

**INFORMATION COLLECTION  
SUPPORTING JUSTIFICATION  
TRACK SAFETY STANDARDS  
OMB NO. 2130-0010**

- 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 a revision of a currently approved submission. FRA is amending the Federal Track Safety Standards to improve the inspection of rail joints in continuous welded rail. Specifically, FRA is issuing a final rule that would require railroads to modify their plans for maintaining continuous welded rail (CWR) as required by 49 CFR § 213.119. Under this final rule, railroads or track owners will be required to develop and implement a procedure for the detailed inspection of rail joints in CWR. The final rule also requires track owners to keep records of those inspections. FRA is adopting this rule in order to comply with the requirements of 49 U.S.C. § 20142(e). FRA has revised the information in this collection – where appropriate and necessary – to reflect modifications to the aforementioned section (§ 213.119), the current rule’s requirements, the most current available data, and FRA’s experience over the past three years in implementing the requirements of this rule.

CWR Background

CWR refers to the way in which rail joint is joined together to form track. In CWR, rails are welded together to form one continuous rail that may be several miles long. Although CWR is normally one continuous rail, there can be joints in it for one or more reasons: the need for insulated joints that electrically separate track segments for signaling purposes, the need to terminate CWR installations at a segment of jointed rail, or the need to remove and replace a section of defective rail. (*Note: Rail joints commonly consist of two joint bars that are bolted to the sides of the rail and that contact the rail at the bottom of the rail head and the top surface of the rail base*).

FRA issued the first Federal Track Safety Standards in 1971. *See* 36 FR 20336. FRA addressed CWR in a rather general manner, stating, in § 213.119, that railroads must install CWR at a rail temperature that prevents lateral displacement of track or pull-aparts of rail ends and that CWR should not be disturbed at rail temperatures higher than the installation or adjusted installation temperature. In 1982, FRA deleted § 213.119, because FRA believed it was so general in nature that it provided little guidance to railroads and it was difficult to enforce. *See* 47 FR 7275 and 47 FR 39398. FRA stated:

“While the importance of controlling thermal stresses within continuous welded rail has long been recognized, research has not advanced to the point where specific safety requirements can be established.” 47 FR 7279. FRA explained that continuing research might produce reliable data in this area in the future.

In the Rail Safety Enforcement and Review Act of 1992 (Public Law 102-365, September 3, 1992), Congress mandated that FRA evaluate procedures for installing and maintaining CWR. In 1994, in the Federal Railroad Safety Reauthorization Act (Public Law 103-272, July 5, 1994), Congress required DOT to evaluate cold weather installation procedures for CWR. In light of the evaluation of those procedures, as well as information resulting from FRA’s own research and development, FRA addressed CWR procedures by adding § 213.119 in its 1998 revision of the Track Safety Standards. See 63 FR 33992. Section 213.119, as added in 1998, requires railroads to develop procedures that, at a minimum, provide for the installation, adjustment, maintenance, and inspection of CWR, as well as a training program and minimal recordkeeping requirements. Section 213.119 does not dictate which procedures a railroad must use in their CWR plans. It allows railroads to develop and implement their individual CWR plans based on procedures which have proven effective for them over the years. Accordingly, procedures can vary from railroad to railroad.

On August 10, 2005, President Bush signed the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), (Public Law 109-59, August 10, 2005) into law. Section 9005(a) of SAFETEA-LU amended 49 U.S.C. §20142 by adding a new subsection (e) as follows:

(e) Track Standards.–

(1) In General.–Within 90 days after the date of enactment of this subsection, the Federal Railroad Administration shall-

(A) require each track owner using continuous welded rail track to include procedures (in its procedures filed with the Administration pursuant to section 213.119 of title 49, Code of Federal Regulations) to improve the identification of cracks in rail joint bars;

(B) instruct Administration track inspectors to obtain copies of the most recent continuous welded rail programs of each railroad within the inspectors’ areas of responsibility and require that inspectors use those programs when conducting track inspections; and

(C) establish a program to review continuous welded rail joint bar inspection data from railroads and Administration track inspectors

periodically.

(2) Inspection.—Whenever the Administration determines that it is necessary or appropriate, the Administration may require railroads to increase the frequency of inspection, or improve the methods of inspection, of joint bars in continuous welded rail.

Pursuant to that mandate, FRA is revising the Track Safety Standards located in 49 CFR part 213.

Since FRA's 1998 revision of the Track Safety Standards, there have been a number of train accidents in which the failure of a rail joint in CWR was a factor. The National Transportation Safety Board (NTSB) investigated three recent accidents and made recommendations to FRA concerning joints in CWR. The NTSB recommendations closely parallel the statutory mandate requiring this rule. The first accident involved the derailment of a Canadian Pacific Railway (CPR) freight train. On January 18, 2002, CPR freight train 292-15 derailed 31 of its 112 cars about a half-mile west of the city limits of Minot, North Dakota. Five tank cars carrying anhydrous ammonia, a liquefied compressed gas, catastrophically ruptured, and a vapor plume covered the derailment site and surrounding area. About 11,600 people occupied the area affected by the vapor plume. One resident was fatally injured, and 60 to 65 residents of the neighborhood nearest the derailment site were rescued. As a result of the accident, 11 people sustained serious injuries, and 322 people, including the two train crew members, sustained major injuries. Damages exceeded \$2 million, and more than \$8 million has been spent in environmental remediation.

In its Railroad Accident Report, the NTSB determined that the probable cause of the derailment was "an ineffective Canadian Pacific Railway inspection and maintenance program that did not identify and replace cracked joint bars before they completely fractured and led to the breaking of the rail at the joint." The NTSB found that the catastrophic failure of five tank cars and the instantaneous release of 146,700 gallons of anhydrous ammonia contributed to the severity of the accident. The NTSB issued several findings in its report. The NTSB found that the train derailed because joint bars at the east end of the plug rail fractured (either under the previous train or as the accident train passed over the joint), and then, after the joint bars fractured, the rail itself also fractured and broke away. The NTSB found that CPR's inspection procedures regarding rail joint bars in CWR were inadequate to properly inspect and maintain joints within CWR, and those inadequate procedures allowed undetected cracking in the joint bars at the accident location to grow to a critical size. In a similar vein, the NTSB found that FRA's requirements regarding rail joint bars in CWR were ineffective, because they did not require on-the-ground visual inspections or nondestructive testing adequate to identify cracks before they grow to critical size and result in joint bar failure.

The NTSB also found that FRA's oversight of CPR's CWR program was ineffective, because FRA neither reviewed the CWR program nor ensured that its track inspectors had copies of the CWR programs to determine if the railroad was in compliance with it. As a result of its findings, the NTSB made seven safety recommendations. The three most salient are quoted below:

Require all railroads with continuous welded rail track to include procedures (in the programs that are filed with the Federal Railroad Administration) that prescribe on-the-ground visual inspections and nondestructive testing techniques for identifying cracks in rail joint bars before they grow to critical size.

Establish a program to periodically review continuous welded rail joint bar inspection data from railroads and Federal Railroad Administration track inspectors and, when determined necessary, require railroads to increase the frequency or improve the methods of inspection of joint bars in continuous welded rail.

Instruct Federal Railroad Administration track inspectors to obtain copies of the most recent continuous welded rail programs of the railroads that fall within the inspectors' areas of responsibility and require that inspectors use those programs when conducting track inspections.

The second accident involved the derailment of an Amtrak train near Flora, MS. On April 6, 2004, National Railroad Passenger Corporation (Amtrak) train No. 58 (*City of New Orleans*) derailed on Canadian National Railway Company track near Flora, Mississippi. The entire train derailed, including one locomotive, one baggage car, and eight passenger cars. The derailment resulted in one fatality, three serious injuries, and 43 minor injuries. The equipment costs associated with the accident totaled about \$7 million. In its draft Railroad Accident Report, the NTSB determined that the probable cause of the accident was "the failure of the Canadian National Railway Company to properly maintain and inspect its track, resulting in rail shift and the subsequent derailment of the train, and the Federal Railroad Administration's ineffective oversight to ensure proper maintenance of the track by the railroad." The NTSB made two recommendations to FRA, the most relevant of which is hereby quoted:

Emphasize to your track inspectors the importance of enforcing a railroad's continuous welded rail program as a part of the Federal Track Safety Standards, and verify that inspectors are documenting noncompliance with the railroad's program.

The third accident involved the derailment of a Union Pacific (UP) freight train near Pico Rivera, CA. On October 16, 2004, UP freight train ZLAMN-16 derailed three locomotives and 11 cars near Pico Rivera, California. Small amounts of hazardous materials were released from the transported cargo. There were no injuries to area

residents, the train crew, or the emergency response personnel. UP estimated the monetary damage at \$2.7 million. In its Railroad Accident Brief, the NTSB determined “that the probable cause of the derailment was the failure of a pair of insulated joint bars due to fatigue cracking. Contributing to the accident was the lack of an adequate on-the-ground inspection program for identifying cracks in rail joint bars before they grow to critical size.” The NTSB reiterated two of the recommendations that it had made to FRA after the Minot, North Dakota, accident regarding (1) on-the-ground visual inspections and non-destructive testing techniques and (2) establishing a program to review joint bar inspection data. The NTSB further stated in its brief:

The CWR track involved in the Pico Rivera accident had all the inspections required by the UP and the FRA. In some instances, the inspections were done more frequently than required. Nevertheless, the inspections failed to detect the developing problems and prevent the ultimate failure. Additionally, during the 2 days after the last inspection, more than 100 trains passed over the insulated joint bars without either discovering or reporting a defect. Trains traversed the area after the insulated joint bars were completely broken, as evidenced by the rail batter in both directions.

Several indications of an imminent or actual defect were present before this accident, which the inspection from a moving vehicle did not discover, including the following: (1) The epoxy bead was missing from the center section of the insulated joint bar, indicating vertical movement; (2) The joint bars cracked before they completely fractured. Part of each crack was visible on the lower outer portion of the bar for some time before its failure; and (3) Rail end batter developed when the joint bars completely fractured and trains continued to pass over them in both directions. These indications developed over time, and a close visual inspection from the ground would have likely uncovered the emerging problem and allowed corrective action to be taken to avoid the accident.

Earlier versions of § 213.119 did not require track owners to include any provisions in their CWR plan related to joints in CWR. Track owners were required simply to address joints in CWR in the same manner as they addressed joints in conventional jointed rail. See 49 CFR § 213.121. In keeping with the mandate from Congress (49 U.S.C. 20142(e)(1)(A) and 49 U.S.C. 20142(e)(1)(c)) and the recommendations of the NTSB, this final rule – and associated information collection – now requires railroads or track owners to incorporate into their CWR plans written procedures on the inspection of joints in CWR.

- 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 new or additional continuous welded rail (CWR) information will be used by FRA to ensure that railroads or track owners develop and implement plans containing written procedures for the detailed inspection of rail joints in CWR. Specifically, FRA and its inspectors will ensure that railroads or track owners develop and implement written procedures which prescribe the scheduling and conduct of physical track inspections to detect cracks and other indications of incipient failures in joints in CWR. To ensure compliance with the requirements of this amended rule, FRA will confirm that railroads or track owners specify in their written procedures that all joints in CWR in the various track classes are inspected according to the schedule prescribed in § 213.119(g)(6)(i). FRA will verify that these procedures address periodic and special on-foot inspection of joints and of the track structure at joints in order to identify (i) joint bars with visible or otherwise detectable cracks; (ii) loose, bent, or missing joint bolts; (iii) rail end batter or mismatch that contributes to the instability of the joint; and (iv) evidence of excessive longitudinal rail movement in or near the joint, including, but not limited to, wide rail gap, defective joint bolts, disturbed ballast, surface deviations, gap between tie plates and rail, or displaced rail anchors.

Additionally, FRA will review railroads/track owners CWR plans to verify the following: (1) That they specify procedures for the inspection of joints that are imbedded in highway-rail crossings or in other structures that prevent a complete inspection of the joint, including procedures for the removal from the joint of loose material or other temporary material; (2) That they specify the appropriate corrective actions, consistent with the track owner's CWR plan, that should be taken when personnel find conditions of actual or potential joint failure; (3) That they specify the timing of the inspections, which should be based on the configuration, and meet the other requirements spelled out in § 213.119(g)(6)(i)-(iv). FRA inspectors will follow-up these reviews to ensure that railroads and track owners actually comply with the procedures set forth in their CWR plans.

The new Fracture Reports required under § 213.119(g)(7) will be used by railroads to enhance rail safety by improving the identification of cracks in rail joint bars. Track owners must generate a Fracture Report for every cracked or broken CWR joint bar that the track owner discovers during the course of an inspection conducted pursuant to §§ 213.119(g), 213.233 or 213.35 on track that is required under § 213.119(g)(6)(i) to be inspected. The Fracture Report must be completed twice annually and must be prepared on the day the cracked or broken joint is discovered. The Fracture Reports will be used by railroads to provide useful data regarding joint conditions that lead to joint bar failure and enable railroads to take early preventive measures when these conditions are discovered. By taking early preventive measures to fix or replace joint cracks or broken bars, railroads can facilitate the smooth operation of their trains as well as reduce the number and severity of rail accidents.

FRA will review the Fracture Reports to ensure that railroads are conducting the required inspections and taking the necessary corrective actions once cracks and breaks are

discovered. Fracture Reports will provide FRA with additional insight into the effectiveness of the new inspection requirements. Because the inspection frequency was developed in part on modeling results, the Fracture Reports can be used by FRA evaluate the reasonableness of model predictions. Certain data elements in the report can be used to estimate joint bar crack growth rates, which is crucial to determining proper inspection intervals. Based on the number of Fracture Reports submitted to the agency and the data they provide, FRA officials can assess the appropriateness of inspection intervals and make any necessary modifications.

Under § 213.119(g)(8), in lieu of the requirements for the inspection of rail joints contained in paragraphs (g)(1) through (g)(7), track owners may seek approval from FRA to use alternate procedures. The track owners must submit the proposed alternate procedures and a supporting statement of justification to the Associate Administrator for Safety. FRA will review the data and analysis to determine whether it is safe and in the public interest to approve alternate procedures. Specifically, FRA will review this information to ensure that at least an equivalent level of safety is provided before approving any alternate procedures.

FRA has provided railroads or track owners the option to seek approval from the agency for alternate written procedures other than those listed in § 213.113(g)(1) and (g)(2) of this part. FRA will review any documents seeking approval for such alternate procedures to ensure that railroads or track owners provide an equivalent or higher level of safety than that stipulated in § 213.113(g)(1) and (g)(2). If the Associate Administrator for Safety determines that these alternate procedures meet this standard, the Associate Administrator will approve the alternate procedures by notifying the railroad or track owner in writing. The Associate Administrator will specify in the written notification the date on which the procedures will become effective and, after that date, the railroad or track owner must comply with the procedures. If the Associate Administrator determines that the alternate procedures do not provide an equivalent level of safety, the Associate Administrator will disapprove the alternate procedures in writing, and the railroad or track owner must continue to comply with the requirements set forth in § 213.113(g)(1) and (g)(2).

Additionally, FRA will review written procedures documents to ensure that railroads or track owners have in effect a comprehensive training program for the application of the required CWR written procedures, with provisions for periodic retraining, for those individuals designated under § 213.7 of this part deemed qualified to perform inspections of CWR track and to supervise the installation, adjustment, and maintenance of CWR track. Finally, FRA inspectors will review records of track constructed with CWR to ensure that these records include the following: (1) Rail temperature, location and date of CWR installations; these records must be kept for one year. (2) A record of any CWR installation or maintenance work that does not conform with the written procedures. Such record must include the location of the rail and be maintained until the CWR is brought into conformance with such procedures. Moreover, FRA inspectors will review

records on the inspection of rail joints to ensure that railroads or track owners maintain these records in accordance with § 213.241 and to ensure that railroads or track owners include in these records (i) the location of each joint in CWR with such precision that the joint can be located and identified in the field by their personnel with no ambiguity, (ii) the results of the inspection of each joint, and (iii) any remedial action required under the track owner's CWR plan.

Regarding Gage Restraint Measurement Systems (GRMS), FRA uses the information collected to ascertain those line segments on which GRMS technology – supplemented by the use of Portable Track Loading Fixtures (PTLF) – need to be implemented by track owners. Specifically, FRA reviews the information to ensure that certain minimal data are provided by railroads, including the segment's timetable designation milepost limits, track class, million gross tons of traffic per year, and any other identifying characteristics of the segment. FRA uses the information provided to evaluate the appropriateness of implementing GRMS technology on a given segment of track. FRA uses the technical data provided to ensure that minimum GRMS design requirements have been met and that GRMS vehicles have been properly calibrated so that the integrity of the data they provide is maintained.

FRA uses the information collected to ensure that track owners provide training in GRMS technology to all persons designated as fully qualified under § 213.7 and whose territories are subject to the requirements of this section. Additionally, FRA reviews GRMS training programs submitted by track owners to verify these programs address the following areas: (1) Basic GRMS procedures; (2) Interpretation and handling of exception reports generated by the GRMS vehicle; (3) Locating and verifying defects in the field; (4) Remedial action requirements; (5) Use and calibration of the PTLF; and (6) Recordkeeping requirements. Moreover, FRA reviews records of the two most recent GRMS inspections at locations meeting the requirements specified in section 213.241(b) of this Part to ascertain the location and nature of each First Level exception and the nature and date of initiated remedial action, if any, for each First Level exception identified.

#### Other Track Safety Information

Under § 213.4, FRA uses the information collected to ensure that railroads properly identify a segment(s) of track as excepted either in their timetables, special instructions, general orders, or other appropriate records. When a piece of track is designated excepted that is not listed in its timetables, a railroad will issue special instructions or a general order identifying the excepted track so that its employees know what procedures or practices to follow. Also, FRA uses the information collected to verify that the appropriate FRA Regional Office has been notified by the railroad, at least 10 days in advance, when a segment of track is removed from excepted status. Ensuring the safety of railroad employees, and the traveling public is FRA's paramount concern.



Under § 213.5, FRA uses the information collected to verify that the agency is properly informed in writing, at least 30 days in advance, when a track owner assigns responsibility for the track to another person by lease or otherwise. FRA reviews the notifications provided by railroads to make sure essential information is transmitted to the agency, including the following: (1) The name and address of the track owner; (2) The name and address of the person to whom responsibility is assigned (assignee); (3) A statement of the exact relationship between the track owner and the assignee; (4) A precise identification of the track; (5) A statement as to the competence and ability of the assignee to carry out the duties of the track owner under this part; and (6) A statement signed by the assignee acknowledging the assignment to him of responsibility for purposes of compliance with this part. In order to carry out its many duties and to enforce compliance with this part, such information is critical to FRA and its inspectors.

Under § 213.7, FRA reviews written records to ensure that qualified individuals are employed (designated) by railroads to supervise restorations and renewals of track under traffic conditions. Such designated persons must have the following qualifications: (1) At least one (1) year of supervisory experience in railroad track maintenance; or a combination of supervisory experience in track maintenance and training from a course in track maintenance or from a college level educational program related to track maintenance; (2) Demonstrated to the track owner that he (i) knows and understands the requirements of this part; (ii) can detect deviations from those requirements; and (iii) can prescribe appropriate remedial action to correct or safely compensate for those deviations; and (3) Possesses written authorization from the track owner to prescribe remedial actions to correct or safely compensate for deviations from the requirements in this part. Additionally, FRA reviews this information to ensure that each track owner, to which this part applies, designates qualified persons to inspect track for defects. Such designated individuals must have the following qualifications: (1) At least one year of experience in railroad track inspection; or a combination of experience in track inspection and training from a course in track inspection or from a college level educational program related to track inspection; (2) Demonstrated to the owner that he/she (i) knows and understands the requirements of this part; (ii) can detect deviations from those requirements; and (iii) can prescribe appropriate remedial action to correct or safely compensate for those deviations; and (3) Possesses written authorization from the track owner to prescribe remedial actions to correct or safely compensate for deviations from the requirements of this part, pending review by a qualified person designated under paragraph (a) of this section.

Under § 213.17, FRA reviews exemption petitions to see if it is safe and in the public interest to grant exemptions from any or all requirements prescribed in this Part to a railroad.

Under § 213.57, FRA uses the information collected to ensure that the track owner notifies the agency at least 30 calendar days in advance before a proposed implementation of the higher curving speeds allowed under the formula specified in

paragraph (c) of this section. This notification must be in writing and must contain, at a minimum, the following information: (i) A complete description of the class of equipment involved, including schematic diagrams of the suspension systems and the location of the center of gravity above top of rail; (ii) A complete description of the test procedure and instrumentation used to qualify the equipment and the maximum values for wheel unloading and roll angles which were observed during testing; (iii) Procedures or standards in effect which relate to the maintenance of the suspension system for the particular class of equipment; and (iv) Specific track locations where the higher curving speeds are proposed to be implemented.

Under § 213.119, track owners must prescribe recordkeeping requirements necessary to provide an adequate history of track constructed with continuous welded rail (CWR). FRA reviews these records to ensure that they include, at a minimum, the following information: (i) Rail temperature, location and date of CWR installations. This record must be retained for at least one year; and (ii) a record of any CWR installation or maintenance work that does not conform with the written procedures. Each such record must include the location of the rail and be maintained until the CWR is brought into conformance with such procedures.

Under § 213.241, track owners to which this part applies must keep a record of each inspection required to be performed on its track under this subpart. FRA reviews this information to ensure that track inspections are completed as required and to ensure that essential records are maintained and available to its inspectors so they can carry-out their duties. Federal and State investigators examine these inspection records to determine a railroad's compliance with the inspection frequency requirement of the Track Safety Standards and to verify that persons assigned to inspect tracks have been properly designated. By comparison of remedial action notations on the records with actual track conditions, it is possible for Federal and State investigators to judge the quality of railroad performed inspections. The railroads employ some 5,000 persons who are routinely engaged in track inspection, and careful review of these records may reveal weaknesses, if there are any, in the railroad's inspection and maintenance program or discrepancies in employee designation. Specifically, FRA reviews these records to ensure that they specify the date of inspection, the location and nature of any internal defects found, the remedial action(s) taken and the date thereof, and the location of any intervals of track not tested per § 213.237(d). The track owners must retain these records for at least two years after the inspection and for one year after remedial action is taken. In the event of an accident/incident, these records provide extremely valuable information, particularly if a problem with track caused the unfortunate event. The absence of these inspection records would substantially harm the Federal Government's railroad safety program.

Finally, railroads also use the information collected. Railroad companies initially use inspection reports/records to see that tracks are inspected periodically; that the inspectors are properly qualified; and the tracks are in safe condition for train operations.

Additionally, railroad companies use these reports/records for maintenance planning, particularly where defective track is discovered and where repetitive unsafe conditions occur.

**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 feasible, to reduce burden on respondents. Regarding the new requirement involving CWR Joint Bar Fracture Reports stipulated under § 213.119(g)(7)(ii) in the final rule, FRA proposes to give the track owner a variety of means for submitting these reports. The first option proposed is through an electronic data submission using eXtensible Markup Language (XML) format. The second option involves FRA developing a special web page from which railroads can register and receive credentials to access a web data entry form (with validation capabilities) to input individual Fracture Reports. FRA is also considering making available a formatted Excel spreadsheet into which railroads can input their Fracture Reports. This spreadsheet could be submitted via e-mail, electronic media, or uploaded to the FRA Office of Safety Analysis' website. As a final option, FRA plans to make available a printable version of the OMB approved Fracture Report form for download (once approval is obtained). More specific information regarding submission of Fracture Reports will be made available by FRA prior to January 2, 2007, on the Office of Safety Analysis' website at <http://safetydata.fra.dot.gov>

The Track Safety regulations permit great flexibility in the methods employed to establish employee qualifications and to determine track conditions, and only specify information which must be contained in the records. The form of that record is discretionary and entities may use any medium capable of displaying information, including electronic recordkeeping.

The rule adds a provision for the maintaining and retrieving electronic records of track inspections. Patterned after an experimental program successfully tried by the former Atchison Topeka & Santa Fe Railroad with oversight by FRA, the provision in subsections 213.119 and 213.241(e) allow each railroad to design its own electronic system as long as the system meets the specified criteria to safeguard the integrity and authenticity of each record. As a result of these two provisions, which are responsible for the great majority of the paperwork burden, approximately 99% of all responses may be collected electronically by railroads or track owners.

**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.**

This information is not available from any other source. Since the record of track inspection results describes a continuously changing condition at any given moment in time, there is no duplication of information because this information is new. The record of qualified track inspectors is unique to a specific railroad property, and no duplication of information exists.

As noted previously, the information regarding GRMS systems involves a fairly new technology, and, therefore, there is no possibility of duplication.

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.**

This collection of information – and the new CWR requirements – will have a minimal impact on small entities. In the final rule, there are approximately 200 small railroads that have CWR and are affected. To reduce burden and lessen the economic impact, FRA has adopted a phase-in of requirements. Also, FRA has created an exception for tourist and excursion railroads in § 213.119(g)(6)(ii) regarding the inspection frequency requirements. Moreover, those small railroads that are affected by the new requirement in § 213.119(g) to develop procedures for the inspection of CWR track will use a common plan developed by the American Short Line and Regional Railroad Association (ASLRRRA) to meet this requirement. Thus, the time and effort involved for these small entities will be minimal.

The burden on small railroads regarding the GRMS requirements is estimated to be extremely minimal. Small railroads will most likely opt for contractor testing for a fee on a very limited number of segments of track. The total number of burden hours resulting from the GRMS requirements then is very small.

FRA has estimated that the average burden cost per small railroad will be less than \$1,500 per year. The burden for this collection then will be greater on railroads with more track, and lower on all other affected railroads with less track.

**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 the information were not collected or collected less frequently, rail safety in the United States would be seriously jeopardized. Specifically, there might be more derailments with corresponding injuries and fatalities to railroad personnel and passengers, as well as significant amounts of property damage, if FRA could not ensure that adequate procedures were in place to detect and correct defects in continuous welded rail (CWR) track, particularly regarding defects involving rail joints in CWR. Without this collection of information, there would be no way that FRA could ensure that railroads/track owners develop and implement plans containing procedures (or alternate procedures) which describe the scheduling and conduct of physical track inspections to detect cracks and other indications of incipient failure in CWR. Without such procedures, railroads would have no thorough and systematic way to examine CWR track and detect any of the following: (i) joint bars with visible or otherwise detectable cracks; (ii) loose, or bent, or missing joint bolts; (iii) rail end batter or mismatch that contributes to instability of the joint; and (iv) evidence of excessive longitudinal rail movement in or near the joint, including – but not limited to – wide rail gap, defective joint bolts, or displaced anchors. Such defects could lead to an increased number of derailments, with corresponding increased casualties, if left undiscovered and uncorrected.

Without the Fracture Reports required in this collection of information, FRA would have no means to monitor and evaluate whether railroads are carrying out the necessary inspections and taking appropriate corrective actions when CWR joint cracks or breaks are discovered. Also, without the data provided by these Fracture Reports, FRA would have no way to determine whether the inspection methods and inspection frequencies are appropriate or should be varied.

Without this collection of information, FRA would have no way to ensure that railroad personnel are adequately and properly trained to detect CWR defects. Without the required procedural documents and records mandated by § 213.119, FRA could not know whether railroad employees understand the conditions of potential joint failure for which they must inspect, as well as the necessary remedial actions that they must take after encountering such defects, and the agency could not verify that these inspections were actually carried out. This would be a serious handicap to the railroads and FRA's efforts to improve rail safety.

Without this collection of information, there would be no way to facilitate the implementation of the new Gage Restrain Measurement System (GRMS) technology. Presently, the maintenance decisions which determine crosstie and rail fastener replacement within the industry rely heavily on visual inspections made by maintenance personnel whose subjective knowledge is based on varying degrees of experience and training. The subjective nature of these inspections sometimes results in inconsistent determinations about the ability of individual crossties and rail fasteners to maintain adequate gage restraint. GRMS technology offers a better, more objective method to determine the ability of crossties and rail fasteners to maintain adequate gage restraint. It is well known within the rail industry that crossties of questionable condition left too long

can cause wide-gage derailments. By collecting the required GRMS information, FRA can ensure the following: that GRMS is implemented on appropriate segments of track on a regional (eventually a national) basis; that GRMS design requirements have been met; that GRMS vehicles have been properly calibrated so that the integrity of the data they provide is maintained; and that suitable GRMS training programs have been established by track owners so that persons fully qualified under §213.7 are properly trained in this new technology. FRA's facilitating the implementation of GRMS technology will improve rail safety by reducing the likelihood of wide-gage derailments caused by crossties and rail fasteners which had not been replaced in a timely manner.

Other information collected and reviewed by FRA as a result of the Track Safety Standards, in particular written records, enhance rail safety by ensuring that track owners designate only qualified persons to inspect and maintain track, and to supervise restorations and renewals of track under traffic conditions. The list of qualified persons to inspect or repair track is updated as new employees become qualified. These individuals must be able to demonstrate to track owners that they have the necessary experience and knowledge so that they can detect deviations from the requirements of this Part and prescribe appropriate remedial action to correct or safely compensate for those deviations. Each designated individual, including contractor personnel engaged by the track owner, must have written authorization from the track owner to prescribe remedial actions, and must have successfully completed a recorded examination. Consequently, these persons will better be able to identify rail defects and rail mismatches; determine the condition of crossties; evaluate track surface and alignment; ascertain gage restraint; and discern the maximum distance between rail ends over which trains may be allowed to pass. This, in turn, will serve to reduce the number of accidents/incidents and corresponding injuries, deaths, and property damage.

Inspection records are extremely important and are used by Federal and State investigators in the enforcement of the Track Safety Standards, and thus help promote rail safety. Track inspection records must indicate which track(s) are traversed by a vehicle that allows qualified persons to visually inspect the structure for compliance with this Part and which track(s) are inspected by foot, as outlined in paragraph (b)(2) of § 213.233. Records must be prepared on the day the inspection is made, and must be signed by the person making the inspection. Further, records must specify the track inspected, date of inspection, location and nature of any deviation from the requirements of Part 213, the location of any intervals of track not tested per § 213.237(d), and the remedial action taken by the person making the inspection. Track owners are required to retain inspection records for at least two years after the inspection and for one year after the remedial action is taken. The frequency of inspection is related to the rate of track degradation, and a relaxation of that frequency would increase the risk of an accident caused by a defect that had not been detected. In the event of a train accident/incident, particularly one implicating track structure, these inspection records provide invaluable investigatory assistance in determining the exact cause(s) and in designing appropriate remedial measures/programs.

In sum, the information collected aids FRA in its primary mission, which is to promote and enhance 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.**

Under § 213.233, track inspections must be made in accordance with the following schedule: (1) Excepted track and Class 1, 2, and 3 track (main track and sidings) must be inspected weekly with at least three calendar days interval between inspections, or before

use, if the track is used less than once a week, or twice weekly with at least one calendar day interval between inspections, if the track carries passenger trains or more than 10 million gross tons of traffic during the preceding calendar year; (2) Excepted track and Class 1, 2, and 3 track (other than main track and sidings) must be inspected monthly with at least 20 calendar days interval between inspections; and (3) Class 4 and 5 track must be inspected twice weekly with at least one calendar day interval between inspections. Inspection records are required to be kept by track owners under § 213.241, and each record of an inspection must be prepared on the day the inspection is made. Also, under § 213.341, initial inspection of new field welds, either those joining the ends of CWR strings or those made for isolated repairs, must be conducted not less than one day and not more than 30 days after the welds have been made.

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

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

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

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

FRA published the CWR Interim Final Rule (IFR) in the Federal Register on November 2, 2005 (*See* 70 FR 66288), which solicited comment on the IFR and its associated collection of information. FRA received 17 comments in response to the IFR.

The comments addressed a variety of issues. One of the issues addressed was the joint inventory requirements of the IFR. Railroad commenters, including the American



Association of Railroads (AAR), the Long Island Railroad (LIRR), and Metro-North, found the joint inventory requirements burdensome and were almost unanimously opposed. AAR stated that the recordkeeping costs were underestimated, and stressed that the IFR's proposed inventory requirements would be more costly than estimated by FRA. Some implied the inventory was far more burdensome than increased inspection frequency would be. FRA agrees that the cost estimates developed in connection with the IFR were based on an excessively optimistic assumption regarding the extent of railroads' use of electronic technology, which would have been necessary to keep inventory costs down. Upon carefully considering many different approaches, FRA is no longer requiring the joint inventory and has decided upon the RSAC recommendations regarding inspection frequency in lieu of an inventory requirement. There were no comments concerning FRA's hourly burden estimates published in the IFR.

### Background

FRA requested comments to the IFR and provided the Railroad Safety Advisory Committee (RSAC) with an opportunity to review the comments to the IFR. On February 22, 2006 RSAC established the Track Safety Standards Working Group (working group). The working group was given two tasks: (1) resolution of comments on the IFR, and (2) recommendations regarding FRA's role in oversight of CWR programs, including analysis of data to determine effective management of CWR safety by the railroads. The first task, referred to as "Phase I" of the CWR review, includes analyzing the IFR on inspection of joint bars in CWR territory, reviewing comments to the IFR, and preparing recommendations for the final rule. The publication of this final rule concludes "Phase I" of RSAC's referral to the working group. The working group is currently reviewing "Phase II" of RSAC's referral, which involves an examination of all of § 213.119. The working group plans to report on its Phase II task to the RSAC at the next full RSAC meeting.

In March 1996, FRA established RSAC, which provides a forum for developing consensus recommendations to FRA's Administrator on rulemakings and other safety program issues. The Committee includes representation from all of the agency's major customer groups, including railroads, labor organizations, suppliers and manufacturers, and other interested parties. A list of member groups follows:

American Association of Private Railroad Car Owners (AARPCO);  
American Association of State Highway & Transportation Officials (AASHTO);  
American Chemical Council  
American Petrochemical Institute  
American Public Transportation Association (APTA);  
American Short Line and Regional Railroad Association (ASLRRA);  
American Train Dispatchers Association (ATDA);  
Association of American Railroads (AAR);  
Association of Railway Museums (ARM);

Association of State Rail Safety Managers (ASRSM);  
 Brotherhood of Locomotive Engineers and Trainmen (BLET);  
 Brotherhood of Maintenance of Way Employees Division (BMWED);  
 Brotherhood of Railroad Signalmen (BRS);  
 Chlorine Institute  
 Federal Transit Administration (FTA)\*;  
 Fertilizer Institute  
 High Speed Ground Transportation Association (HSGTA);  
 Institute of Makers of Explosives  
 International Association of Machinists and Aerospace Workers;  
 International Brotherhood of Electrical Workers (IBEW);  
 Labor Council for Latin American Advancement (LCLAA)\*;  
 League of Railway Industry Women\*;  
 National Association of Railroad Passengers (NARP);  
 National Association of Railway Business Women\*;  
 National Conference of Firemen & Oilers;  
 National Railroad Construction and Maintenance Association;  
 National Railroad Passenger Corporation (Amtrak);  
 National Transportation Safety Board (NTSB)\*;  
 Railway Supply Institute (RSI);  
 Safe Travel America (STA);  
 Secretaria de Comunicaciones y Transporte\*;  
 Sheet Metal Workers International Association (SMWIA);  
 Tourist Railway Association Inc.;  
 Transport Canada\*;  
 Transport Workers Union of America (TWU);  
 Transportation Communications International Union/BRC (TCIU/BRC); and  
 United Transportation Union (UTU).  
 \*Indicates associate, non-voting membership.

When appropriate, FRA assigns a task to RSAC, and after consideration and debate, RSAC may accept or reject the task. If the task is accepted, RSAC establishes a working group that possesses the appropriate expertise and representation of interests to develop recommendations to FRA for action on the task. These recommendations are developed by consensus. A working group may establish one or more task forces to develop facts and options on a particular aspect of a given task. The task force then provides that information to the working group for consideration. If a working group comes to unanimous consensus on recommendations for action, the package is presented to the full RSAC for a vote. If the proposal is accepted by a simple majority of RSAC, the proposal is formally recommended to FRA. FRA then determines what action to take on the recommendation. Because FRA staff play an active role at the working group level in discussing the issues and options and in drafting the language of the consensus proposal, FRA is often favorably inclined toward the RSAC recommendation.

However, FRA is in no way bound to follow the recommendation, and the agency exercises its independent judgment on whether the recommended rule achieves the agency's regulatory goal, is soundly supported, and is in accordance with policy and legal requirements. Often, FRA varies in some respects from the RSAC recommendation in developing the actual regulatory proposal or final rule. Any such variations would be noted and explained in the rulemaking document issued by FRA. If the working group or RSAC is unable to reach consensus on recommendations for action, FRA moves ahead to resolve the issue through traditional rulemaking proceedings.

After its establishment on February 22, 2006, the working group reconvened on April 4-5, 2006; April 26-28, 2006; May 24-25, 2006; and July 19-20, 2006, to discuss revisions to the IFR for this final rule. The working group considered all the comments and reached consensus on recommendations for a final rule. These recommendations were presented to the RSAC and on August 11, 2006, the RSAC accepted these recommendations. The RSAC voted to forward these recommendations to FRA as the basis for a final rule on the inspection of CWR joints.

FRA has worked closely with the RSAC in developing its recommendations and believes that the RSAC has effectively addressed inspection of CWR joints. FRA has greatly benefitted from the open, informed exchange of information during meetings. There is a general consensus among the railroads, rail labor organizations, state safety managers, and FRA concerning the primary principles set forth in this final rule. The working group has also benefitted from participation of NTSB staff. FRA believes that the expertise possessed by the RSAC representatives enhances the value of the recommendations, and FRA has made every effort to incorporate them in this 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.**

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.**

There are no questions of a sensitive nature in this collection of information. The GRMS information collection requirements pertain to technical data provided to FRA or to appropriate persons designated as fully qualified under § 213.7. The recordkeeping requirement in §§ 213.7, and 213.305 contain only names of qualified persons and the basis of their qualification. The record of track inspection results required by §§ 213.119, 213.241, and 213.369 contains nothing of a personal nature.

**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: The information collection requirements listed below have been updated to reflect the most accurate and current data available to FRA. Based on the American Association of Railroads (AAR) 2005 publication Railroad Facts, FRA has used the following labor rates for railroad hourly wages in its cost calculations: \$40 per hour for professional/administrative staff, and \$37 per hour for maintenance of way workers. These rates include 40% overhead.*

**§ 213.4 Excepted track**

A track owner may designate a segment of track as excepted track provided that –

(a) The segment is identified in the timetable, special instructions, general order, or other appropriate records which are available for inspection during regular business hours.

Railroads currently list all excepted track in their timetables, which are usually issued once a year or in some cases twice a year. When a piece of track is designated excepted that is not listed in their timetables, a railroad will issue special instructions or general order identifying the excepted track. FRA estimates that this will occur approximately 20 times annually. It is estimated that it will take approximately 15 minutes for a railroad to prepare an order and issue it to all concerned. Total annual burden for this requirement is five (5) hours.

Respondent Universe:	200 railroads (6 class I RRs; 194 class II & III RRs)
Burden time per response:	15 minutes
Frequency of Response:	On occasion
Annual number of Responses:	20 orders
Annual Burden:	5 hours
Annual Cost:	\$200

**Calculation:** 20 orders x .25 hr. = 5 hours  
 5 hrs. x \$40 = \$200

(b) A track owner must advise the appropriate FRA Regional Office at least 10 days prior to removal of a segment of track from excepted status.

FRA expects this to happen approximately 15 times a year. The notification can be either by phone or letter. Since it is estimated that a phone call will take approximately five (5) minutes per notification while a letter will take approximately 15 minutes per notifications, FRA believes an average of 10 minutes per notification is fairly accurate. Total annual burden for this requirement is three (3) hours.

Respondent Universe:	200 railroads (6 class I RRs; 194 class II & III RRs)
Burden time per response:	10 minutes
Frequency of Response:	On occasion
Annual number of Responses:	15 notifications
Annual Burden:	3 hours
Annual Cost:	\$120

**Calculation:** 15 notifications x 10 min. = 3 hours  
3 hrs. x \$40 = \$120

Total annual burden for this entire requirement is eight (8) hours (5 + 3).

### **§ 213.5 Responsibility of track owners.**

If an owner of track to which this part applies assigns responsibility for the track to another person (by lease or otherwise), written notification of the assignment must be provided to the appropriate FRA Regional Office at least 30 days in advance of the assignment. The notification may be made by any party to that assignment, but must be in writing and include the following:

- (1) The name and address of the track owner;
- (2) The name and address of the person to whom responsibility is assigned (assignee);
- (3) A statement of the exact relationship between the track owner and the assignee;
- (4) A precise identification of the track;
- (5) A statement as to the competence and ability of the assignee to carry out the duties of the track owner under this part; and
- (6) A statement signed by the assignee acknowledging the assignment to him of responsibility for purposes of compliance with this part.

FRA estimates that approximately 10 notifications will be forwarded to FRA annually. It is estimated that it will take a railroad approximately eight (8) hours to prepare its notification, review and approve it, and forward it to FRA. Total annual burden for this requirement is 80 hours.

Respondent Universe:	685 railroads (all class I, class II, & class III RRs)
Burden time per response:	8 hours
Frequency of Response:	On occasion
Annual number of Responses:	10 notifications
Annual Burden:	80 hours
Annual Cost:	\$3,200

**Calculation:** 10 notifications x 8 hrs. = 80 hours  
80 hrs. x \$40 = \$3,200

**§ 213.7 Designation of qualified persons to supervise certain renewals and inspect track.**

(a) Each track owner to which this part applies shall designate qualified persons to supervise restorations and renewals of track under traffic conditions. Each person designated must have –

- (1) At least –
  - (i) 1 year of supervisory experience in railroad track maintenance; or
  - (ii) A combination of supervisory experience in track maintenance and training from a course in track maintenance or from a college level educational program related to track maintenance;
- (2) Demonstrated to the owner that he or she –
  - (i) Knows and understands the requirements of this part;
  - (ii) Can detect deviations from those requirements; and
  - (iii) Can prescribe appropriate remedial action to correct or safely compensate for those deviations; and
- (3) Written authorization from the track owner to prescribe remedial actions to correct or safely compensate for deviations from the requirements in this part.

(b) Each track owner to which this part applies shall designate qualified persons to inspect track for defects. Each person designated must have –

- (1) At least –
  - (i) 1 year of experience in railroad track inspection; or
  - (ii) A combination of experience in track inspection and training from a course in track inspection or from a college level educational program related to track inspection;
- (2) Demonstrated to the owner that he or she –
  - (i) Knows and understands the requirements of this part;
  - (ii) Can detect deviations from those requirements; and
  - (iii) Can prescribe appropriate remedial action to correct or safely compensate for those deviations; and
- (3) Written authorization from the track owner to prescribe remedial actions to correct or safely compensate for deviations from the requirements of this part, pending review by a qualified person designated under paragraph (a) of this section.

(c) Persons not fully qualified to supervise certain renewals and inspect track as outlined in paragraphs (a) and (b) of this section, but with at least one year of maintenance-of-way or signal experience, may pass trains over broken rails and pull aparts provided that –

- (1) The track owner determines the person to be qualified and, as part of doing so, trains, examines, and re-examines the person periodically within two years after each prior examination on the following topics as they relate to the safe passage of trains over broken rails or pull aparts: rail defect identification, crosstie condition, track surface and alinement, gage restraint, rail end mismatch, joint bars, and maximum distance between rail ends over which trains may be allowed to pass. The sole purpose of the examination is to ascertain the person's ability to effectively apply these requirements and the examination may not be used to disqualify the person from other duties. A minimum of four hours training is adequate for initial training;
- (2) The person deems it safe and train speeds are limited to a maximum of 10 m.p.h. over the broken rail or pull apart;
- (3) The person shall watch all movements over the broken rail or pull apart and be prepared to stop the train if necessary; and



- (4) Person(s) fully qualified under § 213.7 of this part are notified and dispatched to the location promptly for the purpose of authorizing movements and effecting temporary or permanent repairs.

*Currently, paragraph (c)(4) represents a usual and customary procedure practiced by all railroads and would not, therefore, incur any new paperwork burden.*

(d) With respect to designations under paragraphs (a), (b), and (c) of this section, each track owner must maintain written records of –

- (1) Each designation in effect;
- (2) The basis for each designation; and
- (3) Track inspections made by each designated qualified person as required by § 213.241. These records shall be kept available for inspection or copying by the Federal Railroad Administration during normal business hours.

This basic requirement has been in existence since 1972. The only new paperwork involved is updating the current list maintained by the railroads, and to add any employees who would now be designated as partially qualified under the requirements of newly added paragraph (c) of this section.

Designations (fully qualified) under paragraphs (a) and (b):

Approximately 80,000 persons are employed by railroads in the inspection and maintenance of the track and structures with an estimated 20,000 of them possessing the necessary qualifications to be designated by the railroad as qualified persons. Approximately 7.5 % of that number (1,500) would be added in any one year at an estimated man-hour effort of less than 10 minutes each. The actual frequency of response varies with employee turnover. Some lists may be updated several times a year in order to be current, and some may not change all year. Based on current information, total annual burden for this requirement is 250 hours.

Respondent Universe:

685  
railroads (all  
Class I,  
IIs,  
IIIs)

Burden time per response: 10 minutes

Frequency of Response: On occasion

Annual number of Responses: 1,500 names  
Annual Burden: 250 hours  
Annual Cost: \$10,000

**Calculation:** 1,500 names x 10 min. = 250 hours  
250 hrs. x \$40 = \$10,000

Designations (partially qualified) under paragraph (c):

FRA expects 250 persons to be designated as partially qualified initially. Thereafter, the actual frequency of response will vary with employee turnover and the requirement for re-qualification within two years after each prior qualification. Again, it is estimated that it will take approximately 10 minutes to designate persons as partially qualified. Total annual burden for this requirement is 42 hours.

Respondent Universe: 31 railroads (6 class I + 25 II/IIIs)  
Burden time per response: 10 minutes  
Frequency of Response: On occasion  
Annual number of responses: 250 names  
Annual Burden: 42 hours  
Annual Cost: \$1,680

**Calculation:** 250 names x 10 min. = 42 hours  
42 hrs. x \$40 = \$1,680

Total annual burden for this entire requirement is 292 hours (250 + 42).

**§ 213.17 Waivers.**

Any owner of track to which this part applies, or other person subject to this part, may petition the Federal Railroad Administrator for a waiver from any or all requirements prescribed in this Part. Each petition for waiver must be filed in the manner and contain

the information required by Part 211 of this chapter.

FRA estimates that it will receive approximately six (6) waiver petitions annually. It is estimated that it will take a railroad approximately 24 hours to prepare its petition and forward it to FRA. Total annual burden for this requirement is 144 hours.

Respondent Universe:	685 railroads
Burden time per response:	24 hours
Frequency of Response:	On occasion
Annual number of Responses:	6 petitions
Annual Burden:	144 hours
Annual Cost:	\$5,760

**Calculation:** 6 petitions x 24 hrs. = 144 hours  
144 hrs. x \$40 = \$5,760

#### § 213.57 Curves; elevation and speed limitations.

- A. Qualified equipment may be operated at curving speeds determined by the formula in paragraph (c) of this section, provided each specific class of equipment is approved for operation by the Federal Railroad Administration (FRA) and demonstrates that –
- (1) When positioned on a track with a uniform 4 inch superelevation, the roll angle between the floor of the equipment and the horizontal does not exceed 5.7 degrees; and
  - (2) When positioned on a track with a uniform 6 inch superelevation, no wheel of the equipment unloads to a value of 60 percent of its static value on perfectly level track, and the roll angle between the floor of the equipment and the horizontal does not exceed 8.6 degrees.
  - (3) The track owner must notify the Federal Railroad Administrator no less than 30 calendar days prior to the proposed implementation of the higher curving speeds allowed under the formula in paragraph (c) of this section. The notification must be in writing and must contain, at a minimum, the following information –
    - (i) A complete description of the class of equipment involved, including schematic diagrams of the suspension systems and the location of the center of gravity above top of rail;

- (ii) A complete description of the test procedure and instrumentation used to qualify the equipment and the maximum values for wheel unloading and roll angles which were observed during testing;
- (iii) Procedures or standards in effect which relate to the maintenance of the suspension system for the particular class of equipment; and
- (iv) Identification of line segment on which the higher curving speeds are proposed to be implemented.

FRA estimates that approximately two (2) requests will be received annually. It is estimated that each request will take approximately 40 hours to complete and forward to FRA. Total annual burden for this requirement is 80 hours.

Respondent Universe:

685  
railroads (all  
class I,  
class  
II/III)

Burden time per response: 40  
hours

Frequency of Response: On  
occasion

Annual number of Responses: 2 requests  
Annual Burden: 80 hours  
Annual Cost: \$3,200

**Calculation:** 2 requests x 40 hrs. = 80 hours  
80 hrs. x \$40 = \$3,200

- B. A track owner, or an operator of a passenger or commuter service, who provides passenger or commuter service over trackage of more than one track owner with the same class of equipment, that person may provide written notification to the Federal Railroad Administrator with the written consent of the other affected track owners.

FRA estimates that approximately two (2) notifications will be received annually under this information collection requirement. It is estimated that each notification will take approximately 45 minutes to complete. Total annual burden for this requirement is two (2) hours.

Respondent Universe:	685 railroads (all class I, class II, & class III RRs)
Burden time per response:	45 minutes
Frequency of Response:	On occasion
Annual number of Responses:	2 notifications
Annual Burden:	2 hours
Annual Cost:	\$80

**Calculation:** 2 notifications x 45 min. = 2 hours  
2 hrs. x \$40 = \$80

- C. A track owner or a railroad operating above Class 5 speeds may request approval from the Federal Railroad Administrator to operate specified equipment at a level of cant deficiency greater than four inches in accordance with § 213.329(c) and (d) on curves in Class 1 through 5 track which are contiguous to the high speed track provided that –
- (1) The track owner or railroad submits a test plan to the Federal Railroad Administrator for approval no less than 30 calendar days prior to any proposed implementation of the higher curving speeds. The test plan shall include an analysis and determination of carbody acceleration safety limits for each vehicle type which indicate wheel unloading of 60 percent in a steady state condition and 80 percent in a transient (point by point) condition. Accelerometers shall be laterally-oriented and floor-mounted near the end of a representative vehicle of each type;
  - (2) Upon FRA approval of a test plan, the track owner or railroad conducts incrementally increasing train speed test runs over the curves in the identified track segment(s) to demonstrate that wheel unloading is within the limits prescribed in paragraph (1) above of this section;
  - (3) Upon FRA approval of a cant deficiency level, the track owner or railroad

inspects the curves in the identified track segment with a Track Geometry Measurement System (TGMS) qualified in accordance with § 213.333 (b) through (g) at an inspection frequency of at least twice annually with not less than 120 days interval between inspections; and

- (4) The track owner or railroad operates an instrumented car having dynamic response characteristics that are representative of other equipment assigned to service or a portable device that monitors on-board instrumentation on trains over the curves in the identified track segment at the revenue speed profile at a frequency of at least once every 90 days with not less than 30 days interval between inspections. The instrumented car or the portable device shall monitor a laterally-oriented accelerometer placed near the end of the vehicle at the floor level. If the carbody lateral acceleration measurement exceeds the safety limits prescribed in paragraph (1) above, the railroad shall operate trains at curving speeds in accordance with paragraph (b) or (c) of this section; and
- (5) The track owner or railroad shall maintain a copy of the most recent exception printouts for the inspections required under paragraphs (3) and (4) above of this section.

The only paperwork requirement under this section would be the submission of a test plan required under (1) above. The records required under (5) above are already required under Subpart G requirements for the high speed sections of track which are contiguous to the lower speed sections. Both low speed and Subpart G sections of track would be examined in the same continuous test and the low speed exceptions would merely be added to the Subpart G record, which is already a requirement.

FRA anticipates a submission of approximately two (2) test plans. It is estimated that it will take approximately 16 hours to prepare each submission in order to satisfy this requirement. Total annual burden for this requirement is 32 hours.

Respondent Universe:	1 railroad (Amtrak)
Burden time per response:	16 hours
Frequency of Response:	On occasion
One-time number of Responses:	2 test plans
One-time Burden:	32 hours
One-time Cost:	\$1,280

**Calculation:** 2 test plans x 16 hrs. = 32 hrs.  
32 hrs. x \$40 = \$1,280

Total annual burden for this entire requirement is 114 hours (80 + 2 + 32).

**§ 213.110 Gage restraint measurement systems.**

A. A track owner may elect to implement a Gage Restraint Measurement System (GRMS), supplemented by the use of a Portable Track Loading Fixture (PTLF), to determine compliance with the crosstie and fastener requirements specified in §§213.109 and 213.127 provided that: (1) The track owner notifies the appropriate FRA Regional office at least 30 days prior to the designation of any line segment on which GRMS technology will be implemented; and (2) The track owner notifies the appropriate FRA Regional office at least 10 days prior to the removal of any line segment from GRMS designation. Initial notification under paragraph (a)(1) of this section shall include: (1) Identification of the line segment(s) by timetable designation, milepost limits, class of track, or other identifying criteria; and (2) The most recent record of million gross tons of traffic per year over the identified segment(s). The track owner shall also provide to FRA sufficient technical data to establish compliance with the minimum design requirements of a GRMS vehicle which specify that –

- (1) Gage restraint shall be measured between the heads of rail –
  - (A) At an interval not exceeding 16 inches;
  - (B) Under an applied vertical load of no less than 10,000 pounds per rail; and
  - (C) Under an applied lateral load which provides for a lateral/vertical load ratio between 0.5 and 1.25, and a load severity greater than 3,000 pounds but less than 8,000 pounds.

FRA estimates that approximately 10 notifications will be provided to FRA Regional offices under the first part of this requirement. FRA also estimates that approximately two (2) times a year track owners will provide the necessary technical data under the second part of this requirement. It is estimated that it will take approximately 45 minutes to complete each notification and forward it to the appropriate Regional office, and approximately four (4) hours to gather the necessary GRMS technical data. Total annual burden for this requirement is 16 hours.

Respondent Universe:	685 Railroads
Burden time per response:	45 minutes/4 hours
Frequency of Response:	On occasion
Annual number of Responses:	10 notifications + 2 technical reports
Annual Burden:	16 hours
Annual Cost:	\$640

**Calculation:** 10 notifications x 45 min. + 2 reports x 4 hrs. = 16 hours  
16 hrs. x \$40 = \$640

B. The GRMS vehicle shall be capable of producing output reports that provide a

trace, on a constant-distance scale, of all parameters specified in paragraph (l) of this section.

FRA estimates that approximately 50 output reports will be produced each year under the above requirement. The output reports are generated in real time. It is estimated that it will take approximately five (5) minutes for the entire process to produce each output report. Total annual burden for this requirement is four (4) hours.

Respondent Universe:	685 Railroads
Burden time per response:	5 minutes
Frequency of Response:	On occasion
Annual number of Responses:	50 output reports
Annual Burden:	4 hours
Annual Cost:	\$160

**Calculation:** 50 output reports x 5 min. = 4 hours  
4 hrs. x \$40 = \$160

- C. The GRMS vehicle shall be capable of providing an exception report containing a systematic listing of all exceptions, by magnitude and location, to all the parameters specified in paragraph (l) of this section. The exception reports required by this section shall be provided to the appropriate person designated as fully qualified under §213.7 prior to the next inspection required under §213.233 of this part.

FRA estimates that approximately 50 exception reports will be provided to appropriate person designated as fully qualified under §213.7 prior to the next inspection required under §213.233 of this part. Again, this report is generated in real time. It is estimated that it will take approximately five (5) minutes to complete each output report. Total annual burden for this requirement is four (4) hours.

Respondent Universe:	685 Railroads
Burden time per response:	5 minutes
Frequency of Response:	On occasion
Annual number of Responses:	50 exception reports
Annual Burden:	4 hours
Annual Cost:	\$160

**Calculation:** 50 exception reports x 5 min. = 4 hours  
4 hrs. x \$40 = \$160

- D. The track owner shall institute the necessary procedures for maintaining the integrity of the data collected by the GRMS and PTLF systems. At a minimum, the track owner shall: (1) Maintain and make available to the Federal Railroad



Administration (FRA) documented calibration procedures on each GRMS vehicle which, at a minimum, shall specify a daily instrument verification procedure that will ensure correlation between measurements made on the ground and those recorded by the instrumentation with respect to loaded and unloaded gage parameters; and (2) Maintain each PTLF used for determining compliance with the requirements of this section such that the 4,000-pound reading is accurate to within five percent of that reading.

FRA estimates that approximately four (4) documented calibration procedures for GRMS vehicles will be developed and made available to FRA under this requirement. It is estimated that it will take approximately two (2) hours for each railroad to compose the required documented calibration procedure and forward it to FRA. Total annual burden for this requirement is eight (8) hours.

Respondent Universe:	685 Railroads
Burden time per response:	2 hours
Frequency of Response:	On occasion
Annual number of Responses:	4 documented procedures
Annual Burden:	8 hours
Annual Cost:	\$320

**Calculation:** 4 documented procedures x 2 hrs. = 8 hours  
 8 hrs. x \$40 = \$320

E. The track owner shall provide training in GRMS technology to all persons designated as fully qualified under §213.7 and whose territories are subject to the requirements of this section. The training program shall be made available to the Federal Railroad Administration (FRA) upon request. At a minimum, the training program must address the following:

- (1) Basic GRMS procedures;
- (2) Interpretation and handling of exception reports generated by the GRMS vehicle;
- (3) Locating and verifying defects in the field;
- (4) Remedial action requirements;
- (5) Use and calibration of the PTLF; and
- (6) Recordkeeping requirements.

FRA estimates that approximately two (2) training programs will be established and that 100 employees will be trained in five (5) training sessions under the above requirements. It is estimated that it will take approximately 16 hours to develop each training program and an additional 16 hours to conduct each training session so that all designated persons fully qualified under §213.7 are properly trained. Total annual burden for this requirement is 112 hours.

Respondent Universe:	685 Railroads
Burden time per response:	16 hours
Frequency of Response:	On occasion
Annual number of Responses:	2 training programs + 5 training sess.
Annual Burden:	112 hours
Annual Cost:	\$4,480

**Calculation:** 2 training prog. x 16 hrs. + 5 tr. sess. x 16 hrs = 112 hours  
112 hrs. x \$40 = \$4,480

- F. The track owner shall maintain a record of the two most recent GRMS inspections at locations which meet the requirements specified in §213.241(b) of this part. At a minimum, records shall indicate the following: (1) Location and nature of each First Level exception; and (2) Nature and date of remedial action, if any, for each exception identified in paragraph (n)(1) of this section.

FRA estimates that approximately 50 records will be maintained under this requirement. It is estimated that it will take approximately two (2) hours to complete each record. Total annual burden for this requirement is 100 hours.

Respondent Universe:	685 Railroads
Burden time per response:	2 hours
Frequency of Response:	On occasion
Annual number of Responses:	50 records
Annual Burden:	100 hours
Annual Cost:	\$4,000

**Calculation:** 50 records x 2 hrs. = 100 hours  
100 hrs. x \$40 = \$4,000

Total annual burden for this entire requirement is 244 hours (16 + 4 + 4 + 8 + 112 + 100)

### § 213.119 Continuous welded rail (CWR); general

Each track owner with track constructed of CWR must have in effect and comply with a plan that contains written procedures which address: the installation, adjustment, maintenance and inspection of CWR; inspection of joints in CWR; and a training program for the application of those procedures. The plan must be submitted to the Federal Railroad Administration.

FRA reviews each plan for compliance with the following:

- (a) Procedures for the installation and adjustment of CWR which include –
  - (1) Designation of a desired rail installation temperature range for the geographic area in which the CWR is located; and
  - (2) De-stressing procedures/methods which address proper attainment of the desired rail installation temperature range when adjusting CWR.
  
- (b) Rail anchoring or fastening requirements that will provide sufficient restraint to limit longitudinal rail and crosstie movement to the extent practical, and specifically addressing CWR rail anchoring or fastening patterns on bridges, bridge approaches, and at other locations where possible longitudinal rail and crosstie movement associated with normally expected train-induced forces, is restricted.
  
- (c) Procedures which specifically address maintaining a desired rail installation temperature range when cutting CWR including rail repairs, in-track welding, and in conjunction with adjustments made in the area of tight track, a track buckle, or a pull-apart. Rail repair practices must take into consideration existing rail temperature so that –
  - (1) When rail is removed, the length installed shall be determined by taking into consideration the existing rail temperature and the desired rail installation temperature range; and
  - (2) Under no circumstances should rail be added when the rail temperature is below that designated by paragraph (a)(1) of this section, without provisions for later adjustment.
  
- (d) Procedures which address the monitoring of CWR in curved track for inward shifts of alinement toward the center of the curve as a result of disturbed track.
  
- (e) Procedures which control train speed on CWR track when –
  - (1) Maintenance work, track rehabilitation, track construction, or any other event occurs which disturbs the roadbed or ballast section and reduces the lateral and/or longitudinal resistance of the track; and
  - (2) In formulating the procedures under this paragraph, the track owner must –
    - (i) Determine the speed required, and the duration and subsequent removal of any speed restriction based on the restoration of the

ballast, along with sufficient ballast re-consolidation to stabilize the track to a level that can accommodate expected train-induced forces. Ballast re-consolidation can be achieved through either the passage of train tonnage or mechanical stabilization procedures, or both; and

- (ii) Take into consideration the type of crossties used.
- (f) Procedures which prescribe when physical track inspections are to be performed to detect buckling prone conditions in CWR track. At a minimum, these procedures shall address inspecting track to identify –
- (1) Locations where tight or kinky rail conditions are likely to occur;
  - (2) Locations where track work of the nature described in paragraph (e)(1) of this section have recently been performed; and
  - (3) In formulating the procedures under this paragraph, the track owner shall -
    - (i) Specify the timing of the inspection; and
    - (ii) Specify the appropriate remedial actions to be taken when buckling prone conditions are found.

*The burden for the above is a one-time requirement which has already been fulfilled. Consequently, there is no additional burden associated with this requirement.*

#### **NEW REQUIREMENTS**

- (g) Procedures which describe the scheduling and conduct of inspections to detect cracks and other indications of potential failures in CWR joints. On or after January 1, 2007, in formulating the procedures under this paragraph, the track owner must –
- (1) Address the inspection of joints and the track structure at joints, including, at a minimum, periodic on-foot inspections;
  - (2) Identify joint bars with visible or otherwise detectable cracks and conduct remedial action pursuant to § 213.121;
  - (3) Specify the conditions of actual or potential joint failure for which personnel must inspect, including, at a minimum, the following items:

(i) Loose, bent, or missing joint bolts;

(ii) Rail end batter or mismatch that contributes to the instability of the joint; and

(iii) Evidence of excessive longitudinal rail movement in or near the joint, including, but not limited to, wide rail gap, defective joint bolts, disturbed ballast, surface deviations, gap between tie plates and rail, or displaced rail anchors.

(4) Specify the procedures for the inspection of CWR joints that are imbedded in highway-rail crossings or in other structures that prevent a complete inspection of the joint, including procedures for the removal from the joint of loose material or other temporary material;

:

(5) Specify the appropriate corrective actions to be taken when personnel find conditions of actual or potential joint failure, including on-foot follow-up inspections to monitor conditions of potential joint failure in any period prior to completion of repairs.

(6) Specify the timing of periodic inspections, which shall be based on the configuration and condition of the joint:

(i) Except as provided in paragraphs (g)(6)(ii) through (iv), track owners must specify that all CWR joints are inspected, at a minimum, in accordance with intervals identified in the table in this section;

(ii) Consistent with any limitations applied by the track owner, a passenger train conducting an unscheduled detour operation may proceed over track not normally used for passenger operations at a speed not to exceed the maximum authorized speed otherwise allowed, even though CWR joints have not been inspected in accordance with the frequency identified in paragraph (g)(6)(i), provided that:

(A) All CWR joints have been inspected consistent with requirements for freight service; and

(B) The unscheduled detour operation lasts no more than 14 consecutive calendar days. In order to continue operations beyond the 14-day period, the track owner must inspect the CWR joints in accordance with the requirements of paragraph (g)(6)(i);

(iii) Tourist, scenic, historic, or excursion operations, if limited to the maximum authorized speed for passenger trains over the next lower class

of track, need not be considered in determining the frequency of inspections under paragraph (g)(6)(i).

(iv) All CWR joints that are located in switches, turnouts, track crossings,

lift rail assemblies or other transition devices on moveable bridges must be inspected on foot at least monthly, consistent with the requirements in § 213.235; and all records of those inspections must be kept in accordance with the requirements of § 213.241. A track owner may include in its § 213.235 inspections, in lieu of the joint inspections required by paragraph (g)(6)(i), CWR joints that are located in track structure that is adjacent to switches and turnouts, provided that the track owner precisely defines the parameters of that arrangement in the CWR plans.

Most short line railroads do not have CWR track, and will be unaffected by this rule. FRA estimates that approximately 239 railroads fall into the category of having CWR track. These railroads have existing CWR plans, and will need to modify them in light of the new requirements. FRA estimates that approximately 239 railroads and one railroad association (ASLRRA) will be affected by these new requirements. Specifically, FRA estimates that it will take each of the affected 39 Class I and II railroads approximately three (3) hours to modify its plan. It is also estimated that it will take the American Short Line and Regional Railroad Association (ASLRRA) approximately three (3) hours to modify its generic plan. Finally, it is estimated that it will take each of the affected 200 small railroads, using a common plan developed by the American Short Line and Regional Railroad Association (ASLRRA), approximately one (1) hour to modify its plan. Total annual burden for this requirement is 320 hours.

Respondent Universe:  
239 railroads  
(39 Class I and IIs, & 200 Class IIIs)  
+ 1 RR Association

Burden time per response:	3 hours; 1 hour
Frequency of Response:	One-time
Annual number of Responses:	240 amended procedural documents
	Annual Burden:
	320 hours
Annual Cost:	\$0 (Cost covered in RIA)

**Calculation:** 39 amended docs. x 3 hrs. + 1 amended doc. x 3 hours +  
200 amended docs. x 1 hr. = 320 hours  
\$0 (Cost covered in RIA)

(7) Specify the recordkeeping requirements related to joint bars in CWR, including the following:

(i) The track owner shall keep a record of each periodic and follow-up inspection required to be performed by the track owner’s CWR plan, except for those inspections conducted pursuant to § 213.235 for which track owners must maintain records pursuant to § 213.241. The record shall be prepared on the day the inspection is made, and signed by the person making the inspection. The record shall include, at a minimum, the following items: the boundaries of the territory inspected; the nature and location of any deviations at the joint from the requirements of this Part or of the track owner’s CWR plan, with the location identified with sufficient precision that personnel could return to the joint and identify it without ambiguity; the date of the inspection; the remedial action, corrective action, or both, that has been taken or will be taken; and the name or identification number of the person who made the inspection. *(Note: The burden for this requirements is included under that of § 213.119(i)(3) below.)*

(ii) The track owner shall generate a Fracture Report for every cracked or broken CWR joint bar that the track owner discovers during the course of an inspection conducted pursuant to § 213.119(g), 213.233, or 213.235 on track that is required under § 213.119(g)(6)(i) to be inspected. **(New Requirement)**

(A) The Fracture Report shall be prepared on the day the cracked or broken joint is discovered. The record shall include, at a minimum: the railroad name; the location of the joint bar as identified by milepost and subdivision; the class of track; annual million gross tons for the previous calendar year; the date of the discovery of the crack or break; the rail section; the type of bar (standard, insulated, or compromise); the number of holes in the joint bar; a general description of the location of the crack

or break in bar; the visible length of the crack in inches; the gap measurement between rail ends; the amount and length of rail end batter or ramp on each rail end; the amount of tread mismatch; the vertical movement of joint; and in curves or spirals, the amount of gage mismatch and the lateral movement of the joint.

(B) The track owner shall submit the information contained in the Fracture Reports to the FRA Associate Administrator for Safety twice annually, by July 31 for the preceding six-month period from January 1 through June 30 and by January 31 for the preceding six-month period from July 1 through December 31.

(C) After February 1, 2010, any track owner may petition FRA to conduct a technical conference to review the Fracture Report data submitted through December of 2009 and assess whether there is a continued need for the collection of Fracture Report data. The track owner shall submit a written request to the Associate Administrator for Safety, requesting the technical conference and explaining the reasons for proposing to discontinue the collection of the data. *(Note: The time frame for this requirement is beyond the scope of this present collection. Consequently, there is no burden associated with this requirement.)*

*The burden for the periodic and follow-up inspections mentioned above requirement are included under that of § 213.119(i)(3) below. Consequently, there is no additional burden associated with this requirement.*

FRA estimates that approximately 12,000 Fracture Reports annually will be prepared under the above requirement. It is estimated that it will take approximately 10 minutes to prepare each report. Total annual burden for this requirement is 2,000 hours.

Respondent Universe:	239 railroads (39 Class I and IIs, & 200 Class IIIs) + 1 RR Association
Burden time per response:	10 minutes
Frequency of Response:	Bi-annually
Annual number of Responses:	12,000 Fracture Reports
	Annual Burden:
	2,000 hours
Annual Cost:	\$74,000

**Calculation:** 12,000 Fracture Reports x 10 min. = 2,000 hours  
2,000 hrs. x \$37 = \$74,000

(8) In lieu of the requirements for the inspection of rail joints contained in paragraphs (g)



(1) through (g)(7) of this section, a track owner may seek approval from FRA to use alternate procedures. The track owner must submit the proposed alternate procedures and a supporting statement of justification to the Associate Administrator for Safety (Associate Administrator). If the Associate Administrator finds that the proposed alternate procedures provide an equivalent or higher level of safety than the requirements in paragraphs (g)(1) through (g)(7) of this section, the Associate Administrator will approve the alternate procedures by notifying the track owner in writing. The Associate Administrator will specify in the written notification the date on which the procedures will become effective and, after that date, the track owner shall comply with the procedures. If the Associate Administrator determines that the alternate procedures do not provide an equivalent level of safety, the Associate Administrator will disapprove the alternate procedures in writing, and the track owner shall continue to comply with the requirements in paragraphs (g)(1) and (g)(7) of this section. While a determination is pending with the Associate Administrator on a request submitted pursuant to paragraph (g)(8) of this section, the track owner shall continue to comply with the requirements contained in paragraphs (g)(1) through (g)(7) of this section.

FRA estimated that approximately seven (7) alternate procedure letters will be composed by railroads/track owners and thus seven (7) alternate procedure documents (which include the supporting justification statement) will be submitted by railroads/track owners under the above requirement. It is estimated that it will take approximately 30 minutes to compose each letter and (approximately) an additional 953 hours to research alternate procedures, complete each alternate procedures document (including a supporting statement of justification), and send all the information to FRA. Total annual burden for this requirement is 6,675 hours. *(Note: As stipulated in the regulatory impact analysis (RIA) accompanying this rule detailing these new amendments, FRA estimates that the average labor rate for track engineers to do the necessary research to come up with the alternate procedures and associated documents is \$105 per hour.)*

	Respondent Universe:
	239 railroads
	(39 Class I and IIs, & 200 Class III RRs)
Burden time per response:	30 minutes + 953 hours
Frequency of Response:	One-time
Annual number of Responses:	7 alternate procedures letters + 7 alternate procedures documents
	Annual Burden:
	6,675 hours
Annual Cost:	\$700,615

**Calculation:** 7 alternate procedures letters x 30 minutes + 7 alternate procedures documents x 953 hrs. = 6,675 hours  
4 hrs. x \$40 + 6,671 hrs. x \$105 = \$700,615

(h) The track owner must have in effect a comprehensive training program for the application of these written CWR procedures, with provisions for periodic retraining, for those individuals designated under § 213.7 [of this part] as qualified to supervise the installation, adjustment, and maintenance of CWR track and to perform inspections of CWR track.

FRA estimated that approximately 240 training programs for the application of the required written CWR procedures will be modified to meet the above requirement. It is estimated that it will take approximately two (2) hours for the 39 Class I and II railroads to modify their current training programs, approximately 12 hours for ASLRRA to modify its generic training program, and approximately two (2) hours for the 200 affected small railroads to modify their training programs. Total annual burden for this requirement is 490 hours.

	Respondent Universe:
	239 railroads
	(39 Class I and IIs, & 200 Class III
	RRs) + ASLRRA
Burden time per response:	2 hours + 12 hours
Frequency of Response:	One-time
Annual number of Responses:	240 training programs
	Annual Burden:
	490 hours
Annual Cost:	\$19,600

**Calculation:** 39 training programs x 2 hrs. + 1 training program x 12 hrs.  
+ 200 training programs x 2 hrs. = 490 hours  
490 hrs. x \$40 = \$19,600

(i) The track owner shall prescribe and comply with recordkeeping requirements necessary to provide an adequate history of track constructed with CWR. At a minimum, these records must include: **(old requirement)**

- (1) Rail temperature, location and date of CWR installations. This record must be retained for at least one year;
- (2) A record of any CWR installation or maintenance work that does not conform with the written procedures. Such record must include the location of the rail and be maintained until the CWR is brought into conformance with such procedures.

FRA estimates that approximately 2,000 records will be kept under this requirement. It is

estimated that it will take approximately 10 minutes to complete each record. Total annual burden for this requirement is 333 hours.

Respondent Universe:	239 RRs (6 Class 1 RRs; 233 Class 2 & 3 RRs)
Burden time per response:	10 minutes
Frequency of Response:	On occasion
One time number of Responses:	2,000 records
One time Burden:	333 hours
One time Cost:	\$13,320

**Calculation:** 2,000 records x 10 min. = 333 hours  
 333 hrs. x \$40 = \$13,320

- (3) Information on inspections of rail joints as specified in paragraph (g)(7) of this part **(amendment) (new requirement)**

FRA estimates that approximately 360,000 records pertaining to rail joint inspections will be kept under the new requirement. It is estimated that it will take approximately two (2) minutes to complete each record. Total annual burden for this requirement is 12,000 hours.

Respondent Universe:	239 RRs (6 Class 1 RRs; 233 Class 2 & 3 RRs)
Burden time per response:	2 minutes
Frequency of Response:	On occasion
One time number of Responses:	360,000 records
One time Burden:	12,000 hours
One time Cost:	\$480,000

**Calculation:** 360,000 records x 2 min. = 12,000 hours  
 12,000 hrs. x \$40 = \$480,000

Additionally, a periodic inspection and corresponding record is required of these rail joints after the completion of the initial inspection and placement in the rail joint record inventory. Two-thirds of these initial 360,000 records (or 240,000 records) will be kept once a year as a result of periodic joint inspections, and another one-third of these initial 360,000 records will be kept twice a year (240,000 records) as a result of periodic joint inspections. Thus, FRA estimates that approximately 480,000 records will be kept under this new requirement. It is estimated that it will take approximately one (1) minute to complete each record. Total annual burden for this requirement is 8,000 hours.

Respondent Universe:	239 RRs (6 Class 1 RRs; 233 Class 2 & 3 RRs)
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Burden time per response:	1 minute
Frequency of Response:	On occasion
One time number of Responses:	480,000 records
One time Burden:	8,000 hours
One time Cost:	\$320,000

**Calculation:** 480,000 records x 1 min. = 8,000 hours  
8,000 hrs. x \$40 = \$320,000

Total annual burden for this entire requirement is 29,818 hours (320 + 2,000 + 6,675 + 490 + 333 + 12,000 + 8,000).

**§ 213.122 Torch cut rail**

Within one year of September 21, 1998, all torch cut rail ends in Class 3 track over which regularly scheduled passenger trains operate must be inventoried by the track owner.

*The burden for the above is a one-time requirement which has already been fulfilled. Consequently, there is no additional burden associated with this requirement.*

**§ 213.233 Track inspections**

Track inspection records must indicate which track(s) are traversed by the vehicle or inspected on foot as outlined in paragraph (b)(3) of this section.

All Class 1, 2 and 3 track inspections must be made in accordance with the following schedule:

Weekly (main track and sidings) - with at least 3 calendar days interval between inspections, or *before use*, if the track is used less than once a week, or *twice weekly* with at least one calendar day interval between inspections, if the track carries passenger trains or more than 10 million gross tons of traffic during the preceding calendar year.

Monthly (other than main track and sidings) - with at least 20 calendar days interval between inspections.

Twice weekly (Class 4 and 5 track) - with at least one (1) calendar day interval between inspections.

Railroads currently fill out track inspection reports. This information collection requirement would only involve making a notation on the inspection form as to which track they were on when inspecting two or more tracks at a time. FRA estimates that approximately 2,500 inspections occur each year. It is estimated that it will take approximately one (1) minute to make the required notation on the inspection report.

Total annual burden for this requirement is 42 hours.

Respondent Universe:	685 railroads (all class I, class II, & class III RRs)
Burden time per response:	1 minute
Frequency of Response:	Twice weekly/weekly/monthly
Annual number of Responses:	2,500 notations
Annual Burden:	42 hours
Annual Cost:	\$1,554
<b>Calculation:</b>	2,500 inspections x 1 min. = 42 hours 42 hrs. x \$37 = \$1,554

### **§ 213.237 Inspection of rail**

Each defective rail must be marked with a highly visible marking on both sides of the web and base.

*Currently, this is a usual and customary procedure practiced by all railroads and will not, therefore, impose any additional paperwork burden on them.*

### **§ 213.241 Inspection records**

Each owner of track to which this part applies shall keep a record of each inspection required to be performed on that track under this subpart.

Each record of an inspection under §§ 213.4, 213.119, 213.233, and 213.235 must be prepared on the day the inspection is made and signed by the person making the inspection. Records must specify the track inspected, date of inspection, location and nature of any deviation from the requirements of this part, and the remedial action taken by the person making the inspection. The owner must designate the location(s) where each original record shall be maintained for at least one year after the inspection covered by the record. The owner must also designate one location, within 100 miles of each state in which they conduct operations, where copies of records which apply to those operations are either maintained or can be viewed following 10 days notice by the Federal Railroad Administration.

Rail inspection records must specify the date of inspection, the location and nature of any internal defects found, the remedial action taken and the date thereof, and the location of any intervals of track not tested per § 213.237(d). The owner shall retain a rail inspection record for at least two years after the inspection and for one year after remedial action is taken.

Each owner required to keep inspection records under this section shall make those records available for inspection and copying by the Federal Railroad Administration.

For purposes of compliance with the requirements of this section, an owner of track may maintain and transfer records through electronic transmission, storage, and retrieval provided that –

- (1) The electronic system be designed so that the integrity of each record is maintained through appropriate levels of security such as recognition of an electronic signature, or other means, which uniquely identify the initiating person as the author of that record. No two persons shall have the same electronic identity;
- (2) The electronic storage of each record must be initiated by the person making the inspection within 24 hours following the completion of that inspection;
- (3) The electronic system must ensure that each record cannot be modified in any way, or replaced, once the record is transmitted and stored;
- (4) Any amendment to a record must be electronically stored apart from the record which it amends. Each amendment to a record must be uniquely identified as to the person making the amendment;
- (5) The electronic system must provide for the maintenance of inspection records as originally submitted without corruption or loss of data;
- (6) Paper copies of electronic records and amendments to those records that may be necessary to document compliance with this part must be made available for inspection and copying by the Federal Railroad Administration at the locations specified in paragraph (b) of this section; and
- (7) Track inspection records must be kept available to persons who performed the inspections and to persons performing subsequent inspections.

There are approximately 685 railroads subject to the inspection and reporting requirements of the Track Safety Standards. The dimension or size of the respondents spans the gamut from five-to-ten mile short lines to large common carriers.

The frequency of inspection is variable depending on the type and usage of track from one inspection and report per month for auxiliary tracks to as much as twice per week for high speed, heavy tonnage main lines or where passenger trains operate. Inspections required for the detection of internal rail flaws is limited to one inspection per year for the higher speed main tracks. No internal rail inspection is required for yard tracks or slow speed main tracks.

The burden associated with track and rail inspections is based on a presumption of track mileage by type and track class with an assumed inspection rate of 10 miles per hour and an additional five minutes per inspection hour to prepare the report. High speed, heavy tonnage track amounts to approximately 95,000 track miles requiring two inspections per week or 9,880,000 inspection-miles per year. Weekly inspections are required on 100,000 miles for a total of 5,200,000 inspection-miles per year and 25,000 miles require monthly inspection or 300,000 inspection miles per year. Based on the 10 mile per hour inspection rate and the additional time for report preparation, the inspection and reporting burden was calculated at 1,666,166 man-hours. Inspections for internal rail flaws convert to 6,608 equivalent man-hours, while identifying the location of any intervals of track not tested per § 213.237(d) will take approximately 167 hours (2,000 records @ 5 min. each) for a grand total of 1,672,941 burden hours. This includes all of the required inspections and reports required by Section 213.241 of the Track Standards.

Respondent Universe:	685 railroads (all class I, class II, & class III RRs)
Burden time per response:	See above
Frequency of Response:	Twice weekly/weekly/monthly
Annual number of Responses:	1,542,089 records (See above)
Annual Burden:	1,672,941 hours
Annual Cost:	\$60,225,876

**Calculation:** See above for burden hours calculation.  
 $1,672,941 \text{ hrs.} \times \$37 = \$61,898,817$

## **HIGH SPEED TRACK**

### **213.303 - Responsibility for Compliance**

If an owner of track to which this subpart applies assigns responsibility for the track to another person (by lease or otherwise), notification of the assignment must be provided to the appropriate FRA Regional Office at least 30 days in advance of the assignment. The notification may be made by any party to that assignment, but shall be in writing and include the following:

- (i) The name and address of the track owner;
- (ii) The name and address of the person to whom responsibility is assigned (assignee);
- (iii) A statement of the exact relationship between the track owner and the assignee;

- (iv) A precise identification of the track;
- (v) A statement as to the competence and ability of the assignee to carry out the duties of the track owner under this subpart;
- (vi) A statement signed by the assignee acknowledging the assignment to that person of responsibility for purposes of compliance with this subpart.

FRA estimates that it will receive approximately one (1) notification annually under the above requirement. It is estimated that it will take approximately eight (8) hours to complete the notification and forward it to FRA. Total annual burden for this requirement is eight (8) hours.

Respondent Universe:	2 railroads (Amtrak & Metro North)
Burden time per response:	8 hours
Frequency of Response:	On occasion
Annual number of Responses:	1 notification
Annual Burden:	8 hours
Annual Cost:	\$320

**Calculation:** 1 notification x 8 hrs. = 8 hours  
8 hrs. x \$40 = \$320

**213.305 Designation of qualified individuals; general qualifications.**

- A. Each track owner to which this subpart applies shall designate qualified individuals who shall be responsible for the maintenance and inspection of track in compliance with the safety requirements prescribed in this subpart. Each designated individual, including contractor personnel engaged by the track owner, must have written authorization from the track owner to prescribe remedial actions to correct or safely compensate for deviations from the requirements of this subpart and successful completion of a recorded examination on this subpart as part of the qualification process. The recorded examination might be written, or it might be, for example, a computer file with the results of an interactive training course.
- B. Inspect track for defects. Each individual designated must have written authorization from the track owner to prescribe remedial actions to correct or safely compensate for deviations from the requirements in this subpart and successful completion of a recorded examination on this subpart as part of the qualification process. The recorded examination might be written, or it might be,



for example, a computer file with the results of an interactive training course.

- C. Individuals designated under paragraph (a) or (b) that inspect continuous welded rail track (CWR) or supervise the installation, adjustment, and maintenance of CWR in accordance with the written procedures established by the track owner must have written authorization from the track owner to prescribe remedial actions to correct or safely compensate for deviations from the requirements in those procedures and successful completion of a recorded examination on those procedures as part of the qualification process. The recorded examination might be written, or it might be, for example, a computer file with the results of an interactive training course.

Designations (fully qualified)

FRA estimates that approximately 150 individuals will be designated fully qualified under the above requirements. It is estimated that it will take approximately 10 minutes for track owners to so designate each employee or contract worker. Total annual burden for this requirement is 25 hours.

Respondent Universe:	2 railroads (Amtrak & Metro North)
Burden time per response:	10 minutes
Frequency of Response:	One-time
Annual number of Responses:	150 designations
Annual Burden:	25 hours
Annual Cost:	\$1,000

**Calculation:** 150 qualifications x 10 min. = 25 hours  
 25 hrs. x \$40 = \$1,000

Designations (partially qualified)

FRA estimates that approximately 20 individuals will be designated partially qualified under the above requirements. It is estimated that it will take approximately 10 minutes for track owners to so designate each employee or contract worker. Total annual burden for this requirement is three (3) hours.

Respondent Universe:	2 railroads (Amtrak & Metro North)
Burden time per response:	10 minutes
Frequency of Response:	On occasion
Annual number of Responses:	20 designations
Annual Burden:	3 hours
	Annual Cost:
	\$120

**Calculation:** 15 qualifications x 10 min. = 3 hours  
 3 hrs. x \$40 = \$120

Total annual burden for this entire requirement is 28 hours (25 + 3).

**213.317 - Waivers**

Any owner of track to which this subpart applies may petition the Federal Railroad Administrator for a waiver from any or all requirements prescribed in this subpart. Each petition for exemption under this section must be filed in the manner and contain the information required by §§ 211.7 and 211.9 of this chapter.

FRA estimates that it will receive approximately one (1) petition under the above requirement. It is estimated that it will take approximately 24 hours to complete each petition in the prescribed manner and forward it to FRA. Total annual burden for this requirement is 24 hours.

Respondent Universe:	2 railroads (Amtrak & Metro North)
Burden time per response:	24 hours
Frequency of Response:	On occasion
Annual number of Responses:	1 petition
Annual Burden:	24 hours
Annual Cost:	\$960

**Calculation:** 1 petition x 24 hrs. = 24 hours  
 24 hrs. x \$40 = \$960

**213.329 Curves, elevation and speed limitations.**

- A. Qualified equipment may be operated at curving speeds determined by the formula in paragraph (c) of this section, provided each specific class of equipment is approved for operation by the Federal Railroad Administration (FRA) and demonstrate that –
  - (1) When positioned on a track with uniform superelevation,  $E_a$ , reflecting the intended target cant deficiency,  $E_u$ , no wheel of the equipment unloads to a value of 60 percent or less of its static value on perfectly level track and the roll angle between the floor of the vehicle and the horizontal does not exceed 5.7 degrees.
  - (2) When positioned on a track with a uniform 7-inch superelevation, no wheel unloads to a value less than 60% of its static value on perfectly level track and the angle, measured about the roll axis, between the floor of the

vehicle and the horizontal does not exceed 8.6 degrees.

- B. The track owner must notify the Federal Railroad Administrator no less than 30 calendar days prior to any proposed implementation of the higher curving speeds allowed when the "E<sub>0</sub>" term, above, will exceed three inches. This notification must be in writing and must contain, at a minimum, the following information:
- (i) A complete description of the class of equipment involved, including schematic diagrams of the suspension system and the location of the center of gravity above top of rail;
  - (ii) A complete description of the test procedure and instrumentation used to qualify the equipment and the maximum values for wheel unloading and roll angles which were observed during testing;
  - (iii) Procedures or standards in effect which relate to the maintenance of the suspension system for the particular class of equipment;
  - (iv) Identification of line segment on which the higher curving speeds are proposed to be implemented.

FRA estimates that it will receive approximately three (3) notifications under the above requirement. It is estimated that it will take approximately 40 hours to complete each notification and forward it to FRA. Total annual burden for this requirement is 120 hours.

Respondent Universe:	2 railroads (Amtrak & Metro North)
Burden time per response:	40 hours
Frequency of Response:	On occasion
Annual number of Responses:	3 notifications
Annual Burden:	120 hours
Annual Cost:	\$4,800

**Calculation:** 3 notifications x 40 hrs. = 120 hours  
120 hrs. x \$40 = \$4,800

- B. A track owner, or an operator of a passenger or commuter service, who provides passenger or commuter service over trackage of more than one track owner with the same class of equipment, may provide written notification to the Federal Railroad Administrator with the written consent of the other affected track owners.

FRA estimates that it will receive approximately three (3) notifications under the above requirement. It is estimated that it will take approximately 45 minutes to complete each

notification and forward it to FRA. Total annual burden for this requirement is two (2) hours.

Respondent Universe:	2 railroads (Amtrak & Metro North)
Burden time per response:	45 minutes
Frequency of Response:	On occasion
Annual number of Responses:	3 notifications
Annual Burden:	2 hours
Annual Cost:	\$80

**Calculation:** 3 notifications x 45 min. = 2 hours  
2 hours x \$40 = \$80

Total annual burden for this entire requirement is 122 hours (120 + 2).

### 213.333 Automated Vehicle Inspection Systems

#### (A) Track Geometry Measurement System

For track Class 7, a qualifying Track Geometry Measurement System (TGMS) vehicle shall be operated at least twice within 120 calendar days with not less than 30 days between inspections for Class 7 and shall be operated at least twice within 60 days with not less than 15 days between inspections for Classes 8 and 9.

- (a) A qualifying TGMS must be capable of producing, no later than the day of the inspection, output reports that –
  - (1) Provide a continuous analog plot, on a constant-distance axis, of all measured track geometry parameters required in paragraph (c) of this section;
  - (2) Provide an exception report containing a systematic listing of all track geometry conditions which constitute an exception to the class of track over the segment surveyed.

The output reports required under paragraph (c) of this section must contain sufficient location identification information which enable field forces to easily locate indicated exceptions.

- (b) The track owner shall maintain for a period of one year following an inspection performed by a qualifying TGMS, copy of the analog plot and the exception printout for the track segment involved, and additional

records which:

- (1) Specify the date the inspection was made and the track segment involved; and
- (2) Specify the location, remedial action taken, and the date thereof, for all listed exceptions to the class.

FRA estimates that it will receive approximately 18 reports under the above requirements. It is estimated that it will take approximately 20 hours to complete each required report. Total annual burden for this requirement is 360 hours.

Respondent Universe:	3 railroads (Amtrak, Metro North, + 1 possible future railroad)
Burden time per response:	20 hours
Frequency of Response:	On occasion
Annual number of Responses:	18 reports
Annual Burden:	360 hours
Annual Cost:	\$14,400

**Calculation:** 18 reports x 20 hrs. = 360 hours  
360 hrs. x \$40 = \$14,400

**(B) Track/Vehicle Performance Measurement System**

- (a) Each track owner shall have in effect written procedures for the notification of track personnel when on-board accelerometers on trains in Classes 8 and 9 indicate a possible track-related condition.

*Since only one (1) track owner (Amtrak) will have such a program of written procedures and since it has already been completed these written procedures, there is no additional burden associated with this requirement.*

- (b) For track Classes 7 , 8 and 9, an instrumented car having dynamic response characteristics that are representative of other equipment assigned to service or a portable device that monitors on-board instrumentation on trains shall be operated over the track at the revenue speed profile at a frequency of at least twice within 60 days with not less than 15 days between inspections. The instrumented car or the portable device shall provide for the monitoring of vertically and laterally oriented accelerometers mounted on the sides of the car at locations corresponding to four feet above the floor at each corner of the car. In addition, accelerometers shall be mounted above an axle of each truck. If the

carbody lateral, carbody vertical, truck frame lateral, and truck frame vertical safety limits are exceeded, speeds will be reduced until these vehicle/performance safety limits are not exceeded.

For track Classes 8 and 9, an instrumented car having dynamic response characteristics that are representative of other equipment assigned to service shall be operated over the track at the revenue speed profile annually with not less than 180 days between inspections. The instrumented car shall be equipped with instrumented wheel sets to measure wheel/rail forces. If the wheel/rail force limits are exceeded, speeds will be reduced until these vehicle/performance safety limits are not exceeded.

The track owner shall maintain a copy of the most recent exception printouts for the inspections required under paragraph (1) and (2) above.

FRA estimates that approximately 13 exception printouts will be kept by railroads (track owners) under the above requirement. It is estimated that it will take approximately 20 hours to produce each printout. Total annual burden for this requirement is 260 hours.

Respondent Universe:	2 railroads (Amtrak & Metro North)
Burden time per response:	20 hours
Frequency of Response:	On occasion
Annual number of Responses:	13 printouts
Annual Burden:	260 hours
Annual Cost:	\$10,400

**Calculation:** 13 printouts x 20 hrs. = 260 hours  
260 hrs. x \$40 = \$10,400

Total annual burden for this entire requirement is 620 hours (360 + 260).

### **213.339 Inspection of rail in service.**

A continuous search for internal defects must be made of all rail in track at least twice annually with not less than 120 days between inspections. Each defective rail must be marked with a highly visible marking on both sides of the web and base.

*Currently, this is a usual and customary procedure practiced by all railroads and will not, therefore, impose any additional paperwork burden on them.*

### **213.341 Initial inspection of new rail and welds.**

The track owner shall provide for the initial inspection of newly manufactured rail, and for initial inspection of new welds made in either new or used rail. A track owner may demonstrate compliance with this section by providing for:

- A. Mill inspection. A continuous inspection at the rail manufacturer's mill shall constitute compliance with the requirement for initial inspection of new rail, provided that the inspection equipment meets the applicable requirements specified in § 213.339. The track owner shall obtain a copy of the manufacturer's report of inspection and retain it as a record until the rail receives its first scheduled inspection under § 213.339.

FRA estimates that approximately two (2) reports will be retained by track owners under the above requirement. It is estimated that it will take approximately eight (8) hours to produce each report. Total annual burden for this requirement is 16 hours.

Respondent Universe:	2 railroads (Amtrak & Metro North)
Burden time per response:	8 hours
Frequency of Response:	On occasion
Annual number of Responses:	2 reports
Annual Burden:	16 hours
Annual Cost:	\$640

**Calculation:** 2 reports x 8 hrs. = 16 hours  
 16 hrs. x \$40 = \$640

- B. Welding plant inspection. A continuous inspection at a welding plant, if conducted in accordance with the provisions of paragraph (b) of this section, and accompanied by a plant operator's report of inspection which is retained as a record by the track owner, shall constitute compliance with the requirements for initial inspection of new rail and plant welds, or of new plant welds made in used rail.

FRA estimates that approximately two (2) reports will be retained by track owners under the above requirement. It is estimated that it will take approximately eight (8) hours to produce each report. Total annual burden for this requirement is 16 hours.

Respondent Universe:	2 railroads (Amtrak & Metro North)
Burden time per response:	8 hours
Frequency of Response:	On occasion
Annual number of Responses:	2 reports
Annual Burden:	16 hours
Annual Cost:	\$640

**Calculation:** 2 reports x 8 hrs. = 16 hours  
16 hrs. x \$40 = \$640

- C. Inspection of field welds. Initial inspection of field welds, either those joining the ends of CWR strings or those made for isolated repairs, shall be conducted not less than one day and not more than 30 days after the welds have been made. The initial inspection may be conducted by means of portable test equipment. The track owner shall retain a record of such inspections until the welds receive their first scheduled inspection under § 213.339.

FRA estimates that approximately 125 records will be retained by track owners under the above requirement. It is estimated that it will take approximately 20 minutes to make each record. Total annual burden for this requirement is 42 hours.

Respondent Universe:	2 railroads (Amtrak & Metro North)
Burden time per response:	20 minutes
Frequency of Response:	On occasion
Annual number of Responses:	125 records
Annual Burden:	42 hours
Annual Cost:	\$1,680

**Calculation:** 125 records x 20 min. = 42 hours  
42 hrs. x \$40 = \$1,680

- D. Each defective rail found during inspections conducted under paragraph (a) or (d) of this section must be marked with highly visible markings on both sides of the web and base, and the remedial action as appropriate under § 213.337 will apply.

*Currently, this is a usual and customary procedure practiced by all railroads and will not, therefore, impose any additional paperwork burden on them.*

Total annual burden for this entire requirement is 74 hours (16 + 16 + 42).

### **213.343 Continuous welded rail (CWR).**

- A. Each track owner with track constructed of CWR shall have in effect written procedures which address the installation, adjustment, maintenance and inspection of CWR, and a training program for the application of those procedures, which shall be submitted to the Federal Railroad Administration (FRA) within six months following the effective date of this rule.



*This is a one-time requirement which has already been fulfilled. Consequently, there is no additional burden associated with this requirement.*

- B. The track owner shall have in effect a comprehensive training program for the application of these written CWR procedures, with provisions for periodic re-training, for those individuals designated under §213.305(c) of this part as qualified to supervise the installation, adjustment, and maintenance of CWR track and to perform inspections of CWR track.

*This is a one-time requirement which has already been fulfilled. Consequently, there is no additional burden associated with this requirement.*

- C. The track owner shall prescribe recordkeeping requirements necessary to provide an adequate history of track constructed with CWR. At a minimum, these records must include:
  - (1) Rail temperature, location and date of CWR installations. This record shall be retained for at least one year; and
  - (2) A record of any CWR installation or maintenance work that does not conform with the written procedures. Such record must include the location of the rail and be maintained until the CWR is brought into conformance with such procedures.

FRA estimates that approximately 150 records will be kept by track owners under the above requirement. It is estimated that it will take approximately 10 minutes to make each record. Total annual burden for this requirement is 25 hours.

Respondent Universe:	2 railroads (Amtrak & Metro North)
Burden time per response:	10 minutes
Frequency of Response:	On occasion
Annual number of Responses:	150 records
Annual Burden:	25 hours
Annual Cost:	\$1,000

**Calculation:** 150 records x 10 min. = 25 hours  
25 hrs. x \$40 = \$1,000

- D. Track owners shall revise their CWR plans to include provisions for the inspection of joint bars in accordance with §§ 213.119(g) and 213.119 (i)(3).

*The burden for this requirement is already covered under those of § 213.119(g) and § 213.119(i)(3), respectively. Consequently, there is no additional burden associated*

with this requirement.

Total annual burden for this entire requirement is 25 hours.

### **213.345 Vehicle qualification testing.**

At the end of test, when maximum safe operating speed is known along with permissible levels of cant deficiency, a test run will be made with the subject equipment over the entire route proposed for revenue service at the speeds the railroad will request FRA to approve for such service and a second run again at 10 mph above this speed. A report of the test procedures and results shall be submitted to FRA upon the completions of the tests. The test report shall include the design flange angle of the equipment which shall be used for the determination of the lateral to vertical wheel load safety limit for the track/vehicle interaction safety measurements required per § 213.333(l).

FRA estimates that it will receive approximately two (2) reports of tests procedures and results under the above requirement. It is estimated that it will take approximately 16 hours to complete each report. Total annual burden for this requirement is 32 hours.

Respondent Universe:	1 railroad (Amtrak)
Burden time per response:	16 hours
Frequency of Response:	On occasion
Annual number of Responses:	2 reports
Annual Burden:	32 hours
Annual Cost:	\$1,280

**Calculation:** 2 reports x 16 hrs. = 32 hours  
32 hrs. x \$40 = \$1,280

### **§ 213.347 Automotive or Railroad Crossings at grade**

If a train operation is projected at class 7 speed for a track segment that will include highway-rail grade crossings, the track owner must submit for FRA's approval a complete description of the proposed warning/barrier system to address the protection of highway traffic and high speed trains.

Respondent universe is one railroad (Amtrak). FRA estimates two (2) crossing protection plans will be submitted under the above requirement. It is estimated that each submission will take approximately eight (8) hours to complete. Total annual burden for this requirement is 16 hours.

Respondent Universe:	1 railroad (Amtrak)
Burden time per response:	8 hours

Frequency of Response:	One-time	
One-time Responses:		2 protection plans
One-time Burden:		16 hours
One-time Cost:		\$640

**Calculation:** 2 plans x 8 hrs. = 16 hours  
16 hrs. x \$40 = \$640

**213.353 Turnouts and crossovers, generally.**

For all turnouts and crossovers, and lift assemblies or other transition devices on moveable bridges, the track owner must prepare an inspection and maintenance Guidebook for use by railroad employees which shall be submitted to the Federal Railroad Administration. The Guidebook must contain at a minimum:

- (1) Inspection frequency and methodology including limiting measurement values for all components subject to wear or requiring adjustment.
- (2) Maintenance techniques.

*Respondent universe is one (1) railroad (Amtrak). Since this requirement has already been fulfilled, there is no additional burden associated with it.*

**213.361 Right of Way**

The track owner in Class 8 and 9 shall submit a barrier plan, termed a "right-of-way plan", to the Federal Railroad Administration (FRA) for approval. At a minimum, the plan will contain provisions in areas of demonstrated need for the prevention of –

- (1) Vandalism;
- (2) Launching of objects from overhead bridges or structures into the path of trains;
- (3) Intrusion of vehicles from adjacent rights of way.

*Respondent universe is one (1) railroad (Amtrak). Since this requirement has already been fulfilled, there is no additional burden associated with it.*

**213.369 Inspection records.**

- (A) Each owner of track to which this part applies shall keep a record of each inspection required to be performed on that track under this subpart.

Except as provided in paragraph (e) of this section, each record of an inspection

under § 213.365 shall be prepared on the day the inspection is made and signed by the person making the inspection. Records must specify the track inspected, date of inspection, location and nature of any deviation from the requirements of this part, and the remedial action taken by the person making the inspection.

FRA estimates that approximately 500 records will be kept by track owners under the above requirement. It is estimated that it will take approximately one (1) minute to record the required information. Total annual burden for this requirement is eight (8) hours.

Respondent Universe:	2 railroads (Amtrak & Metro North)
Burden time per response:	1 minute
Frequency of Response:	On occasion
Annual number of Responses:	500 records
Annual Burden:	8 hours
Annual Cost:	\$296

**Calculation:** 500 records x 1 min. = 8 hours  
8 hrs. x \$37 = \$296

- (B) The owner shall designate the location(s) where each original record shall be maintained for at least one year after the inspection covered by the record. The owner shall also designate one location, within 100 miles of each state in which they conduct operations, where copies of records which apply to those operations are either maintained or can be viewed following 10 days notice by the Federal Railroad Administration.

*Respondent universe is two (2) railroads (Amtrak and Metro North). Since this requirement has already been fulfilled, there is no additional burden associated with it.*

- (C) Rail inspection records must specify the date of inspection, the location and nature of any internal defects found, the remedial action taken and the date thereof, and the location of any intervals of track not tested per § 213.339(d). The owner shall retain a rail inspection record for at least two years after the inspection and for one year after remedial action is taken.

FRA estimates that approximately 50 records will be retained by track owners under the above requirement. It is estimated that it will take approximately five (5) minutes to record the required information. Total annual burden for this requirement is four (4) hours.

Respondent Universe:	2 railroads (Amtrak &
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	Metro North)
Burden time per response:	5 minutes
Frequency of Response:	On occasion
Annual number of Responses:	50 records
Annual Burden:	4 hours
Annual Cost:	\$148

**Calculation:** 50 records x 5 min. = 4 hours  
4 hrs. x \$37 = \$148

Total annual burden for this requirement is 12 hours (8 + 4).

Total annual burden for this entire information collection is 1,704,644 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 PRACTICES.**

As noted in the previous submission, there are no additional costs to respondents other than the hour burden costs.

- 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.**

FRA's cost for CWR requirements (based on FY 2005 Federal Government Pay Schedule plus 40% overhead):

1. \$32,7499 - 464 hours for FRA staff to review 240 procedures (which describe the scheduling and conduct of physical track inspections to detect cracks and other incipient failures in CWR). The cost for FRA reviewing staff is equally divided between GS-13s and GS-14s.
2. \$48,118 - 840 hours for FRA staff to review seven (7) letters and seven (7) alternate procedures. The cost for FRA reviewing staff is equally divided between GS-12s, GS-13s, and GS-14s.
3. \$669,340 -14,000 hours for FRA inspectors to review additional CWR joint inspection data in required records. The cost for FRA inspectors is calculated at the GS-12 level.

Total CWR Costs = \$749,957

Additionally, FRA's cost for GRMS requirements (based on FY 2005 Federal Government Pay Schedule plus 40% overhead):

1. \$2,781 - 16 hours for 2 GS-14s to review technical data + 30 hours for 2 GS-13s to review notifications.
2. \$287 - 6 hours for one GS-12 to review training programs.

Total GRMS Costs = **\$3,068**

Grand Cost Total to Federal Government = **\$753,025**

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

The total burden has increased by 2,000 hours from the previous submission. The increase is the result of a **program change** in the Final Rule from the NPRM, specifically the new requirement under § 213.119(g)(7)(ii) concerning Fracture Reports. The burden for this new requirement is 2,000 hours. The current OMB inventory shows a total burden of 1,702,644 hours, while the present submission exhibits a total burden of 1,704,644 hours. Hence, there is a total increase of *2,000 hours*.

There is no change in cost from the last submission.

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

There will be no publications involved in these information collection requirements.

**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. The collection of information enhances rail safety by ensuring that adequate procedures are in place to detect and correct defects in continuous welded rail (CWR) track, particularly regarding defects involving rail joints in CWR. Without this collection of information, there would be no way that FRA could ensure that railroads/track owners develop procedures (or alternate procedures) which describe the scheduling and conduct of physical track inspections to detect cracks and other indications of incipient failure in CWR. Without such procedures, railroads would have no thorough and systematic way to examine CWR track and detect any of the following: (i) joint bars with visible or otherwise detectable cracks; (ii) loose, or bent, or missing joint bolts; (iii) rail end batter or mismatch that contributes to impact loads and instability of the joint; and (iv) evidence of excessive longitudinal rail movement in or near the joint, including – but not limited to – wide rail gap, defective joint bolts, or displaced anchors. Such defects could lead to an increased number of derailments, with corresponding increased casualties, if left undiscovered and uncorrected.

Without the Fracture Reports required in this collection of information, FRA would have no means to monitor and evaluate whether railroads are carrying out the necessary inspections and taking appropriate corrective actions when CWR joint cracks or breaks are discovered. Also, without the data provided by these Fracture Reports, FRA would have no way to determine whether the inspection methods and inspection frequencies are appropriate or should be varied.

Also, without this collection of information, FRA would have no way to ensure that railroad personnel are adequately and properly trained to detect CWR defects. Without the required procedural documents and records mandated by § 213.119, FRA could not know whether railroad employees understand the conditions of potential joint failure for which they must inspect, as well as the necessary remedial actions that they must take after encountering such defects, and the agency could not verify that these inspections were actually carried out. This would be a serious handicap to the railroads and FRA's efforts to improve rail safety.

The collection of information enhances rail safety by reducing the likelihood of wide-



gage derailments and corresponding injuries to railroad personnel, and passengers, as well as resulting property damage. Presently, the maintenance decisions which determine crosstie and rail fastener replacement within the industry rely heavily on visual inspections made by maintenance personnel whose subjective knowledge is based on varying degrees of experience and training. The subjective nature of these inspections sometimes results in inconsistent determinations about the ability of individual crossties and rail fasteners to maintain adequate gage restraint. GRMS technology offers a better, more objective method to determine the ability of crossties and rail fasteners to maintain adequate gage restraint. It is widely known within the rail industry that crossties of questionable condition which are left too long can cause wide-gage derailments. By collecting the required GRMS information, FRA can ensure that Gage Restraint Measurement Systems (GRMS) technology is implemented on appropriate segments of track on a regional - and eventually a national - basis; that GRMS design requirements have been met; that GRMS vehicles have been properly calibrated so that the integrity of the data they provide is maintained; and that suitable GRMS training programs have been established by track owners so that persons fully qualified under §213.7 are properly trained in this new technology. With the new technology, suspect crossties and rail fasteners can be replaced in a more timely fashion, reducing the number of wide-gage derailments. This undoubtedly will make rail travel safer.

Other information collected and reviewed by FRA as a result of the Track Safety Standards, in particular written records, enhance rail safety by ensuring that track owners designate only qualified persons to inspect and maintain track, and to supervise restorations and renewals of track under traffic conditions. The list of qualified persons to inspect or repair track is updated as new employees become qualified. These individuals must be able to demonstrate to track owners that they have the necessary experience and knowledge so that they can detect deviations from the requirements of this Part and prescribe appropriate remedial action to correct or safely compensate for those deviations. Each designated individual, including contractor personnel engaged by the track owner, must have written authorization from the track owner to prescribe remedial actions, and must have successfully completed a recorded examination. Consequently, these persons will better be able to identify rail defects and rail mismatches; determine the condition of crossties; evaluate track surface and alignment; ascertain gage restraint; and discern the maximum distance between rail ends over which trains may be allowed to pass. This, in turn, will serve to reduce the number of accidents/incidents and corresponding injuries, deaths, and property damage.

Additionally, inspection records are used by Federal and State investigators in the enforcement of the Track Safety Standards, and thus help promote rail safety. Track inspection records must indicate which track(s) are traversed by a vehicle that allows qualified persons to visually inspect the structure for compliance with this Part and which track(s) are inspected by foot. Records must be prepared on the day the inspection is made and must be signed by the person making the inspection. Further, records must specify the track inspected, date of inspection, location and nature of any deviation from

the requirements of Part 213, the location of any intervals of track not tested per section 213.237(d), and the remedial action taken by the person making the inspection. Track owners are required to retain inspection records for at least two years after the inspection and for one year after the remedial action is taken. Track inspection records are an integral part of FRA's rail safety program, and serve to ensure that defects are detected promptly and necessary remedial actions are taken in a timely fashion.

In this information collection as in all its information collection activities, FRA seeks to do its very best to fulfill DOT Strategic Goals and to be an integral part of One DOT.