

SUPPORTING JUSTIFICATION 49 CFR 228 HOURS OF SERVICE REGULATIONS

- 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 228.

Background

These requirements resulted from passage of the Hours of Service Act (Act), which was enacted in 1907 by Pub. L. 59-274 and substantially revised in 1969 by Pub. L. No. 91-169. Further amendments were enacted as part of the Federal Railroad Safety Authorization Act of 1976, Pub. L. No. 94-348, and the Rail Safety Improvement Act of 1988, Pub. L. No. 100-342. In addition, in 1994, the Act (then codified at 45 U.S.C. §§ 61-64b), and the other general and permanent Federal railroad safety statutes, were repealed by Congress and re-enacted with revised language as part of a broad re-codification of the Federal transportation laws. See Act of July 5, 1994, Pub. L. No. 103-272, 108 Stat. 745; see generally 49 U.S.C. ch. 211. However, Congress made clear that the re-codification is intended to make no substantive changes in the affected laws, although it does alter their arrangement and language in certain respects. See Pub. L. No. 103-272, § 6(a), 108 Stat. 1378, H.R. Rep. 180, 103d Cong., 1st Sess. 1-5 (1993), reprinted in 1994 U.S.C.C.A.N. 818-822. The stated purpose of the Act is “. . . to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees”

Congress enacted the Act because of the many serious accidents that resulted from requiring the discharge of arduous duties by tired and exhausted railroad employees whose level of service and energy had been so weakened by overwork as to render them inattentive to duty or incapable of discharging the responsible labor of their positions. The Act specifies the maximum number of working hours and minimum periods of off-duty time for employees engaged in one or more safety-critical, or “covered,” categories of work. The Secretary of Transportation is charged with the administration of the Act. 49 U.S.C. § 103(a). This function has been delegated to the Administrator of the Federal Railroad Administration (FRA). 49 U.S.C. § 103 (c); 49 C.F.R. § 1.49(d).

While FRA’s authority to issue regulations extends to all areas of railroad safety, the

strict terms of the Act involving maximum hours of work and minimum hours of time available for rest severely limit FRA's ability to "supplement" the Act through regulations, without contradicting its provisions. See 49 U.S.C. § 20103(a). FRA has employed its authority to supplement the provisions of the Act by reissuing recordkeeping requirements with respect to the hours of service of certain railroad carrier employees. See 49 C.F.R. Part 228.

The recordkeeping requirements contained in 49 C.F.R. Part 228 were designed to collect the hours of duty for covered employees and records of train movements. Railroads whose employees have exceeded maximum duty limitations must report the circumstances. These requirements serve as a deterrent to violations, and enable FRA to document violations for prosecution. Loss of life caused by excess service today is practically non-existent.

The regulations pertaining to construction of employee sleeping quarters are contained in Subpart C of 49 C.F.R. Part 228 (Hours of Service of Railroad Employees). A railroad that has developed plans for construction, reconstruction, or acquisition of sleeping quarters must obtain approval of FRA by filing a petition conforming to the requirements of §§ 228.101, 228.103, and 228.105.

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 collection of information is used by FRA and, in some instances, by the National Transportation Safety Board (NTSB). Specifically, the Hours of Duty Records are monitored by FRA to ensure that railroad workers nationwide do not work an excessive amount of hours, and thereby jeopardize rail safety in the United States. There are approximately 100,000 covered employees, comprising 90,000 train and engine employees, and 10,000 dispatchers and signalmen. FRA inspectors examine the Hour of Duty Records to ensure that a record of duty hours is maintained for each railroad worker and for each job category covered by the Hours of Service Act. Each record must include the following information: (1) Identification of the employee; (2) Place, date, and beginning and ending times for hours of duty in each occupation; (3) Total time on duty in all occupations; (4) Number of consecutive hours off-duty prior to going on-duty; and (5) Beginning and ending times of periods spent in transportation, other than personal commuting, to or from a duty assignment and mode of transportation (train, track car, carrier motor vehicle, personal automobile, etc.). FRA inspectors carefully monitor and review these records to ensure that covered railroad employees do not work an excessive/illegal amount of hours such that they are overtired and exhausted, and thereby pose a high safety risk not only to themselves and other railroad workers but also to the safe movement of passenger and freight trains along the areas they are working. Moreover, Hours of Duty Records are used by FRA attorneys for enforcement purposes.

Since both railroads and railroad workers certify the hours worked in these records, FRA attorneys use them to enforce violations of the Hours of Service Laws by imposition of regulatory fines, or other court mandated civil and/or criminal penalties.

The Dispatcher's Records of Train Movements are also used by FRA's safety inspectors to monitor and ensure compliance with relevant statutory provisions and agency regulations. Each carrier is required to keep a record of train movements for each dispatching district under the direction and control of a dispatcher who uses a telegraph, telephone, radio, or any other electrical or mechanical device to dispatch, report, transmit, receive, or deliver orders relating to train movements. Each record must include the following information: (1) Identification of timetable in effect; (2) Location and date; (3) Identification of dispatchers and their times on duty; (4) Weather conditions at six-hour intervals; (5) Identification of enginemen and conductors and their times on duty; (6) Identification of trains and engines; (7) Station names and office designations; (8) Distances between stations; (9) Direction of movement and the time each train passes all reporting stations; (10) Arrival and departure times of trains at all reporting stations; and (11) Unusual events affecting the movement of trains, and identification of trains affected. There are approximately 150 dispatching offices nationwide. These records are also used/scrutinized by FRA and NTSB investigators whenever there is an accident/incident involving a train movement, and serve as a vital resource both in determining the cause(s) that led to or contributed to the accident/incident, and in determining any necessary Federal remedial measures/actions to increase rail safety.

FRA's Headquarters Safety Board reviews petitions for construction, reconstruction, or acquisition of employee sleeping quarters in order to render an informed and logical decision regarding approval or denial of such petitions based on pertinent safety considerations relating to the affected railroad employees. In particular, the FRA Safety Board reviews each petition to make sure necessary information is provided so that they can make a fair and impartial decision. All petitions must include the following information: (1) A brief description of the type of construction planned, including materials to be employed, means of egress from the quarters, and actual and projected exterior noise levels; (2) The number of employees expected to utilize the quarters at full capacity; (3) A brief description of the site, including: (i) Distance from trackage where switching or humping operations are performed, specifying distances from particular functions such as classification, repair, assembling of trains from large groups, etc.; (ii) Topography within a general area consisting of the site and all of the rail facilities close to the site; (iii) Location of other physical improvements situated between the site and areas where railroad operations are conducted; (4) A blueprint or other drawing showing the relationship of the site to trackage and other planned and existing facilities; (5) The proposed or estimated date for commencement of construction; (6) A description of the average number of and variety of rail operations in the areas within one-half mile of the site (e.g., number of cars classified in 24-hour period, number of train movements); (7) An estimate of the average daily number of placard rail cars transporting hazardous materials through the railroad facility; (8) A statement certified by a corporate officer of

the carrier possessing authority over the subject matter explaining any plans of that carrier for utilization of the existing trackage, or for the construction of new trackage, which may impact on the location of switching or humping operations within one-half mile of the proposed site and, if there are no plans, the carrier must so certify; and (9) Any further information which is necessary for evaluation of the site. The Safety Board also examines these petitions to ensure that they contain a statement that a copy of the petition has been served on the recognized representatives of the railroad employees who will be utilizing the proposed sleeping quarters and that they contain a list of the employees' representatives served with a copy of the petition.

Finally, FRA's Office of Safety carefully reviews exemption petitions from the Hours of Service Laws – on a case-by-case basis – to determine if it is consistent with rail safety and is in the public interest to grant an exemption from these regulations. Exemptions that are granted are for a specific period of time, and are reviewed by FRA annually.

In sum, FRA would be seriously hindered in enforcing the Hours of Service Laws and regulations and in promoting and maintaining a safe rail environment, as well in determining the cause(s) of rail accidents/incidents, without this vital collection of information.

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 highly encourages and strongly supports the use of advanced information technology, wherever possible, to reduce burden. In late 1990, FRA and two interested major railroads – Union Pacific (UP) and the Burlington Northern Santa Fe (BNSF) – began exploring use of technology to reduce the custodial burden of paper recordkeeping. On March 18, 1994, FRA approved the first railroad program to capture and retain hours of duty data in an electronic form. The electronic format captures Hours of Duty data at the same time other critical information, such as payroll, crew management and train data, is entered into the railroad database. Since this data is supplied by safety-sensitive railroad employees covered by the Federal Hours of Service Laws, automated payroll and crew management systems are a pre-requisite to electronic Hours of Duty Recordkeeping.

In the past four or five years, major railroads have been converting to automated payroll and crew management systems. Over the past three years, the Union Pacific (UP), CSX Transportation (CSX), Florida East Coast Railway (FEC), and Norfolk Southern (NS) have converted a total of approximately 12 million Hours of Duty Records from a paper

to an electronic format. Thus, approximately 43% of the total number of Hours of Duty Records generated each year and 43% of all responses associated with this collection of information are now kept electronically. Further burden reductions will ensue if other major railroads follow – in particular Canadian National (CN) Railway – the lead of UP and CSX and make the necessary commitment to expend the required financial resources to convert their paper Hours of Duty records to an electronic format.

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.

The information collection requirements, to our knowledge, are not duplicated elsewhere.

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.

The respondent burden varies with the number of covered employees. Small railroads with a limited number of employees would incur a very small financial/cost burden concerning the required Hours of Duty records. Also, since smaller railroads operate on a much smaller scale with less train movements, there would be a relatively small cost in maintaining the required record of Dispatchers Train Movements. Moreover, it is worth noting that the provisions regarding sleeping quarter construction are not applicable to small entities, as they traditionally do not have away-from-home lodging facilities.

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, rail safety in the United States would be seriously jeopardized. Specifically, without the Hours of Duty Records, railroad employees might work excessive hours. This could lead to fatigue, poor judgment, and mistakes on the part of these employees, which could result in accidents/incidents where railroad workers and the public are seriously injured and possibly killed. The Hours of Duty Records and Monthly Reports of Excess Service allow FRA's Office of Safety to closely monitor the railroad industry to ensure that the law is being complied with. FRA can take immediate corrective action if it discovers that railroad employees are working excessive hours.

If FRA did not collect the information provided by the Dispatcher's Record of Train

Movements, or collected this information less frequently, the agency would lose a valuable resource used to determine the cause(s) of accidents/incidents. These records provide vital information such as the identification of the timetable in effect, location and date, the identification of dispatchers and their times on duty, weather conditions at six-hour intervals, identification of enginemen and conductors and their times on duty, identification of trains and engines, station names and office designations, distances between stations, direction of movement and the time each train passes all reporting stations, arrival and departure times of trains at all reporting stations, and unusual events affecting movement of trains and identification of trains affected.

If FRA did not collect the information contained in the petitions for approval for construction of employee sleeping quarters, the safety of certain railroad workers could be greatly endangered. Specifically, if FRA were not permitted to collect this information, agency Regional staff would not be able to investigate these petitions, and the Associate Administrator for Safety would not be able to render an informed and logical approval or denial of such petitions. As a result, the construction, reconstruction, or acquisition of sleeping quarters for railroad employees covered by the Act might be unsafely located “within or actually in the immediate vicinity” of an area where railroad switching or humping operations are performed. Railroad workers might be seriously injured or killed if this were to occur.

In sum, this collection of information facilitates the accomplishment of FRA’s main mission, which is to promote and maintain rail safety throughout the 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.

Excess Service Reports (Form FRA F 6180.3) are required to be filed monthly (within 30 days of the close of the month in which the excess service occurred). This is so FRA can closely monitor circumstances where employees work excessive hours, and take any necessary measures to correct situations where the safety of train crews (and correspondingly the travelling public), signalmen, and other railroad employees might be put in jeopardy.

All other information collection requirements contained in the 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 June 16, 2006, soliciting comment on this particular information collection. 71 FR 34990. FRA received one comment in response to this notice.

The comment submitted came from the Association of American Railroads (AAR). AAR opposes OMB renewal of this information collection because FRA has not yet fully accommodated its request concerning electronic recordkeeping for the Hours of Duty Records required in this collection. Specifically, AAR remarks:

. . . FRA's hours of service regulations illegally discriminate against electronic records. FRA's regulations only permit paper records because 49 C.F.R. section 228.9 requires that HOS [Hours of Service] records be "signed" by the employee whose time on duty is being recorded (or by the ranking crew member, in the case of train crews). A railroad has to apply for a waiver to keep HOS records electronically.

AAR argues that "FRA has chosen the use of the waiver program to impose requirements that do not apply for paper records." Further, AAR states:

FRA has required railroads to, *inter alia*,

- \$ develop computer programs capable of measuring and analyzing records to determine compliance with HOS requirements, focusing on issues such as time spent "deadheading" (nonworking travel not including commuting), "commingled" service (service not subject to HOS restrictions), and employee reports of excess service;
- \$ establish quality-assurance programs consisting of regular and remedial training as determined by FRA and utilizing materials reviewed by FRA; and
- \$ make electronic records accessible to FRA through various field locations.

AAR observes that "there are no comparable requirements for paper records." AAR goes on to note that "the Government Paperwork Elimination Act (GPEA) required OMB to develop procedures for the acceptance of electronic records" and that "by Oct. 21, 2003, OMB was to ensure that agencies provide an option for the maintenance of records electronically and, where practicable, the use of electronic signatures." AAR believes that FRA's "hours of service regulations violate the GPEA's mandate to facilitate

electronic records.”

FRA and its representatives have a long relationship with AAR. There have been many contacts and discussions between FRA and AAR officials regarding the Hours of Service Regulations and electronic recordkeeping. FRA has been working for some time with the AAR on this issue. FRA has met with AAR representatives, and has indicated its intention to act on AAR’s request regarding electronic recordkeeping. FRA has a team now working on a **proposed rule** to enable electronic recordkeeping (which would eliminate the need for waivers), so AAR’s belief that FRA is unresponsive and that no progress has been made is not correct. By its nature, the process of regulatory development and enactment is a slow one. Moreover, FRA has communicated to AAR that top agency officials and specialists are available to work on any issues under current waivers while a proposed rule is being developed.

In its comments, AAR admits that electronic recordkeeping option has been and is available through agency waivers. FRA clearly then has no bias against electronic records. In fact, FRA has long encouraged the use of electronic recordkeeping, wherever feasible, to reduce burden on respondents. However, because the work of “covered employees” directly impacts rail safety and because “fatigue” resulting from excessive work hours is a direct threat to public safety and the safety of train crews and other railroad workers, FRA must ensure that the Federal hours of service (HOS) laws are strictly adhered to in order to meet its primary safety mission and its statutory obligation for HOS oversight. Although FRA permitted railroads to do away with various costly and cumbersome paper records, AAR complains that FRA imposes additional requirements for electronic records, overlooking the fact that the eliminated paper records provided FRA with much information that it needs to fulfill its statutory HOS oversight.

The Interstate Commerce Commission (ICC), in 1921, mandated hours of duty record keeping with specific data fields that facilitated its statutory oversight obligations. The format and instructions presented in the ICC order have continued to be used by railroads until the beginning of electronic hours of duty programs in the mid 1990's. However, in 1969, the U.S. Congress amended the HOS to create a second duty tour category that was neither On Duty Time nor Off Duty Time. FRA refers to that category as Limbo Time. The existing record keeping requirements, much of which was carried over from the ICC Order, were not changed as a result of the statutory amendment primarily because the “other” existing record keeping requirements, i.e., Delay Report, of the ICC Order provided the necessary information to determine Limbo Time. Railroads utilizing the Electronic waiver process are not required to maintain the Delay Report segment of the original ICC Order. Instead, the programs include an additional data field, titled “Relieved Time,” to identify the beginning of the Limbo Time. The former Off Duty field used prior to the HOS amendment has been changed to Released Time, i.e., the end of Limbo Time and the beginning of a Statutory Off Duty period. Without these fields or the Delay Report, neither FRA nor the railroads can accurately determine Total Time On Duty nor when the employees rest period begins.

Monitoring Indicators is an electronic oversight not feasible in paper records. These indicators point to excess service and/or obvious reporting flaws that liable the railroad through the penalty schedule contained in the HOS and the Code of Federal Regulations Part 228. If reporting flaws remain unchecked by the railroad, FRA is left with a record that does not facilitate its oversight and employee safety concerns for statutory compliance.

Training requirements contained in the Electronic waivers necessitate that railroads train their employees and supervisors in the applications of the HOS. The purpose of the FRA review is to make certain that the training materials properly describe and explain to employees the proper entry of data needed to determine compliance with the law. Without an accurate record with data based on the HOS, FRA can not meet its oversight obligations.

Finally, regarding AAR's allusion to the requirements of the Government Paperwork Elimination Act (GPEA), FRA is fully compliant. GPEA itself stipulates that "executive agencies provide for the option of electronic maintenance, submission, or disclosure of information as a substitute for paper and for the use and acceptance of electronic signatures, *when practicable*." Because there is no Federal Government, OMB, or Transportation Department standard for electronic recordkeeping and electronic signatures, FRA set up the Electronic waiver process so that it can closely scrutinize individual railroad requests for electronic recordkeeping relating to the Hours of Duty Records. In section 1703 of GPEA relating to the use and acceptance of electronic signatures by executive agencies, the law specifically states that the procedures developed by executive agencies "shall ensure that electronic signatures are as reliable as is appropriate for the purpose in question and keep intact the information submitted." Until a proposed rule for electronic recordkeeping is completed, FRA's Electronic waiver process attempts to do exactly that by setting requirements for the integrity, reliability, accessibility, and security of railroad HOS electronic recordkeeping systems. At the same time, FRA's waiver system has been set up to be fully enforceable legally and thus is completely in compliance with Section 1707 of GPEA. This section states:

Electronic records submitted or maintained in accordance with the procedures developed under this title, or electronic signatures or other forms of electronic authentication used in accordance with such procedures, shall not be denied legal effect, validity, or enforceability because records are in electronic form.

In sum, it is in everyone's best interest – the American public's, the railroads' and their employees, AAR's, and FRA's – that this collection of information be renewed by OMB. Although FRA has not issued an electronic rulemaking as quickly as the AAR would like, the agency is working on it and is taking the time necessary to do it right.

Background

The requirements pertaining to the Hours of Duty Records (§ 228.11), Dispatchers' Record of Train Movements (§ 228.17), and the Monthly Report of Excess Service (§ 228.19) were established by the Interstate Commerce Commission prior to the Department of Transportation's inception in 1967. No records are available on the formulation of these requirements.

The Federal Railroad Administration issued a Notice of Proposed Rulemaking (NPRM) on September 23, 1982, (49 FR 242003) proposing to eliminate two provisions in 49 CFR Part 228. No comments objecting to the proposal were received, and the proposed deletions were adopted without change.

On December 3, 1976, FRA published interim rules in the Federal Register for making the required determinations for the construction or reconstruction of sleeping quarters (41 FR 53028). [A minor amendment to the interim rules was published on June 1, 1977 (42 FR 27895).] Also, on December 3, 1976, a Notice of Proposed Rulemaking with respect to permanent rules was issued (41 FR 53070). A public hearing was convened on March 1, 1977, and there were no major objections to the paperwork requirements as proposed. The rules became final on August 18, 1978 (43 FR 31006).

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.

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.

The cost to respondents is primarily a function of labor hours. Employees in the professional and administrative occupational categories have an average hourly wage rate of \$40. Hourly rates used to estimate labor costs are derived by burdening 2004 AAR compensation rates 40 percent (see AAR's publication Railroad Facts, 2005 edition). Respondent universe is estimated at approximately 632 railroads, and the number of railroad workers covered by the Hours of Service Regulations is estimated to be approximately 100,000.

49 C.F.R. Part 228.11 - Hours of Duty Records.

Each carrier must keep a record of the following information concerning the hours of duty of each employee: (1) Identification of employee; (2) Place, date, and beginning and ending times for hours of duty in each occupation; (3) Total time on duty in all occupations; (4) Number of consecutive hours off duty prior to going on duty; and (5) Beginning and ending times of periods spent in transportation, other than personal commuting, to or from a duty assignment and mode of transportation (train, track car, carrier motor vehicle, personal automobile, etc.).

A record of duty hours must be maintained for each job category covered by the Act. There are approximately 100,000 covered employees – 90,000 train and engine employees plus 10,000 dispatchers and signalmen. It is estimated that 75% of this total will work 365 days per year (taking into account days off, etc.). FRA estimates that a total then of 27,375,000 records (75,000 workers x 365 days) will be generated each year. Based on developments over the last three years regarding conversion from paper to electronic records by Union Pacific (UP), CSX Transportation (CSX), Florida East Coast Railway (FEC), and Norfolk Southern (NS), it is estimated that presently approximately 12,000,000 of their records are kept electronically, and that approximately two (2) minutes are needed to complete the Hours of Service portion of each electronic record. The burden for these twelve million records amounts to 400,000 hours. It is further estimated that the balance of the records, or a total of 15,375,000 records, will be kept on paper, and that it will take approximately 10 minutes to complete each paper record. The burden for these records amounts to 2,562,500 hours. The total annual burden for this requirement then is 2,962,500 hours.

	Respondent Universe:
	632 railroads
Burden time per response:	2 minutes/10 minutes
Frequency of Response:	On occasion
Annual number of Responses:	27,375,000 records
Annual Burden:	2,962,500 hours
Annual Cost:	\$118,500,000

Calculation: 12,000,000 electronic records x 2 min. + 15,375,000 paper records x 10 min. = 2,962,500 hours
2,962,500 hrs. x \$40 = \$118,500,000

49 C.F.R. Part 228.17 - Dispatchers Record of Train Movements.

Each carrier must keep, for each dispatching district, a record of train movements made under the direction and control of a dispatcher who uses telegraph, telephone, radio, or any other electrical or mechanical device to dispatch, report, transmit, receive, or deliver

orders pertaining to train movements. The following information must be included in the record: (1) Identification of timetable in effect; (2) Location and date; (3) Identification of dispatchers and their times on duty; (4) Weather conditions at six (6) hour intervals; (5) Identification of enginemen and conductors and their times on duty; (6) Identification of trains and engines; (7) Station names and office designations; (8) Distances between stations; (9) Direction of movement and the time each train passes all reporting stations; (10) Arrival and departure times of trains at all reporting stations; and (11) Unusual events affecting movement of trains and identification of trains affected.

Each dispatching office is required to maintain a record of train movements made under the direction of a dispatcher. There are approximately 150 such offices nationwide, and each office will keep a record 365 days a year. A total of 54,750 records then will be kept each year. It is estimated that it will take approximately six (6) hours to complete each record. Total annual burden for this requirement is 328,500 hours.

Respondent Universe:	150 dispatch offices
Burden time per response:	6 hours
Frequency of Response:	On occasion
Annual number of Responses:	54,750 records
Annual Burden:	328,500 hours
Annual Cost:	\$13,140,000

Calculation: 54,750 records x 6 hrs. = 328,500 hours
 328,500 hrs. x \$40 = \$13,140,000

49 CFR Part 228.19 - Monthly Reports of Excess Service.

Each carrier must report to the Associate Administrator for Safety (RRS-1), Federal Railroad Administration, Washington, D.C. 20590, each of the following instances, within 30 days after the calendar month in which the instance occurs: (1) A member of a train or engine crew or other employee engaged in or connected with the movement of any train, including a hostler, is on duty for more than 12 consecutive hours; (2) A member of a train or engine crew or other employee engaged in or connected with the movement of any train, including a hostler, returns to duty after 12 hours of continuous service without at least 10 consecutive hours off duty; (3) A member of a train or engine crew or other employee engaged in or connected with the movement of any train, including a hostler, continues on duty without at least eight consecutive hours off duty during the preceding 24 hours; (4) A member of a train or engine crew or other employee engaged in or connected with the movement of any train, including a hostler, returns to duty without at least eight consecutive hours off duty during the preceding 24 hours; (5) An employee who transmits, receives, or delivers orders affecting train movements is on duty for more than nine hours in any 24-hour period at an office where two or more shifts are employed; (6) An employee who transmits, receives, or delivers orders affecting train movements is on duty for more than 12 hours in any 24-hour period at any

office where one shift is employed; (7) An employee engaged in installing, repairing or maintaining signal systems is on duty for more than 12 hours in a 24-hour period; (8) An employee engaged in installing, repairing or maintaining signal systems returns to duty after 12 hours of continuous service without at least 10 consecutive hours off duty; (9) An employee engaged in installing, repairing or maintaining signal systems continues on duty without a least eight consecutive hours off duty during the preceding 24 hours; and (10) An employee engaged in installing, repairing or maintaining signal systems returns to duty without at least eight consecutive hours off duty during the preceding 24 hours.

Reports required by the above paragraph (§ 228.19 (a)) must be filed in writing on FRA Form 6180.3 with the Office of Safety, Federal Railroad Administration, Washington, D.C. 20590. A separate form must be used for each instance reported.

Each carrier then must report the circumstances where their employees have exceeded maximum duty hour limitations. There are approximately 300 respondents. Although the excess service situations vary considerably due to carrier size and compliance considerations, FRA estimates that the average annual number of submissions will be approximately 1,800. It is estimated that approximately two (2) hours will be required to prepare the report and forward it to FRA. Total annual burden for this requirement is 3,600 hours.

Respondent Universe:	300 railroads
Burden time per response:	2 hours
Frequency of Response:	On occasion
Annual number of Responses:	1,800 reports (forms)
Annual Burden:	3,600 hours
Annual Cost:	\$144,000

Calculation: 1,800 reports x 2 hrs. = 3,600 hours
 3,600 hrs. x \$40 = \$144,000

49 CFR Part 228.23 - Criminal Penalty For False Report or Record

Any person who knowingly and willfully falsifies a report or record required to be kept under this part or otherwise knowingly and willfully violates any requirement of this part may be liable for criminal penalties of a fine up to \$5,000, imprisonment for up to two years, or both, in accordance with 45 U.S.C. 438(e).

FRA estimates that there will be zero (0) falsified reports or records kept by railroad under this Part. Consequently, there is no burden associated with this requirement.

49 CFR Part 228.103 - Construction of Employee Sleeping Quarters.

A common carrier that has developed plans for the construction or reconstruction of

sleeping quarters subject to this Subpart and which is considering a site less than one-half mile (2,640 feet) (804 meters) from any area where switching or humping operations are performed, measured from the nearest rail of the nearest trackage utilized on a regular or intermittent basis for switching or humping operations to the point on the site where the carrier proposes to construct or reconstruct the exterior wall of the structure, or portion of such wall, which is closest to such operations, must obtain the approval of the Federal Railroad Administration before commencing construction or reconstruction on that site. Approval may be requested by filing a petition conforming to the requirements of this Subpart.

A petition must be filed in triplicate with the Secretary, Railroad Safety Board, Federal Railroad Administration, Washington, D.C. 20590 and must contain the following information: (1) A brief description of the type of construction planned, including materials to be employed, means of egress from the quarters, and actual and projected exterior noise levels and projected interior noise levels; (2) The number of employees expected to utilize the quarters at full capacity; (3) A brief description of the site, including: (i) Distance from trackage where switching or humping operations are performed, specifying distances from particular functions such as classification, repair, assembling of trains from large groups of cars, etc.; (ii) Topography within a general area consisting of the site and all of the rail facilities close to the site; (iii) Location of other physical improvements situated between the site and areas where railroad operations are conducted; (4) A blueprint or other drawing showing the relationship of the site to trackage and other planned and existing facilities; (5) The proposed or estimated date for commencement of construction; (6) A description of the average number and variety of rail operations in the areas within one-half mile (2,640 feet) (804 meters) of the site (e.g., number of cars classified in 24-hour period; number of train movements); (7) An estimate of the average daily number of placarded rail cars transporting hazardous materials through the railroad facility (where practicable, based on a 365-day period sample, that period not having ended more than 120 days prior to the date of filing the petition), specifying the (i) Number of such cars transporting class A explosives and poison gases; and (ii) Number of DOT Specification 112A and 114A tank cars transporting flammable gas subject to FRA emergency order No. 5; (8) A statement certified by a corporate officer of the carrier possessing authority over the subject matter explaining any plans of that carrier for utilization of existing trackage, or for the construction of new trackage, which may impact on the location of switching or humping operations within one-half mile of the proposed site (if there are no plans, the carrier official must so certify); and (9) Any further information which is necessary for evaluation of the site.

A petition filed under this section must contain a statement that the petition has been served on the recognized representatives of the railroad employees who will be utilizing the proposed sleeping quarters, together with a list of the employee representatives served.

Each railroad then must petition FRA to allow the construction or reconstruction of employee sleeping quarters in the vicinity of any area where switching is performed. There have been no submissions under this requirement in the last five years. However, it is possible that FRA could receive one such a petition a year over the next three (3) years and, if a railroad should decide to petition FRA under this requirement, it is estimated that it would take approximately 16 hours to gather the necessary data, prepare the petition and other required documentation, and send the stipulated number of copies to the appropriate parties. Total annual burden for this requirement is 16 hours.

Respondent Universe:	632 railroads
Burden time per response:	16 hours
Frequency of Response:	On occasion
Annual number of Responses:	1 petition
Annual Burden:	16 hours
Annual Cost:	\$640

Calculation: 1 petition x 16 hrs. = 16 hours
 16 hrs. x \$40 = \$640

49 U.S.C. 21102 - The Federal Hours of Service Laws.

The Secretary of Transportation may exempt a railroad carrier having not more than 15 employees covered by chapter 211 from the limitations imposed by this chapter. The Secretary may allow the exemption after a full hearing, for good cause shown, and upon deciding that the exemption is in the public interest and will not adversely affect safety. The exemption shall be for a specific period of time and is subject to review at least annually. The exemption may not authorize a carrier to require or allow its employees to be on duty more than a total of 16 hours in a 24-hour period.

As stipulated above, a railroad that employs not more than 15 persons covered by the Federal Hours of Service Laws may be exempted from the laws' requirements by FRA after a hearing and for good cause shown. FRA estimates that it will receive approximately six (6) petitions annually under this provision. It is estimated that it will take approximately 10 hours to accumulate the necessary data, and prepare each petition. Total annual burden for this requirement is 60 hours.

Respondent Universe:	15 railroads
Burden time per response:	10 hours
Frequency of Response:	On occasion
Annual number of Responses:	6 petitions
Annual Burden:	60 hours
Annual Cost:	\$2,400

Calculation: 6 petitions x 10 hrs. = 60 hours

60 hrs. x \$40 = \$2,400

The total burden for this entire collection of information is 3,294,676 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.

Additional Costs to Respondents are as follows:

Cost to Maintain IT Electronic Database of Hours of Duty Record	\$ 10,000
Postage and Miscellaneous	1,000
TOTAL	11,000

- 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.**

Federal Costs

49 C.F.R. 228.11 and 228.17

There is no cost to the Federal Government in connection with these recordkeeping requirements since inspectors examine various records as a routine part of their daily inspection activities.

49 C.F.R. 228.19

Approximately 1,200 hours will be spent by FRA inspectors interviewing, processing and following up on the reports submitted by the railroads. Multiplying 1,200 hours times the estimated \$49 per hour (including 40 percent overhead) would be \$58,800 in labor costs annually.

The cost for providing 1,800 forms used to file excessive service is approximately \$126 (1,800 x \$.07 for cost of form and distribution). Since the required form is on FRA's Website and available for easy downloading, the cost is most likely zero. However, FRA is calculating a cost here to be conservative and to take into account any railroads which might not have access to the Internet.

49 C.F.R. Part 228.103

The total annual cost to the Federal Government for obtaining, evaluating, and processing information is \$564. This is calculated as follows: One-half hour for each petition to prepare public notice, eight hours field investigation and reporting of findings, three hours evaluating investigative report and preparing recommendation. There is approximately one petition received and handled annually. Government cost is calculated at \$49 per hour which includes a 40 percent allowance for overhead and operational expenses. (11.5 hours x 1 petition x \$49 = \$564).

Total Government Cost is \$59,490.

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 the Hours of Service Regulations has decreased by 60 hours. This decrease is an adjustment due to a revised (lower) estimate for one requirement. Specifically, FRA revised the number of petitions that it will receive under 49 U.S.C. 21102, *The Federal Hours of Service Laws*, from 12 petitions to six (6) petitions. This revised estimate *decreased* the burden by *60 hours* (from 120 hours to 60 hours).

The current inventory burden shows a total of 3,294,736 hours, while the present submission exhibits a total burden of 3,294,676 hours. Hence, there is a decrease of 60 hours.

Also, it should be noted that the cost for the annual reporting and recordkeeping burden has *decreased* by \$100,000. This is an adjustment to reflect the fact that the initial costs (information technology or software costs) for the expenses incurred by railroads to keep the Hours of Duty Records – estimated at 12 million records – electronically have already been expended. The current inventory shows a cost of \$111,000, while the revised submission exhibits a cost of \$11,000. Hence, there is a *decrease* of \$100,000.

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 publish the information collected in this submission.

- 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 main DOT strategic goal, namely transportation safety. Without this collection of information, rail safety throughout the U.S. might be seriously jeopardized. Specifically, the number of accidents/incidents and the severity of injuries might increase because railroad employees performing covered service worked excessive amounts of hours. Such excessively heavy work schedules could lead to fatigue, poor judgment, and mistakes on the part of these employees that could result in a greater likelihood/increased risk of accident/incidents. The collection of information, particularly the Hours of Duty Records and the Monthly Reports of Excess Service, enhances rail safety by allowing FRA to closely monitor the railroad industry to ensure compliance with Federal regulations, and to take immediate corrective action in situations where the law and Federal regulations are not being observed.

The collection of information, notably the Dispatcher's Record of Train Movements, further enhances rail safety by providing a valuable resource that FRA and other investigating agencies can use in determining the cause(s) or contributing cause(s) of accidents/incidents. These records provide vital information, such as the identification of the timetable in effect; location and date; the identification of dispatchers and their times on duty; weather conditions at six-hour intervals; identification of enginemen and conductors and their times on duty; identification of trains and engines, direction of movement and the time each train passes all reporting stations; and unusual events affecting movement of trains and identification of trains affected. 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.

Lastly, the collection promotes rail safety by providing a safe environment for railroad workers. In particular, the petitions for approval for construction of employee sleeping quarters that must be submitted to FRA ensures that any construction or reconstruction of sleeping quarters located "within or in the immediate vicinity" of an area where railroad switching or humping operations are performed is done in a manner consistent with railroad safety. Thus, it is highly unlikely that railroad workers will be injured or killed because sleeping quarters were placed in an unsafe area.

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 number of hours worked by railroad employees performing covered service. 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.