

SUPPORTING STATEMENT

A. Justification

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.

Collecting data on the nation's transportation system is an important component of BTS's responsibility to the transportation community and is authorized in BTS statutory authority (49 USC 111(c)(1) and (2) and 49 USC 111(c)(5) (j)). Further, BTS and the Federal Railroad Administration (FRA) share a common interest in promoting rail safety based on better data. To that end, BTS has agreed through a Memorandum of Understanding to support FRA in collecting, processing and analyzing data for research purposes.

FRA's Office of Research and Development (RDO) has been conducting research and demonstration projects focused on organizational safety performance (OSP) and human behavioral issues that contribute to accidents and incidents arising from the operation of a railroad carrier (accidents), including employee injuries in the railroad workplace. The RDO has an OSP Program, which emphasizes proactive, risk management approaches to accident prevention: collecting and analyzing precursor data in order to manage the risk of accidents. One of the OSP projects is the Confidential Close Call Reporting System (C³RS): a five-year research and demonstration project aiming at improving safety in the rail industry through information on precursors to rail accidents extracted from reports on close calls and near misses.

A close call represents a situation in which an ongoing sequence of events was stopped from developing further, preventing the occurrence of potentially serious safety-related consequences. This might include the following: (1) events that happen frequently, but have low safety consequences; (2) events that happen infrequently but have the potential for high consequences (e.g., a train in dark territory proceeds beyond its authority); (3) events that are below the FRA reporting threshold (e.g., an event that causes a minor injury); and (4) events that are reportable to FRA but have the potential for a far greater accident than the one reported (e.g., a slow speed collision with minor damage to the equipment and no injuries.)

Close call events represent an opportunity to identify root causes of unsafe behaviors and correct weaknesses in a railroad's safety system prior to an unsafe event. This voluntary reporting system will capture information that would otherwise remain unknown and provide railroad carriers and FRA with opportunities to identify and address safety issues proactively. FRA considers this an important agency effort at improving rail safety as evidenced by the fact that C³RS is a part of the Secretary's National Rail Safety Action Plan.

The current project resulted from a recommendation by participants at the April 2003 human factors workshop: Improving Railroad Safety Through Understanding Close Calls, held in Baltimore, MD. The Close Call Planning Committee, representing stakeholders from the railroad carriers (Association of American Railroads, New Jersey Transit, BNSF, and American

Short Line & Regional Railroad Association), labor organizations (United Transportation Union, Brotherhood of Locomotive Engineers and Trainmen, and Brotherhood of Railroad Signalmen), and government (FRA, National Transportation Safety Board, Bureau of Transportation Statistics and the John A. Volpe National Transportation Systems Center), met regularly over 3 years to design the workshop and the framework for this project. The group also completed a Model Memorandum of Understanding (MMOU) that describes the project operations and the rights, roles, and responsibilities of the participants.

Based on the MMOU, the Bureau of Transportation Statistics (BTS) will develop and operate the close calls reporting data system and receive the reports. As the owner of the information, BTS will protect the confidentiality of this information through its own confidentiality statute (49 U.S.C. 111(k)) and through the Confidential Information Protection and Statistical Efficiency Act of 2002 (Public Law 107-347, title V, subtitle A) (Since the data will be collected directly by BTS and will be used for statistical purposes only.). Railroad employees reporting a close call will receive protection from carrier discipline and/or decertification and FRA enforcement if they report an event within 48 hours after its occurrence. Carriers are also shielded from FRA enforcement potentially arising from reported events.

Through this submission, BTS is requesting clearance for a single pilot site to accept reports on close calls from employees of Union Pacific railroad at the Service Unit in North Platte, Nebraska.

2. Indicate how, by whom, and for what purpose the information is to be used. Indicate the actual use the agency has made of the information received from the current collection.

The FRA is the sponsor of this research effort and has pledged to support the implementation of C³RS at several pilot sites. Through a Memorandum of Understanding with FRA, Union Pacific Railroad (UP) has agreed to be the first pilot site. Specifically, all employees assigned to yard and rail operations at UP's Service Unit in North Platte, Nebraska will comprise the first group to participate in a voluntary reporting of close calls in the rail industry. BTS has agreed to develop a data warehouse for the C³RS and provide statistical support for the project. In that capacity, BTS will accept, store, process, and analyze data on close calls reported to the C³RS while assuring the data's confidentiality. The system will serve to both capture data that would otherwise not be reported to either the railroad carriers (carriers) or the FRA as well as provide the carriers and the FRA with opportunities to identify safety issues that require corrective action.

Respondents will be invited to submit a close call report whenever a qualified event occurs in the course of their workday. A Peer Review Team (PRT), comprised of key stakeholder representatives from FRA, BTS, the pilot site, and labor organizations will analyze close call reports after identifying information has been removed and offer recommendations for corrective actions. All PRT members will be designated as agents of BTS under CIPSEA. The data will be used for statistical purposes only.

Since these reports will be coming from a single pilot site, results and estimates will not be

generalized beyond this site. These results will be used to study the feasibility of such a program and better understand the nature of such close calls.

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 submissions 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.

In developing the reporting requirements, we have attempted to ensure that the form and format of the survey questionnaire are designed to minimize the burden of the respondents while increasing the confidence and trust in the Close Calls Reporting System.

Due to the unique working conditions at the UP facility in North Platte, electronic submission of responses was deemed infeasible and was rejected as an option by the participating stakeholders (this includes UP management as well as labor leadership at the pilot site.) In order to minimize respondent burden, railroad workers will be asked to fill out and submit a report to BTS postmarked within 48 hours of the event. Printed C³RS report forms will be available at several locations within their work site and will also be downloadable from the C³RS and the BTS websites. If they are unable to submit a report within 48 hours, they are asked to call C³RS at (866) 683-9265 within 48 hours of the event to file a report by phone. Reports filed by telephone must be followed by mailing the completed report form, postmarked within 3 calendar days of the call.

4. Describe efforts to identify duplication. Show specifically why similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

C³RS is an innovative research program within the railroad industry. UP's Service Unit in North Platte will be the first railroad facility to participate in voluntary reporting of close calls and near misses to the federal government. No such data have ever been collected by UP or any other railroad carrier.

5. If the collection of information impacts small businesses or other small entities, describe efforts to minimize burden.

This does not apply to the C³RS evaluation survey data collection because Union Pacific Railroad is the only business entity (not a small business) participating in this research study.

6. Describe the consequence to the Federal Program or policy activities if the collection were not collected or conducted less frequently.

The Federal Aviation Administration (FAA) established a voluntary reporting system, the Aviation Safety Reporting System (ASRS) for near misses in the mid 70's. Since then the ASRS has been an excellent source of information on precursors and unsafe work practices that can potentially lead to tragic accidents. Both the FAA and the aviation industry have used information from the ASRS to put in place guidelines and recommendations aimed at improving safety.

The requested data collection is a demonstration/research project to evaluate the feasibility of implementing a voluntary reporting system much like the ASRS in the railroad industry. The UP facility in North Platte will be the first pilot site. As funding becomes available, additional pilot sites will be included in the C³RS project. Without a successful pilot project, implementing voluntary reporting of close calls in the railroad industry could have disastrous consequences ranging from losing trust and cooperation of key stakeholders in rail safety to wasting federal resources on an ineffective intervention program.

Without good data from pilot sites, it will be impossible to make a determination as to whether voluntary reporting of close calls in the railroad industry could lead to an effective safety intervention program, like the ASRS has been for the aviation industry, or how a program like C³RS could be scaled-up at other railroads.

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, government contracts, grant-in-aid, or tax records for more than 3 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 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 statute 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 secrets, 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.**

There are no special circumstances that pertain to this data collection.

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 the notice and describe actions taken by the agency in response to these comments.

The notice was published on April 27, 2006 in 71 FR 24913. No comments were received.

9. Explain any decision to provide any payment or gift to respondents, other than re-enumeration of contractors or grantees.

No payment or gift of any kind is being made to any respondents.

10. Describe any assurances of confidentiality provided to respondents.

The confidentiality of C³RS evaluation data is protected under the BTS confidentiality statute (49 U.S.C. 111 (k)) and the Confidential Information Protection and Statistical Efficiency Act (CIPSEA) of 2002 (Public Law 107-347, Title V). In accordance with these confidentiality statutes, only statistical and non-identifying data will be made publicly available through reports. Further, BTS will not release to FRA or any other public or private entity any information that might reveal the identity of individuals or organizations mentioned in the evaluation survey questionnaires.

11. Are there any questions of a sensitive nature?

Although there are no questions of sensitive/personal nature, reporting of a close call can potentially place the employee at risk for disciplinary action. In an effort to mitigate those concerns, the FRA and UP (the participating railroad) have agreed, through a Memorandum of Understanding and a Waiver Agreement, to offer protection from carrier discipline and/or decertification, and FRA enforcement, if the employee reports an event within 48 hours after its occurrence

In addition, employees submitting a close call report will be asked to provide name, address and a phone number where they can be reached by a BTS employee with expertise in rail safety. This is done for two reasons: 1) to validate the authenticity of a close call report (only a limited number of employees will be eligible to report close calls and near misses to the C³RS system) and 2) to make any necessary corrections to the description of the close call event in the case where the narrative is not readable because of poor penmanship, or it is incomplete.

Once a close call report has been authenticated, and there is no further need to contact the reporting employee, all personal identifiers will be deleted from the data system.

12. Provide estimates of reporting burden.

There are about a total of 1200 Union Pacific employees who are eligible to report a close call. If approximately one close call were reported a day, then we would expect about 350 reports per year. This is probably an overestimate based on the experience of the ASRS system with airline workers which received less than 50 reports in the first two years of operation.

Number of Responses	350
Frequency of Response	1 per person per close call
Burden Per Response	0.5 hours
Annual burden hours	175.0 hours

We believe the actual burden time will be no more than 30 minutes.

Annualized cost is estimated to be: **\$4,446** ($147*24.80 + 28*28.60 = 4,446$)

The annualized cost is estimated based on 147 burden hours for workers and 28 burden hours for managers participating in the C³RS demonstration project and earning an average of \$24.80 and \$28.60 per hour respectively.

Note: managers represent 16% of eligible employees, thus contributing 28 hours to the total of 175 burden hours.

13. Provide an estimate of cost to the respondents. Do not include the cost of any hour burden shown in items 12 and 14. General estimates should not include purchase of equipment or services or portions thereof made prior to October, 1995.

The entire cost of this data collection is imbedded in the hourly burden. There is no additional cost to the respondent.

14. Provide estimates of annualized cost to the Federal Government.

Federal Costs

Overhead & Miscellaneous Expenses	\$8,000 (3.750 O. & 5.250 ME)
Manpower	\$30,000 (1/4 FTE @ \$120K)
Contract support	<u>\$82,000</u>
 Total Government Cost	 \$120,000 *

* This covers the total government cost for the development and operation of the data warehouse including the cost for adding more pilot sides, as they become available.

15. Explain the reasons for any program changes or adjustments in Items 13 or 14 of OMB 83-I.

The reason for the Program Change is that the proposed demonstration/pilot study is a new data collection.

16. Is the information received published?

No. The information received through this data collection will be used to evaluate the feasibility of implementing a voluntary reporting system of close calls and near misses in the railroad industry. Summary reports will only be made available to the PRT (all PRT members will sign a pledge of confidentiality and will be considered BTS agents under CIPSEA).

17. Is the agency seeking approval not to display the expiration date for OMB approval?

No.