

**SUPPORTING JUSTIFICATION  
RAILROAD OPERATING RULES (49 CFR 217)  
RADIO STANDARDS AND PROCEDURES (49 CFR 220.21(b))**

**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 217.

Background

On October 16, 1970, Congress enacted the Federal Railroad Safety Act of 1970, 45 U.S.C. §§ 421 *et seq.* (1970) (now 49 U.S.C. 20103). The statute gives the Secretary of Transportation the authority to “. . . prescribe, as necessary, appropriate rules, regulations, orders and standards for all areas of railroad safety,” 45 U.S.C. § 431(a). As a result of an increasing number of accidents caused by human factors, the Federal Railroad Administration (FRA) determined that railroad operating rules, implemented by all of the nation’s railroads, needed regulatory review. On November 23, 1974, FRA issued Part 217 (Railroad Operating Rules), 39 *FR* 41175 (1974). The requirements of this rule enable FRA to monitor each railroad’s compliance with its operating rules regarding the movement of trains and other rolling equipment in the railroad industry and the operating rules instructions that each railroad provides to its employees.

On August 22, 1994, FRA published in the Federal Register a final rule amending its operating rules. The following amendments were made to the information collection requirements:

(a.) by removing the following filing requirements for Class III railroads:  
(1) Operating rules, timetables, and timetable special instructions, radio rules, and any subsequent amendments thereto; (2) Programs of operational tests and inspections, and any subsequent amendments thereto; and (3) Operating rules instruction programs and any subsequent amendments thereto. All Class III railroads will now be required to retain copies of these documents at their system headquarters.

(b.) by removing the following filing requirements for Class I railroads and Class II

railroads: (1) Programs of operational tests and inspections, and any subsequent amendments thereto; (2) Operating rules instruction programs and any subsequent amendments thereto; and (3) Radio rules and any subsequent amendments thereto. Instead, these railroads will be required to retain these documents at their system headquarters and division headquarters. Nevertheless, Class I railroads and Class II railroads will still be required to file with FRA copies of their operating rules, timetables, and timetable special instructions, and any subsequent amendments thereto.

(c.) amending the requirements so railroads with less than 400,000 total man-hours must only keep a record of the date, time, place, and result of each operational test and inspection conducted and that these documents must be retained at each railroad's system headquarters for three years.

(d.) by eliminating the requirement for railroads with more than 400,000 man-hours to file an annual report with FRA. These railroads will now be required to retain annual summaries of their operational tests and inspections at their division headquarters and system headquarters. These summaries must be retained for three years.

(e.) by revising the requirements needed to be reported in the annual summary. Railroads subject to this provision will no longer be required to annually compile the total number of train miles that were operated over its track, the number of operational tests and inspections that were conducted per 10,000 train miles, or the number of operational tests and inspections conducted. FRA concluded that these requirements provided limited useful information. However, these railroads will now be required to provide the type, date, time, place, and result of each operational test and inspection conducted. In addition, the summaries must also include the officer administering each operational test and inspection and the employees tested.

**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.**

The information collected is used by FRA to monitor and enforce its safety regulations. In particular, 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.

Railroads covered by this Part are required to conduct periodic operational tests and inspections. FRA analyzes records of these tests to determine the extent these tests and inspections conform to railroads written program of operational tests and inspections. These records must be made available to representatives of FRA during normal business hours. For railroads with more than 400,000 man-hours per year, annual written summaries on operational tests and inspections must be kept (for three years). FRA reviews these summaries to ensure compliance with Federal safety regulations, and utilizes them during accident/incident investigations to determine the cause(s) of such events.

FRA also reviews this information to ensure that railroad employees whose activities are governed by the railroad's operating rules are instructed periodically in these rules. If employees are not being adequately or properly trained in a railroad's current operating rules, FRA can take necessary measures to correct the problem/deficiency before safety is adversely impacted. Finally, FRA's Office of Safety analyzes the information collected in considering waiver petitions from railroads to determine whether it is safe and in the public interest to grant an exception to a particular railroad concerning Federal safety regulations.

**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 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 (b) through § 217.9(d) 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. Furthermore, 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 (§217.11), provided the stipulated requirements in § 217.9(e)(1) through (e)(5) are met.

**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.**

These information collection requirements to our knowledge are not duplicated anywhere.

Similar data are not available from any other source.

**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.**

FRA's final rule dated August 22, 1994, eliminated the requirements for Class III railroads to file with FRA copies of their respective operating rules, radio rules, and other pertinent documents. These railroads are now required to make such information available to representatives of FRA for inspection and copying (upon request) during normal business hours. FRA believes this change has served to minimize the burden on small railroads.

Also, it should be noted that the majority of operational tests and inspections of trains and rolling equipment are conducted by the larger railroads (Class Is and Class IIs). Therefore, the great majority of the recordkeeping burden falls on them. Less than five (5) percent of this burden actually falls on small railroads.

**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.**

If this information were not collected or collected less frequently, railroad safety in the United States would be seriously jeopardized. Specifically, FRA would not know whether railroads 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 the general public.

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 this collection of information, 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. Without this training, railroad employees might engage in unsafe practices that could result in 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 deteriorates. With constant changes in rail operations, it is imperative that FRA remain thoroughly informed of conditions throughout the industry.

In sum, this collection of information furthers FRA's primary mission, which is to promote and enhance rail safety throughout this country.

**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.**

Class I railroads, Class II railroads, the National Railroad Passenger Corporation, 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 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. 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 March 15, 2006, soliciting comment on this particular information collection. *70 FR 13452*. FRA received no comments in response to this notice.

Background

On October 19, 1992, FRA published an NPRM on amendments to its Railroad Operating Rules and Radio Standards and Procedures [*57 R 47603* (1992)]. Interested persons were given the opportunity to comment on this proposed rulemaking, and a public hearing was held in Washington, D.C., on December 14, 1992. After considering all of the written and verbal comments, FRA adopted certain proposed revisions to the regulations. Nevertheless, FRA retains the existing filing requirements of operating rules, timetables, and timetable special instructions, and any amendments thereto for Class I railroads, Class II railroads, the National Railroad Passenger Corporation, and all commuter railroads. FRA also authorized railroads to retain information electronically so long as the railroads satisfy certain requirements stated in the regulations. Significant comments received and changes made were contained in the final rule.

**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.**

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. 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: Based on the 2005 edition of the Association of American Railroads (AAR) publication titled Railroad Facts, FRA has used the following labor rate for railroad hourly wages in its cost calculations: \$40 per hour for professional/administrative employees, and \$50 for train and engine employees. Wage rates are burdened 40% to include fringe benefits and overhead.*



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 one (1) railroad 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 one (1) hour.

Respondent Universe:	1 new railroad
Burden time per response:	1 hour
Frequency of Response:	One-time
Annual number of Responses:	1 submission
Annual Burden:	1 hour
Annual Cost:	\$40

**Calculation:** 1 submission x 1 hr. = 1 hour  
1 hr. x \$40 = \$40

(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:	\$2,200

**Calculation:** 165 amendments x 20 min. = 55 hours  
55 hrs. x \$40 = \$2,200

(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 20 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 18 hours.

Respondent Universe:	20 new railroads
Burden time per response:	.92 hour
Frequency of Response:	On occasion
Annual number of Responses:	20 submissions
Annual Burden:	18 hours
Annual Cost:	\$720

**Calculation:** 20 submissions x .92 hr. = 18 hours  
18 hrs. x \$40 = \$720

(ii) There are an additional 632 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 (1,896 amendments total). It is further estimated that each amendment will take approximately 15 minutes to complete. Total annual burden for this requirement is 474 hours.

Respondent Universe:	632 railroads
Burden time per response:	15 minutes
Frequency of Response:	On occasion
Annual number of Responses:	1,896 amendments
Annual Burden:	474 hours
Annual Cost:	\$18,960

**Calculation:** 1,896 amendments x 15 min. = 474 hours  
474 hrs. x \$40 = \$18,960

Total annual burden for this entire requirement is 548 hours (1 + 55 + 18 + 474).

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 in accordance with a written program retained at its system headquarters and at the division headquarters for each division where the tests are conducted.

(b.) Written program of operational tests and inspections. 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 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 must be retained at the system headquarters of the railroad and at the division headquarters for each division where the tests are conducted for three calendar years after the end of the calendar year to which they relate. These records must be made available to representatives of the Federal Railroad Administration for inspection and copying during normal business hours.

The program must: (1) Provide for operational testing and inspection under the various operating conditions on the railroad; (2) Describe each type of operational test and inspection adopted, including the means and procedures used to carry it out; (3) State the purpose of each type of operational test and inspection; (4) State, according to operating divisions where applicable, the frequency with which each type of operational test and inspection is conducted; (5) Begin within 30 days after November 21, 1994, or the date of commencing operations, whichever is later; and (6) Include a schedule for making the program fully operative within 210 days after it begins.

(i) Existing railroads already comply with this requirement. FRA estimates that approximately 20 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 198 hours.

Respondent Universe:	20 new railroads
Burden time per response:	9.92 hours
Frequency of Response:	On occasion
Annual number of Responses:	20 programs
Annual Burden:	198 hours
Annual Cost:	\$7,920

**Calculation:** 20 programs x 9.92 hrs. = 198 hours  
 198 hrs. x \$40 = \$7,920

(ii) 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 1.92 hours to complete this task. Total annual burden for this requirement is 317 hours.

Respondent Universe:	55 railroads
Burden time per response:	1.92 hours
Frequency of Response:	On occasion
Annual number of Responses:	165 amendments
Annual Burden:	317 hours
Annual Cost:	\$12,680

**Calculation:** 165 amendments x 1.92 hrs. = 317 hours  
 317 hrs. x \$40 = \$12,680

(c.) Records of individual tests and inspections. 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 also specify the officer administering the test and inspection and each employee tested. These records must be retained at the system headquarters of the railroad and at the division headquarters for each division where the tests 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 Federal Railroad Administration for inspection and copying during normal business hours.

Respondent universe is 687 railroads. FRA estimates that railroads subject to this requirement will perform a total of approximately 9,180,000 tests per year. (FRA's estimate breaks down as follows: FRA believes Class I railroads will perform approximately 4,800,000 tests a year; Class II railroads will perform approximately

4,000,000 tests a year; commuter railroads will perform approximately 320,000 tests a year; and the remaining 600 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 765,000 hours.

Respondent Universe:	687 railroads
Burden time per response:	5 minutes
Frequency of Response:	On occasion
Annual number of Responses:	9,180,000 records
Annual Burden:	765,000 hours
Annual Cost:	\$38,250,000

**Calculation:** 9,180,000 records x 5 min. = 765,000 hours  
 765,000 hrs. x \$50 = \$38,250,000

(d.) Before March 1 of each calendar year, each railroad to which this Part applies, except for a railroad with less than 400,000 total man-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 year's 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 (b) 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.

Each railroad to which this Part applies is authorized to retain by electronic recordkeeping the information prescribed in paragraphs (b) through (d) of § 217.9, provided all of the following conditions are met: (1) The railroad adequately limits and controls accessibility to such information retained in its electronic database 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 desk-top 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 record for inspection and copying during normal business hours and provides printouts of such records upon request.

FRA estimates that approximately 55 railroads will be required to prepare written summaries in accordance with this requirement each year. It is estimated that it will take

each railroad approximately one (1) hour to compile the information and prepare the summary. Total annual burden of this requirement is 55 hours.

Respondent Universe:	55 railroads
Burden time per response:	1 hour
Frequency of Response:	annually
Annual number of Responses:	55 summaries
Annual Burden:	55 hours
Annual Cost:	\$2,200

**Calculation:** 55 summaries x 1 hr. = 55 hours  
 55 hrs. x \$40 = \$2,200

Total annual burden for this entire requirement is 765,570 hours (198 + 317 + 765,000 + 55).

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.

Existing railroads already comply with this requirement. FRA estimates that approximately 21 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 168 hours.

Respondent Universe:	21 new railroads
Burden time per response:	8 hours
Frequency of Response:	On occasion
Annual number of Responses:	21 programs
Annual Burden:	168 hours
Annual Cost:	\$6,720

**Calculation:** 21 programs x 8 hrs. = 168 hours  
168 hrs. x \$40 = \$6,720

(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(e)(1) through (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 160 amendments each year, and that Class III railroads will issue approximately 60 amendments each year (a total of 220 annually). It is estimated that it will take approximately .92 hour 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 202 hours.

Respondent Universe:	687 railroads
Burden time per response:	.92 hour
Frequency of Response:	On occasion
Annual number of Responses:	220 amendments
Annual Burden:	202 hours
Annual Cost:	\$8,080

**Calculation:** 220 amendments x .92 hr. = 202 hours  
202 hrs. x \$40 = \$8,080

Total annual burden for this entire requirement is 370 hours (168 + 202).

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 766,488 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.**

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

- 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.**

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 \$59 per hour (includes 40% overhead) equals \$2,360 which is the cost of reviewing the reports. An additional \$750 is spent annually for processing the reports [\$50 a hour (includes 40% overhead)]. Total annual cost to the Federal government is \$3,110.

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

The burden for these information collection requirements has increased by 60 hours. This increase is an adjustment due to revised estimates for several requirements. In particular, the following estimates were modified:

(1.) Under § 217.7(b), FRA revised (increased) its estimate of the number of amendments filed by railroads from 96 to 165. This *increased* the burden by *23 hours* (from 32 hours to 55 hours).

(2.) Under § 217.9(b)(ii), FRA revised (increased) its estimate of the number of amendments filed by railroads from 150 to 165. This *increased* the burden by *29 hours* (from 288 hours to 317 hours).

(3.) Under § 217.11(a), FRA revised (increased) its estimate of the number of written operating rules programs kept by railroads from 20 to 21. This *increased* the burden by *eight (8) hours* (from 160 hours to 168 hours).

The current inventory shows a burden total of 766,428 hours, while the present submission reflects a burden total of 766,488 hours. Hence, there is a total burden increase of 60 hours.

**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 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. 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.**

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.