SUPPORTING JUSTIFICATION
RAILROAD POWER BRAKES AND DRAWBARS
49 CFR Part 232

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

This collection of information is a request for an extension of a currently approved submission. FRA has revised the information in this collection – where appropriate and necessary – to reflect the most current data, and FRA's experience over the past three years in implementing the requirements of Part 232.

Background

The Federal Railroad Administration is responsible for the administration of the Safety Appliance Acts (49 U.S.C. 20301-20306, superseding 45 U.S.C.1-14, 16) and the Locomotive Inspection Act (49 U.S.C. 20701-20703, superseding 45 U.S.C. Sections 22-34). The Safety Appliance Acts deal with safety appliances on railroad equipment, one of which is the power brake. The Locomotive Inspection Act deals with the inspection, testing, and maintenance of locomotives and their parts and appurtenances. Under the provisions of 49 CFR Parts 229 and 232, FRA promulgates the rules and regulations pertaining to the installation, inspection, maintenance and repair of power brakes and related equipment.

On September 3, 1992, Section 7 of the Rail Safety Enforcement and Review Act (RSERA), Pub. L No. 102-365, amended Section 202 of the Federal Railroad Safety Act (FRSA) of 1970 (codified at 49 U.S.C. 20141, superseding 45 U.S.C. 431®), by adding a new subsection related to power brake safety which states:

> (1) POWER BRAKE SAFETY- (1) The Secretary shall conduct a review of the Department of Transportation's rules with respect to railroad power brakes, and not later than December 31, 1993, shall revise such rules based on such safety data as may be presented during that review.
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> (2) In carrying out paragraph (1), the Secretary shall, where applicable, prescribe standards regarding dynamic brake equipment.

The final rule is intended to be a comprehensive revision of the current requirements related to the inspection, testing, and maintenance of the brake equipment used in freight operations and is focused solely on freight and other non-passenger operations.

FRA believes that the current regulations need to be reorganized and updated, and that potential loopholes created by the current language need to be eliminated. Furthermore, FRA believes that completely new requirements are needed to address the qualifications of those individuals conducting brake inspections and tests. In the final rule, FRA codifies the statutory requirements related to the movement of freight equipment with defective or inoperative brakes. Additionally, the final rule codifies and solidifies the maintenance requirements related to the brake system and its components and prevents unilateral changes to these provisions by the very party to which they apply.

The final rule also contains various incentives to the railroads to encourage the performance of quality brake inspections, particularly at locations where trains originate. These include incentives to use qualified mechanical forces to conduct brake system tests at major terminals where long-distance trains originate in order to move these trains greater distances between brake inspections than currently permitted. Consequently, the final rule retains the basic inspection intervals and requirements contained in the current regulations and preserves the useful elements of the current system; however, FRA believes that the additions, clarifications, and modifications now included increase the safety, effectiveness, and enforceability of these regulations.

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.

FRA uses waiver information to determine whether it is consistent with railroad safety and in the public interest to grant exemptions to railroads concerning the requirements spelled out in this rulemaking.

Defective equipment is tagged with information prescribed in § 232.15. Railroads may use either a tag/card or an automated tracking system approved by FRA to identify defective locomotives/cars. The information is used both by FRA/State inspectors and by railroad workers. FRA/State inspectors use the information for compliance purposes, particularly during audits in order to verify that railroads are following the requirements set out in the rule. FRA/State inspectors use the information to ensure that defective cars/locomotives are moved properly; that they are moved to the correct destinations; and that necessary repairs are performed. Railroad workers use the information to identify the nature of the defect; to ensure that defective cars/locomotives are handled properly so that they are not unnecessarily injured during these movements; and to ensure that these defective cars/locomotives are moved to the proper/correct destinations and not beyond, thus avoiding unnecessary additional costs to their employers and higher safety risks to the public and to themselves that such mistakes would bring. Also, railroad workers use defective tags/cards to notify the person in charge of the train in which the car or locomotive is to be moved and all other crew members of the presence of the defective car/locomotive and to inform them of the maximum speed and other restrictions that

apply to the movement of these cars.

FRA reviews petitions for special approval of an alternative standard to determine whether the proposed alternative can be substituted for a particular requirement(s) of this Part. Specifically, FRA reviews these petitions for special approval to ensure that appropriate data or analysis, or both are provided for the agency to consider in determining whether the alternative standard proposed by the railroad will provide at least an equivalent level of safety to FRA's regulation. FRA also reviews these petitions for special approval and accompanying documents to ensure that the railroad includes a statement affirming that a copy of the petition has been served on designated representatives of the railroad's employees. FRA also reviews these accompanying documents to confirm that a list of the names and addresses of the persons served by the railroad is included. FRA seeks to ensure that railroad employee representatives and railroad employees are kept fully informed concerning decisions affecting their health and safety.

With one exception, all railroad cars are required to have a legible stencil, sticker, or badge plate affixed to the car displaying the permissible brake cylinder piston travel range for the car at Class I brake tests and the length at which the piston travel renders the brake ineffective, if different from Class I brake test limits. Train crews and mechanics performing brake system inspections use this information to determine when a freight car's air brakes are not in effective operating condition based on piston travel. This information is essential in order for a qualified railroad personnel to properly perform the brake inspections required by this rule because of the growing number of cars with other than standard brake designs.

FRA reviews railroad plans to monitor all yard air sources (other than locomotives) to ensure that railroads have set up a method by which they can verify that yard air sources operate as intended and do not introduce contaminants into the brake system of freight equipment. The required monitoring plan mandates that railroads inspect each yard air source at least two times per calendar year – no less than five months apart – to ensure it operates as intended and does not introduce contaminants into the brake system of the equipment it services and thereby jeopardize the effectiveness of the brake system to stop the car. Each monitoring plan must also identify yard air sources found not to be operating as intended or found introducing contaminants into the brake system of the equipment it services. Additionally, each monitoring plan must provide for repair or other remedial action concerning any yard air source identified as not operating as intended or found introducing contaminants into freight car brake systems. Finally, each monitoring plan must provide for the maintenance of records relating to yard air sources found not to be operating as intended or found introducing contaminants into the brake system. FRA reviews these records during routine inspections and audits to verify railroads are complying with this regulation, particularly that they are implementing their monitoring program and take the necessary steps to maintain and promote rail safety. These records must be maintained for at least one year from the date of creation.

Locomotive engineers are required to be informed of the operational status of the dynamic brakes on all locomotive units in the consist at the initial terminal or point of origin for a train and at other locations where a locomotive engineer first begins operation of the train. This information must be maintained in written or electronic form in the cab of the locomotive, and is reviewed by the locomotive engineer so that he/she knows the operational status of the dynamic brakes on all locomotives in the consist at the initial terminal or point of origin where he/she first takes charge of the train. Locomotive engineers use this information to operate the train in the safest and most efficient manner possible. Moreover, all dynamic brakes found to be inoperative must be tagged, and must be repaired within 30 calendar days of becoming inoperative or at the locomotive's next periodic inspection, whichever comes first. Train crews use this information to ensure that a locomotive with inoperative, or deactivated dynamic brakes is not placed in the controlling/lead position of a consist, unless the locomotive has the capability of controlling the dynamic braking effort in the trailing locomotives in the consist that are so equipped and unless the locomotive has the capability of displaying to the locomotive engineer the deceleration rate of the train or the total dynamic brake retarding force.

FRA reviews required railroad written operating rules relating to operating trains with dynamic brake systems to ensure that railroads have developed appropriate written operating rules governing safe train handling procedures using dynamic brakes under all operating conditions. These operating rules must be tailored to the specific equipment and territory of the railroad. The required operating rules are used by railroads and enable them to analyze the safety impacts of the various ways to handle potentially dangerous situations. The railroad's operating rules must ensure that friction brakes are sufficient by themselves, without the aid of dynamic brakes, to stop the train under all operating conditions, and must include an miles-per-hour-overspeed-top rule. At a minimum, each miles-per-hour-overspeed-top rule must require that any train, when descending a grade of one percent or greater, shall be immediately brought to a stop, by an emergency brake application if necessary, when the train's speed exceeds the maximum authorized for that train by more than five miles per hour. FRA reviews railroads' operating rules to confirm that enough necessary forethought is exerted to develop necessary procedures so as to potentially preempt many mistakes that cause dangerous situations to occur.

Train brake system maintenance standards are used by railroads both as a training tool to qualify new train brake system inspectors and as a check list for supervisors performing spot checks of train brake system maintenance work.

Training records are used by railroads to demonstrate that individuals responsible for train brake system inspection, maintenance, and tests meet the minimum qualification requirements enumerated in the rule. FRA reviews training records to make sure that railroads have developed or incorporated a training curriculum that includes classroom and "hands-on" lessons necessary to impart the skills and knowledge necessary for their employees to perform tasks for which they will be/are responsible. FRA also reviews

these records to assure that railroads provide periodic refresher training at an interval not to exceed three years that includes both classroom and "hands-on" training, as well as efficiency testing. FRA examines these records with a special focus on the qualifications of train crew members to assure brake inspections and tests are properly performed in order to protect both the public and railroad employees from the operation of equipment that does not meet Federal standards. FRA strictly scrutinizes the method and length of time spent by these individuals in the performance of required inspections. FRA believes the training and qualification requirements provide FRA with the ability to independently assess whether the training provided to a specific individual adequately addresses the tasks for which the individual is deemed capable of performing, and serves to prevent potential abuses by railroads to use insufficiently trained individuals to perform the necessary inspections, tests, and maintenance required by this rule. Additionally, railroads use these records to inform and keep up-date employees and/or contractors on their current qualification status. Since most railroads already voluntarily keep employee training records, this requirement supplements an existing practice.

FRA requires Class I brake tests (initial terminal inspection), Class IA brake tests (1,000 mile inspection), and Class II brake tests (intermediate inspections) be performed and the qualified person performing the "roll-by" inspection communicate the results of the inspection to the operator of the train. Locomotive engineers and train crews use the "roll-by inspection information to determine when the train they are operating is due attention for testing and inspection purposes, thus enhancing the continued safe operation of the train. To have a train operate without these tests being performed could create an unsafe condition and risk the safety of the general public and railroad employees.

Railroad employees use the required single car test due date stenciling (a form of recordkeeping) to ascertain when a car's next scheduled single car test is due. Railroad employees use required the end-of-train device stenciling (again a form of recordkeeping) to ascertain when a two-way end-of-train device is due for calibration.

For extended haul trains, FRA requires the performance of an inbound inspection at destination or at 1,500 miles, and requires carriers to maintain records of all defective conditions discovered on these trains for a period of one year. Railroads must maintain a record of all defective, inoperative, or ineffective brakes, as well as any conditions not in compliance with Parts 215 and 231 of this Chapter discovered at any time during the movement of the train. FRA uses these records to enhance the agency's ability to independently monitor railroads' operation of these type of trains. FRA also uses these records to assess the quality of a railroad's inspection practices, and to help FRA identify any systematic brake or mechanical problems that may result from these types of operations.

Finally, FRA requires special approval for new brake system technology by the Associate Administrator for Safety and reviews railroads' plans before implementation to ensure that all safety risks have been reduced to a level that permits the new brake system

technology to be used in revenue service.

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

FRA highly encourages and strongly endorses the use of advanced information technology, wherever possible, to reduce burden on respondents. In this rule, FRA has expanded the number of information collection requirements where railroads may avail themselves of the latest information technology, in particular electronic recordkeeping and automated tracking systems. For example, regarding the movement of defective equipment/locomotives, railroads have the option of using a tag/card, or an approved automated tracking system upon the discovery of the defect. Also, the records required to identify yard air sources found not to be operating as intended or found introducing contaminants into the brake system of the equipment it services may be kept electronically. Further, the records that must be kept regarding the operational status of the dynamic brakes on all locomotive units in the consist at the initial terminal or point of origin for a train and at other locations where a locomotive engineer first begins operation of a train may kept in written or electronic form.

Additionally, the required record that must be maintained in the cab of the controlling locomotive to ensure that a train crew employed by a railroad is given accurate information on the condition of the train brake system and train factors affecting brake performance when the crew takes over responsibility for the train may be kept electronically. Moreover, the records regarding training may be kept electronically. Under this requirement, a railroad or contractor must maintain adequate records to demonstrate the current qualification status of all its personnel assigned to inspect, test, or maintain a train brake system. Likewise, concerning extended haul trains, the record required of railroads regarding all defective, inoperative, or ineffective brakes, as well as any conditions discovered at any time during the movement of the train that are not in compliance with Parts 215 and 231 of this Chapter, may be kept electronically.

The required records ensuring that Class I brake tests or single car tests were satisfactorily performed may be kept in a written or electronic format. In this rule, FRA has imposed extensive tagging requirements on freight cars which, due to the nature of the defective condition(s) detected, require a repair track brake test or single car test but which are moved from the location where repairs are performed prior to receiving the required test. As an alternative to the tagging requirements, FRA is allowing a railroad to use an automated tracking system to monitor these cars and ensure that they receive the

requisite tests, provided the automated system is approved by FRA. Finally, under the inspection and testing of end-of-train devices section, the required record of notification to the locomotive engineer that a person other than a train crew member has successfully conducted a test of a two-way-end-of-train device may be kept electronically. *(Note: A total of **78 percent** of all responses may be kept electronically).*

As in its other rules, FRA has taken a flexible approach regarding the information collection requirements associated with this rule. Some railroads requested that they be allowed to keep required records electronically. FRA believes that it is up to each railroad to decide for itself the most appropriate method of recordkeeping, given its financial resources and staffing situations. In keeping with both the goals of the 1995 Paperwork Reduction Act (PRA) and the 1998 Government Paperwork Elimination Act (GPEA), FRA has sought to reduce burden, wherever possible, by permitting the use of an electronic or automated option in order to allow railroads to determine for themselves the most cost-effective and convenient method to fulfill the rule's paperwork requirements.

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

To our knowledge, this information is not duplicated anywhere.

Similar data is not available from any other source.

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

The only significant costs to small entities (Class III railroads) imposed by this rule are related to the training of employees. In the earlier NPRM, FRA estimated that Class III railroads would absorb approximately 15 percent of the training costs being imposed on non-Class I railroads. This estimate was based on the fact that Class III railroads employ approximately 15 percent of the employees on non-Class I railroads and on the fact that virtually all of the training costs are related to the number and types of employees employed by a railroad. FRA received no specific comment from any interested party objecting to this estimate in the NPRM. Subsequently, the rule was modified to reduce the potential impact of the training requirements on these small railroads, based on comments received, by eliminating the need to develop internal audit programs and by allowing efficiency tests to be utilized to assess the effectiveness of a railroad's training program. Moreover, as noted above, the training that employees of Class III railroads are required to receive is significantly less than the required training of many employees on Class I and Class II railroads.

Additionally, FRA believes the impact of these requirements on smaller railroad operations are somewhat reduced due to the training already provided by the railroads and due to the nature of the operations themselves. FRA notes that many smaller railroads, particularly Class II railroads, send their employees to other railroads for training, participate in Association of Short Line and Regional Railroad Association (ASLRRA) and FRA training, and have some form of on-the job training. Furthermore, small or Class III railroad employees are not likely to require extensive training on different types of brake equipment since most of the equipment used by Class III railroads have only one type of brake valve. Moreover, the employees of these small railroads would likely not be required to receive any training in the areas of EPIC brakes, dynamic brakes, two-way end-of-train (EOT) devices, or on some of the brake tests and maintenance mandated because of the limited distances traveled by these trains, the low tonnages hauled, and because many of the maintenance functions are contracted out to larger railroads. The net result of the above is that there would be less recordkeeping required on the part of smaller railroads.

FRA considered the role that shortline railroads have in today's freight industry. FRA believes that the current marketplace requires Class I railroads and shortline railroads to operate as an integrated system. As previously noted, many of today's shortlines rely on Class I railroads for the training of their employees and the maintenance of their equipment. In addition, many shortline railroads and Class I railroads interchange and operate each other's equipment. Except in limited circumstances, it is impossible, from a regulatory standpoint, to separate shortline railroads from Class I railroads. Therefore, in order to ensure the safety and quality of train and locomotive power braking systems throughout the entire freight industry, the rule generally imposes a consistent set of requirements on shortline and Class I railroads as a group. Although FRA recognizes that many of the operational benefits created by this rule are not available to most shortline operations, FRA believes that the integrated nature of the freight industry requires that universally consistent requirements be imposed on both shortline and Class I railroads.

Last, it should be noted that the rule allows each railroad and contractor the flexibility to develop a training program that best fits its operation and does not impose specific curriculum or experience requirements. Furthermore, when proposing the training requirements, FRA intended for railroads to incorporate existing training regimens and curricula into the proposed training programs. Thus, the rule contains a specific provision which permits railroads to consider previous training and testing received by an employee when determining whether an employee is qualified to perform a particular task.

In sum, FRA has endeavored, as much as possible, to place a minimal economic burden on small railroads.

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

If this collection of information were not conducted or conducted less frequently, the safety of rail freight operations in the U.S. would be greatly jeopardized. Specifically, without this collection of information, locomotive engineers would not be informed of the operational status of the dynamic brakes on all locomotive units in the consist at the initial terminal or point of origin for a train, or at other locations where they first take charge of a train. Consequently, they could take charge of a train with a defective locomotive(s) and cars, and not be aware of this and other necessary restrictions that they ought to follow. This could lead to dangerous situations and to an increase in the number of rail accidents/incidents and associated injuries/fatalities to crew members, as well as increase property damage. Also, if this information collection were not conducted, yard air sources would not be monitored to ensure that they operate as intended. As a result, contaminants could be introduced into the brake system of freight equipment which could affect the functioning of the brakes and thus negatively impact railroad safety.

Without this collection of information, FRA could not ensure that train crews have written procedures that provide critical data regarding an array of factors which affect train performance. These procedures provide each train crew coming on duty with such information as the weight and length of the train (based on the best information available to the railroad); any special weight distribution that would require special train handling practices; the number of and location of cars with cut-out or otherwise ineffective brakes and the location where they will be repaired; if a Class I or Class IA brake test is required prior to the next crew change point, the location at which that test will be performed; and any train system brake problems encountered by the previous crew of the train. These written procedures then are essential in providing data which help train crews avoid potentially dangerous train handling situations. They also enable railroads to comply with various Federal safety standards.

If this information were not collected or collected less frequently, FRA could not ensure that necessary brake inspections, tests, and repairs are completed. Consequently, the discovery and correction of minor defects would not occur in time to prevent them from becoming major defects and the source of rail accident/incidents. Also, without this information collection, FRA could not ensure that railroads adopt and implement a training, qualification, and designation program for employees and contractors who perform brake system inspections, tests, and maintenance. Having unqualified employees work on freight brake systems would endanger the safety of train crews, the general public, and the intact delivery of train cargo.

In sum, this collection of information advances the mission of FRA, which is to ensure, enhance, and promote safety throughout the U.S. rail system.

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 STATUTE OR REGULATION, THAT IS NOT SUPPORTED BY DISCLOSURE AND DATA SECURITY POLICIES THAT ARE CONSISTENT WITH THE PLEDGE, OR WHICH UNNECESSARILY IMPEDES SHARING OF DATA WITH OTHER AGENCIES FOR COMPATIBLE CONFIDENTIAL USE; OR

-REQUIRING RESPONDENTS TO SUBMIT PROPRIETARY TRADE 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.

All information collection requirements contained in this rule are in compliance with this section.

8. IF APPLICABLE, PROVIDE A COPY AND IDENTIFY THE DATE AND PAGE NUMBER OF PUBLICATION IN THE FEDERAL REGISTER OF THE AGENCY'S NOTICE, REQUIRED BY 5 CFR 1320.8(d), SOLICITING

COMMENTS ON THE INFORMATION COLLECTION PRIOR TO SUBMISSION TO OMB. SUMMARIZE PUBLIC COMMENTS RECEIVED IN RESPONSE TO THAT NOTICE AND DESCRIBE ACTIONS TAKEN BY THE AGENCY IN RESPONSE TO THOSE COMMENTS. SPECIFICALLY ADDRESS COMMENTS RECEIVED ON COST AND HOUR BURDEN.

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

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

As required by the Paperwork Reduction Act of 1995, FRA published a notice in the Federal Register on August 2, 2006, soliciting comment from the railroad industry and the public at large on this particular information collection. *71 FR 43837*. FRA received no comments in response to this notice.

Background

The Final Rule for Brake System Safety Standards for Freight and Other Non-Passenger Trains and Equipment was published in its entirety in the Federal Register on January 17, 2001 (*66 FR 41044217*).

In response to the 1998 NPRM, FRA received numerous comments from representatives of rail labor and rail management, various private car owners, and manufacturers of rail equipment relating to the proposed provisions. Many comments addressed different regulatory aspects of the proposed rule. Other comments pertained to specific paperwork requirements themselves rather than the burden hours and burden costs associated with those requirements. For example, several labor representatives commented on the proposed written notification requirement related to the performance of Class I brake tests. These commenters supported the written notification requirement and recommended that the information remain with the train if the motive power is changed. One labor organization representative also stated that the proposed requirements related to the designation of 1,000 mile inspections are insufficient, and recommended that the designation be filed with FRA and specifically identify the trains that will be inspected at

each location. On the other hand, representatives of rail management objected to the proposed requirement that locomotive engineers be notified in writing by a person performing the test as to the successful completion of a Class I brake test. These commenters believed that the notification could be provided orally, or electronically by a person with knowledge of the test as long as the locomotive engineer made a record of the notification and necessary information. These commenters also sought clarification of the proposed requirements regarding the designation of locations where 1,000 mile inspections would be conducted. These commenters did not object to the designation requirement provided that it is not on a train-by-train basis. They contended that to require that specific trains have 1,000 mile inspections performed at specific locations would create substantial burdens, and would eliminate flexibility needed to operate trains in a timely and efficient manner.

After careful consideration, FRA modified the notification requirement related to Class I brake tests from that proposed in the NPRM. In the NPRM, FRA's intent was to ensure that the locomotive engineer was adequately informed of the results of the inspection. FRA recognizes the need to provide the information in writing ignores technological advances and operational efficiencies. Consequently, the final rule permits the notification in whatever format the railroad deems appropriate, provided the notification contains the proper information and a record of the notification, and the requisite information is maintained in the cab of the controlling locomotive. FRA also realized that the proposed requirement for designating locations where Class IA inspections would be performed was somewhat unclear, and may have caused confusion. The intent of the requirement was to ensure that FRA was informed of those locations where a railroad intends to perform Class IA brake inspections and hold the railroad responsible for conducting the inspections at those locations. FRA did not intend to require that railroads specify the Class IA location for each train they operate. The final rule makes clear that the designation required is for locations where such inspections will be performed, and permits deviance from those locations in emergency situations only.

Some commenters also stated that the proposed provision requiring FRA to receive advanced notification of extended haul trains would seriously limit the number of trains utilizing that provision since many trains are unscheduled with unknown symbols and would thus be excluded. In an effort to provide some flexibility in this area, the final rule was modified to allow railroads to designate certain locations as locations where extended haul trains will be initiated, and requires railroads to describe those trains that will be so operated rather than requiring specific identification of every train. FRA believes this modification allows railroads to capture some of their unscheduled trains by identifying the trains by the locations where they are initiated.

Additionally, the Association of American Railroads (AAR) and several other railroads submitted comments which addressed the proposed tagging requirements associated with the movement of equipment with defective brakes. They objected to the requirement that any automated tracking system be approved by FRA prior to its implementation. These

commenters suggested that such a review and approval process would be very time consuming, and expressed the belief that FRA would not easily grant the use of such systems. They also objected to the proposed requirement that the tag or card be retained for 90 days, contending that the requirement was merely to aid FRA enforcement and served no other purpose. Conversely, parties representing rail labor generally supported the proposed tagging requirement. They stated that the required tag provides carmen and yard crews with the ability to visually identify defective equipment, and take appropriate action. They remarked that tags should be retained for a period of at least one year rather than the proposed 90 days and that these tags be made available to FRA immediately rather than in the proposed 15 days. Rail labor commenters also noted their objection to the use of an automated tracking system. These commenters believed that an automated tracking system would reduce the awareness by ground inspection forces as to the presence of defective equipment and would not ensure proper handling of such equipment. They further contended that automated tracking systems lack ready accessibility, and do not provide sufficient accountability or security to prevent abuse by the railroads.

Responding to these comments, the final rule generally retains the requirements regarding the movement of defective equipment enunciated in the 1998 NPRM. It retains FRA's position on the use of automated tracking systems in lieu of the required tagging of defective equipment. As an adequate automated system for tracking defective equipment does not currently exist on most railroads, FRA is not willing to permit the implementation of such a system without its approval. Moreover, FRA does not believe it is prudent – from a safety perspective – to allow implementation of a tracking system for which FRA would not have a prior opportunity to ensure the system's accessibility, security, and accuracy. FRA agrees that the physical tagging of defective equipment provides a railroad's ground and operational forces the ability to visually locate and identify defective equipment at the time they see it rather than referring to an electronic database for such information. The final rule permits either tagging, or the use of an automated tracking system approved for use by FRA. Railroads can decide for themselves which method to use to fulfill the requirement. However, FRA will prohibit the use of any automated tracking system that it finds deficient. The final rule retains the proposed requirement that a record or copy of each tag removed from a defective piece of equipment be kept for 90 days and be made available to FRA within 15 days of any request. FRA does not believe that the proposed time frames need to be expanded as suggested by some commenters. FRA readily admits that the recordkeeping requirements are intended to aid the agency in its enforcement of regulations as it has very limited resources, and can inspect and oversee only a small portion of railroad operations taking place across the country at any one time.

Regarding dynamic brakes, the AAR contended that the proposed requirement to provide written notification of the operational status of the dynamic brakes is overly burdensome. They recommended that the information be permitted to be transmitted in any manner, provided a record of the notification is maintained in the cab of the controlling

locomotive. They also suggested the notification only be required on an exception basis, for example, when the dynamic brakes are inoperative. Conversely, representatives of rail labor contended that no locomotive with inoperative brakes should be permitted to be dispatched from a location with mechanical facilities capable of making repairs. These commenters supported the requirement that the locomotive engineer be informed in writing as to the operational status of the dynamic brakes on all units in the consist, and recommended that the lead locomotive be tagged to notify the engineer of the presence of a defective unit. Representatives of rail labor also recommended that a record of repairs made to a locomotive's dynamic brakes be retained for a period of one year rather than the 92 days called for in the NPRM.

The AAR also objected to the requirement to stencil locomotives operating with deactivated dynamic brakes. They remarked that the need to deface such locomotives is unnecessary and that a less intrusive means of identification be used. The AAR and several locomotive manufacturers also provided comments on the availability and use of dynamic brake indicators. They asserted that the technology does not exist to show brake performance on distributed power units, and argued that they should be excluded from any indicator requirements. They affirmed as well that technology is not available to have most existing locomotives retrofitted with an indicator of some sort. They further maintained that the proposed requirements related to the notification of the locomotive engineer of dynamic brake status should not be included if FRA adopts an indicator requirement since real time information will be available to the locomotive engineer. On the other hand, numerous labor representatives, the NTSB, and CAPUC contended that the technology does exist – at least for new locomotives – to provide locomotive engineers with real-time indicators of the operating status of the dynamic brakes on trailing units. These commenters argued that the information these indicators provide is extremely important and would allow engineers to control and operate their trains in the safest manner possible. All of these commenters seemed to support a requirement to mandate these indicators in new locomotives, and some recommended some sort of retrofit requirement for existing equipment.

In response to the above-mentioned comments, the final rule allows railroads to provide locomotive engineers with the required information by any means they deem appropriate. The final rule also requires that a written or electronic record of the information provided be maintained in the cab of the controlling locomotive. This ensures that on-coming engineers will have the information provided to the previous operator of the train. The final rule further states that the information is to be provided to the locomotive engineer at the train's initial terminal and at other locations where an engineer "first begins operation" of the train rather than where the engineer "takes charge of the train." Additionally, the final rule retains the proposed tagging provisions related to the tagging of a locomotive found with inoperative dynamic brakes. Contrary to the comments of some parties, FRA does not believe that the tagging provisions require the development of new tags. The rule would allow the use of any type of tag provided it is placed in a conspicuous location and contains the required information. The final rule also

eliminates the requirement to stencil the outside of a locomotive declared to have deactivated dynamic brakes. FRA agrees that defacing the exterior of the locomotive is unnecessary and would do little to inform the locomotive engineer of the presence of a locomotive with deactivated dynamic brakes.

Additionally, the final rule contains provisions requiring new and rebuilt locomotives to be equipped with some sort of dynamic brake indicator. However, the requirements related to dynamic brake indicators only apply to locomotives ordered one year after the effective date of the final rule and to locomotives placed in service for the first time three years after the effective date of the final rule. The final rule allows rebuilt locomotives to be designed to display the train deceleration rate in lieu of being equipped with the dynamic brake indicator required on new locomotives. The final rule also eliminates the need to inform locomotive engineers of the status of the dynamic brakes when all of the locomotives in the lead consist are equipped with dynamic brake indicators required for new locomotives.

Regarding the proposed training requirements, various railroads objected to some of the administrative burdens. They contended that the requirement to identify all tasks related to the inspection, testing, and maintenance of brake systems and to develop procedures for performing each task is overly burdensome and unnecessary. They also objected to the proposed requirement that the railroad's chief mechanical officer, or chief operating officer sign a statement for each employee attesting that the employee meets the minimum requirements. They argued that such a requirement would inhibit the use of electronic records and would have no benefit. These commenters further objected to the requirement that railroads implement formal internal validation and assessment programs. They contended that these programs would waste scarce resources and that the effectiveness of a training program can be assessed through efficiency tests, supervisory spot checks, and other less burdensome methods. Additionally, the AAR and the American Short Line Railroad Association (ASLRA) (now the American Short Line and Regional Railroad Association (ASLRRA)) objected to the proposed recordkeeping provisions, claiming they are overly detailed and unnecessary. These commenters recommended that recordkeeping burdens be reduced, and that FRA only require a list of qualified employees, the training courses completed by an employee, and the date that the training was completed. They stated that each railroad is in the best position to determine the level of detail that their records should contain, and that the level of detail proposed by FRA will have a significant cost burden on railroads.

After thoroughly reviewing these comments, FRA has decided to retain in the final rule the basic structure and concepts that were spelled out in the NPRM regarding the training of individuals responsible for conducting the inspections and tests required by regulation. The final rule retains the proposed requirement that railroads identify the tasks related to the inspection, testing, and maintenance of the brake system required to be performed by the railroad or contractor, and identify the skills and knowledge necessary to perform each task. However, the final rule does eliminate the need to develop written procedures

for performing each task identified. The final rule also modifies the proposed requirement that railroads develop an internal validation and assessment process to evaluate the effectiveness of training. It now requires that a railroad or contractor develop a plan to periodically assess its training program, and permits the use of efficiency tests or periodic review of employee performance as methods for conducting such review. The final rule also retains the recordkeeping requirements proposed in the NPRM with slight modification. FRA continues to believe that the recordkeeping and designation requirements contained in the final rule are the cornerstone of the training requirements. FRA believes something more than just a mere list of qualified employees is needed. FRA feels requiring detailed records helps prevent railroads and contractors from circumventing the training requirements, and helps prevent them from attempting to utilize insufficiently trained personnel to perform the inspections and tests required by this rule. The final rule makes clear that the required records may be maintained either electronically or in writing.

Regarding the proposed air source requirements, the AAR and its member railroads submitted several comments. These commenters contended that the railroads would need at least five years to comply with the proposed requirements related to the development and implementation of monitoring plans for yard air sources. They further claimed these requirements would cost the industry $41 million. They objected to the requirement mandating a detailed assessment of remedial actions taken whenever a yard source is found to have the "potential" of introducing contaminants into the equipment it services. They felt this requirement was unnecessary, and argued that the recordkeeping requirements merely increased a railroad's administrative burden. In their comments, labor representatives also objected to the proposed yard air monitoring plan requirements, contending that the proposed requirements fail to specify the frequency with which yard air sources are to be inspected. They suggested that monitoring plans should be subject to FRA approval prior to implementation.

After carefully reviewing these comments, FRA is somewhat skeptical of the AAR's contentions regarding both the time, and the cost to implement the required yard air monitoring plans. FRA sees no reason why a railroad would need five years to implement a plan to inspect each of its yard air sources twice a year. FRA believes that railroads should be able to implement these monitoring plans within the three year applicability date provided in the final rule, and estimates the cost – including recordkeeping – to the fifty or so applicable railroads at less than $2 million. In response to the other comments, FRA has decided to remove the word "potential" in the final rule as FRA agrees that the proposed language was unclear, and may have been overly inclusive. The final rule eliminates the requirement for railroads to conduct a detailed assessment of the remedial actions taken whenever a yard source is found to have the "potential" of introducing contaminants into the equipment it services. FRA agrees that this requirement is unnecessary. The final rule retains the other proposed recordkeeping requirements related to yard air monitoring plans but clarifies that the records can be maintained either electronically or in writing. FRA firmly believes that

these records are necessary to ensure that railroads are properly conducting the required inspections, and are taking timely and appropriate remedial action when an air source problem is detected. The final rule does not contain provisions requiring FRA approval of the yard air source monitoring plans prior to their implementation as suggested by some commenters. FRA has neither the manpower nor the resources for such review and approval. Given the specific requirements in the final rule and the records that are required to be maintained, FRA believes this is not necessary.

Finally, regarding the maintenance requirements proposed in the NPRM, the AAR, its members, and some private car owners submitted a variety of comments. These commenters recommended that FRA eliminate the requirement to stencil equipment with the date of the last single car or repair track air brake test, and allow the industry to use the UMLER tracking system to record and monitor such information. They asserted the belief that the industry should be permitted to implement an automated or electronic tracking system without prior FRA approval. They contended that the industry has been using the UMLER system for years, and noted it has proven effective. They further maintained that the automated system currently used is no less secure or capable of manipulation than a manual stenciling requirement. They observed that there has been no evidence of falsification on the part of the railroads using the UMLER system. As a result, they asserted it should be permitted without FRA prior approval. In other comments, several railroad representatives expressed the belief that there is no need to retain the bad ordered tags for moving equipment for testing as a record of the repair is maintained for a year pursuant to AAR rules. In their comments, representatives of rail labor objected to any type of automated tracking system arguing that such a system is subject to abuse and manipulation.

In response to these comments, FRA has decided to modify the proposed requirement regarding the use of an automated tracking system in lieu of stenciling with the date and location of the last single car or repair track test received. Since 1992, the railroad industry has used AAR's UMLER reporting system to electronically track the performance of single car and repair air brake tests as well as other information. Based on the performance and use of this system over the last seven years, FRA believes that AAR's UMLER system has proven itself effective for tracking information required in this final rule and ensuring the timely performance of single car and repair track air brake tests. Thus, the final rule permits railroads to utilize an electronic recordkeeping system to track single car and repair brake tests without obtaining prior FRA approval of the system. The final rule makes clear that FRA will monitor the performance of such systems and retains the right to revoke a railroad's ability to utilize the system if FRA finds that it is not properly secure, inaccessible to FRA or a railroad's employees, or fails to properly or adequately track and monitor the equipment. Also, the final rule retains the proposed requirements for tagging equipment which is being hauled for the performance of a single car or repair track air brake test after the appropriate repairs have been conducted. FRA believes the tags are necessary not only to provide notice to a railroad's ground forces as to the presence of the car but also to ensure that railroads are

properly performing the tests at appropriate locations. The final rule also retains the requirement that a copy or record of the tag be retained for 90 days, and be made available to FRA upon request.

Following the publication of the 1998 NPRM, FRA held two public hearings and a public technical conference to allow interested parties the opportunity to comment on specific issues addressed in the NPRM. Public hearings were held in Kansas City, Missouri on October 26, 1998, and in Washington, D.C., on November 13, 1998. A public technical conference was conducted in Walnut Creek, California on November 23 and November 24, 1998. These hearings and technical conference were attended by numerous railroad representatives, members of organizations representing railroads, representatives of labor organizations, rail shippers representatives, and representatives of State governmental agencies. Subsequent to conducting these public hearings and the technical conference, FRA issued a notice extending the comment period on the NPRM from January 15, 1999 to March 1, 1999. FRA also conducted a public meeting on May 27, 1999.

FRA carefully considered all the information, data, and proposals submitted in developing this rule. The final rule reflects the information, data and proposals developed by the RSAC Freight Power Brake Working Group; all oral and written comments submitted by various groups in relation to the 1994 NPRM; and all oral and written comments submitted by different groups relating to the 1998 NPRM. FRA believes all this input contributes to a more effective rule, which will achieve greater rail safety.

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

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

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

Information collected is not of a confidential nature, and FRA pledges no confidentiality.

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

INFORMATION IS REQUESTED, AND ANY STEPS TO BE TAKEN TO OBTAIN THEIR CONSENT.

These requirements have nothing to do with sensitive matters.

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 cost to respondents is primarily a function of labor hours. Based on the 2005 edition of the Association of American Railroads (AAR) publication entitled Railroad Facts, FRA has used the following labor rates for railroad hourly wages in its cost calculations: $70 per hour for executives, officials, and other staff assistants; $40 per hour for professional and administrative employees; $42 per hour for transportation employees, other than train and engine workers (e.g., locomotive mechanics); and $50 for train and engine employees. Wage rates are burdened 40% to include fringe benefits and overhead.

Respondent universe is estimated at 545 railroads, and the number of American locomotives is estimated to be 22,500.

§ 229.27 Annual tests.

The load meter shall be tested. Each device used by the engineer for braking the train or locomotive that provides an indication of air pressure electronically shall be tested by comparison with a test gauge or self-test designed for this purpose. Errors of greater than five percent or three pounds per square inch, whichever is less, shall be corrected. The date and place of the test must be recorded on Form FRA F 6180.49A, and the person conducting the test and that person's supervisor must sign the form.

FRA estimates that approximately 22,500 load meters will be tested annually under this requirement. It is estimated that it will take approximately 15 minutes to perform the test, record the date and place of the test on form FRA F 6180.49A, and have the person conducting the test and his/her supervisor sign the form. Total annual burden for this requirement is 5,625 hours.

Respondent Universe:	22,500 locomotives	
Burden time per response:	15 minutes	
Frequency of Response:	Annually	
Annual number of Responses:	22,500 tests/forms	
Annual Burden Hours:	5,625 hours	
		Labor Rate:
		$42
Annual Cost:		$236,250

Calculation: 22,500 tests/forms x 15 min. = 5,625 hours
5,625 hrs. x $42 = $236,250

§ 231.31 Drawbars for freight cars; standard height.

On railroads operating on track with a gage other than those contained in paragraphs (a)(1)-(a)(3), the maximum and minimum height of drawbars for freight cars operating on those railroads shall be established upon written approval of FRA.

FRA estimates that it will receive approximately zero (0) letters annually under this requirement. Consequently, there is no burden associated with this requirement.

§ 232.1 Scope

A railroad may request earlier application of the requirements contained in subpart A through C and subpart F of this part upon written notification to FRA's Associate Administrator for Safety. Such request shall indicate the railroad's readiness and ability

to comply with all of the requirements contained in those subparts.
Since this provision no longer applies, there is no burden associated with this requirement.

§ 232.3 Applicability

Export, industrial, and other cars not owned by a railroad which are not to be used in service, except for movement as shipments on their own wheels to given destinations. Such cars shall be properly identified by a card attached to each side of the car, signed by the shipper, stating that such movement is being made under the authority of this paragraph.

FRA estimates that approximately four (4) cars/locomotives will need to be properly identified. A total of eight (8) cards then will be completed under this requirement. It is estimated that it will take approximately 10 minutes for each card to be completed and signed by the shipper. Total annual burden for this requirement is one (1) hour.

Respondent Universe:		545 railroads
Burden time per response:	10 minutes	
Frequency of Response:	On occasion	
Annual number of Responses:	8 cards	
Annual Burden Hours:	1 hour	
		Labor Rate:
		$40
Annual Cost:		$40

Calculation: 8 cards x 10 min. = 1 hour
1 hr. x $40 = $40

§ 232.7 Waivers.

(a) Any person subject to a requirement of this part may petition the Administrator for a waiver of compliance with such requirement. The filing of such a petition does not affect that person's responsibility for compliance with that requirement while the petition is being considered.

(b) 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 20 waivers annually under this requirement. It is estimated that it will take approximately 40 hours for the respondent to prepare the necessary data required for each petition and forward it to FRA. Total annual burden for this requirement is 800 hours.

Respondent Universe:	545 railroads
Burden time per response:	40 hours
Frequency of Response:	On occasion
Annual number of Responses:	20 petitions
Annual Burden Hours:	800 hours
	Labor Rate: $40
Annual Cost:	$32,000

Calculation: 20 petitions x 40 hrs. = 800 hours
800 hrs. x $40 = $32,000

§ 232.11 Penalties

Any person who knowingly and willfully falsifies a record or report required by this part may be subject to criminal penalties under 49 U.S.C. 21311.

FRA estimates that it will receive approximately one (1) falsified record/report required by this part annually. It is estimated that it will take approximately 10 minutes for a respondent to falsify a report/record. Total annual burden for this requirement is 10 minutes.

Respondent Universe:	545 railroads
Burden time per response:	10 minutes
Frequency of Response:	On occasion
Annual number of Responses:	1 falsified record/report
Annual Burden Hours:	.17 hour
	Labor Rate: $42
Annual Cost:	$7

Calculation: 1 falsified record/report x 10 min. = .17 hour
.17 hr. x $42 = $7

§ 232.15 Movement of Defective Equipment.

A. At the place where the railroad first discovers the defect, a tag or card shall be placed on both sides of the defective equipment or locomotive and in the cab of the locomotive, or an automated tracking system approved for use by FRA shall be provided with the following information about the defective equipment:

(i) The reporting mark and car or locomotive number;

(ii) The name of the inspecting railroad;

(iii) The name and job title of the inspector;

(iv) The inspection location and date;
(v) The nature of each defect;

(vi) A description of any movement restrictions;

(vii) The destination of the equipment where it will be repaired; and

(viii) The signature, or electronic identification, of the person reporting the defective condition.

The tag or card required by paragraph (b)(1) of this section must remain affixed to the defective equipment until the necessary repairs have been performed.

An electronic or written record or copy of each tag or card attached to or removed from a car or locomotive must be retained for 90 days and, upon request, must be made available within 15 calendar days for inspection by FRA or State inspectors.

Each tag or card removed from a car or locomotive shall contain the date, location, reason for its removal, and the signature of the person who removed it from the piece of equipment.

Any automated tracking system approved by FRA to meet the tagging requirements contained in paragraph (b)(1) of this section could be reviewed and monitored by FRA at any time to ensure the integrity of the system. FRA's Associate Administrator for Safety may prohibit or revoke a railroad's ability to utilize an approved automated tracking system in lieu of tagging if FRA finds that the automated tracking system is not properly secure; is inaccessible to FRA or a railroad's employees; or fails to adequately track and monitor the movement of defective equipment. Such a determination will be made in writing, and will state the basis for such action.

FRA's current regulations on power brakes do not contain requirements pertaining to the movement of equipment with defective power brakes. The movement of equipment with these types of defects is currently controlled by a specific statutory provision originally enacted in 1910.

Under this requirement, FRA is proposing that all cars or locomotives found with defective or inoperative braking equipment be tagged as bad and ordered with a designation of the location where the necessary repairs can and will be effectuated.

These requirements are very similar to the tagging requirements currently contained in Part 215 regarding the movement of equipment not in compliance with the Freight Car

Safety Standards, and are generally consistent with how most railroads currently tag equipment found with defective brakes. FRA recognizes that the industry is attempting to develop some type of automated tracking system capable of retaining the information required by this section and tracking defective equipment electronically, which FRA envisions would be used on an industry-wide level. Consequently, FRA has expressly provided the option to use an automated tracking system, if it is approved by FRA. Currently, FRA has several concerns regarding the accessibility, reliability, and security of the system being considered by the industry, and would not approve such a system without having those concerns addressed.

FRA estimates that approximately 64,200 defective cars or locomotives will need tags under this requirement. It is estimated that it will take approximately 2.5 minutes to prepare each tag and place one on both sides of the defective equipment. Total annual burden for this requirement is 5,350 hours.

Respondent Universe: 1,620,000 cars/locomotives

Burden time per response: 2.5 minutes per tag

Frequency of Response: On occasion

Annual number of Responses: 128,400 tags
Annual Burden Hours: 5,350 hours
Labor Rate: $42
Annual Cost: $224,700

Calculation: 128,400 tags x 2.5 min. = 5,350 hours
5,350 hrs. x $42 = $224,700

B. The person in charge of the train in which the car or locomotive is to be moved must be notified in writing and inform all other crew members of the presence of the defective car

or locomotive and the maximum speed and other restrictions determined under paragraph (a)(11)(i)(B) of this section. A copy of the tag or card described in paragraph (b) of this section may be used to provide the notification required by this paragraph.

FRA estimates that approximately 25,000 written notices will be issued annually under this requirement. It is estimated that it will take approximately three (3) minutes to prepare the notice and provide it to the train crew members. Total annual burden for this requirement is 1,250 hours.

Respondent Universe:	1,620,000 cars/locomotives
Burden time per response:	3 minutes
Frequency of Response:	On occasion
Annual number of Responses:	25,000 notices
Annual Burden Hours:	1,250 hours
	Labor Rate: $42
Annual Cost:	$52,500

Calculation: 25,000 notices x 3 min. = 1,250 hours
1,250 hrs. x $42 = $52,500

Total annual burden for this entire requirement is 6,600 hours (5,350 + 1,250).

§ 232.17 Special approval procedure.

A. Petitions for special approval of an alternative standard. Each petition for special approval of an alternative standard must contain–

(1) The name, title, address, and telephone number of the primary person to be contacted with regard to review of the petition;

(2) The alternative proposed, in detail, to be substituted for the particular requirement of this part;

(3) Appropriate data or analysis, or both, for FRA to consider in determining whether the alternative will provide at least an equivalent level of safety;

(4) A statement affirming that the railroad has served a copy of the petition on designated representatives of its employees, together with a list of the names and addresses of the persons served.

Each petition must be submitted in triplicate to the Associate Administrator for Safety, Federal Railroad Administration, 400 7th Street, S.W., Washington, D.C. 20590.

FRA estimates that it will receive approximately four (4) petitions annually under this requirement. It is estimated that it will take each respondent approximately 100 hours to prepare its petition and forward it to FRA. Total annual burden for this requirement is 400 hours.

Respondent Universe:		545 railroads
Burden time per response:	100 hours	
Frequency of Response:	On occasion	
Annual number of Responses:	4 petitions	
Annual Burden Hours:	400 hours	
		Labor Rate: $70
Annual Cost:		$28,000

Calculation: 4 petition x 100 hrs. = 400 hours
400 hrs. x $70 = $28,000

B. Petitions for special approval of pre-revenue service acceptance testing plan. Each petition for special approval of a pre-revenue service acceptance testing plan must contain–

(1) The name, title, address, and telephone number of the primary person to be contacted with regard to review of the petition;

(2) The elements prescribed in § 232.505; and

Each petition must be submitted in triplicate to the Associate Administrator for Safety, Federal Railroad Administration, 400 7th Street, S.W., Washington, D.C. 20590.

FRA estimates that it will receive approximately two (2) petitions annually under this requirement. It is estimated that it will take each respondent approximately 100 hours to prepare their petition and forward it to FRA. Total annual burden for this requirement is 200 hours.

Respondent Universe:		545 railroads
Burden time per response:	100 hours	
Frequency of Response:	On occasion	
Annual number of Responses:	2 petitions	
Annual Burden Hours:	200 hours	
		Labor Rate: $70
Annual Cost:		$14,000

Calculation: 2 petitions x 100 hrs. = 200 hours
200 hrs. x $70 = $14,000

C. (1) Service of each petition for special approval of an alternative standard under paragraph (b) of this section must be made on the following: (i) designated employee representatives responsible for the equipment's operation, inspection, testing, and maintenance under this part; (ii) any organizations or bodies that either issued the standard incorporated in the section(s) of the rule to which the special approval pertains or issued the alternative standard that is proposed in the petition; and (iii) any other person who has filed with FRA a current statement of interest in reviewing special approvals under the particular requirement of this Part at least 30 days but not more than five (5) years prior to the filing of the petition. If filed, a statement of interest shall be filed with FRA's Associate Administrator for Safety and shall reference the specific section(s) of this Part in which the person has an interest.

FRA estimates that this will be required under all of the four (4) petitions filed annually under this requirement. It is estimated that it will take approximately 40 hours to provide copies of the petition to the required representatives. Total annual burden for this requirement is 160 hours.

Respondent Universe:	545 railroads
Burden time per response:	40 hours
Frequency of Response:	Annually
Annual number of Responses:	4 petitions
Annual Burden Hours:	160 hours
	Labor Rate: $40
Annual Cost:	$6,400

Calculation: 4 petitions x 40 hrs. = 160 hours
160 hrs. x $40 = $6,400

(2) Additionally, FRA estimates that approximately 14 people will file a statement of interest with FRA annually. It is estimated that it will take approximately eight (8) hours to prepare each statement. Total annual burden for this requirement is 112 hours.

Respondent Universe:	Public/railroad community
Burden time per response:	8 hours
Frequency of Response:	On occasion
Annual number of Responses:	14 statements
Annual Burden Hours:	112 hours
	Labor Rate:

	$40
Annual Cost:	$4,480

Calculation: 14 statements x 8 hrs. = 112 hours
112 hrs. x $40 = $4,480

D. Comment. Not later than 30 days from the date of publication of the notice in the Federal Register concerning a petition under paragraph (b) of this section, any person may comment on the petition.

(1) A comment must set forth specifically the basis upon which it is made, and contain a concise statement of the interest of the commenter in the proceeding.

(2) The comment must be submitted in triplicate to the Associate Administrator for Safety, Federal Railroad Administration, 400 7th Street, S.W., Washington, D. C. 20590.

(3) The commenter must certify that a copy of the comment was served on each petitioner.

FRA estimates that it will receive approximately 13 comments annually on petitions that have been filed with the agency. It is estimated that it will take approximately four (4) hours for the individual or rail industry member to prepare his/her comments and file them with FRA. Total annual burden for this requirement is 52 hours.

Respondent Universe:	Public/Railroad community
Burden time per response:	4 hours
Frequency of Response:	Annually
Annual number of Responses:	13 comments
Annual Burden Hours:	52 hours
	Labor Rate: $40
Annual Cost:	$2,080

Calculation: 13 comments x 4 hrs. = 52 hours
52 hrs. x $40 = $2,080

Total annual burden for this entire requirement is 924 hours (400 + 200 + 160 + 112 + 52).

§232.103 General requirements for all train brake systems.

A. Except for freight cars equipped with nominal 12-inch stroke (8-1/2 and 10-inch diameters) brake cylinders, all cars must have a legible decal, stencil or sticker affixed to the car or must be equipped with a badge plate displaying the permissible brake cylinder piston travel range for the car at Class I brake tests and the length at which the piston travel renders the brake ineffective, if different from the Class I brake test limits. The decal, stencil, sticker, or badge plate must be located so that it may be easily read and understood by a person positioned safely beside the car.

This section states the standard for determining when a freight car's air brakes are not in effective operating condition based on piston travel. The piston travel limits for standard 12-inch stroke brake cylinders are the same as currently required. However, the experience of FRA indicates a proliferation of equipment with other than standard 12-inch stroke brake cylinders. As a result, mechanical forces and train crew members performing brake system inspections often do not know the acceptable range of brake piston travel for this non-standard equipment. In an attempt to improve this situation and to ensure the proper operation of a car's brakes after being inspected, FRA requires badge plates, stickers, or stenciling of cars with the acceptable range of piston travel for all vehicles equipped with other than standard 12-inch stroke brake cylinders. The information must include both the permissible brake cylinder piston travel range for the vehicle at Class I brake tests and the length at which the piston travel renders the brake ineffective. Due to the growing number of cars with other than standard brake designs, FRA believes that this information is essential in order for a person to properly perform the brake inspections specified in this rule.

Assumptions

· There are approximately 100,000 cars remaining that have to have stickers, stencils, or badge plates applied.

· Approximately 48,800 cars are built each year; assuming 30 % of the newly built cars will require stickers, stencils, or badge plates, this leaves approximately 14,000 cars per year.

· Installed cost of two stickers (per the AAR) is approximately $6.92.

· Badge plates will be used on some cars instead of stickers (unlike stickers, only one is needed) reducing the number of stickers needed.

· Stencils will last five (5) years and costs approximately $6 (excluding labor).

· Badge plates will last 20 years and costs approximately $20 installed.

As noted above, FRA estimates then that approximately 100,000 cars will require

stickers. One-third of the 100,000 cars or approximately 35,000 will receive the stickers each year, and each car will require two stickers. Thus, a total of 70,000 stickers (stencils/badge plates) will be affixed annually under this requirement. It is estimated that it will take approximately 10 minutes to complete and affix each sticker (stencil/badge plate). Total annual burden for this one-time requirement is 11,667 hours.

Respondent Universe:	114,000 cars
Burden time per response:	10 minutes
Frequency of Response:	On occasion
Annual number of Responses:	70,000 stickers/stencils/badge plates
Annual Burden Hours:	11,667 hours
Cost with labor:	$6.92 per pair of stickers
Annual Cost:	$242,200

Calculation: 70,000 stickers x 10 min. = 11,667 hours
35,000 pairs of stickers x $6.92 = $242,200

B. All equipment ordered on or after August 1, 2002, or placed in service for the first time on or after April 1, 2004, shall have train brake systems designed so that an inspector can observe from a safe position either the piston travel, an accurate indicator which shows piston travel, or any other means by which the brake system is actuated. The design shall not require that the inspector to place himself/herself on, under, or between components of the equipment to observe brake actuation or release.

The burden for this requirement is already covered under the requirement above. Consequently, there is no additional burden associated with this requirement.

C. Locomotives.

A railroad shall adopt and comply with a process or procedures to verify that the available hand brakes will sufficiently hold an unattended locomotive consist. A railroad shall also adopt and comply with instructions to address throttle position, status of the reverse lever, position of the generator field switch, status of the independent brakes, position of the isolation switch, and position of the automatic brake valve on all unattended locomotives. The procedures and instruction required in this paragraph shall take into account winter weather conditions as they relate to throttle position and reverser handle.

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

Total annual burden for this entire requirement is 11,667 hours.

§ 232.105 General requirements for locomotives.

On locomotives so equipped, the hand or parking brake as well as its parts and connections must be inspected, and necessary repairs made as often as service requires but no less frequently than every 368 days. The date of the last inspection must either be entered on Form FRA F 6180-49A or suitably stenciled or tagged on the locomotive.

FRA estimates that approximately 22,500 locomotives will require handbrake inspections every 368 days. It is estimated that it will take approximately five (5) minutes to make the inspection and record the information on Form FRA 6180.49A. Total annual burden for this requirement is 1,875 hours.

Respondent Universe:	22,500 Locomotives
Burden time per response:	5 minutes
Frequency of Response:	On occasion
Annual number of Responses:	22,500 inspection forms
Annual Burden Hours:	1,875 hours
	Labor Rate: $42
Annual Cost:	$78,750

Calculation: 22,500 inspections x 5 min. = 1,875 hours
1,875 hrs. x $42 = $78,750

§ 232.107 Air source requirements and cold weather operations.

A. Each railroad must adopt, comply with, and make available to FRA upon request a plan to monitor all yard air sources, other than locomotives, to ensure that they operate as intended and do not introduce contaminants into the brake system of freight equipment. This plan shall require the railroad to:

(1) Inspect each yard air source at least two times per calendar year, no less than five months apart, to ensure it operates as intended and does not introduce contaminants into the brake system of the equipment it services.

(2) Identify yard air sources found not to be operating as intended or found introducing contaminants into the brake system of the equipment it services.

(3) Repair or take other remedial action regarding any yard air source identified under paragraph (a)(2)(ii) of this section.

(4) A railroad shall maintain records of information and actions required by

paragraph (a)(2) of this section. These records shall be maintained for a period of at least one year from the date of creation, and may be maintained either electronically or in writing.

FRA here requires a monitoring program designed to ensure that yard air sources operate as intended. FRA believes that implementation of this monitoring program represents a method by which the industry can truly maximize the benefits to be realized through air dryer technology, which all parties acknowledge has been proven to reduce the level of moisture introduced into the train line, at a cost that is commensurate with the subsequent benefits. The program requires a railroad to take remedial action with respect to any yard air sources that are found not to be operating as intended, and further establishes a retention requirement with respect to records of these deficient units to facilitate the tracking and resolution of continuing problem areas.

First Year of Program

The burden for the first year of this requirement has already been fulfilled. Consequently, there is no additional burden associated with it.

Subsequent Years

FRA estimates that approximately one (1) new railroad will be formed annually that will need to prepare a plan in subsequent years under this requirement. Total annual burden is 40 hours.

Respondent Universe:		10 new railroads
Burden time per response:	40 hours	
Frequency of Response:	On occasion	
Annual number of Responses:	1 plan	
Annual Burden Hours:	40 hours	
		Labor Rate:
		$70
Annual Cost:		$2,800

Calculation: 1 plan x 40 hrs. = 40 hours
40 hrs. x $70 = $2,800

Amendments to Plan

FRA estimates approximately 10 amendments will be filed each year by respondents. It is estimated that it will take approximately 20 hours to prepare and file each amendment. Total annual burden for this requirement is 200 hours.

Respondent Universe:	50 existing plans

Burden time per response:	20 hours
Frequency of Response:	On occasion
Annual number of Responses:	10 amendments
Annual Burden Hours:	200 hours
	Labor Rate: $70
Annual Cost:	$14,000

Calculation: 10 amendments x 20 hrs. = 200 hours
200 hrs. x $70 = $14,000

Recordkeeping

FRA estimates approximately 1,150 records will be kept annually by the respondents. It is estimated that each record will take 20 hours. Total annual burden for this requirement is 23,000 hours.

Respondent Universe:	50 existing plans
Burden time per response:	20 hours
Frequency of Response:	Annually
Annual number of Responses:	1,150 records
Annual Burden Hours:	23,000 hours
	Labor Rate: $40
Annual Cost:	$920,000

Calculation: 1,150 records x 20 hrs. = 23,000 hours
23,000 hrs. x $40 = $920,000

B. A railroad must adopt, comply with, and make available to FRA upon request detailed written operating procedures tailored to the equipment and territory of that railroad to cover safe train operations during cold weather situations. For purposes of this provision, cold weather means when the ambient temperature drops below 10 degrees Fahrenheit (F) (minus 12.2 Celsius).
This requirement has already been fulfilled. Consequently, there is no additional burden associated with it.

Total burden for this entire requirement is 23,240 hours (40 + 200 + 23,000).

§ 232.109 Dynamic brake requirements.

A. Except as provided in paragraph (i) of this section, a locomotive engineer must be informed of the operational status of the dynamic brakes on all locomotive units in the consist at the initial terminal or point of origin for a train and at other locations where a

locomotive engineer first begins operation of a train. The information required by this paragraph may be provided to the locomotive engineer by any means determined appropriate by the railroad; however, a written or electronic record of the information must be maintained in the cab of the controlling locomotive.

In considering the entirety of the information available, FRA concluded that it is imperative that the locomotive engineer be informed of the operational status of the dynamic brakes on all locomotives in the consist at the initial terminal or point of origin for a train or at other locations where a locomotive engineer first takes charge of a train, and that a record, either written or electronic, be kept in the cab of the controlling locomotive.

FRA believes that if the devices are available, engineers should be informed on their safe and proper use and be provided with information regarding the amount of dynamic braking power actually available on their respective trains. FRA believes that by providing an engineer with as much information as possible on the status of the dynamic brakes on a train, a railroad better enables that engineer to operate the train in the safest and most efficient manner.

FRA estimates this information will be required annually for the approximately 1,656,000 freight trains in service. It is estimated that it will take approximately four (4) minutes per freight train. Total annual burden for this requirement is 110,400 hours.

Respondent Universe:	545 railroads
Burden time per response:	4 minutes - freight trains
Frequency of Response:	On occasion
Annual number of Responses:	1,656,000 records - freight trains
Annual Burden Hours:	110,400 hours - freight trains
Labor Rate:	$40
Annual Cost:	$4,416,000

Calculation: 1,656,000 records x 4 min. = 110,400 hours
110,400 hrs. x $40 = $4,416,000

B. Except as provided in paragraph (e) of this section, all inoperative dynamic brakes must be repaired within 30 calendar days of becoming inoperative or at the locomotive's next periodic inspection pursuant to §229.23 of this chapter, whichever occurs first. An electronic or written record of repairs made to a locomotive's dynamic brakes must be retained for 92 days and, upon request, must be made available for inspection by FRA or State inspectors.

FRA estimates that approximately 6,358 locomotives (per AAR data) will be found with inoperative dynamic brakes that require repair under this requirement. It is estimated that it will take approximately four (4) minutes to make a written or electronic record of the

required repairs. Total annual burden for this requirement is 424 hours.

Respondent Universe:	20,000 locomotives
Burden time per response:	4 minutes
Frequency of Response:	Annually
Annual number of Responses:	6,358 repair records
Annual Burden Hours:	424 hours
	Labor Rate: $40
Annual Cost:	$16,960

Calculation: 6,358 repair records x 4 min. = 424 hours
424 hrs. x $40 = $16,960

C. Except as provided in paragraph (e) of this section, a locomotive discovered with inoperative dynamic brakes must have a tag bearing the words "inoperative dynamic brake" securely attached and displayed in a conspicuous location in the cab of the locomotive. This tag must contain the following information:

(1) The locomotive number;

(2) The name of the discovering carrier;

(3) The location and date where condition was discovered; and

(4) The signature of the person discovering the condition.

FRA estimates that approximately 6,358 tags will be issued annually under this requirement. It is estimated that it will take approximately 30 seconds to place the required information on the tag, and place it in the locomotive. Total annual burden for this requirement is 53 hours.

Respondent Universe:	20,000 locomotives
Burden time per response:	30 seconds
Frequency of Response:	Annually
Annual number of Responses:	6,358 tags
Annual Burden Hours:	53 hours
	Labor Rate: $42
Annual Cost:	$2,226

Calculation: 6,358 tags x 30 sec. = 53 hours
53 hrs. x $42 = $2,226

D. A railroad may elect to declare the dynamic brakes on a locomotive deactivated without removing the dynamic brake components from the locomotive, only if all of the following conditions are met: (1) the locomotive is clearly marked with the words "dynamic brake deactivated" in a conspicuous location in the cab of the locomotive; and (2) the railroad has taken appropriate action to ensure that the deactivated locomotive is incapable of utilizing dynamic brake effort to retard or control train speed.

First Year Burden

The burden for the first year of this requirement has already been fulfilled. Consequently, there is no additional burden associated with it.

Subsequent years

FRA estimates that approximately 10 locomotives will have dynamic brakes that are declared deactivated in subsequent years. It is estimated that it will take approximately five (5) minutes to mark/stencil each locomotive with the words "dynamic brake deactivated" in a conspicuous location in the cab of the locomotive. Total subsequent yearly burden for this requirement is one (1) hour.

Respondent Universe:	8,000 locomotives
Burden time per response:	5 minutes
Frequency of Response:	On occasion
Annual number of Responses:	10 markings/stencilings
Annual Burden Hours:	1 hour
	Labor Rate:
	$42
Annual Cost:	$42

Calculation: 10 markings/stencilings x 5 min. = 1 hour
1 hr. x $42 = $42

E. A locomotive with inoperative or deactivated dynamic brakes must not be placed in the controlling (lead) position of a consist unless the locomotive has the capability of controlling the dynamic braking effort in trailing locomotives in the consist that are so equipped, and displaying to the locomotive engineer the deceleration rate of the train or the total dynamic brake retarding force.
This information is communicated mechanically, and is not a paperwork requirement. Rather, it is a regulatory requirement governing the operation of the train which was mistakenly inserted into the last submission. Consequently, there is no burden associated with this provision.

F. All locomotives equipped with dynamic brakes and ordered on or after (insert date one year + 180 days from date of final rule publication), or placed in service for the first time

on or after (insert date three years + 60 days from date of final rule publication) shall be designed to test the electrical integrity of the dynamic brake at rest, and to display the available total dynamic brake retarding force at various speed increments in the cab of the controlling (lead) locomotive.

This is a regulatory/mechanical requirement, and not a paperwork requirement. Consequently, there is no burden associated with it.

G. All rebuilt locomotives equipped with dynamic brakes and placed in service for the first time on or after (insert date three years + 60 days from date of final rule publication) shall be designed to test the electrical integrity of the dynamic brake at rest, and to display either the train deceleration rate or the available total train dynamic brake retarding force at various speed increments in the cab of the controlling (lead) locomotive.

This is a regulatory/mechanical requirement, and not a paperwork requirement. Consequently, there is no burden associated with it.

H. Each railroad operating a train with a brake system that includes dynamic brakes must adopt, comply with, and make available to FRA upon request written operating rules governing safe train handling procedures using these dynamic brakes under all operating conditions, which must be tailored to the specific equipment and territory of the railroad.

First Year Burden

The burden for the first year of this requirement has already been fulfilled. Consequently, there is no additional burden associated with it.

Subsequent years

In subsequent years, FRA estimates that approximately five (5) new railroads per year will have to develop operating rules under this requirement. It is estimated that it will take approximately four (4) hours for each railroad to develop and file the required operating rules. Total one-time burden for this requirement is 20 hours.

Respondent Universe:	5 new railroads	
Burden time per response:	4 hours	
Frequency of Response:	One-time	
Annual number of Responses:	5 operating rules	
Annual Burden Hours:	20 hours	
		Labor Rate: $70
Annual Cost:		$1,400

Calculation: 5 operating rules x 4 hrs. = 20 hours

20 hrs. x $70= $1,400

Amendments

FRA estimates that approximately 15 amendments will be submitted annually under this requirement. It is estimated that each amendment will take approximately one (1) hour to complete and forward to FRA. Total annual burden for this requirement is 15 hours.

Respondent Universe:	545 railroads	
Burden time per response:	1 hour	
Frequency of Response:	On occasion	
Annual number of Responses:	15 amendments	
Annual Burden Hours:	15 hours	
		Labor Rate:
		$40
Annual Cost:		$600

Calculation: 15 amendments x 1 hr. = 15 hours
15 hrs. x $40 = $600

I. The railroad's operating rules must: (1) ensure that friction brakes are sufficient by themselves, without the aid of dynamic brakes, to stop the train under all operating conditions; and (2) include a miles-per-hour-overspeed-top rule. At a minimum, this rule shall require that any train, when descending a grade of one percent or greater, must be immediately brought to a stop, by an emergency brake application if necessary, when the train's speed exceeds the maximum authorized speed for that train by more than five miles per hour. A railroad shall reduce the five mile per hour over-speed restriction if validated research indicates the need for such a reduction. A railroad may increase the five mile per hour over-speed restriction only with approval of FRA and based on verifiable data and research.

First Year Burden

The burden for this requirement has already been completed. Consequently, there is no additional burden associated with it.

Subsequent years

FRA estimates that approximately five (5) new railroads per year will make a request to FRA to increase the five mile per hour over-speed restriction. It is estimated that it will take approximately 30 minutes to compose the letter to FRA making this request, and an

additional 20 hours to develop the verifiable data. Total annual burden for this requirement is 103 hours.

Respondent Universe:	545 railroads
Burden time per response:	30 minutes + 20 hours
Frequency of Response:	On occasion
Annual number of Responses:	5 requests/letters
Annual Burden Hours:	103 hours
	Labor Rate: $40
Annual Cost:	$4,120

Calculation: 5 request/letters x 20.5 hrs. = 103 hours
103 hrs. x $40 = $4,120

J. A railroad operating a train with a brake system that includes dynamic brakes must adopt, comply with specific knowledge, skill, and ability criteria to ensure that its locomotive engineers are fully trained in the operating rules prescribed by paragraph (j) of this section. The railroad shall incorporate such criteria into its engineer certification program pursuant to Part 240 of this chapter.

First Year of Program

The burden for the first year of this requirement has already been completed. Consequently, there is no additional burden associated with it.

Subsequent Years

In subsequent years, FRA estimates that approximately five (5) new railroads will have to develop the required information and make amendments to their locomotive engineer certification program. It is estimated that it will take approximately 16 hours to complete each amendment. Total annual burden for this requirement is 80 hours.

Respondent Universe:	5 new railroads
Burden time per response:	16 hours
Frequency of Response:	One-time
Annual number of Responses:	5 amendments
Annual Burden Hours:	80 hours
	Labor Rate: $70
Annual Cost:	$5,600

Calculation: 5 amendments x 16 hrs. = 80 hours
80 hrs. x $70 = $5,600

Total annual burden for this entire requirement is 111,096 hours (110,400 + 424 + 53 + 1 + 20 + 15 + 103 + 80).

§ 232.111 Train information handling.

A railroad must adopt and comply with written procedures to ensure that a train crew employed by the railroad is given accurate information on the condition of the train brake system and train factors affecting brake system performance and testing when the crew takes over responsibility for the train. The information required by this paragraph may be provided to the locomotive engineer by any means determined appropriate by the railroad; however, a written or electronic record of the information must be maintained in the cab of the controlling locomotive. The procedures shall require that each train crew taking charge of a train be informed of the following:

(1) The total weight and length of the train, based on the best information available to the railroad.

(2) Any special weight distribution that would require special train handling procedures.

(3) The number and location of cars with cut-out or otherwise inoperative brakes and the location where they will be repaired.

(4) If a Class I or Class IA brake test is required prior to the next crew change point, the location at which that test shall be performed.

(5) Any train brake system problems encountered by the previous crew of the train.

This section contains a list of the specific information FRA proposes to require railroads to furnish train crewmembers about the train and the train's brake system at the time they take over the train. FRA believes that train crews need this information in order to avoid potentially dangerous train handling situations and to be able to comply with various Federal safety standards.

It should be noted that FRA has left the method by which railroads convey the required information to the train crews to the discretion of the railroads. FRA firmly believes that each individual railroad is in the best position to determine for itself the method it will use to dispense the required information, based on the individual characteristics of its operations. However, the means for conveying the necessary information will be part of the written operating requirements, and railroads will be obliged to follow their own

requirements.

Most Class I railroads already provide the information required on weight, length, and

weight distribution through on-board computers. However, information required under numbers 3, and 5 above will require either crew notation, as in the case where a brake is cut-out en route or where problems are encountered en route, or a system of communicating this information. As crew changes frequently take place where the crews do not see each other and locomotive consist changes take place en route, the system of communicating this information may be somewhat complicated. The railroads could require that the crews track and disseminate the information; they may rely on the dispatchers; they may use the onboard computer system; or they may rely on a paper system.

First Year of Program

The burden for the first year of this requirement has already been completed. Consequently, there is no additional burden associated with it.

Assumptions:

- Labor cost for written procedures $70/hour.
- Complexity of written procedures will correspond to railroad size, such that a small railroad will not require as much time or effort as a large railroad.
- It will take a minimum of 40 hours for other railroads to develop written procedures.
- FRA does not have adequate information to develop information dissemination costs at this time.

Subsequent Years

FRA estimates approximately five (5) procedures will be developed by new railroads in subsequent years due to this requirement. It is estimated that it will the railroad approximately 40 hours to develop each procedure. Total burden for this requirement is 200 hours.

Respondent Universe:	5 railroads
Burden time per response:	40 hours
Frequency of Response:	One-time
One-time number of Responses:	5 procedures
One-time Burden Hours:	200 hours
	Labor Rate: $70
Annual Cost:	$14,000

Calculation: 5 procedures x 40 hrs. = 200 hours
200 hrs. x $70 = $14,000

Amendments to Written Program

FRA estimates approximately 100 amendments will be prepared and filed under this requirement. It is estimated that it will take approximately 20 hours to prepare and file each amendment. Total annual burden for this requirement is 2,000 hours.

Respondent Universe:	100 railroads
Burden time per response:	20 hours
Frequency of Response:	On occasion
Annual number of Responses:	100 amendments
Annual Burden Hours:	2,000 hours
	Labor Rate: $40
Annual Cost:	$80,000

Calculation: 100 amendments x 20 hrs. = 2,000 hours
2,000 hrs. x $40 = $80,000

Report requirements to train crew

FRA estimates approximately 2,112,000 reports will be given to train crew members annually. Each report is estimated to take 10 minutes. Total annual burden for this requirement is 352,000 hours.

Respondent Universe:	545 railroads
Burden time per response:	10 minutes
Frequency of Response:	Annually
Annual number of Responses:	2,112,000 reports
Annual Burden Hours:	352,000 hours
	Labor Rate: $42
Annual Cost:	$14,784,000

Calculation: 2,112,000 reports x 10 min. = 352,000 hours
352,000 hrs. x $42 = $14,784,000

Total annual burden for this entire requirement is 354,200 hours (200 + 2,000 + 352,000).

Subpart C - Inspection and Testing Requirements

§ 232.203 Training requirements.

(a) Each railroad and each contractor must adopt, comply with a training, qualification, and designation program for its employees who perform brake system inspections, tests, or maintenance. For purposes of this section, a

"contractor" is defined as a person under contract with the railroad or car owner. The records required by this section may be maintained either electronically or in writing.

(b) As part of this program, the railroad or contractor must:

(1) Identify the tasks related to the inspection, testing, and maintenance of the brake system required by this Part that must be performed by the railroad or contractor and identify the skills and knowledge necessary to perform each task.

(2) Develop or incorporate a training curriculum that includes classroom and "hands-on" lessons designed to impart the skills and knowledge identified as necessary to perform each task. The developed or incorporated training curriculum must specifically address the Federal regulatory requirements contained in this part that are related to the performance of the tasks identified.

(3) Require all employees to successfully complete a training curriculum that covers the skills and knowledge the employee will need to possess in order to perform the tasks required by this Part that the employee will be performing, including the specific Federal regulatory requirements contained in this Part related to the performance of a task for which the employee will be responsible.

(4) Require all employees to pass a written or oral examination covering the skills and knowledge the employee will need to possess in order to perform the tasks required for which the employee will be responsible, including the specific Federal regulatory requirements contained in this Part related to the performance of a task for which the employee will be responsible for performing.

(5) Require all employees to individually demonstrate "hands-on"capability by successfully applying the skills and knowledge the employee will need to possess in order to perform the tasks required by this Part that the employee will be responsible for performing to the satisfaction of the employee's supervisor or designated instructor.

(6) An employee hired prior to June 1, 2001, for a railroad or contractor covered by this Part will be considered to have met the requirements, or a portion of the requirements, contained in paragraphs (b)(3) through (b)(5) of this section if the employee receives training and testing on the specific regulatory requirements contained in this Part related to the performance of the tasks which the employee will be responsible for performing; and if:

(i) The training or testing, including efficiency testing, previously received by the employee is determined by the railroad to meet the requirements, or a portion of the requirements, contained in paragraphs (b)(3) through (b)(5) of this section and such training or testing can be documented as required in paragraphs (e)(1) through (e)(4) of this section;

(ii) The employee passes an oral, written, or practical, "hands-on" test developed or adopted by the railroad or contractor which is determined by the railroad or contractor to ensure that the employee possesses the skills and knowledge, or a portion of the skills or knowledge, required in paragraphs (b)(3) through (b)(5) of this section and the test is documented as required in paragraph (e) of this section; or

(iii) The railroad or contractor certifies that a group or segment of its employees has previously received training or testing determined by the railroad or contractor to meet the requirements, or a portion of the requirements, contained in paragraphs (b)(3) through (b)(5) of this section and complete records of such training are not available, provided the following conditions are satisfied:

(A) The certification is placed in the employee's training records required in paragraph (e) of this section;

(B) The certification contains a brief description of the training provided and the approximate date(s) on which the training was provided; and

(C) Any employee determined to be trained pursuant to this paragraph is given a diagnostic oral, written, or "hands-on" test covering that training for which this paragraph is relied upon at the time the employee receives his or her first periodic refresher training under paragraph (b)(8) of this section.

(iv) Any combination of the training or testing contained in paragraphs (b)(6)(i) through (b)(6)(iii) of this section and paragraphs (b)(3) through (b)(5) of this section;

(7) Require supervisors to exercise oversight to ensure that all the identified tasks are performed in accordance with the railroad's written procedures and the specific Federal regulatory requirements contained in this Part.

(8) Require periodic refresher training, at an interval not to exceed three years, that includes classroom and "hands-on" training, as well as testing; except that employees that have completed their initial training under (b)

(3) through (b)(6) of this Part prior to April 1, 2004, shall not be required to complete their first refresher training until four years after the completion of their initial training, and every three years thereafter. Observation and evaluation of actual performance of duties may be used to meet the "hands-on" portion of this requirement, provided such testing is documented are required in paragraph (e) of this section; and

(9) Add new brake systems to the training, qualification, and designation program prior to its introduction to revenue service.

(c) A railroad that operates trains required to be equipped with a two-way end-of-train telemetry device pursuant to Subpart E of this Part and each contractor that maintains such devices must adopt and comply with a training program which specifically addresses the testing, operation, and maintenance of two-way end-of-train devices for employees who are responsible for the testing, operation, and maintenance of the devices.

(d) A railroad that operates trains under conditions that require setting air brake pressure retaining valves must adopt and comply with a training program which specifically addresses the proper use of retainers for employees who are responsible for using or setting retainers.

Two of the major factors in ensuring the quality of brake inspections are the proper training of the persons performing the inspections, and adequate enforcement of the requirements. Therefore, FRA retained the current 1,000 mile inspection interval in the rule and incorporated general training requirements for persons conducting brake inspections. These training requirements include general provisions requiring both classroom and "hands-on" training, general testing requirements, and annual refresher training provisions. FRA also requires that various training records be maintained by the railroads, either electronically or in writing, in order for FRA to determine the basis for a railroad's determination that a particular person is considered qualified to perform a brake inspection, test, or repair. FRA believes the general training and recordkeeping requirements provide some assurance that qualified people are conducting the required brake system inspections and tests.

In this rule and its associated information collection, FRA makes a concerted effort to focus on the qualifications of train crew members and to strictly scrutinize the method and length of time spent by these individuals in the performance of the required inspections. This scrutiny may involve the review of event recorder tapes to ensure that a sufficient amount of time was afforded for conducting a proper inspection of the brake system. FRA seeks to focus its inspection activities so as to ensure that train crews are provided the proper equipment necessary to perform many of the required inspections.

FRA believes that these minimum training qualifications needed to be established to

assure that brake inspections and tests are properly performed so that both the public and railroad employees are safeguarded from the operation of equipment that does not meet Federal standards.

Under this section, FRA includes broad performance-based training and qualification requirements which permit railroads to develop programs specifically tailored to the type of equipment they operate and which are conducive to the instruction of employees designated by the railroad to perform the inspection, testing, and maintenance duties required in this rule. FRA agreed with several railroad commenters that there is no reason for individuals who solely perform pre-departure air brake tests and inspections to be as highly trained as a carman, since carmen perform many other duties which involve the maintenance and repair of equipment in addition to brake inspections. Therefore, the training and qualification requirements permit railroads to tailor their training programs to ensure the capability of its employees to perform the tasks for which they are responsible. Training and qualification requirements apply not only to railroad personnel but also to contract personnel and personnel in plants who build cars and locomotives and who are responsible for brake system inspections, maintenance, or tests required by this part.

Although the training and qualification requirements currently incorporated continue to require that any training provided include classroom and "hands-on" training, as well as oral or written examinations and "hands-on" proficiency, they do not mandate a specific number of hours that this training must encompass since that will vary depending on the employee or employees involved. FRA believes that this is probably best determined by the railroad. Once training is provided, the rule's requirements also contain provisions for conducting periodic refresher training and supervisor oversight of employees performance.

As mentioned previously, the training can be tailored to the specific needs of the railroad. Across the industry as a whole, the rule does not require extensive changes in the way most railroads currently operate but does require some railroads to invest more time in the training of their personnel so as to prevent railroads from using minimally trained and unqualified people to perform crucial safety tasks.

Paragraph (2) above includes a series of general requirements or elements which must be part of any training and qualification plan developed and implemented by a railroad. FRA believes that the elements contained in this section are specific enough to ensure high quality training while being sufficiently broad to permit a railroad to develop a training plan that is best suited to its particular operation. This paragraph requires railroads to identify the specific tasks related to the inspection, testing, and maintenance of the brake systems operated by that railroad; develop written procedures for performing those tasks; and identify the skills and knowledge necessary to perform those tasks. FRA believes that these requirements ensure that, at a minimum, railroads survey their entire operation and identify the various activities their employees perform. FRA intends for

these written procedures and for the identified skills and knowledge to be used as the foundation for any training program developed by the railroad. Thus, railroads would most likely not need to provide much additional training, except possibly refresher training, to its carmen forces that have completed an apprentice program for their craft.

Paragraph (3) above obliges each railroad which operates trains required to be equipped with two-way end-of-train devices to develop and implement a training program which specifically addresses the testing, operation, and maintenance of the devices.

FRA recognizes that some railroads are forced to place a greater emphasis on training and qualifications than they have in the past, and this requirement does result in additional costs for those railroads. However, the rule allows the railroads the flexibility to provide only that training which an employee needs for a specific job.

As previously noted, this rule – across the industry as a whole – does not require extensive changes in the way most railroads currently operate, but it does require some railroads to invest more time in the training of their personnel and ought to prevent railroads from using minimally trained and unqualified people to perform crucial safety tasks.

Training Program

The burden for the first year of this requirement has already been completed. Consequently, there is no additional burden associated with it.

Subsequent Years of Program

FRA estimates approximately five (5) training program will be developed by new railroads in subsequent years due to this requirement. It is estimated that it will take the railroad approximately 100 hours to develop such a program. Total burden for this requirement is 500 hours.

Respondent Universe:	15 railroads
Burden time per response:	100 hours
Frequency of Response:	One-time
One-time number of Responses:	5 programs
One-time Burden Hours:	500 hours
	Labor Rate: $70
Annual Cost:	$35,000

Calculation: 5 programs x 100 hrs. = 500 hours
500 hrs. x $70 = $35,000

Amendments to Written Program

FRA estimates approximately 545 amendments will be added as a result of this requirement. It is estimated that it will take approximately (8) hours to develop each amendment and send it to FRA. Total annual burden for this requirement is 4,360 hours.

Respondent Universe:	545 railroads
Burden time per response:	8 hours
Frequency of Response:	On occasion
Annual number of Responses:	545 amendments
Annual Burden Hours:	4,360 hours
	Labor Rate: $40
Annual Cost:	$174,400

Calculation: 545 amendments x 8 hrs. = 4,360 hours
4,360 hrs. x $40 = $174,400

(e) A railroad or contractor must maintain adequate records to demonstrate the current qualification status of all of its personnel assigned to inspect, test, or maintain a train brake system. The records required by this paragraph may be maintained either electronically or in writing and shall be provided to FRA upon request. These records must include the following information concerning each such employee:

(1) The name of the employee;

(2) The dates that each training course was completed;

(3) The content of each training course successfully completed;

(4) The scores on each test taken to demonstrate proficiency;

(5) A description of the employees "hands-on performance applying the skills and knowledge the employee needs to possess in order to perform the tasks required by this Part that the employee will be responsible for performing, and the basis for finding that the skills and knowledge were successfully demonstrated;

(6) The task(s) required to be performed under this Part for which the person is deemed qualified to perform;

(7) Identification of the person(s) determining the employee has successfully

completed the training necessary to be considered qualified to perform the tasks identified in (e)(7) of this section; and

(8) The date that the employee's status as qualified to perform the tasks identified in paragraph (e)(7) of this section expires due to the need for refresher training.

FRA believes that the recordkeeping and notification requirements contained in the rule are the cornerstone of the training and qualification provisions. As FRA is not propounding specific training curriculums or specific experience thresholds, FRA believes that these recordkeeping provisions are vital in ensuring that proper training is being provided to railroad personnel. FRA requires then that railroads maintain specific personnel qualification records, either electronically or in writing, for all personnel (including contract personnel) responsible for the inspection, testing, and maintenance of train brake systems. FRA requires that these records contain detailed information regarding the training provided, as well as detailed information on the types of equipment the individual is qualified to inspect, test, or maintain and the duties the individual is qualified to perform. Most Class I and larger Class II railroads already keep records of this type; however, they are not always easily obtained by FRA. As an additional means of ensuring that only properly qualified individuals are performing only those tasks for which they are qualified, FRA requires railroads to promptly notify personnel of changes in their qualification status and specifically identify the date that the employee's qualification ends unless refresher training is provided.

FRA estimates that the railroad industry (including passenger and commuter railroads) employ approximately 25,000 workers or supervisors responsible for train brake system inspection, test and maintenance.

Training Records

FRA estimates that the railroad management will create approximately 67,000 training records a year due to this requirement. It is estimated that it will take approximately eight (8) minutes to prepare each record. Total annual burden for this requirement is 8,933 hours.

Respondent Universe:	545 railroads	
Burden time per response:	8 minutes	
Frequency of Response:	On occasion	
Annual number of Responses:	67,000 records	
Annual Burden Hours:	8,933 hours	
Labor Rate:		$40
Annual Cost:		$357,320

Calculation: 67,000 records x 8 min. = 8,933 hours

8,933 hrs. x $40 = $357,320

Training Notifications

FRA estimates that the railroad management will issue 67,000 training notifications each year due to this requirement. It is estimated that it will take approximately three (3) minutes for each notification. Total annual burden for this requirement is 3,350 hours.

Respondent Universe:	545 railroads
Burden time per response:	3 minutes
Frequency of Response:	On occasion
Annual number of Responses:	67,000 notifications
Annual Burden Hours:	3,350 hours
Labor Rate:	$40
Annual Cost:	$134,000

Calculation: 67,000 notifications x 3 min. = 3,350 hours
3,350 hrs. x $40 = $134,000

(f) A railroad must adopt and comply with a plan to periodically assess the effectiveness of its training program. One method of validation and assessment could be through the use of efficiency tests or periodic review of employee performance.

Validation/Assessment Plan

FRA estimates that approximately one (1) validation/assessment plan will be developed by the AAR/ASLRRA and used by all 545 railroads. It is estimated that it will take approximately 40 hours to develop such a plan and approximately one (1) minute per railroad to copy the plan. Total one-time burden for this requirement is 49 hours.

Respondent Universe:	545 railroads
Burden time per response:	40 hours/1 minute
Frequency of Response:	One-time
One-time number of Responses:	545 copies (AAR/ASLRRA plan)
One-time Burden Hours:	49 hours
	Labor Rate: $70/$19
Annual Cost:	$2,971

Calculation: 1 plan x 40 hrs. + 545 copies x 1 min. = 49 hours
40 hrs. x $70 + 9 x $19 = $2,971

Amendments to Validation/Assessment Plan

FRA estimates approximately 50 amendments will be filed annually by the respondents. It is estimated that it will take approximately 20 hours to complete each amendment. Total annual burden this requirement is 1,000 hours.

Respondent Universe:	545 railroads
Burden time per response:	20 hours
Frequency of Response:	Annually
Annual number of Responses:	50 amendments
Annual Burden Hours:	1,000 hours
	Labor Rate:
	$40
Annual Cost:	$40,000

Calculation: 50 amendments x 20 hrs. = 1,000 hours
1,000 hrs. x $40 = $40,000

Total annual burden for this entire requirement is 18,192 hours (500 + 4,360 + 8,933 + 3,350 + 49 + 1,000).

§ 232.205 Class I brake test--Initial terminal inspection.

When the release is initiated by the controlling locomotive or yard test device, the brakes on each freight car shall be inspected to verify that they did release; this may be performed by a “roll-by” inspection. If a "roll-by" inspection of the brake release is performed, train speed must not exceed 10 MPH and the qualified person performing the “roll-by” inspection must communicate the results of the inspection to the operator of the train. The operator of the train will note successful completion of the release portion of the inspection on the written notification required in paragraph (e) of this section.

The railroad shall ensure that a written or electronic record indicating that the Class I brake test was satisfactorily performed is provided to the locomotive engineer or placed in the cab of the controlling locomotive following the test. The written or electronic record must be retained in the cab of the controlling locomotive until the train reaches its destination and must contain the date, time, number of freight cars inspected, and identify qualified person(s) performing the test and the location where the Class I brake test was performed.

FRA has found that train symbols change when trains are interchanged; crews do not know where trains originated, do not know mileage traveled, and do not know last tests and inspections performed. Without this knowledge of train history, railroads and train crews cannot possibly comply with Federal regulations in some instances. Therefore, FRA modified the language in the current regulation to eliminate this discrepancy, and further enhance the safety of train operations by requiring that an electronic or written

record indicating the Class I brake test was satisfactorily performed be kept in the cab of the controlling locomotive. The locomotive engineer may receive the information that a roll-by release inspection has been completed via radio or other means of communication. The locomotive engineer may record the information on the inspection card. The notification must remain in the cab of the locomotive until the train reaches its destination. This modification in the language will ensure that train crews will know when the train they are operating is due attention for testing and inspection purposes, thereby enhancing the continued safe operation of the train.

FRA estimates that approximately 1,656,000 notifications will be written/electronically recorded annually. It is estimated that it will take approximately 45 seconds for each notice. Total annual burden for this requirement is 20,700 hours.

Respondent Universe:	545 railroads
Burden time per response:	45 seconds
Frequency of Response:	On occasion
Annual number of Responses:	1,656,000 notifications
Annual Burden Hours:	20,700 hours
	Labor Rate: $50
Annual Cost:	$1,035,000

Calculation: 1,656,000 notifications x 45 seconds = 20,700 hours
20,700 hrs. x $50 = $1,035,000

§ 232.207 Class IA brake tests--1,000-mile inspection.

A. Each railroad must designate the locations where Class IA brake tests will be performed; the carrier must furnish to the Federal Railroad Administration upon request a description of each location designed; and must notify in writing FRA's Associate Administrator for Safety 30 days prior to any change in the locations designated for such tests and inspections.

The Class IA brake test in the updated rule clarifies the requirements for performing 1,000-mile brake inspections currently contained in § 232.12 (b). The rule makes clear that the most restrictive car or block of cars in the train determines when this inspection must occur on the entire train. FRA also requires that railroads designate the locations where these inspections will be conducted and does not permit a change in those designations without 30-day notice or the occurrence of an emergency situation. The Class II and Class III brake tests in the updated rule essentially clarify the intermediate terminal inspection requirements currently contained in § 232.13 (c.) and (d) regarding the performance of brake system inspections when cars are added en route or when the train consist is slightly altered en route.

First Year of Program

The burden for the first year of this requirement has already been completed. Consequently, there is no additional burden associated with it.

Subsequent Years

FRA estimates that approximately five (5) designation lists will be prepared in subsequent years. It is estimated that a respondent will take approximately one (1) hour prepare this designation list and file it. Total annual burden for this requirement is five (5) hours.

Respondent Universe:		545 railroads
Burden time per response:	1 hour	
Frequency of Response:	On occasion	
Annual number of Responses:	5 designation lists	
Annual Burden Hours:	5 hours	
		Labor Rate:
		$40
Annual Cost:		$200

Calculation: 5 lists x 1 hr. = 5 hours
5 hrs. x $40 = $200

B. In the event of an emergency that alters normal train operations such as a derailment or other unusual circumstances that reflect on the safe operation of the train, the railroad is not required to provide prior written notification of a change in the location where a Class IA brake test is performed, provided that the railroad notifies FRA's Associate Administrator for Safety and the pertinent FRA Regional Administrator within 24 hours after the designation has been changed and the reason for that change.

FRA estimates that approximately five (5) amendments will be prepared annually due to this requirement. It is estimated that it will take each respondent approximately one (1) hour to prepare the necessary amendment and file it. Total annual burden for this requirement is five (5) hours.

Respondent Universe:		545 railroads
Burden time per response:	1 hour	
Frequency of Response:	On occasion	
Annual number of Responses:	5 amendments	
Annual Burden Hours:	5 hours	
		Labor Rate:

	$40
Annual Cost:	$200

Calculation: 5 amendments x 1 hr. = 5 hours
5 hrs. x $35 = $200

Total annual burden for this entire requirement is 10 hours (5 + 5).

§ 232.209 Class II brake tests--Intermediate inspection.

A. When the release is initiated, the brakes on each car added to the train and on the rear car of the train must be inspected to verify that they did release; this may be performed by a "roll-by" inspection. If a "roll-by" inspection of the brake release is performed, train speed must not exceed 10 MPH and the qualified person performing the "roll-by" inspection must communicate the results of the inspection to the operator of the train.

FRA estimates that approximately 1,600,000 comments will be made annually under this requirement. It is estimated that it will take each respondent approximately three (3) seconds to make the necessary comment. Total annual burden for this requirement is 1,333 hours.

Respondent Universe:	545 railroads
Burden time per response:	3 seconds
Frequency of Response:	On occasion
Annual number of Responses:	1,600,000 comments
Annual Burden Hours:	1,333 hours
	Labor Rate:
	$50
Annual Cost:	$66,650

Calculation: 1,600,000 comments x 3 sec. = 1,333 hours
1,333 hrs. x $50 = $66,650

B. Before the train proceeds, the operator of the train shall know that the brake pipe pressure at the rear of freight train is being restored.

This information is communicated mechanically, and is not a paperwork requirement. Rather, it is a regulatory requirement governing the operation of the train which was mistakenly inserted into the last submission. Consequently, there is no burden associated with this provision.

C. If an electronic communication link between a controlling locomotive and a remotely controlled locomotive attached to the rear end of a train is utilized to determine that brake

pipe pressure is being restored, the operator of the train shall know that the air brakes function as intended on the remotely controlled locomotive.

Again, this information is communicated mechanically, and is not a paperwork requirement. Rather, it is a regulatory requirement governing the operation of the train which was mistakenly inserted into the last submission. Consequently, there is no burden associated with this provision.

Total annual burden for this entire requirement is 1,333 hours.

§ 232.211 Class III brake tests--Trainline continuity inspection.

A. Before proceeding, the operator of the train shall know that the brake pipe pressure at the rear of freight train is being restored.

This information too is communicated mechanically, and is not a paperwork requirement. Rather, it is a regulatory requirement governing the operation of the train which was mistakenly inserted into the last submission. Consequently, there is no burden associated with this provision.

B. If an electronic or radio communication link between a controlling locomotive and a remotely controlled locomotive attached to the rear end of a train is utilized to determine that brake pipe pressure is being restored, the operator of the train shall know that the air brakes function as intended on the remotely controlled locomotive.

This information also is communicated mechanically, and is not a paperwork requirement. Rather, it is a regulatory requirement governing the operation of the train which was mistakenly inserted into the last submission. Consequently, there is no burden associated with this provision.

§ 232.213 Extended haul trains.

A. A railroad may be permitted to move a train up to, but not exceeding, 1,500 miles between brake tests and inspections if the railroad designates a train as an extended haul train. In order for a railroad to designate a train as an extended haul train, **all** of the following requirements must be met:

(1) The railroad must designate the train in writing to FRA's Associate Administrator for Safety. This designation must include the following:

(i) The train identification symbol or identification of the location where priority trains will originate and a description of the trains that will be operated as extended haul trains from those locations;

(ii) The origination and destination points for the train;

(iii) The type or types of equipment the train will haul; and

(iv) The locations where all train brake and mechanical inspections and tests will be performed.

This paragraph sets forth the information that must be provided to FRA in writing when designating a train for such operation. The information required to be submitted is necessary to facilitate FRA's ability to independently monitor a railroad's operation of these extended haul trains.

FRA estimates that it will receive approximately 100 designations annually under this requirement. It is estimated that it will take each respondent approximately 15 minutes to prepare their designation letter and forward it to FRA. Total annual burden for this requirement is 25 hours.

Respondent Universe:	84,000 long distance train movements
Burden time per response:	15 minutes
Frequency of Response:	On occasion
Annual number of Responses:	100 designation letters
Annual Burden Hours:	25 hours
	Labor Rate: $40
Annual Cost:	$1,000

Calculation: 100 designation letters x 15 min. = 25 hours
25 hrs. x $40 = $1,000

B. The railroad must maintain a record of all defective, inoperative, or ineffective brakes as well as any conditions not in compliance with Parts 215 and 231 of this chapter discovered at anytime during the movement of the train. These records must be retained for a period of one year and made available to FRA upon request. The records required by this section may be maintained either electronically or in writing.

FRA is not willing to stipulate more than 1,500 miles between such inspections until appropriate data is developed which establishes that equipment moved under the contemplated criteria remains in proper condition throughout the train's trip. FRA believes that the designated provision requiring the performance of an inbound inspection at destination or at 1,500 miles and the requirement that carriers maintain records of all defective conditions discovered on these trains creates the basis for developing such data.

FRA believes the information generated from these inbound inspections will be

extremely useful in assessing the quality of a railroad's inspection practices and will help FRA identify any systematic brake or mechanical problems that may result in these types of operations.

In addition, there is currently no reliable tracking system available to FRA to ensure that cars added to the train en route have been inspected in accordance with the stipulated requirements.

It is assumed that about 30 % (25,200) of the 84,000 long distance train movements would be eligible for consideration for extended-haul service. FRA estimates then that approximately 25,200 records will be maintained annually under this requirement. It is estimated that each record will take approximately 20 minutes to complete and file. Total annual burden for this requirement is 8,400 hours.

Respondent Universe:	84,000 long distance train movements
Burden time per response:	20 minutes
Frequency of Response:	On occasion
Annual number of Responses:	40,000 records
Annual Burden Hours:	13,333 hours
	Labor Rate: $40
Annual Cost:	$533,320

Calculation: 25,200 records x 20 min. = 8,400 hours
8,400 hrs. x $40 = $533,320

Total annual burden for this entire requirement is 13,358 hours (25 + 13,333).

Subpart D - Periodic Maintenance and Testing Requirements

§ 232.303 General Requirements.

A. If it is necessary to move a car from the location where the repairs are performed in order to perform a repair track brake test or a single car test required by this part, a tag or card must be placed on both sides of the equipment, or an automated tracking system approved for use by FRA, with the following information about the equipment:

(i) The reporting mark and car number;

(ii) The name of the inspecting railroad;

(iii) The location where repairs were performed and date;

(iv) Indication whether the car requires a repair track brake test or single car test;

(v) The location where the appropriate test is to be performed; and

(vi) The name, signature, if possible, and job title of the qualified person approving the move.

The tag or card required by paragraph (e)(1) of this section must remain affixed to the equipment until the necessary test has been performed.

An electronic or written record or copy of each tag or card attached to or removed from a car or locomotive must be retained for 90 days and, upon request, shall be made available within 15 calendar days for inspection by FRA or State inspectors.

The record or copy of each tag or card removed from a freight car or locomotive must contain the date, location, and the signature of the qualified person removing it from the piece of equipment.

FRA estimates that approximately 2,800 cars will be tagged (on both sides) annually under this requirement. Thus, approximately 5,600 tags will be completed. It is estimated that will take approximately five (5) minutes to complete each tag. Total annual burden for this requirement is 467 hours.

Respondent Universe:	1,600,000 freight cars
Burden time per response:	5 minutes
Frequency of Response:	On occasion
Annual number of Responses:	5,600 tags
Annual Burden Hours:	467 hours
	Labor Rate: $42
Annual Cost:	$19,614

Calculation: 5,600 tags x 5 min. = 467 hours
467 hrs. x $42 = $19,614

B. The location and date of the last repair track brake test or single car test required by § 232.305 must be clearly stenciled, marked, or labeled in two-inch high letters or numerals on the side of the equipment. Alternatively, the railroad may use an electronic or automated tracking system to track the required information and the performance of the tests required by § 232.305.

Electronic or automated tracking systems used to meet the requirement contained in this paragraph may be reviewed and monitored by FRA at any time to ensure the integrity of the system. FRA's Associate Administrator for Safety may prohibit or revoke the

railroad's ability to utilize an electronic or automated tracking system in lieu of stenciling or marking if FRA finds that the electronic or automated tracking system is not properly secure; is inaccessible to FRA or railroad employees; or fails to adequately track and monitor the equipment. Such a determination will be made in writing and will state the basis for such action.

FRA estimates that approximately 320,000 cars will need stenciling annually under this requirement. It is estimated that each stencil will take approximately five (5) minutes. Total annual burden for this requirement is 26,667 hours.

Respondent Universe:	1,600,000 freight cars
Burden time per response:	5 minutes
Frequency of Response:	On occasion
Annual number of Responses:	320,000 stencilings
Annual Burden Hours:	26,667 hours
Labor Rate:	$42
Annual Cost:	$1,120,014

Calculation: 320,000 stencilings x 5 min. = 26,667 hours
26,667 hrs. x $42 = $1,120,014

Total annual burden for this entire requirement is 27,134 hours (467 + 26,667).

§ 232.305 Single Car tests.

Single car tests must be performed by a qualified person in accordance with either Section 3.0, "Tests-Standard Freight Brake Equipment," and Section 4.0, "Special Tests," of the Association of American Railroads Standard S-486-01, "Code of Air Brake System Tests for Freight Equipment," contained in the AAR Manual of Standards and Recommended Practices, Section E, (January 1, 2001); an alternative procedure approved by FRA pursuant to § 232.17; or a modified procedure approved in accordance with the provisions contained in § 232.307.

FRA estimates that approximately 320,000 cars will require a single car test each year. Test results have to be entered into AAR's electronic recordkeeping system called UMLER (Uniform Machine Language Equipment Register). It is estimated that it takes approximately 45 minutes to conduct the test and record the results in UMLER. Total annual burden for this requirement is 240,000 hours.

Respondent Universe: 1,600,000 freight cars

Burden time per response: 45 minutes

Frequency of Response: Annually

Annual number of Responses: 320,000 tests/records
Annual Burden Hours: 240,000 hours
Labor Rate: $42
Annual Cost: $10,080,000

Calculation: 320,000 tests/records x 45 min. = 240,000 hours
240,000 hrs. x $42 = $10,080,000

§ 232.309 Repair track brake test and single car test equipment and devices.

(a) Equipment and devices used to perform single car air brake tests must be tested for correct operation at least once each calendar day of use.

(b) Except for single car test devices, mechanical test devices such as pressure gauges, flow meters, orifices, etc., must be calibrated once every 92 days.

(c.) Electronic test devices must be calibrated at least once every 365 days.

(d) Test equipment and single car test devices placed in service must be tagged or labeled with the date its next calibration is due.

(e) Each single car test device must be tested not less frequently than every 92 days after being placed in service and may not continue in service if more than one year has passed since its last 92 day test.

(f) Each single car test device must be disassembled and cleaned not less frequently than every 365 days after being placed in service.

FRA is requiring that mechanical devices and gauges be tested and calibrated every 92 days; whereas, electronic gauges and devices appear to have much less exposure to many of the hazards encountered by mechanical devices and gauges and tend to be much more reliable and accurate for a longer period of time. Consequently, FRA only requires electronic yard test devices and gauges to be tested and/or calibrated on an annual basis.

FRA estimates that approximately 5,000 calibration tests will be performed annually. It

is estimated that each test will take approximately 30 minutes to perform the test and record the results. Total annual burden for this requirement is 2,500 hours.

Respondent Universe:	640 shops
Burden time per response:	30 minutes
Frequency of Response:	Annually
Annual number of Responses:	5,000 tests
Annual Burden Hours:	2,500 hours
	Labor Rate: $42
Annual Cost:	$105,000

Calculation: 5,000 tests x 30 min. = 2,500 hours
2,500 hrs. x $42 = $105,000

Subpart E - End-of-Train Devices

§ 232.403 Design standards for one-way end-of-train devices.

Rear unit. The rear unit must be capable of determining brake pipe pressure on the rear car and transmitting that information to the front unit for display to the locomotive engineer.

This information is communicated mechanically, and is not a paperwork requirement. Rather, it is a regulatory requirement governing the operation of the train which was mistakenly inserted into the last submission. Consequently, there is no burden associated with this provision.

Unique code. Each rear unit must have a unique and permanent identification code that is transmitted along with the pressure message to the front-of-train unit. A code obtained from the Association of American Railroads (AAR), 50 F Street, NW., Washington, D.C. 20036, shall be deemed to be a unique code for purposes of this section. A unique code also may be obtained from the Office of Safety Assurance and Compliance (RRS-10), Federal Railroad Administration, Washington, D.C. 20590.

FRA estimates that approximately 12 unique code requests will be received annually under this requirement. It is estimated that it will take approximately five (5) minutes for each request. Total annual burden for this requirement is one (1) hour.

Respondent Universe:	245 railroads
Burden time per response:	5 minutes
Frequency of Response:	On occasion
Annual number of Responses:	12 requests
Annual Burden Hours:	1 hour

		Labor Rate:
		$40
Annual Cost:		$40

Calculation: 12 requests x 5 min. = 1 hour
1 hr. x $40 = $40

§ 232.405 Design and performance standards for two-way-end-of-train devices.

A. The rear unit of the device shall send an acknowledgment message to the front unit immediately upon receipt of an emergency brake application command. The front unit shall listen for this acknowledgment and repeat the brake application command if the acknowledgment is not correctly received.

This information is communicated mechanically, and is not a paperwork requirement. Rather, it is a regulatory requirement governing the operation of the train which was mistakenly inserted into the last submission. Consequently, there is no burden associated with this provision.

B. The front unit shall have a manually operated switch which, when activated, shall initiate an emergency brake transmission command to the rear unit, or the locomotive shall be equipped with a manually operated switch on the engineer control stand designed to perform the equivalent function. The switch must be labeled "Emergency" and must be protected so that there will exist no possibility of accidental activation.

NOTE: This is not a paperwork requirement since we provide the railroads with the words that they must stencil.

§ 232.407 Operations requiring use of two-way end-of-train devices; prohibition on purchase of nonconforming devices.

The helper locomotive engineer must initiate and maintain two-way voice radio communication with the engineer on the head end of the train; this contact must be verified just prior to passing the crest of the grade.

FRA estimates that there approximately 50,000 communications will take place annually due to this requirement. It is estimated that each communication will take approximately 30 seconds. Total annual burden for this requirement is 417 hours.

Respondent Universe:	245 railroads
Burden time per response:	30 seconds
Frequency of Response:	On occasion
Annual number of Responses:	50,000 communications
Annual Burden Hours:	417 hours
	Labor Rate:

	$50
Annual Cost:	$20,850

Calculation: 50,000 communications x 30 seconds = 417 hours
417 hrs. x $50 = $20,850

§ 232.409 Inspection and testing of end-of-train devices.

A. A two-way end-of-train device must be tested at the initial terminal or other point of installation to ensure that the device is capable of initiating an emergency power brake application from the rear of the train. If this test is conducted by a person other than a member of the train crew, the locomotive engineer must be notified that a successful test was performed. The notification required by this paragraph may be provided to the locomotive engineer by any means determined appropriate by the railroad; however, a written or electronic record of the notification must be maintained in the cab of the locomotive and must include the date and time of the test, the location where the test was performed, and the name of the person conducting the test.

FRA requires that the locomotive engineer be informed in an appropriate way determined by the railroad when the required tests and inspections are performed by a person other than a train crew member. FRA requires that a record, either electronic or written, of the notification be kept in the cab of the locomotive, and that this notification include the date and time of the test, the location where the test was performed, and the name of the person performing the test.

FRA estimates that this will happen in approximately 75% of the tests to be performed annually or 450,000 times a year (600,000 x 75%). Per test, it is estimated that it will take approximately 30 seconds for the person to inform the locomotive engineer (whether verbally or in writing) that the two-way end-of-train devices have been tested. Total annual burden for this requirement is 3,750 hours.

Respondent Universe:	
	245 railroads
Burden time per response:	30 seconds

Frequency of Response: On Occasion

Annual number of Responses: 450,000 communications
Annual Burden: 3,750 hours
Labor Rate: $42
Annual Cost: $157,500

Calculation: 450,000 communications x 30 sec. = 3,750 hours
3,750 hours x $42 = $157,500

B. The telemetry equipment must be tested for accuracy and calibrated if necessary according to the manufacturer's specifications and procedures at least every 365 days. This must include testing radio frequencies and modulation of the device. The date and location of the last calibration or test, as well as the name of the person performing the calibration or test, must be legibly displayed on a weather-resistant sticker or other marking device affixed to the outside of both the front unit and the rear unit; however, if the front unit is an integral part of the locomotive, then the above information may be recorded on Form FRA F6180.49A, provided the serial number of the unit is recorded.

It is estimated that approximately 32,708 end-of-train devices will need to be calibrated annually. FRA estimates that it will take approximately one (1) minute per unit to record the date of the last calibration, the location where the calibration was made, and the name of the person doing the calibration on a sticker and affix the sticker outside of the front and rear unit. Total annual burden is 545 hours.

Respondent Universe: 245 railroads

Burden time per response: 1 minute

Frequency of Response:

Annually

Annual number of Responses:	32,708 marked units
Annual Burden:	545 hours
Labor Rate:	$42
Annual Cost:	$22,890

Calculation: 32,708 marked units x 1 min. = 545 hours
545 hours x $42 = $22,890

Total annual burden for this entire requirement is 4,295 hours (3,750 + 545).

Subpart F - Introduction of New Brake System Technology

§ 232.503 Process to introduce new brake system technology.

A. Pursuant to the procedures contained in § 232.17, each railroad must obtain special approval from the FRA Associate Administrator for Safety of a pre-revenue service acceptance testing plan, developed pursuant to § 232.505, for the new brake system technology, prior to implementing the plan.

This section makes clear that the approval of FRA's Associate Administrator for Safety must be obtained by a railroad prior to the railroad's implementation of a pre-revenue service acceptance test plan and before introduction of new brake system technology into revenue service.

FRA estimates that it will receive approximately one (1) letter requesting approval annually under this requirement. It is estimated that it will take approximately one (1) hour to complete such an approval letter. Total annual burden for this requirement is one (1) hour.

Respondent Universe:	545 railroads
Burden time per response:	1 hour
Frequency of Response:	On occasion
Annual number of Responses:	1 letter
Annual Burden Hours:	1 hour
	Labor Rate: $70
Annual Cost:	$70

Calculation: 1 letter x 1 hour = 1 hour
1 hr. x $70 = $70

B. Each railroad must complete a pre-revenue service demonstration of the new brake system technology in accordance with the approved plan; must fulfill all of the other requirements prescribed in § 232.505; and must obtain special approval from the FRA Associate Administrator for Safety under the procedures of § 232.17 prior to using such brake system technology in revenue service.

FRA estimates that it will receive approximately one (1) request every 3 years. It is estimated that it will take the railroad approximately 10 hours to prepare its request and submit it to FRA. Total annual burden for this requirement is three (3) hours (1 x 10 hours ÷ 3 = 3 hours annually). *(Note: This provision takes effect on April 1, 2004.)*

Estimated number of requests	1
Average hours per request	3
Estimated annual burden hours	3
Respondent Universe:	545 railroads
Burden time per response:	3 hours
Frequency of Response:	On occasion
Annual number of Responses:	1 request
Annual Burden Hours:	3 hours
Labor Rate:	$70
Annual Cost:	$210

Calculation: 1 request x 3 hours = 3 hours
3 hrs. x $70 = $210

Total annual burden for this entire requirement is four (4) hours (1 + 3).

§ 232.505 Pre-revenue service acceptance testing plan.

A. Except as provided in paragraph (f) of this section, before using a new brake system technology for the first time on its system, the operating railroad or railroads must submit a pre-revenue service acceptance testing plan containing the information required by paragraph (e) of this section and obtain the approval of the FRA Associate Administrator for Safety under the procedures specified in § 232.17.

For equipment that has not previously been used in revenue service in the United States, paragraph (a) of this section requires the operating railroad to develop a pre-revenue service acceptance testing plan and to obtain FRA approval of the plan under the

procedures stated in § 232.17 before beginning testing.

After receiving FRA approval of the pre-revenue service testing plan and before introducing the new brake system technology into revenue service, the operating railroad or railroads must: (1) Adopt and comply with such FRA-approved plan, including fully executing the tests required by the plan; (2) Report to the FRA Associate Administrator for Safety the results of the pre-revenue service acceptance tests; and (3) Correct any safety deficiencies identified by FRA in the design of the equipment or in the inspection, testing, and maintenance procedures or, if safety deficiencies cannot be corrected by design or procedural changes, agree to comply with an operational limitations that may be imposed by the Associate Administrator for Safety on the revenue service operation of the equipment; and (4) Obtain FRA approval to place the new brake system technology in revenue service. The plan must be made available to FRA for inspection and copying upon request.

The plan must include all of the following elements:

(1) An identification of each waiver, if any, of FRA or other Federal safety regulations required for the tests or for revenue service operation of the equipment.

(2) A clear statement of the test objectives. One of the principal test objectives must be to demonstrate that the equipment meets the safety design and performance requirements specified in this Part when operated in the environment in which it is to be used.

(3) A planned schedule for conducting the tests.

(4) A description of the railroad property or facilities to be used to conduct the tests.

(5) A detailed description of how the tests are to be conducted. This description must include:

(i) An identification of the equipment to be tested;

(ii) The method by which the equipment is to be tested;

(iii) The criteria to be used to evaluate the equipment's performance; and

(iv) The means by which the test results are to be reported to FRA.

(6) A description of any special instrumentation to be used during the tests.

(7) A description of the information or data to be obtained.

(8) A description of how the information or data obtained is to be analyzed or used.

(9) A description of any criteria to be used as safety limits during the testing.

(10) A description of the criteria to be used to measure or determine the success or failure of the tests. If acceptance is to be based on extrapolation of less than full level testing results, the analysis to be done to justify the validity of the extrapolation must be described.

(11) A description of any special safety precautions to be observed during the testing.

(12) A written set of standard operating procedures to be used to ensure that the testing is done safely.

(13) Quality control procedures to ensure that the inspection, testing, and maintenance procedures are followed.

(14) Criteria to be used for the revenue service operation of the equipment.

(15) A description of any testing of the equipment that has previously been performed, if any.

First Year of Program

The burden for the first year of this requirement has already been completed. Consequently, there is no additional burden associated with this requirement.

Subsequent Years

FRA estimates that it will receive approximately one (1) maintenance procedure in subsequent years. It is estimated that it will take the railroad approximately 160 hours to prepare this maintenance procedure. Total annual burden for this requirement is 160 hours.

Estimated number of respondents	1
	Average hours per maintenance procedure
	160
Estimated annual burden hours	160

Respondent Universe:	545 railroads
Burden time per response:	160 hours
Frequency of Response:	On occasion
Annual number of Responses:	1 maintenance procedure
Annual Burden Hours:	160 hours

	Labor Rate: $70
Annual Cost:	$11,200

Calculation: 1 maintenance procedure x 160 hours = 160 hours
160 hrs. x $70 = $11,200

Amendments

FRA estimates that it will receive approximately one (1) amended maintenance procedure in subsequent years. It is estimated that it will take the railroad approximately 40 hours to prepare this maintenance procedure. Total annual burden for this requirement is 40 hours.

Estimated number of respondents	1
	Average hours per maintenance procedure 40
Estimated annual burden hours	40

Respondent Universe:	545 railroads
Burden time per response:	40 hours
Frequency of Response:	On occasion
Annual number of Responses:	1 maintenance procedure
Annual Burden Hours:	40 hours
	Labor Rate: $40
Annual Cost:	$1,600

Calculation: 1 maintenance procedure x 40 hours = 40 hours
40 hrs. x $40 = $1,600

FRA estimates that it will receive approximately one (1) design description every three (3) years. It is estimated that it will take the railroad approximately 200 hours to create a new design requirement for new train brake system technology. Total annual burden for this requirement is 67 hours (1 x 200 hours ÷ 3 years = 67 hours annually).

Estimated number of petitions	1
Average hours per petition	67
Estimated annual burden hours	67

Respondent Universe:	545 railroads
Burden time per response:	67 hours
Frequency of Response:	On occasion

Annual number of Responses:	1 petition	
Annual Burden Hours:	67 hours	
	Labor Rate:	
		$70
Annual Cost:		$4,690

Calculation: 1 petition x 67 hours = 67 hours
67 hrs. x $70 = $4,690

B. Report to the FRA Associate Administrator for Safety the results of the pre-revenue service acceptance tests.

FRA estimates that approximately one (1) railroad will incorporate new train brake system technology every three (3) years. It is estimated that it will take the railroad approximately 40 hours to prepare, review, and submit its report to FRA analyzing the results of its pre-revenue service tests. Total annual burden for this requirement is 13 hours. (1 x 40 hours ÷ 3 years = 13 hours).

Estimated number of reports	1
Average hours per report	13
Estimated annual burden hours	13

Respondent Universe:	545 railroads	
Burden time per response:	13 hours	
Frequency of Response:	On occasion	
Annual number of Responses:	1 report	
Annual Burden Hours:	13 hours	
	Labor Rate:	
		$40
Annual Cost:		$520

Calculation: 1 report x 13 hours = 13 hours
13 hrs. x $40 = $520

C. For brake system technologies that have previously been used in revenue service in the United States, the railroad must test the equipment on its system, prior to placing it in revenue service, to ensure the compatibility of the equipment with the operating system (track, signals, etc.) of the railroad. A description of such testing must be retained by the railroad and made available to FRA for inspection and copying upon request.

FRA estimates that approximately five (5) descriptions will be sent to FRA under this requirement. It is estimated that it will take each railroad approximately 40 hours to prepare, and send the testing description. Total annual burden for this requirement is 200 hours.

Respondent Universe:		545 railroads
Burden time per response:	40 hours	
Frequency of Response:	On occasion	
Annual number of Responses:	5 descriptions	
Annual Burden Hours:	200 hours	
		Labor Rate:
		$40
Annual Cost:		$8,000

Calculation: 5 descriptions x 40 hours = 200 hours
200 hrs. x $40 = $8,000

Total annual burden for this entire requirement is 480 hours (160 + 40 + 67 + 13 + 200).

Total annual burden for this entire information collection is 844,452 hours.

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

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

-IF COST ESTIMATES ARE EXPECTED TO VARY WIDELY, AGENCIES SHOULD PRESENT RANGES OF COST BURDENS AND EXPLAIN THE REASONS FOR THE VARIANCE. THE COST OF PURCHASING OR CONTRACTING OUT INFORMATION

COLLECTION SERVICES SHOULD BE A PART OF THIS COST BURDEN ESTIMATE. IN DEVELOPING COST BURDEN ESTIMATES, AGENCIES MAY CONSULT WITH A SAMPLE OF RESPONDENTS (FEWER THAN 10), UTILIZE THE 60-DAY PRE-OMB SUBMISSION PUBLIC COMMENT PROCESS AND USE EXISTING ECONOMIC OR REGULATORY IMPACT ANALYSIS ASSOCIATED WITH THE RULEMAKING CONTAINING THE INFORMATION COLLECTION, AS APPROPRIATE.

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

The cost to respondents will primarily be a function of labor hours. Employees performing the safety inspections and tests and preparing the reports associated with the requirements have the following costs: Train and engine employees - $42.00 per hour; Professional and administrative employees - $40.00 per hour; and Executives, officials and staff assistants - $44.00 per hour. (*Note*: These hourly wages have been adjusted to include 40 percent for overhead and fringe benefit costs.)

First Year of Program

Since the first year of the program has been completed and all associated costs already incurred, the cost is zero dollars ($0).

Subsequent Years

$8,231,472	Labor (214,752 hours @ $42 an hr.; 8,888 hours @ $40 an hr.; and 1,240 hours @ $70 an hr.)
50	Postage
31,000	Miscellaneous Expense
$8,262,522	Total

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.

A. There is no cost to the Federal Government connected to the recordkeeping requirements. These records are examined on a somewhat routine basis in connection with regular enforcement activities designed to monitor carrier compliance with inspection and testing requirements. The information on the record is not collected or compiled by any Federal agency.

B. The reports required to be submitted to FRA will be reviewed and evaluated by a Motive Power and Equipment Specialist in Washington, D.C. It is estimated 200 hours will be required annually for these reviews. Based on $53 per man hour (includes 40 percent for overhead), the annual cost to the Federal Government is $10,600.

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

The burden has decreased by a total of 50,559 hours. The decrease is due to both adjustments in burden estimates and program changes. The adjustments reflect both increases and decreases in burden. The following information collection requirements exhibit revised estimates which *increased* the burden:

(1) Under § 229.27, Annual Tests, the estimate for the umber of responses increased (from 18,000 tests/forms to 22,500 test/forms). Consequently, the burden *increased* by 1,125 *hours* (from *4,500 hours* to *5,625 hours*).

(2) Under § 232.103, the estimate for the number of stickers/stencils/badge plates increased (from 66,660 to 70,000). Consequently, the burden *increased* by 557 *hours* (from 11,110 *hours* to *11,667 hours*).
(3) Under § 232.105, the estimate for the number of inspection forms increased (from 20,000 to 22,500). Consequently, the burden *increased* the burden by 208 *hours* (from *1,667 hours* to *1,875 hours*).

(4) Under § 232.203, Subsequent Years (Training), the estimate for the number of programs developed increased (from one (1) to five (5)). Consequently, the burden *increased* by *400 hours* (from *100 hours* to *500 hours*).

(5) Under § 232.207, Subsequent Years, the estimate for the number of designation lists increased (from one (1) to five (5). Consequently, the burden increased by *four (4) hours* (from *one (1) hour* to *five (5) hours*).

(6) Under § 232.213B, the estimate for the number of records increased (from 25,200 to 40,000). Consequently, the burden increased by 4,933 *hours* (from *8,400 hours* to *13,333*

hours).

Total *increases* from adjustments then amount to *7,227 hours*.

There were also adjustments which reflect *decreases* in burden. The following requirements exhibit revised estimates which decreased the burden:

(1) Under §232.109D, Subsequent Years, the estimate for the number of stencilings/markings decreased (from 20 to 10). Consequently, the burden *decreased* by *one (1) hour* (from *two (2) hours* to one (1) *hour*).

(2) Under § 232.111, Subsequent Years, the estimate for the number of procedures decreased (from 10 to five (5). Consequently, the burden *decreased* by *200 hours* (from 400 *hours* to 200 *hours*).

(3) Under § 232.207, the estimate for the number of designation lists decreased (from 25 to zero (0)). Consequently, the burden *decreased* by 13 *hours* (from 13 *hours* to zero (0) *hours*).

(4) Under § 232.505A, the estimate for the number of procedures decreased (from one (1) to zero (0)). Consequently, the burden *decreased* by *160 hours* (from *160 hours* to *zero* (0) *hours*).

Total de*creases* from adjustments then amount to 374 *hours*. Overall, adjustments *increased* the burden by *6,853 hours.*

There were also program changes that *decreased* the burden. They are as follows:

(1) Under §232.1, Scope, this was a one-time requirement which has been fulfilled. This *decreased* the burden by *four* (4) *hours*.
(2) Under §232.107, this was a one-time requirement which has been fulfilled. This *decreased* the burden by *2,000 hours*.

(3) Under §232.107B, this was a one-time requirement which has been fulfilled. This *decreased* the burden by *740 hours.*

(4) Under §232.109D, this was a one-time requirement which has been fulfilled. This *decreased* the burden by *233 hours.*

(5) Under §232.109H, this was a one-time requirement which has been fulfilled. This *decreased* the burden by *400 hours.*

(6) Under §232.109I, this was a one-time requirement which has been fulfilled. This *decreased* the burden by *545 hours.*

(7) Under §232.109J, this was a one-time requirement which has been fulfilled. This *decreased* the burden by *1,600 hours.*

(8) Under §232.111, this was a one-time requirement which has been fulfilled. This *decreased* the burden by *21,890 hours.*

(9) Under §232.203, this was a one-time requirement which has been fulfilled. This *decreased* the burden by *30,000 hours.*

Total de*creases* from program changes amount to *57,412 hours*.

Overall, the total burden for the revised information collection amounts to 844,452 hours. The current inventory shows a burden total of 895,011 hours. Hence, there is an overall decrease in burden of *50,559 hours*.

Also, there is a decrease in the annual cost to respondents of $1,175,478. This decrease is an adjustment due to the fact that existing railroads have already incurred the First Year cost of the various requirements of this rule.

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

There are no plans for publication regarding this information collection.

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 all five DOT strategic goals. First, it supports the Department's highest strategic goal, namely transportation safety. The new rule and its associated collection of information seek to reduce the number and severity of railroad accidents/incidents by ensuring that brake equipment used in freight operations throughout the United States are properly inspected, tested, and maintained. In particular, mandating written standard operating procedures will force railroads to analyze the safety impacts of the various ways to handle potentially dangerous situations. These written operating procedures requirements formalize what is already being practiced by many railroads. FRA believes that the forethought required to develop these procedures will preempt many mistakes that cause dangerous situations to occur. By reducing safety risks, there should be a corresponding reduction in the number of accidents/incidents, and severity of injuries to railroad employees and members of the general public.

Furthermore, training records will be used by railroads to demonstrate that the individuals responsible for train brake system inspection, maintenance, and tests meet the minimum qualification requirements enumerated in this new rule. FRA has access to these records, so it can independently assess whether the training provided to a specific individual adequately addresses the tasks for which the individual is deemed capable of performing. Knowing that FRA has access to these records and can review them at any time will serve to prevent potential abuses by railroads to use insufficiently trained individuals to perform necessary inspections, tests, and maintenance required by this rule. The training and qualification requirements provide the means by which FRA can judge the effectiveness and appropriateness of a railroad's training and qualification program. By using properly qualified and trained individuals, brake equipment should be in better and safer condition. The new rule also clarifies tagging requirements, contains provisions regarding the placement of defective equipment, and provides a consistent method for calculating the percentage of operative brakes on a train. The duties imposed on railroads when moving defective equipment are made clearer in this new rule. Consequently, FRA believes the prescribed requirements help to ensure the safe and proper movement of defective equipment.

This information collection also supports the DOT strategic goal of mobility. By ensuring rail brake equipment will be in better and safer condition, the overall safety of the rail system is enhanced, and flexibility of choice is maintained for shippers and manufacturers. Manufacturers and shippers then have another option, and can decide for themselves on the mode of transportation to move their goods which best meets their time and cost schedules. A safer rail system will be more accessible, more convenient, and also more efficient.

This information also supports the DOT strategic goal of economic growth and trade. As previously mentioned, a national rail system which has less accidents/incidents due to better maintained and safer freight cars is going to be a more efficient and more

economically competitive option to move various products. Moving a greater number of goods by rail – as a result of lower costs – is going to promote both economic growth as well as trade. Shipping a greater number of goods serves to increase the national gross domestic product. Destinations receiving these goods have included and doubtless will include points both in Canada and Mexico as well as throughout the U.S. Rail then is and will continue to be a critical component of an accessible and flexible transportation system. Rail has contributed notably to the recent unparalleled national prosperity. The new rule and corresponding information collection help ensure the continued free flow of goods by promoting and enhancing safe rail transportation.

This information collection also supports the Human and Natural Environment strategic goal in a very important way. By reducing the number and severity of railroad accidents/incidents and resulting property damage, communities and the natural environment affected will be protected. This is especially true in the case of train-tanker truck collisions and other accidents/incidents involving hazardous materials that are caused by defective brakes. Fewer accidents/incidents will translate into fewer pollutants, and other possible toxic substances being released into the natural environment. This serves to promote the sustainability and livability of communities throughout the country.

Finally, this information collection supports National Security. Freight cars which are secure would be a crucial component to move men, and material in the event of a national emergency. In a world filled with terrorism and instability, getting men and material to specific destinations safely and on schedule would undoubtedly greatly serve the national interest and indeed promote national security.

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.