where permitted), reduction of operating speed (where sufficient to achieve compliance), or any combination of actions appropriate to remedy the non-compliance cited. Additionally, railroads selecting the remedial action code "other remedial actions" must also furnish FRA with a brief narrative description of the action or actions taken. Remedial action reports are also reviewed by FRA Safety staff to determine whether railroads, concluding that the alleged violation may not have occurred, have provided a satisfactory written explanation and whether it is appropriate to refer the matter to the Office of Chief Counsel in order to impose a civil penalty relating to the failure.

FRA's Office of Safety correlates the data representing the different types of remedial actions that entities affected by the reporting requirement have undertaken. This computerized data will assist FRA in systematically targeting inspections by integrating

available accident and injury data with inspection and compliance data, so as to better determine if affected entities are minimizing and correcting safety problems. The information is also used by FRA's Office of Chief Counsel during the penalty assessment and negotiation process of the civil penalty for which the remedial action report was issued.

- 3. DESCRIBE WHETHER, AND TO WHAT EXTENT, THE COLLECTION OF INFORMATION INVOLVES THE USE OF AUTOMATED, ELECTRONIC, MECHANICAL, OR OTHER TECHNOLOGICAL COLLECTION TECHNIQUES OR OTHER FORMS OF INFORMATION TECHNOLOGY, E.G. PERMITTING ELECTRONIC SUBMISSION OF RESPONSES, AND THE BASIS FOR THE DECISION FOR ADOPTING THIS MEANS OF COLLECTION. ALSO DESCRIBE ANY CONSIDERATION OF USING INFORMATION TECHNOLOGY TO REDUCE BURDEN.**

FRA and state inspectors have transitioned from paper inspection reports to automated inspection reports using notebook computers and software developed by the agency. Currently, all 150 state inspectors are equipped with notebook computers. The improved information technology system in the reporting area has not resulted in any significant reduction in burden hours for report preparation, but it has enabled FRA to obtain accurate rail safety data quicker and with a significant reduction in data assimilation time.

Except for regulatory requirements that state participation inspection reports must be recorded on standardized forms, there does not appear to be any other major legal obstacle to the use of a different reporting medium.

- 4. DESCRIBE EFFORTS TO IDENTIFY DUPLICATION. SHOW SPECIFICALLY WHY ANY SIMILAR INFORMATION ALREADY AVAILABLE CANNOT BE USED OR MODIFIED FOR USE FOR THE PURPOSES DESCRIBED IN ITEM 2 ABOVE.**

State Participation

FRA's review of state recordkeeping has determined that the states do not otherwise have this information available. To FRA's knowledge, it is not duplicated anywhere else.

No other existing source provides information concerning state qualification and state activity indicators, and no other source provides a basis for Federal reimbursement of funds, when grants are awarded, to the states.

- 5. IF THE COLLECTION OF INFORMATION IMPACTS SMALL BUSINESSES OR OTHER SMALL ENTITIES (ITEM 5 OF OMB FORM 83-I), DESCRIBE ANY METHODS USED TO MINIMIZE BURDEN.**

State Participation

The collection of state participation information does not involve small businesses or organizations.

Remedial Actions Reporting

The collection of remedial actions information does not involve small businesses other than railroads and railroad contractors. FRA does not propose to eliminate small railroads from the reporting requirements since rail safety is at stake.

6. **DESCRIBE THE CONSEQUENCE TO FEDERAL PROGRAM OR POLICY ACTIVITIES IF THE COLLECTION IS NOT CONDUCTED OR IS CONDUCTED LESS FREQUENTLY, AS WELL AS ANY TECHNICAL OR LEGAL OBSTACLES TO REDUCING BURDEN.**

State Participation

If this safety data were not collected, FRA would neither be able to fulfill its mandate from Congress to reduce rail-related accidents and casualties nor would it be able to effectively manage this cooperative FRA/state program. The entire FRA safety program would be significantly hampered without the safety information received from the 30 participating states and their 150162 railroad safety inspectors.

State participation regulations, in general, are very flexible regarding the frequency of submission of grant program administrative reports, per Department of Transportation (49 CFR Part 1) requirements. Participating states are required to submit their daily reports on investigative and surveillance activities either on a monthly or a more frequent basis to ensure swift corrective actions if safety is either deteriorating or is questioned. To be effective, a safety program requires timely information, and collecting this information less frequently would impair FRA's safety program.

Remedial Actions Reporting

Without this part of the information collection, rail safety throughout the U.S. might be further seriously jeopardized. Specifically, the number of accidents/incidents and the severity of injuries might increase without the data supplied by state inspectors regarding all aspects/disciplines of rail safety. Federal and State inspectors monitor the day-to-day rail environment to ensure compliance with Federal safety laws and regulations and to highlight violations so that they can be quickly corrected. Without the remedial action reports, FRA would have no way of knowing whether railroads actually took the appropriate action/actions to correct a failure detected by a Federal or State inspector, or

provided a satisfactory explanation that no violation occurred. The inability to follow-up after an inspection to confirm that corrective action was taken might lead to unsafe operating conditions that could result in a derailment or collision with corresponding injuries and, perhaps, fatalities.

The Rail Safety Enforcement and Review Act requires that remedial actions reports be made within 30 days after the end of the month in which each such notification is received. FRA is constrained by this law from extending the collection period or reducing the frequency of collection.

7. EXPLAIN ANY SPECIAL CIRCUMSTANCES THAT WOULD CAUSE AN INFORMATION COLLECTION TO BE CONDUCTED IN A MANNER:

-REQUIRING RESPONDENTS TO REPORT INFORMATION TO THE AGENCY MORE OFTEN THAN QUARTERLY;

-REQUIRING RESPONDENTS TO PREPARE A WRITTEN RESPONSE TO A COLLECTION OF INFORMATION IN FEWER THAN 30 DAYS AFTER RECEIPT OF IT;

-REQUIRING RESPONDENTS TO SUBMIT MORE THAN AN ORIGINAL AND TWO COPIES OF ANY DOCUMENT;

-REQUIRING RESPONDENTS TO RETAIN RECORDS, OTHER THAN HEALTH, MEDICAL, GOVERNMENT CONTRACT, GRANT-IN-AID, OR TAX RECORDS FOR MORE THAN THREE YEARS;

-IN CONNECTION WITH A STATISTICAL SURVEY, THAT IS NOT DESIGNED TO PRODUCE VALID AND RELIABLE RESULTS THAT CAN BE GENERALIZED TO THE UNIVERSE OF STUDY;

-REQUIRING THE USE OF A STATISTICAL DATA CLASSIFICATION THAT HAS NOT BEEN REVIEWED AND APPROVED BY OMB;

-THAT INCLUDES A PLEDGE OF CONFIDENTIALITY THAT IS NOT SUPPORTED BY AUTHORITY ESTABLISHED IN STATUE OR REGULATION, THAT IS NOT SUPPORTED BY DISCLOSURE AND DATA SECURITY POLICIES THAT ARE CONSISTENT WITH THE PLEDGE, OR WHICH UNNECESSARILY IMPEDES SHARING OF DATA WITH OTHER AGENCIES FOR COMPATIBLE CONFIDENTIAL USE; OR

-REQUIRING RESPONDENTS TO SUBMIT PROPRIETARY TRADE SECRET, OR OTHER CONFIDENTIAL INFORMATION UNLESS THE

AGENCY CAN DEMONSTRATE THAT IT HAS INSTITUTED PROCEDURES TO PROTECT THE INFORMATION'S CONFIDENTIALITY TO THE EXTENT PERMITTED BY LAW.

State Participation

Rail safety is FRA's highest priority. To have an effective rail safety program, inspection information from both Federal and State rail safety inspectors is required on a monthly basis. Therefore, states are required to take exception to the guidelines in 5 CFR 1320, particularly the requirement that directs that information should not be reported to the agency more frequently than quarterly.

Remedial Actions Reporting

The Rail Safety Enforcement and Review Act requires that remedial actions reports be made within 30 days after the end of the month in which each such notification is received. FRA is constrained by this law from extending the collection period or reducing the frequency of collection.

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

- 8. IF APPLICABLE, PROVIDE A COPY AND IDENTIFY THE DATE AND PAGE NUMBER OF PUBLICATION IN THE FEDERAL REGISTER OF THE AGENCY'S NOTICE, REQUIRED BY 5 CFR 1320.8(d), SOLICITING COMMENTS ON THE INFORMATION COLLECTION PRIOR TO SUBMISSION TO OMB. SUMMARIZE PUBLIC COMMENTS RECEIVED IN RESPONSE TO THAT NOTICE AND DESCRIBE ACTIONS TAKEN BY THE AGENCY IN RESPONSE TO THOSE COMMENTS. SPECIFICALLY ADDRESS COMMENTS RECEIVED ON COST AND HOUR BURDEN.**

DESCRIBE EFFORTS TO CONSULT WITH PERSONS OUTSIDE THE AGENCY TO OBTAIN THEIR VIEWS ON THE AVAILABILITY OF DATA, FREQUENCY OF COLLECTION, THE CLARITY OF INSTRUCTIONS AND RECORDKEEPING, DISCLOSURE, OR REPORTING FORMAT (IF ANY), AND ON THE DATA ELEMENTS TO BE RECORDED, DISCLOSED, OR REPORTED.

CONSULTATION WITH REPRESENTATIVES OF THOSE FROM WHOM INFORMATION IS TO BE OBTAINED OR THOSE WHO MUST COMPILE RECORDS SHOULD OCCUR AT LEAST ONCE EVERY 3 YEARS--EVEN IF THE COLLECTION OF INFORMATION ACTIVITY IS THE SAME AS IN PRIOR PERIODS. THERE MAY BE CIRCUMSTANCES THAT MAY PRECLUDE CONSULTATION IN A SPECIFIC SITUATION. THESE CIRCUMSTANCES SHOULD BE EXPLAINED.

As required by the Paperwork Reduction Act of 1995, FRA published a notice in the Federal Register on May 15, 2006, soliciting comment on this particular information collection. 71 FR 28076. FRA received no comments in response to this notice.

Background

State Participation

The present reporting system has evolved through the years. Initially it was adopted as part of the 1975 revision of the State Participation regulations. Arthur Young Management Consultants served as internal/external liaison to the states in developing the necessary systems, procedural mechanisms, and recordkeeping requirements for the management of the program. It provided development assistance, direction, and guidance to the process. Past revisions provided for submission of additional materials and improved the format of program management forms used for semi-annual financial and progress reports. Earlier revisions dealt with the Federal/State Inspection Plan process already in effect and simplified the initial application by a State and the annual program renewal process. The current revision provides for the submission of the State Railroad Safety Technical Training Funding Agreement, a past oversight.

On June 25, 1981, FRA published an NPRM in the Federal Register (46 FR 32888) to revise the State Safety Participation Program regulation. The specific objectives of the proposed revision included: expansion of the inspection and surveillance authority of state inspectors; clarification of the policy framework; redefinition of inspector qualification requirements; and implementation of appropriate editorial changes to the rules.

At a public hearing on the proposed revision on June 30, 1981, FRA listened to testimony from state agencies, the National Association of Regulatory Utility Commissioners (NARUC), the Association of American Railroads (AAR), and the Railway Labor Executives Association (RLEA). In addition, written comments were submitted by a number of state agencies. All comments and testimony were reviewed and considered during the formulation of the final rule. Significant comments received, and changes made were included in Docket No. RSSP-3. The final rule, as contained in the 1982 modification in the FRA State Participation Regulations (49 CFR 212), incorporated these changes.

Arthur Young Management Consultants completed its task of evaluating the reports in 1976. The proposed changes in information collection were then discussed without any opposition in a series of Federal-state task force meetings with organizations representing the states (NARUC and National Conference on State Railroad Officials, a standing committee of the American Association of State Highway and Transportation Officials). In 1984 and 1985, the FRA program office met individually with most of the then 32

participating states to review existing reporting requirements and to ascertain the need for any changes. At those meetings, it was determined that reporting requirements were satisfactory.

In FY 1989 and thereafter, the states were advised that no Federal funds were available for this program and that program reporting requirements had been revised accordingly. As no grants were awarded in FY 1989 nor expected in the foreseeable future, the yearly program application was significantly reduced by eliminating all budget/funding sections and the need for financial reports was likewise eliminated without the states' objections. Furthermore, states were given the opportunity to request additional reporting requirements reductions for the following items for FRA's consideration: (1) Semi-Annual Progress Report, (2) Annual Work Plan and Annual Report, (3) Monthly Work Schedule, and (4) Monthly Activity Reports.

In 1989, FRA established a Federal/State Rail Safety Participation Working Group to improve the State Participation Program which meets approximately every six months to discuss possible improvements in the coordination and administration of the program. This working group was is comprised of members from the National Association of Regulatory Utility Commissioners (NARUC), the American Association of State Highway and Transportation Officials (AASHTO), and senior FRA personnel.

Starting in 1994, the State Participation Application has been updated and simplified to change the annual application to an indefinite time period. This change was accomplished with the concurrence of participating states. All financial reporting requirements were eliminated by the May 24, 1996, removal of Subpart D of 49 CFR Part 212, Grants-in-Aid, and corresponding appendices. The Semi-Annual Progress Report, Annual Report and Monthly Work Schedule were replaced by an amended Annual Work Plan and summary activity reports that can be generated from FRA data bases.

FRA regularly participates in annual meetings of AASHTO, and NARUC. All participating state agencies belong to one of these two organizations. In addition, FRA sponsors an annual meeting of state program coordinators to ensure that states are aware of reporting requirements and to solicit input on needed changes.

Remedial Actions Reporting

A public hearing was held in Washington, D. C., on October 19, 1993. The following six organizations were represented at the hearing: the Association of American Railroads (AAR); The American Short Line Railroad Association (ASLRA); Consolidated Rail Corporation (Amtrak); Union Pacific Railroad Company (UP); and Brotherhood Railway Carmen Division (BRC) of the Transportation Communications International Union.

The AAR, ASLRA, and UP thought that the time FRA had estimated for the completion of the Remedial Actions Report (FRA F 6180.93) was underestimated at 15 minutes.

They believed a more accurate estimate would be 90 minutes. This estimate was based on the fact that it would take considerable time to review the narrative required on the form by management personnel. However, they also commented that they thought the recommended 90 minutes could be reduced substantially if FRA did away with the individual Remedial Action Report and instead included a remedial actions section on FRA inspection forms.

FRA has agreed with the commenters and has designed a new consolidated inspection report and included a remedial actions report section on the form. The new consolidated inspection report is known as the "Inspection Report" with FRA form number F 6180.96 assigned to it. FRA has also concluded that the 15 minutes to respond to the remedial actions section is still a valid time. This time would include any time to just check off a code but would also allow sufficient time to prepare a narrative if the railroad so chooses.

9. EXPLAIN ANY DECISION TO PROVIDE ANY PAYMENT OR GIFT TO RESPONDENTS, OTHER THAN REMUNERATION OF CONTRACTORS OR GRANTEES.

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

10. DESCRIBE ANY ASSURANCE OF CONFIDENTIALITY PROVIDED TO RESPONDENTS AND THE BASIS FOR THE ASSURANCE IN STATUTE, REGULATION, OR AGENCY POLICY.

The information contained in the various inspector/investigation reports is a matter of public record and, therefore, confidentiality is not promised to any respondent.

11. PROVIDE ADDITIONAL JUSTIFICATION FOR ANY QUESTIONS OF A SENSITIVE NATURE, SUCH AS SEXUAL BEHAVIOR AND ATTITUDES, RELIGIOUS BELIEFS, AND OTHER MATTERS THAT ARE COMMONLY CONSIDERED PRIVATE. THIS JUSTIFICATION SHOULD INCLUDE THE REASONS WHY THE AGENCY CONSIDERS THE QUESTIONS NECESSARY, THE SPECIFIC USES TO BE MADE OF THE INFORMATION, THE EXPLANATION TO BE GIVEN TO PERSONS FROM WHOM THE INFORMATION IS REQUESTED, AND ANY STEPS TO BE TAKEN TO OBTAIN THEIR CONSENT.

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

12. PROVIDE ESTIMATES OF THE HOUR BURDEN OF THE COLLECTION OF INFORMATION. THE STATEMENT SHOULD:

-INDICATE THE NUMBER OF RESPONDENTS, FREQUENCY OF RESPONSE, ANNUAL HOUR BURDEN, AND AN EXPLANATION OF HOW THE BURDEN WAS ESTIMATED. UNLESS DIRECTED TO DO SO, AGENCIES SHOULD NOT CONDUCT SPECIAL SURVEYS TO OBTAIN INFORMATION ON WHICH TO BASE HOUR BURDEN ESTIMATES. CONSULTATION WITH A SAMPLE (FEWER THAN 10) OF POTENTIAL RESPONDENTS IS DESIRABLE. IF THE HOUR BURDEN ON RESPONDENTS IS EXPECTED TO VARY WIDELY BECAUSE OF DIFFERENCES IN ACTIVITY, SIZE, OR COMPLEXITY, SHOW THE RANGE OF ESTIMATED HOUR BURDEN, AND EXPLAIN THE REASONS FOR THE VARIANCE. GENERALLY, ESTIMATES SHOULD NOT INCLUDE BURDEN HOUR FOR CUSTOMARY AND USUAL BUSINESS PRACTICES

-IF THIS REQUEST FOR APPROVAL COVERS MORE THAN ONE FORM, PROVIDE SEPARATE HOUR BURDEN ESTIMATES FOR EACH FORM AND AGGREGATE THE HOUR BURDENS IN ITEMS 13 OF OMB FORM 83-I.

-PROVIDE ESTIMATES OF ANNUALIZED COST TO RESPONDENTS FOR THE HOUR BURDENS FOR COLLECTIONS OF INFORMATION, IDENTIFYING AND USING APPROPRIATE WAGE RATE CATEGORIES. THE COST OF CONTRACTING OUT OR PAYING OUTSIDE PARTIES FOR INFORMATION COLLECTION ACTIVITIES SHOULD NOT BE INCLUDED HERE. INSTEAD, THIS COST SHOULD BE INCLUDED IN ITEM 14.

Note: FRA has calculated the following wage rates based on information provided by the states: \$59 per hour for Federal inspectors, \$52 per hour for supervisors of state inspectors, and \$48 per hour for state inspectors. Hourly wage rates are weighted to include fringe benefits and 40% overhead. FRA has calculated the wage rate of railroad executives, officials, and staff assistants at \$70 per hour and the wage rate of professional/administrative staff at \$40 per hour based on the 2005 AAR publication titled Railroad Facts (includes fringe benefits and 40% overhead).

The potential respondent universe is 49 states. At present, there are 30 states participating in the program. Burden estimates noted below are based on the number of reports received from the states in 2002 2005.

All reports deal with the requirements of 49 CFR 212. The reports involve inspection and inspection training activities. The following is a description of these reports and includes response frequency and burden estimates.

Application for Participation

The FRA State Participation Program requires that each state become a party to a multi-year agreement with periodic supplements to update relevant information. The application contains the following parts:

State Participation Agreement - This multi-year agreement sets out the general obligations of both FRA and participating state with respect to investigative and enforcement activity concerning Federal rail safety laws and regulations.

Exhibit 1 - Opinion of Counsel - The Federal Regulations governing the State Participation Program require a statement that the participating agency has jurisdiction over safety practices regarding railroads, and authority and capability to conduct investigative activity in this area.

Exhibit 2 - Schedule of Current Participation - This exhibit to the formal agreement provides information relevant to the conduct of this program.

Exhibit 2A - Revised Schedule of Current Participation - This exhibit allows the state agency to update the information listed above when levels of areas of participation change.

Exhibit 3 - State Railroad Safety Technical Training and Funding Agreement - This exhibit is the agreement between FRA and the state agency regarding reimbursement and other costs associated with inspector training. This form must be submitted on a Federal Fiscal Year basis, preferably prior to October 1, the start of the fiscal year.

As noted above, the application for State participation became a multi-year agreement. It is assumed that approximately half of the participating states (15) will be required to update their applications each year and file Exhibit 2A - Revised Schedule of Current Participation. However, all participating states (30) will be required to submit Exhibit 3 (training funding agreement) each year. FRA estimates that the average burden time for supervisors to prepare the revised schedule, not including Exhibit 3, will be approximately 2.5 hours per application. Thus, the total annual respondent burden will be 38 hours (15 states x 2.53 hours per state). FRA estimates that the average burden time for Exhibit 3 will be approximately one (1) hour per agreement, for a total of 30 hours annually. FRA estimates that approximately 300 annual training classes will require state preparation of travel vouchers (300 vouchers) and that it will take approximately one (1) hour to prepare each voucher. Total annual respondent burden for this entire requirement is 368 hours (38 + 30 + 300).

Schedule of Current Participation

Respondent Universe:		15
	States	
Burden time per response:	2.53 hours	

Frequency of Response:	On occasion
Annual number of Responses:	15 updates
Annual Burden:	38 hours
Annual Cost:	

\$1,976

Calculation: 15 updates x 2.5 hrs. = 38 hours
 38 hrs. x \$52 = \$1,976

State Railroad Safety Technical Training and Funding Agreement

Respondent Universe:	30 states
Burden time per response:	1 hour
Frequency of Response:	Annually
Annual number of Responses:	30 agreements
Annual Burden:	30 hours
Annual Cost:	\$1,560

Calculation: 30 agreements x 1 hr. = 30 hours
 30 hrs. x \$52 = \$1,560

State Inspector Travel Vouchers

Respondent Universe:	30 states
Burden time per response:	1 hour
Frequency of Response:	On occasion
Annual number of Responses:	300 vouchers
Annual Burden:	300 hours
Annual Cost:	\$14,400

Calculation: 300 vouchers x 1 hr. = 300 hours
 300 hrs. x \$48 = \$14,400

Annual Work Plan (212.109)

Prior to the beginning of each calendar year, each participating State shall develop, in conjunction with the FRA Regional Director of the region in which the State is located, an annual work plan for the conduct of investigative and surveillance activities by the State agency. The plan shall include a program of inspections designed to monitor the

compliance of railroads, shippers, and manufacturers operating within the State (or portion thereof) with applicable Federal railroad safety laws and regulations. In the event that the participating State and the FRA Regional Director cannot agree on an annual work plan, the Associate Administrator for Safety shall review the matter.

States are required to prepare an Annual Work Plan which will reflect the planned investigative and surveillance activities for qualified state inspectors. The Annual Work Plan serves as an aid in planning investigative and surveillance activities on a monthly basis and as a mechanism for coordinating joint Federal-state inspections to avoid a duplication of inspection efforts which, in turn, would result in additional travel and man-hour costs. This report will be used by the FRA Regional Office in preparing FRA's yearly regional and national inspection plans.

Again, FRA estimates that approximately 30 states will participate, and each state will submit one (1) report a year. It is estimated that it will take an average of approximately 15 hours to complete each report. Total annual burden for this requirement is 450 hours.

Respondent Universe:	30 states
Burden time per response:	15 hours
Frequency of Response:	Annually
Annual number of Responses:	30 reports
Annual Burden:	450 hours
Annual Cost:	\$23,400

Calculation: 30 reports x 15 hrs. = 450 hours
 450 hrs. x \$52 = \$23,400

Inspection Form (FRA F 6180.96)

FRA uses one inspection form for all safety disciplines: (1) Signal and Train Control Inspection Report; (2) Track Inspection Report; (3) Motive Power and Equipment Inspection Report; and (4) Operating Practices/Hazardous Materials Inspection Report; and (5) Hazardous Materials. The form is contained on a notebook computer; reports are generated and filed electronically.

The electronic inspection form is used by State personnel engaged in the enforcement of the Federal Track Safety Standards (49 CFR 213); Railroad Workplace Safety (49 CFR Part 214); Locomotive Safety Standards (49 CFR 229); Safety Glazing Standards (49 CFR 223); Safety Appliance Standards (49 CFR 231); Power Brake Standards (49 CFR 232); Railroad Freight Car Safety Standards (49 CFR 215); Railroad Operating Practices Regulations (49 CFR 217, 218, 219, 220, 221, 225, and 228); Hours of Service Act; Signal and Train Control regulations (49 CFR 233, 235, and 236) and Hazardous Materials Transportation Act and implementing regulations (49 CFR 171 through 174, and 179).

The inspection form documents inspections, defects, and railroad compliance with the regulations.

FRA estimates that it will receive approximately 18,000 inspection forms annually from state inspectors. It is estimated that it will take each inspector an average of 15 minutes to complete each inspection report. Total annual burden for this requirement is 4,500 hours.

Respondent Universe:	30 states
Burden time per response:	15 minutes
Frequency of Response:	On occasion
Annual number of Responses:	18,000 reports
Annual Burden:	4,500 hours
Annual Cost:	\$216,000

Calculation: 18,000 reports x 15 min. = 4,500 hours
4,500 hrs. x \$48 = \$216,000

Violation Reports

Motive Power and Equipment Violation Report (FRA F 6180.109)

This report consolidated and replaced the following five (5) forms previously used by the motive, power, and equipment discipline: (1) Form FRA F 6180.10; (2) Form FRA F 6180.29; (3) Form FRA F 6180.29A; (4) Form FRA F 6180.68; and (5) Form FRA F 6180.69. This form is used by state personnel to document violations of the Motive Power and Equipment Regulations (49 CFR Parts 209, 210, 215, 223, 229, 230, 231, 232, 238; 40 CFR Part 201; and U.S.C. 49 Subtitle V Chapters 203 and 209). The data is used by FRA attorneys during claims collection proceedings against violating railroads.

FRA estimates that approximately 19 states participate in the motive power and equipment safety program, and that it will receive approximately 600 reports a year. It is estimated that it will take an average of approximately four (4) hours to complete each violation report. Total annual burden for this requirement is 2,400 hours.

Respondent Universe:	19 states
Burden time per response:	4 hours
Frequency of Response:	On occasion
Annual number of Responses:	600 reports
Annual Burden:	2,400 hours
Annual Cost:	\$115,200

Calculation: 600 reports x 4 hrs. = 2,400 hours

$$2,400 \text{ hrs.} \times \$48 = \$115,200$$

Violation of Operating Practices Inspection Report
(FRA Form F 6180.67)

This report is used by State personnel to document violations of the Operating Practices Regulations (49 CFR 217, 218, 219, 220, 221, 225 and 228). The data is used by FRA attorneys during claims collection proceedings against violating railroads.

FRA estimates that approximately 16 States participate in the operating practices safety program, and that it will receive approximately 50 reports a year. It is estimated that it will take an average of approximately four (4) hours to complete each violation report. Total annual burden for this requirement is 200 hours.

Respondent Universe:	16 states
Burden time per response:	4 hours
Frequency of Response:	On occasion
Annual number of Responses:	50 reports
Annual Burden:	200 hours
Annual Cost:	\$9,600

Calculation: 50 reports x 4 hr. = 200 hours
200 hrs. x \$48 = \$9,600

Violation of Hazardous Materials Inspection Report
(FRA F 6180.110)

This report is used by state personnel to document violations of the Hazardous Materials Regulations (49 CFR parts 171 through 174, and 179). The data is used by FRA attorneys during claims collection proceedings against violating parties (i.e., railroads, shippers, or manufacturers). (*Note:* Inspectors previously used Form FRA F 6180.67 for this type of violation).

FRA estimates that approximately 14 states participate in the hazardous materials safety program, and that it will receive approximately 150 reports a year. It is estimated that it will take an average of approximately four (4) hours to complete each report. Total annual burden for this requirement is 600 hours.

Respondent Universe:	14 states
Burden time per response:	4 hours
Frequency of Response:	On occasion
Annual number of Responses:	150 reports
Annual Burden:	600 hours

Annual Cost: \$28,800

Calculation: 150 reports x 4 hrs. = 600 hours
600 hrs. x \$48 = \$28,800

Violation of Hours of Service Law Report
(FRA Form F 6180.33)

This report is used by both Federal and State personnel to document violations of the Hours of Service Laws (49 U.S.C. 21102; formerly 49 U.S.C 61-641). The data is used by FRA attorneys during claims collection proceedings against violating railroads.

FRA estimates that approximately 16 states conduct Hours-of-Service Laws inspections as part of the operating practices safety program, and that it will receive approximately 21 reports a year. It is estimated that it will take an average of approximately four (4) hours to complete each report. Total annual burden for this requirement is 84 hours.

Respondent Universe:	16 states
Burden time per response:	4 hours
Frequency of Response:	On occasion
Annual number of Responses:	21 reports
Annual Burden:	84 hours
Annual Cost:	\$4,032

Calculation: 21 reports x 4 hr. = 84 hours
84 hrs. x \$48 = \$4,032

Violation of Accident/Incident Reporting Rules Report
(FRA Form F 6180.61)

This report is used by state personnel to document violations of the Accidents Reports Act (59 U.S.C. 12). The data is used by FRA attorneys during claims collection proceedings against violating railroads.

FRA estimates that approximately 16 states perform accident/incident reporting rules inspections as part of the operating practices safety program, and that it will receive approximately 10 reports a year. It is estimated that it will take an average of approximately four (4) hours to complete each report. Total annual burden for this requirement is 40 hours.

Respondent Universe:	16 states
Burden time per response:	4 hours
Frequency of Response:	On occasion
Annual number of Responses:	10 reports

Annual Burden:	40 hours
Annual Cost:	\$1,920

Calculation: 10 reports x 4 hrs. = 40 hours
40 hrs. x \$48 = \$1,920

Violation of Track Safety Regulations
(FRA Form F 6180.111)

This report is used by state personnel to document violations of the Track Safety Regulations (49 CFR Parts 213 and 214). The data is used by FRA attorneys during claims collection proceedings against violating railroads.

FRA estimates that approximately 24 states perform track safety rules inspections as part of their track safety program, and that it will receive approximately 300 violation reports a year. It is estimated that it will take an average of approximately four (4) hours to complete each report. Total annual burden for this requirement is 1,200 hours.

Respondent Universe:	24 states
Burden time per response:	4 hours
Frequency of Response:	On occasion
Annual number of Responses:	300 reports
Annual Burden:	1,200 hours
Annual Cost:	\$57,600

Calculation: 300 reports x 4 hrs. = 1,200 hours
1,200 hrs. x \$48 = \$57,600

Violation of Signal and Train Control Regulations
(FRA Form F 6180.112)

This report is used by state personnel to document violations of the Signal and Train Control Regulations (49 CFR Parts 233, 234, 235, and 236). The data is used by FRA attorneys during claims collection proceedings against violating railroads.

FRA estimates that approximately 13 states perform signal and train control inspections as part of their track safety program, and that it will receive approximately 10 violation reports a year. It is estimated that it will take an average of approximately four (4) hours to complete each report. Total annual burden for this requirement is 40 hours.

Respondent Universe:	13 states
Burden time per response:	4 hours
Frequency of Response:	On occasion
Annual number of Responses:	10 reports

Annual Burden:	40 hours
Annual Cost:	\$1,920

Calculation: 10 reports x 4 hrs. = 40 hours
40 hrs. x \$48 = \$1,920

Remedial Actions Report (49 CFR 209.405 and 209.407)

The reporting of remedial actions by railroads became effective on January 1, 1995.

- A. Each railroad that has received written notification on FRA's Inspection Report (FRA F 6180.96) from an FRA or State Safety Inspector both that assessment of a civil penalty will be recommended for the railroad's failure to comply with a provision of the Federal railroad safety laws and that it must submit a remedial actions report is required to report to FRA, within 30 days after the calendar month in which the notification is received, all actions taken to remedy that failure. FRA's form FRA F 6180.96 (Inspection Report) will be used by the affected responsible railroads to report what remedial actions were taken. Each railroad must complete the remedial actions report in the manner prescribed on the report form. The railroad must select the one remedial action code on the reporting form that most accurately reflects the action or actions taken to remedy the failure, such as repair or replacement of a defective component without movement, movement of a locomotive or car for repair (where permitted) and its subsequent repair, completion of a required test or inspection, removal of a non-complying item from service but not for repair (where permitted), reduction of operating speed (where sufficient to achieve compliance), or any combination of actions appropriate to remedy the noncompliance cited. Any railroad selecting the remedial action code "other remedial actions" must also furnish FRA with a brief narrative description of the action or actions taken. The railroad must return the form by first class mail to the FRA Safety Inspector whose name and address appear on the form.

FRA estimates that Federal and State inspectors will cite approximately 3,933 safety defects annually that require railroads to submit a remedial actions report to FRA. It is estimated that it will take an average of approximately 15 minutes for a railroad to fill in the required information and submit the inspection report back to FRA. (*Note:* Some reports will take less time when a railroad just checks off what remedial actions were taken, while some reports will require more time to complete when a railroad also provides a narrative to the report. However, FRA has determined that the average time will be around 15 minutes.) Total annual burden for this requirement then is 983 hours. (*Note:* Respondent universe estimate was obtained from the Association of American Railroads (AAR) Website, www.aar.org.)

Respondent Universe:	573 railroads
Burden time per response:	15 minutes
Frequency of Response:	On occasion
Annual number of Responses:	3,933 reports
Annual Burden:	983 hours
Annual Cost:	\$68,810

Calculation: 3,933 reports x .25 hr. = 983 hours
983 hours x \$70 = \$68,810

- B. If any railroad concludes that the violation alleged on the inspection report may not have occurred, it may submit the remedial actions report with an appropriate written explanation.

FRA estimates that, in approximately 20 percent or 813 of the violation reports filed annually where the assessment of a civil penalty is recommended, a responsible railroad will question whether a violation actually exists as stated in the violation report. It is estimated that it will take approximately one (1) hour to prepare the written explanation required to be submitted with the Remedial Actions Report (Form FRA F 6180.96). Total annual burden for this requirement is 813 hours.

Respondent Universe:	573 railroads
Burden time per response:	1 hour
Frequency of Response:	On occasion
Annual number of Responses:	813 challenges
Annual Burden:	813 hours
Annual Cost:	\$56,910

Calculation: 813 challenges x 1 hr. = 813 hours
813 hrs. x \$70 = \$56,910

Total annual burden for this entire requirement is 1,796 hours (983 + 813).

Delayed Reports (49 CFR 209.407)

If a railroad cannot initiate or complete remedial actions within 30 days after the end of the calendar month in which the notification is received, it must prepare, in writing, an explanation of the reasons for such delay and a good faith estimate of the date by which it will complete the remedial actions, stating the name and job title of the preparer and including either (1) a photocopy of both sides of the form FRA F 6180.96 on which the railroad received notification; or (2) the following information: (a) the inspection report number; (b) the inspection date; and (c) the item number. The person responsible for the report must then sign, date, and submit the written explanation and estimate to the FRA

Safety Inspector whose name and address appear on the notification within 30 days after the end of the calendar month in which the notification is received.

FRA estimates that, in approximately 10 percent (393) of the remedial action defects cited annually, the responsible railroad will not be able to initiate and/or complete the remedial actions required, and will submit a report to FRA within the required 30-day time frame. It is estimated that it will take approximately 30 minutes to prepare, sign, file, and submit the written notification to the appropriate FRA inspector explaining the reasons for such delay and to provide an estimate of a date by which the remedial actions will be completed. Total annual burden for this requirement is 197 hours.

Respondent Universe:	573 railroads
Burden time per response:	30 minutes
Frequency of Response:	On occasion
Annual number of Responses:	393 reports
Annual Burden:	197 hours
Annual Cost:	\$7,880

Calculation: 393 reports x .5 hr. = 197 hours
197 hrs. x \$40 = \$7,880

Total annual burden for this entire information collection is 11,875 hours.

13. PROVIDE AN ESTIMATE OF THE TOTAL ANNUAL COST BURDEN TO RESPONDENTS OR RECORDKEEPERS RESULTING FROM THE COLLECTION OF INFORMATION. (DO NOT INCLUDE THE COSTS OF ANY HOUR BURDEN SHOWN IN ITEMS 12 AND 14).

-THE COST ESTIMATES SHOULD BE SPLIT INTO TWO COMPONENTS: (A) A TOTAL CAPITAL AND START-UP COST COMPONENT (ANNUALIZED OVER IT EXPECTED USEFUL LIFE); AND (B) A TOTAL OPERATION AND MAINTENANCE AND PURCHASE OF SERVICES COMPONENT. THE ESTIMATES SHOULD TAKE INTO ACCOUNT COSTS ASSOCIATED WITH GENERATING, MAINTAINING, AND DISCLOSING OR PROVIDING THE INFORMATION. INCLUDE DESCRIPTIONS OF METHODS USED TO ESTIMATE MAJOR COSTS FACTORS INCLUDING SYSTEM AND TECHNOLOGY ACQUISITION, EXPECTED USEFUL LIFE OF CAPITAL EQUIPMENT, THE DISCOUNT RATE(S), AND THE TIME PERIOD OVER WHICH COSTS WILL BE INCURRED. CAPITAL AND START-UP COSTS INCLUDE, AMONG OTHER ITEMS, PREPARATIONS FOR COLLECTING INFORMATION SUCH AS PURCHASING COMPUTERS AND SOFTWARE; MONITORING, SAMPLING, DRILLING AND TESTING EQUIPMENT; AND RECORD STORAGE FACILITIES.

-IF COST ESTIMATES ARE EXPECTED TO VARY WIDELY, AGENCIES SHOULD PRESENT RANGES OF COST BURDENS AND EXPLAIN THE REASONS FOR THE VARIANCE. THE COST OF PURCHASING OR CONTRACTING OUT INFORMATION COLLECTION SERVICES SHOULD BE A PART OF THIS COST BURDEN ESTIMATE. IN DEVELOPING COST BURDEN ESTIMATES, AGENCIES MAY CONSULT WITH A SAMPLE OF RESPONDENTS (FEWER THAN 10), UTILIZE THE 60-DAY PRE-OMB SUBMISSION PUBLIC COMMENT PROCESS AND USE EXISTING ECONOMIC OR REGULATORY IMPACT ANALYSIS ASSOCIATED WITH THE RULEMAKING CONTAINING THE INFORMATION COLLECTION, AS APPROPRIATE.

-GENERALLY, ESTIMATES SHOULD NOT INCLUDE PURCHASES OF EQUIPMENT OR SERVICES, OR PORTIONS THEREOF, MADE (1) PRIOR TO OCTOBER 1, 1995, (2) TO ACHIEVE REGULATORY COMPLIANCE WITH REQUIREMENTS NOT ASSOCIATED WITH THE INFORMATION COLLECTION, (3) FOR REASONS OTHER THAN TO PROVIDE INFORMATION OR KEEP RECORDS FOR THE GOVERNMENT, OR (4) AS PART OF CUSTOMARY AND USUAL BUSINESS OR PRIVATE PRACTICES.

Miscellaneous expenses are estimated at \$1,000 per state, or a total of \$30,000 annually.

- 14. PROVIDE ESTIMATES OF ANNUALIZED COST TO THE FEDERAL GOVERNMENT. ALSO, PROVIDE A DESCRIPTION OF THE METHOD USED TO ESTIMATE COSTS, WHICH SHOULD INCLUDE QUANTIFICATION OF HOURS, OPERATIONAL EXPENSES SUCH AS EQUIPMENT, OVERHEAD, PRINTING, AND SUPPORT STAFF, AND ANY OTHER EXPENSE THAT WOULD NOT HAVE BEEN INCURRED WITHOUT THIS COLLECTION OF INFORMATION. AGENCIES ALSO MAY AGGREGATE COST ESTIMATES FROM ITEMS 12, 13, AND 14 IN A SINGLE TABLE.**

On the basis of recent experience, approximately 3,971 FRA man-hours are required to process and review state reports. Of that total 2,870 hours are spent by the FRA regional staff and 1,101 hours by the FRA Headquarters staff.

It is estimated that approximately 235 FRA labor hours will be required to process and review the remedial actions reports annually.

The associated hourly salary (including benefits and overhead at 40%) to the Government has been calculated, as follows:

FRA Region Labor		=	\$
2,870 hours x \$48/hour	137,760		
FRA Headquarters labor		=	—
1,101 hours x \$59/hour	64,959		
Total labor	202,719		\$
Printing			12,500
Postage			9,500
Miscellaneous	7,300		
Total			\$
			232,019

15. EXPLAIN THE REASONS FOR ANY PROGRAM CHANGES OR ADJUSTMENTS REPORTED IN ITEMS 13 OR 14 OF THE OMB FORM 83-I.

The burden has increased by 1,516 hours. The increase is a result of **adjustments** (both increases and decreases). The estimates for the following requirements reflect adjustment increases:

(1) Motive, Power, and Equipment Violation Report (FRA F 6180.109). FRA revised its estimate of the number of reports that it will receive (from 200 to 600). This changed estimate *increased* the burden by *1,600 hours* (from 800 hours to 2,400 hours).

(2) Violation of Operating Practices Report (Form FRA F 6180.67). FRA revised its estimate of the number of reports that it will receive (from 40 to 50). This changed estimate *increased* the burden by *40 hours* (from 160 hours to 200 hours).

(3) Violation of Hazardous Materials Report (Form FRA F 6180.110). FRA revised its estimate of the number of reports that it will receive (from 100 to 150). This changed estimate *increased* the burden by *200 hours* (from 400 hours to 600 hours).

(4) Violation of Track Safety Regulations (Form FRA F 6180.111). FRA revised its

estimate of the number of reports that it will receive (from 158 to 300). This changed estimate *increased* the burden by *568 hours* (from 632 hours to 1,200 hours).

Total overall *increases* from adjusted estimates amounted to *2,408 hours*.

There were also adjustments that decreased the burden. The estimates for the following requirements reflect adjustment decreases:

(1) Violation of Signal and Train Control Regulations (Form FRA F 6180.61). FRA revised its estimate of the number of reports that it will receive (from 100 to 10). This changed estimate *decreased* the burden by *360 hours* (from 400 hours to 40 hours).

(2) Remedial Action Report. Under item A of this requirement, FRA revised its estimate of the number of reports that it will receive (from 5,048 to 3,933). This changed estimate *decreased* the burden by *279 hours* (from 1,262 hours to 983 hours).

(3) Remedial Action Report. Under item B of this requirement, FRA revised its estimate of the number of challenges that it will receive (from 1,010 to 813). This changed estimate *decreased* the burden by *197 hours* (from 1,010 hours to 813 hours).

(4) Delayed Reports. FRA revised its estimate of the number of delayed reports that it will receive (from 505 to 393). This changed estimate *decreased* the burden by *56 hours* (from 253 hours to 197 hours).

Total overall *increases* from adjusted estimates amounted to *892 hours*.

The current inventory exhibits 10,359 hours, while the new burden total amounts to 11,875 hours. Hence, there is an increase of 1,516 hours.

There is no change in burden costs to respondents from the previous submission.

- 16. FOR COLLECTIONS OF INFORMATION WHOSE RESULTS WILL BE PUBLISHED, OUTLINE PLANS FOR TABULATION, AND PUBLICATION. ADDRESS ANY COMPLEX ANALYTICAL TECHNIQUES THAT WILL BE USED. PROVIDE THE TIME SCHEDULE FOR THE ENTIRE PROJECT, INCLUDING BEGINNING AND ENDING DATES OF THE COLLECTION OF INFORMATION, COMPLETION OF REPORT, PUBLICATION DATES, AND OTHER ACTIONS.**

There are no plans to tabulate or publish the collected information.

- 17. IF SEEKING APPROVAL TO NOT DISPLAY THE EXPIRATION DATE FOR OMB APPROVAL OF THE INFORMATION COLLECTION, EXPLAIN THE REASONS THAT DISPLAY WOULD BE INAPPROPRIATE.**

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

18. EXPLAIN EACH EXCEPTION TO THE CERTIFICATION STATEMENT IDENTIFIED IN ITEM 19, "CERTIFICATION FOR PAPERWORK REDUCTION ACT SUBMISSIONS," OF OMB FORM 83-I.

FRA plans no publication of this information.

Meeting Department of Transportation (DOT) Strategic Goals

This information collection supports the main DOT strategic goal, namely transportation safety. Without this collection of information, rail safety throughout the United States might be seriously jeopardized. Specifically, the number of accidents/incidents and the severity of injuries might increase without the data supplied by state inspectors regarding all aspects/disciplines of rail safety. With the aid of this information, FRA – in collaboration with the railroads – is able to devise safety programs that reduce the likelihood of accidents/incidents, and thus the threat of injuries and fatalities to train crews and the traveling public.

The collection of information provides a valuable tool which FRA – with the aid of the states – can use to improve safety by monitoring violations of Federal safety laws and regulations. By close surveillance and early discovery of violations, FRA can take immediate steps to correct situations or practices before they undermine safety, and lead to accidents/incidents.

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 rail practices and situations on a statewide as well national basis. 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.