

**PASSENGER TRAIN EMERGENCY PREPAREDNESS
49 CFR PARTS 223 AND 239
SUPPORTING JUSTIFICATION**

- 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 this rule.

Background

Although the overall safety record of conventional intercity and commuter passenger train operations in the United States has been exemplary, rail passenger train accidents continue to occur.

In recent years, a number of passenger train accidents (such as the tragic “Sunset Limited” passenger train derailment in Mobile, Alabama, in September 1993 and the Amtrak/Marc Train collision in Silver Spring in 1996) have demonstrated the need to improve: (1) the way railroads respond in emergency situations; (2) training for employee and emergency responders; and (3) passenger awareness of the location and operation of emergency exits.

Also, a more complex rail passenger operating environment – advancing technology, high speed rail equipment, and appearance of potential new operators of passenger equipment – needs to be taken into consideration in developing safety regulations for rail passenger trains.

On November 2, 1994, Congress enacted section 215 of the Federal Railroad Safety Authorization Act of 1994, Pub. L. No. 103-440, 108 Stat. 4619, 4623, entitled “Passenger Car Safety Standards.” Section 215 of the Act states that the Secretary of Transportation must prescribe regulations establishing minimum standards for the safety of cars used by railroad carriers to transport passengers. Before prescribing such regulations, the Secretary must consider the following:

- (1) the crashworthiness of the cars;
- (2) interim features (including luggage restraints, seat belts, and exposed surfaces) that may affect passenger safety;
- (3) maintenance and inspections of the cars;
- (4) emergency response procedures and equipment; and
- (5) any operating rules and conditions that directly affect safety not otherwise governed by regulations.

The rule requires minimum Federal safety standards for the preparation, adoption, and implementation of emergency preparedness plans by railroads connected with the operation of passenger trains, including freight railroads hosting the operations of rail passenger service. The rule also requires each affected railroad to instruct its employees on the plan's provisions, develop a training program for emergency responders, and periodically conduct emergency simulations.

Finally, the rule requires railroads to properly mark, inspect, and maintain emergency exits, as well as test a representative sample of emergency window exits at least once every 180 days. Elements of the emergency preparedness plan must include communication, employee training and qualification, joint operations, tunnel safety, liaison with emergency responders, on-board emergency equipment, and passenger safety information. The plan adopted by each affected railroad is subject to review and approval by FRA.

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 reviews Emergency Preparedness Plans (EPPs) – and amendments to EPPs – filed with the agency to ensure that each railroad's plan covers the following essential parameters: communications, notifications by control center, emergency responder liaison, joint operations, special circumstances (e.g., tunnels, parallel operations, other operating considerations), employee training and qualification, passenger safety information, and on-board emergency equipment. FRA verifies that each EPP includes the name, title, address, and telephone number of the primary person on each railroad to be contacted with regard to review of the plan and that each EPP includes a summary of the railroad's analysis supporting each plan element and describing how every condition on the railroad's property that is likely to affect emergency response is addressed in the plan. FRA also reviews each EPP to confirm that each railroad control center maintains current emergency telephone numbers, in particular the emergency responder's telephone

number and telephone numbers of the railroads which operate on adjacent track.

Debriefing and critique sessions must be conducted by railroads after each emergency passenger situation/full scale simulation where there is a passenger or employee fatality, or an injury to one or more crew members or a passenger involving admission to a hospital, or the evacuation of a passenger train. FRA reviews required debriefing and critique session records to verify that railroads were able to determine, at a minimum, the following: whether the on-board communications equipment functioned properly; the elapsed time between the occurrence of the emergency situation/simulation and notification to emergency responders involved; whether the control center promptly initiated the required notifications; how quickly and effectively the emergency responders reacted after notification; and the efficiency of passenger egress from the car through the emergency exits. Also, FRA reviews these records to confirm that railroads improve/amend their emergency preparedness plans, as appropriate, based on the information developed from these sessions.

FRA reviews operational (efficiency) test records to ensure that (covered) railroads conduct these required tests of their on-board and control center employees which are essential to determining the extent of employee compliance with each railroad's emergency preparedness plan. In the event of an accident/incident, FRA can examine the test records of relevant employees to ascertain who the railroad officer was who administered the operational (efficiency) test to a given employee and the relevant information relied on for that employee's evaluation.

Records of the inspection, maintenance, and repair of emergency window and door exits are used by FRA inspectors to ensure they are regularly tested; are properly maintained; and are promptly repaired if they are not in proper working order. Overall, records required under this rule are used by FRA to verify that railroads comply with this regulation.

Emergency responder liaison activities, including training and emergency simulations, are used to help emergency responders become familiar with the location and operation of a railroad's emergency windows and doors. Further, the information gained through these activities and simulations provides emergency responders with a working knowledge of the railroad's operations.

Passenger awareness educational material is used to inform passengers: (1) to recognize and immediately report potential emergencies to crew members; (2) to recognize hazards; (3) to recognize and know how and when to operate appropriate emergency-related features and equipment, such as fire extinguishers, train doors, and emergency exits; and (4) to recognize the potential special needs of fellow passengers during an emergency, such as children, the elderly, and disabled persons.

Luminescent or lighted emergency exit markings are used by passengers and emergency responders to determine where the closest and most accessible emergency exit route is located, as well as how to operate the emergency exit mechanisms. Windows and doors intended for emergency access by emergency responders for extrication of passengers are required to be marked with retro-reflective material so that the emergency responders can easily distinguish them from the less accessible doors and windows. Shining flashlights or other portable lighting on the marking or symbol selected by the railroad makes such symbols distinguishable in conditions of poor visibility.

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.

For many years, FRA has highly encouraged and strongly endorsed the use of electronic recordkeeping, wherever possible, to reduce burden. FRA realizes that requiring railroads to retain records of the operational (efficiency) tests and inspection, maintenance, and repair of emergency window and door exits in paper form would impose additional administrative and storage costs, and that computer storage of these documents would reduce these costs and also enable railroads to immediately update any amendments to their operational testing and emergency window exit testing programs. Accordingly – and in keeping with the requirements of the Paperwork Reduction Act (PRA) and the Government Paperwork Elimination Act (GPEA) – FRA has authorized railroads to retain their operational (efficiency) test records and their inspection, maintenance, and repair of emergency window and door exits by electronic recordkeeping, subject to the conditions set forth in the rule. Thus, currently, approximately 11,000 of the 23,800 required records or 46 percent of all responses are collected electronically.

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

To our knowledge, no information is 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 83-1), DESCRIBE

ANY METHODS USED TO MINIMIZE BURDEN.

It should be noted that the burden for this information collection is fairly minimal. To ease the burden associated with this information collection, FRA permits optional electronic recordkeeping. Moreover, the information collection requirements of this rule do not apply to historic and tourist railroads.

Additionally, it should be noted that, under the provisions of the Regulatory Flexibility Act, this rule does not impose a significant economic impact on a substantial number of small entities.

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

If this information were not collected or collected less frequently, railroad safety nationwide would be considerably adversely impacted. In particular, the number and extent of casualties to train crews and the traveling public in the event of an accident/incident – such as a collision or derailment – would likely rise significantly. First, the number of injuries and deaths would likely increase if railroads did not have and did not file with FRA an Emergency Preparedness Plan (EPP). Without an EPP and necessary amendments to an EPP, different categories of railroad employees would not know their roles and responsibilities in the event of a collision, derailment, or other emergency situations. They would not be totally familiar with their railroad's operations, rules, and procedures in the event of an emergency, and would not be informed and trained on a number of critically important issues such as communications, notifications by the control center, emergency responder liaison, joint operations with another railroad, special circumstances (e.g., tunnels, bridges, and parallel operations, etc.), passenger safety awareness, and on-board safety equipment. Such a lack of training and knowledge would inevitably result in confusion, delays, inadequate response measures, and thus higher and more severe casualties to train crews and passengers. Without FRA review and approval of EPPs, railroads might feel such plans are unnecessary altogether, or they might decide to eliminate or cut corners on different aspects of their EPP, especially employee training dealing with emergency situations. Such decisions by railroads would doubtless lead to higher train crew and passenger casualties. FRA review eliminates such detrimental revisions and ensures that EPPs will be comprehensive and current.

Second, the number of injuries and deaths would likely increase if railroads did not mark emergency exits and doors properly. Without clear and understandable instructions and markings at or near such exits, passengers would not know how to and where to exit the train quickly after a collision, derailment, or other emergency. Especially under conditions of poor visibility, door and window exits conspicuously and legibly marked with luminescent material on the inside of the car would be crucial for passengers to

promptly and safely leave the train. Also, if door/window exits for emergency access by emergency responders were not marked with a retroreflective material, emergency responders might be impeded or delayed in safely extricating train crews and passengers in an accident that occurred at night or in fog. The consequence of any hindrance or delay might be more severe injuries and higher fatalities.

Third, the number of casualties would likely rise if emergency responders were not properly trained or if they did not participate periodically in emergency response simulations. Without such training and practice sessions, emergency responders might experience unnecessary difficulty in safely and quickly removing train crews and passengers from a train involved in a collision or derailment. A delay of even a few minutes might mean the difference between minor or serious injury and, more importantly, might mean the difference between life and death to train crews and passengers.

Fourth, the number of injuries and deaths would likely rise if there was no way to verify that railroads carry out scheduled inspections, maintenance, and repair of emergency window and door exits. Under this rule, all covered railroads are required to test a representative sample of emergency window exits on its cars once every 180 days to verify their proper operation, and are required to repair a defective unit before returning the car to service. Since each railroad operating passenger service is required to maintain records of its inspection, maintenance, and repair of emergency window and door exits at its system headquarters and applicable division headquarters, FRA inspectors can readily check these records to make sure railroads are fulfilling their responsibilities. Doors and window exits that were not working could result in more severe injuries and greater loss of life in the event of a grave emergency. In the investigation of an accident/incident, these records are an invaluable resource in helping to determine exactly what happened and may serve to highlight deficiencies that can be corrected so as to prevent future occurrences.

Fifth, the number of injuries and deaths would likely rise if railroads did not conduct debriefing and critique sessions after each emergency passenger situation or full scale simulation where there is a passenger or employee fatality, or an injury to one or more crewmembers or a passenger involving admission to a hospital, or the evacuation of a passenger train. FRA reviews required debriefing and critique session records to verify that railroads were able to determine, at a minimum, whether the on-board communications equipment functioned properly; the elapsed time between the occurrence of the emergency situation/simulation and notification to emergency responders involved; whether the control center promptly initiated the required notifications; how quickly and effectively the emergency responders reacted after notification; and the efficiency of passenger egress from the car through the emergency exits. Also, FRA reviews these records to confirm that railroads improve/amend their emergency preparedness plans, as appropriate, based on the information developed from these sessions. Without these essential sessions and accompanying records, FRA and railroads could not detect

emergency response deficiencies and could not develop necessary corrective measures. This could result in greater injuries and loss of life in future emergency situations. Last, the number of injuries and deaths would likely rise if railroads did not conduct operational (efficiency) tests and keep records of these tests. FRA reviews these test records, which are essential to determining the extent of employee knowledge of each railroad's EPP, to ensure that covered railroads conduct the required tests of their on-board and control center employees. In the event of an accident/incident, FRA can examine the test records of various employees to ascertain who the railroad officer was who administered the operational (efficiency) test to a particular employee and the relevant information relied on for that employee's evaluation. Without these tests and corresponding records, there would be no way for FRA and railroads to know whether and to what extent on-board and control center employees actually complied with their railroad's EPP. As a consequence, railroads would have to hope that these employees knew what to do in emergency situations and that they responded appropriately and quickly. Many train crew members and passengers might pay a high price in terms of injuries and deaths relying on an unwarranted hope.

In sum, this information collection serves the agency's primary mission, and is a vital part of FRA's rail safety program.

7. EXPLAIN ANY SPECIAL CIRCUMSTANCES THAT WOULD CAUSE AN INFORMATION COLLECTION TO BE CONDUCTED IN A MANNER:

-REQUIRING RESPONDENTS TO REPORT INFORMATION TO THE AGENCY MORE OFTEN THAN QUARTERLY;

-REQUIRING RESPONDENTS TO PREPARE A WRITTEN RESPONSE TO A COLLECTION OF INFORMATION IN FEWER THAN 30 DAYS AFTER RECEIPT OF IT;

-REQUIRING RESPONDENTS TO SUBMIT MORE THAN AN ORIGINAL AND TWO COPIES OF ANY DOCUMENT;

-REQUIRING RESPONDENTS TO RETAIN RECORDS, OTHER THAN HEALTH, MEDICAL, GOVERNMENT CONTRACT, GRANT-IN-AID, OR TAX RECORDS FOR MORE THAN THREE YEARS;

-IN CONNECTION WITH A STATISTICAL SURVEY, THAT IS NOT DESIGNED TO PRODUCE VALID AND RELIABLE RESULTS THAT CAN BE GENERALIZED TO THE UNIVERSE OF STUDY;

-REQUIRING THE USE OF A STATISTICAL DATA CLASSIFICATION THAT HAS NOT BEEN REVIEWED AND APPROVED BY OMB;

-THAT INCLUDES A PLEDGE OF CONFIDENTIALITY THAT IS NOT SUPPORTED BY AUTHORITY ESTABLISHED IN STATUE OR REGULATION, THAT IS NOT SUPPORTED BY DISCLOSURE AND DATA SECURITY POLICIES THAT ARE CONSISTENT WITH THE PLEDGE, OR WHICH UNNECESSARILY IMPEDES SHARING OF DATA WITH OTHER AGENCIES FOR COMPATIBLE CONFIDENTIAL USE; OR

-REQUIRING RESPONDENTS TO SUBMIT PROPRIETARY TRADE SECRET, OR OTHER CONFIDENTIAL INFORMATION UNLESS THE AGENCY CAN DEMONSTRATE THAT IT HAS INSTITUTED PROCEDURES TO PROTECT THE INFORMATION'S CONFIDENTIALITY TO THE EXTENT PERMITTED BY LAW.

All information collection requirements are in compliance with this section.

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

DESCRIBE EFFORTS TO CONSULT WITH PERSONS OUTSIDE THE AGENCY TO OBTAIN THEIR VIEWS ON THE AVAILABILITY OF DATA, FREQUENCY OF COLLECTION, THE CLARITY OF INSTRUCTIONS AND RECORD KEEPING, 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.

In accordance with the Paperwork Reduction Act of 1995, Pub.L. No.104-13, § 2, 109

Stat. 163 (1995) (codified as revised at 44 U.S.C. §§ 3501-3520), and its implementing regulations, 5 C.F.R. Part 1320, FRA published a notice in the Federal Register on January 17, 2007 (72 FR 2084), soliciting public comments on these information collection requirements. FRA received no comments in response to this notice.

Background

The NPRM on passenger train emergency preparedness was published in the Federal Register on February 24, 1997. (See 62 FR 8330.

A total of 15 responses was received by FRA in response to the NPRM. In light of the comments received, FRA reconsidered some of the proposals. Some respondents commented on cost and hour burden. Following is a discussion of some of those comments by topic.

1. The NPRM set forth a requirement for railroads operating passenger train service to conduct emergency simulations, either full-scale or table exercises, in order to determine their capabilities to execute their emergency preparedness plans under the variety of scenarios that could reasonably be expected to occur on its operation, and ensure coordination with all emergency responders who voluntarily agree to participate in the emergency simulations. The proposal required each commuter or short-haul passenger railroad to conduct a sufficient number of simulations so that each major line would be included at least once during every two calendar years and the number of simulations performed during any given calendar year would include at least 50 percent of the total number of major lines. Railroads providing intercity passenger train service were required to conduct at least two emergency simulations during each calendar year for each business unit or other major organizational element. 62 FR at 8357, 8358.

Comments Received

The American Public Transit Association (APTA) observed that simulations, especially full-scale ones, are time consuming, expensive, and benefit a small percentage of employees. In view of these factors, APTA stated that the requirement to perform simulations at all, combined with the requirement to perform simulations on 50 percent of main lines each year, goes beyond what is necessary for emergency preparedness.

The Long Island Railroad (LIRR) noted that emergency response agency costs vary and are difficult to quantify, since the majority of fire departments and ambulance crews are volunteers. Since they are volunteers, it may be difficult for the LIRR to get them to attend many drills. However, there are costs for equipment usage (e.g., fuel) and for medical supplies (e.g., bandages and splints). Including preparation, the railroad noted that it takes two full months to plan a full-scale simulation, integrate it with the responding agencies, coordinate and integrate it with the railroad's own transportation people (track time, service disruptions, alternative means of transportation, development

of the program and scenario), and then complete the drill. Internally, the LIRR uses tabletop exercises extensively for procedure review and testing. They are used in areas where it is difficult to get track time and run the railroad, and are less effective than practical, experiential drills and training because of the minimal amount of exposure to the emergency responders.

CALTRAIN, a commuter railroad that operates in Southern California, commented that tabletop exercises should be accorded the same weight and emphasis as actual field drills. Tabletop exercises – with follow-up debrief and critique – are very effective and less administratively burdensome. Certain exercises, such as window removal or after-dark conditions, can be performed as part of a tabletop drill by moving to the nearest rail facility.

METRA commented that it has 13 major lines, and would have to hold 6.5 simulations each year under the proposal. It noted that the participants would also have to be trained before each simulation, and debriefing and critique sessions would be held afterward. METRA assumes that responder pre-planning requires three weeks, the actual simulation takes two to four weeks to plan and coordinate, and the critique is performed a week after the simulation and compiled and acted upon the following week, for a total of 58.5 weeks spent performing 6.5 simulations. Under the proposal, METRA contends that it would have to conduct more than five simulations per year due to its system size and number of major routes. Even if the personnel and budget could be found to plan and conduct this level of simulation every year, METRA believes that it is questionable that the region's emergency responders could participate at this level.

The United Transportation Union (UTU) commented that the railroads should concentrate on case histories more than large-scale drills. It stated that large-scale drills are expensive and time consuming, tie up the railroad, and do not provide much learning opportunity.

Amtrak stressed that tabletop simulation exercises can accomplish many of the same objectives as full-scale exercises, but at a much lower cost. Amtrak opined that tabletop simulations, plus actual emergency response situations that inevitably occur, should be sufficient to accomplish the objectives of evaluating and improving the ability of railroads and emergency responders to function effectively in the event of an accident. Intercity operations present special challenges. As an operator of seven different commuter services in this country, Amtrak noted that it would be involved in a great number of simulations on commuter lines, as well as its intercity service, and stated that full-scale emergency exercises involve weeks of preparation, commitment of physical resources, and expenditure of funds for actual implementation of the exercise. Track and equipment would be out of service during the placement, conduct, and removal of equipment from the drill site. Significant disruption of normal operations on a rail line could occur in connection with conducting a simulation. Passengers and shippers could be inconvenienced and equipment utilization adversely affected.

The consensus of the commenters was that it takes each railroad months to plan a full-scale simulation, conduct the drill, and complete the debriefing and critique session.

In light of the written comments and testimony at the two public hearings from members of the emergency response community, FRA has reconsidered its proposal and is eliminating the provision for performing a tabletop exercise in lieu of a full-scale exercise. FRA is also scaling back the simulation requirement to involve only one full-scale simulation (performed either annually or every two years depending on the size of the railroad). Each railroad operating passenger train service is also required to develop a training program available to all on-line emergency responders who could reasonably be expected to respond during an emergency situation, with an emphasis upon access to railroad equipment, location of railroad facilities, and communications interface. The training program will provide information to emergency responders who may lack the opportunity to participate in an actual simulation.

2. The NPRM proposed that each railroad survey representative samples of passengers at least once annually to determine the effectiveness of its passenger awareness program activities, and required that it improve its program, as appropriate, based on the information developed. 62 FR at 8357.

Comments Received

Three railroads and APTA commented on FRA's proposal, convincing FRA that, unless the rule required each railroad to employ a rigorous and scientific survey methodology, most oral and written surveys would likely be completed only by those passengers who are either regular riders already familiar with emergency procedures or dissatisfied riders who have complaints about train service. Without such a financially burdensome requirement, the survey results would be of little or no value to the railroads in verifying passenger awareness of the location(s) on the passenger car of safety information or knowledge of safety procedures to be followed in the event of an emergency. Accordingly, FRA deleted this requirement from the final rule.

APTA also disagreed with FRA's estimate that the survey requirement would entail no additional cost to each railroad, noting that DOT recently estimated that on-board transit surveys cost \$12 per completed survey (DOT-97-08, as reported in the Urban Transportation Monitor). Based upon 360 million passenger trips daily and a sample size of one percent, APTA concluded that the total cost to survey commuter rail passengers would be \$21,600,000 ($360,000,000/2 \times .01 \times \12.00). Although APTA realized that the cost might be smaller, depending on the number of surveys done and number of questions asked, it stressed that the final cost would be more than incidental.

The LIRR commented that it performs at least one customer-satisfaction survey per year, at a cost of \$155,000 per survey, and on a case-by-case basis performs targeted surveys to assist in a decision-making process. The LIRR's Market Development area input shows that the response rate should be at least 45 percent to allow for valid projection of the

sample findings to the whole population. However, the LIRR's normal response rate of mail-back surveys that it has conducted in the past, without incentives, is only 15 percent.

3. Section 239.105 recognizes the value of conducting a formal evaluation process after the occurrence of either an actual emergency situation or a full-scale emergency simulation exercise to determine what lessons can be learned. However, the NPRM did not propose a threshold for when a debrief and critique session is required.

Comments Received

Amtrak commented that debriefing and critique sessions can be useful in determining the effectiveness of emergency response procedures and in developing improvements, but represent substantial undertakings by railroad personnel (possibly including both an operating and host railroad) and representatives of emergency response agencies. Amtrak recommended that FRA not require full debriefing and critique sessions after accidents where no threat to passengers on the train requiring a possible evacuation or other similar major response existed. Since Amtrak is involved in approximately one grade crossing or trespasser incident every other day, a requirement to conduct a debriefing and critique session after such occurrences would be burdensome.

APTA recommended that the requirement be triggered only when a major emergency affects five or more passengers. As proposed in the NPRM, APTA argued that the provision would be costly to comply with and annoy passengers, without any corresponding benefit to rail safety. For example, a passenger heart attack would trigger the debriefing requirement.

4. Paragraph 229.101(a)(5) requires that a railroad's emergency preparedness plan provide for distribution to emergency responders of railroad equipment diagrams and manuals, right-of-way maps, information on physical characteristics such as tunnels, bridges, and electrified territory, and other related materials. In order to continually reinforce the familiarization of the emergency responder organizations with the railroads' protocols, procedures, operations, and equipment, the final rule requires railroads to periodically distribute applicable portions of the plan to emergency responders at least once every three years and whenever material alterations to the plan occur (e.g., revisions to emergency exit information, pertinent changes in system route characteristics or railroad equipment operated on the system, or updates to names and telephone numbers of relevant contact officials on the railroad).

In commenting on § 239.101(a)(5) of the NPRM, APTA stated that all commuter railroads already attempt to share information with appropriate local emergency responders, and that this determination is based upon such factors as railroad operations and emergency responder capabilities. APTA argued that the proposed rule eliminates that discretion and flexibility and places a tremendous burden on commuter railroads to

affirmatively seek out every emergency responder organization, whether or not that entity is a logical choice.

Based upon the comments received, FRA concludes that it would be impractical to require railroads to directly monitor the emergency preparedness and response capabilities of all of its on-line emergency responders, and has deleted the “maintaining-awareness” requirement of paragraph (a)(5)(ii) of the NPRM from the final rule. FRA expects that the central location of the emergency response contact (e.g., the 911 emergency operations center) will be fully aware of the capabilities of the nearest and/or best-equipped emergency responders, thereby being able to send the most appropriate responders to the location of a passenger train emergency.

Amtrak commented that, while it agreed that it is reasonable to expect that the emergency preparedness plan information should be made available to any affected emergency responder, the final rule should permit railroads to fulfill this requirement by providing the information to entities that perform centralized functions of collecting information and disseminating it to emergency service providers, when and as needed. Amtrak stressed that since its nationwide route system interfaces with over 15,000 emergency response agencies, it would not be feasible to keep all of them supplied with written instructions. Amtrak stated that it agreed that applicable portions of the emergency preparedness plan should be readily available to any affected emergency responder but believed that the regulations should not require direct communication between each individual emergency response agency and the railroad.

FRA is aware of the great number of jurisdictions through which intercity trains operate, and realizes that it is neither simple nor inexpensive for passenger train operators to provide material and familiarization to every outside emergency response organization within all individual communities along each route. FRA had invited public comments on how Amtrak could best comply with the emergency responder liaison requirement, as set forth in the proposed rule. FRA asked whether the final rule should establish a different standard for railroads that operate in territories with large numbers of potential emergency responders to contact, and requested that any commenter proposing two or more sets of standards should also suggest what numerical or mileage criteria should be used to distinguish the railroads, and state how these differing standards would still ensure adequate levels of safety and emergency preparedness. Regrettably, the only commenter addressing this issue was Amtrak.

FRA recognizes that smaller commuter operations will be capable of training the limited number of potential emergency responders along their routes on their railroad equipment, and acknowledges that Amtrak lacks the financial resources and personnel to directly contact thousands of organizations. FRA requested that Amtrak submit a proposal to FRA on how it expects to achieve compliance with the requirements of this paragraph.

Consistent with the intent of Congress that FRA consult with the railroad industry, FRA invited various organizations to participate in a working group to focus on the issues related to passenger train emergency preparedness and build the framework for the development of an NPRM and, ultimately, a final rule. FRA held its first Working Group meeting on August 8, 1995. The purpose of the meeting was to provide an opportunity to collectively focus on evaluating issues related to passenger train emergency preparedness, as well as to develop and formulate plans and programs that would culminate in a final rule. The discussion focused on the key issues of emergency notification, training of railroad employees and emergency responders, suitability of on-board emergency equipment, and the Volpe Report. FRA deliberated at length with members of the Working Group about what the proposed rule would demand of affected railroads, in order to achieve the goal of optimizing their level of preparedness when faced with passenger train emergencies. The consensus was that the final rule should be flexible in its requirements to allow each railroad to address the unique characteristics of its individual operation.

The Working Group recommended that FRA require each affected railroad to prepare a formal emergency preparedness plan covering broad elements, including the following: employee and emergency responder training; on-board crewmember responsibilities; communication between the train crew and the control center, and between the control center and the emergency responders; delineation of passenger railroad and freight railroad responsibilities in cases of joint operations; and operations in tunnels or over elevated structures. However, the group urged FRA to afford railroads considerable latitude to design and administer emergency preparedness plans that best address each railroad's specific safety issues and concerns, with each plan then subject to review and approval by FRA. FRA incorporated the Working Group's recommendations into a draft NPRM and mailed the NPRM to the members of the Group. The Working Group reviewed the draft and presented its comments to FRA.

To the extent practicable, the final rule reflected the recommendations made by the Working Group, unless a particular recommendation was inconsistent with statutory authority, agency or legal requirements, or inadequate to sufficiently achieve the emergency preparedness goals of the rule.

Regulations covering rail passenger equipment safety standards, i.e., inspections, testing, and maintenance of passenger equipment; equipment design and performance criteria related to passenger and crew survivability in the event of a train accident; and the safe operation of passenger train service – supplementing existing railroad safety standards – have been specified in a separate rulemaking (49 CFR Part 216), which became final on May 12, 1999 (*See* 91 FR 25540).

The Passenger Train Emergency Preparedness rule became final on May 4, 1998 (*See* 63 FR 24630).

9. EXPLAIN ANY DECISION TO PROVIDE A PAYMENT OR GIFT TO RESPONDENTS, OTHER THAN ENUMERATION 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.

The information contained on various report forms and records is a matter of public record and, therefore, not confidential. 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.

No sensitive information is requested.

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 2006 edition of the Association of American Railroads (AAR) publication Railroad Facts, FRA has used the labor rates listed below for railroad hourly wages in its cost calculations. Hourly rates used to estimate labor costs are derived by burdening Class I railroad compensation rates by 40 percent.

<u>Employee Group</u>	<u>Average Compensation¹</u> <u>(40%rate)²</u>	<u>Freight RR Ave</u> <u>(2,080 hrs/yr)</u>	<u>Passenger</u> <u>Annual</u> <u>Hourly Rate</u> <u>Ave</u> <u>Hourly</u>
Executives, officials, & staff assistants			\$108,444 \$ 52.14
			\$ 73
Professional & administrative			63,730 30.64 43
Maintenance of way & structures			56,972 27.39
			38
Maintenance of equipment & stores			53,488 25.72
			36
Transportation, other than train & engine			65,638

¹ *Railroad Facts*, Association of American Railroads (2006 Edition), Pg. 57.

² Straight hourly rates are burdened to include employee fringe benefits and overhead.

	31.56	44
Transportation, train & engine		
	72,966	
	35.08	49

§ 239.11 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 (formerly codified in 45 U.S.C. 438(e)).

To FRA’s knowledge, there were no (zero) falsified records or reports over the past three years regarding 49 CFR Part 239. FRA estimates that there will be zero (0) falsified records or reports over the next three years. Consequently, there is no burden associated with this requirement.

§ 239.13 Waivers

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. 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 zero (0) waiver requests over the next three years under the above requirement. Consequently, there is no burden associated with this requirement.

Marking of Emergency Exits (223.9(d); 239.107)

- (a) **Marking.** Each railroad providing passenger train service must ensure that for each passenger car, except for self propelled cars designed to carry baggage, mail, or express:
 - (1) Each emergency window and all door exits intended for emergency egress are either lighted or conspicuously and legibly marked with luminescent material on the inside of each car to facilitate passenger egress. Each such railroad must post clear and

legible/understandable operating instructions at or near each such exits.

FRA estimates that all of the approximately 36,600 decals will have to be replaced for one reason or another approximately every eight (8) years. If this replacement were spread uniformly over this eight year period, approximately 4,575 decals would be replaced annually.

FRA also estimates that an additional 325 cars will be purchased annually by railroads to either retain or expand their fleet of cars. It is also estimated that each new car will have an average of six (6) interior windows that will require labeling. Thus, an additional 1,950 decals will be required for these new cars. The grand total of labels/decals needed under this requirement then is 6,525. FRA estimates that it will take approximately 10 minutes per door/window to remove and replace current labels, and approximately five (5) minutes per door/window for the new car doors/windows. Total annual burden for this requirement is 706 hours.

Respondent Universe:

22 railroads

Burden time per response:

10
minute
s/5
minute
s

Frequency of Response:

On occasion

Annual Responses:

6,525 labels/decals

Annual Burden:

706 hours

Labor Rate:

\$36/hr.

Annual Cost:

\$25,416

Calculation: 4,575 decals x 5 min. + 1,950 decals x 10 min. = 706 hours
706 hrs. x \$36 = \$25,416

- (2) Each window (and door exit) intended for emergency access by emergency responders for extrication of passengers must be marked with a retroreflective, unique, and easily recognizable symbol or other clear marking. Each such railroad must post clear and understandable window-access instructions at each

such window or at (each door) the end of the car.

FRA estimates that all of the approximately 31,600 emergency access decals will have to be replaced for one reason or another approximately every five (5) years. If this replacement were spread uniformly over this five year period, an average of approximately 6,320 decals would be replaced annually. As mentioned earlier, FRA also estimates that an additional 325 cars will be purchased annually by railroads to either retain or expand their current fleet of passenger cars. It is also estimated that each new car will have approximately four (4) emergency access windows that will require labeling. Consequently, an additional 1,300 decals will be needed then for these new cars.

FRA estimates that it will take approximately five (5) minutes per window to remove and replace current labels, and it will take approximately 10 minutes for each new window or door to be marked or labeled. Total annual burden for this requirement is 744 hours.

Respondent Universe: 22 railroads

Burden time per response: 5 min./10 min.

Frequency of Response: On occasion

Annual Responses:	6,320/1,300 labels/decals
Annual Burden:	744 hours
Labor Rate:	\$36/hr.
Annual Cost:	\$26,784

Calculation: 6,320 decals x 5 min. + 1,300 decals x 10 min. = 744 hours
744 hrs. x \$36/hr. = \$26,784

(b) **Records of Inspection, maintenance, and repair** - 239.107(b)

Consistent with the requirements of part 223 of this chapter, each railroad operating passenger train service must: (1) Provide for scheduled inspection, maintenance, and repair of emergency window and door exits; (2) Test a representative sample of emergency window exits on its cars at least once every 180 days to verify that they are

operating properly; and (3) Repair each inoperative emergency window and door exit on a car before returning the car to service.

Each railroad operating passenger service must maintain records of its inspection, maintenance, and repair of emergency window and door exits at its system headquarters and applicable division headquarters for two calendar years after the end of the calendar year to which they relate. These records must be made available to representatives of FRA and States participating under part 212 of this chapter for inspection and copying during normal business hours.

FRA estimates that approximately 1,800 emergency window exit tests will be conducted annually. It is estimated that it will take approximately 20 minutes to remove and install an exit window for testing purposes. Total annual burden for this requirement is 600 hours.

Respondent Universe:

22 railroads

Burden time per response:	20 minutes	
Frequency of Response:		Annually
Annual number of Responses:	1,800 window tests/records	
Annual Burden:	600 hours	
Labor Rate:	\$36/hr.	
Annual Cost:	\$21,600	

Calculation: 1,800 window tests/records x 20 min. = 600 hours
600 hrs. x \$36/hr. = \$21,600

Total annual burden for this entire requirement is 2,050 hours (706 + 744 + 600).

Emergency Preparedness Plan (239.101, 239.201, 239.203)

(a) **Filing of Emergency Preparedness Plan**

Each passenger railroad to which this part applies must adopt and comply with a written emergency preparedness plan approved by FRA under the procedures of § 239.201. The plan must include the following elements and procedures for implementing each plan element:

(1) *Communication.* (i) *Initial and on-board notification.* An on-board crewmember must quickly and accurately assess the passenger train emergency

situation and then notify the control center as soon as practicable by the quickest available means. As appropriate, an on-board crewmember shall inform the passengers about the nature of the emergency and indicate what corrective countermeasures are in progress.

(ii) *Notifications by control center.* The control center must promptly notify outside emergency responders, adjacent rail modes of transportation, and appropriate railroad officials that a passenger train emergency has occurred. Each railroad must designate an employee responsible for maintaining current emergency telephone numbers for use in making such notifications.

(2) *Employee training and qualification.* (i) *On-board personnel.* The railroad's emergency preparedness plan must address individual employee responsibilities and provide for initial training, as well as periodic training at least once every two calendar years thereafter, on the applicable plan provisions. As a minimum, the initial and periodic training must include: (A) Rail equipment familiarization; (B) Situational awareness; (C) Passenger evacuation; (D) Coordination of functions; and (E) "Hands-on" instruction concerning the location, function, and operation of on-board emergency equipment.

(ii) *Control center personnel.* The railroad's emergency preparedness plan must require initial training of responsible control center personnel, as well as periodic training at least once every two calendar years thereafter, on appropriate courses of action for each potential emergency situation. As a minimum, the initial and periodic training must include: (A) Dispatch territory familiarization; and (B) Protocols governing internal communications between appropriate control center personnel whenever an imminent potential emergency situation exists.

(iii) *Initial training schedule for current employees.* The railroad's emergency preparedness plan must provide for the completion of initial training of all on-board and control center employees who are employed by the railroad on the date that the plan is conditionally approved under § 239.201(b)(1), in accordance with the following schedule: (A) For each railroad that provides commuter or other short-haul passenger train service and whose operations include less than 150 route miles and less than 200 million passenger miles annually, not more than one year after January 29, 1999, or not more than 90 days after commencing passenger operations, whichever is later; (B) For each railroad that provides commuter or other short-haul passenger train service and whose operations include at least 150 route miles or at least 200 million passenger miles annually, not more than two years after January 29, 1999, or not more than 180 days after commencing passenger operations, whichever is later; (C) For each railroad that provides intercity passenger train service, regardless of the number of route miles or passenger miles, not more than two years after January 29, 1999, or not more

than 180 days after commencing passenger operations, whichever is later; (D) For each freight railroad that hosts passenger train service, regardless of the number of route miles or passenger miles of that service, not more than one year after January 29, 1999, or not more than 90 days after the hosting begins, whichever is later.

(iv) *Initial training schedule for new employees.* The railroad's emergency preparedness plan must provide for the completion of initial training of all on-board and control center employees who are hired by the railroad after the date on which the plan is conditionally approved under § 239.201(b)(1). Each employee must receive initial training within 90 days after the employee's initial date of service.

(v) *Testing of on-board and control center personnel.* A railroad must have procedures for testing a person being evaluated for qualification under the emergency preparedness plan. The types of testing selected by the railroad must be: (A) Designed to accurately measure an individual employee's knowledge of his or her responsibilities under the plan; (B) Objective in nature; (C) Administered in written form; and (D) Conducted without reference by the person being tested to open reference books or other materials, except to the degree the person is being tested on his or her ability to use such reference books or materials.

(vi) *On-board staffing.* (A) Except as provided in paragraph (a)(2)(vi)(B), all crewmembers on board a passenger train must be qualified to perform the functions for which they are responsible under the provisions of the applicable emergency preparedness plan; (B) A freight train crew relieving an expired passenger train crew en route is not required to be qualified under the emergency preparedness plan, provided that at least one member of the expired passenger train crew remains on board and is available to perform excess service under the Federal hours of service laws in the event of an emergency.

(3) *Joint operations.* (i) Each railroad hosting passenger train service must address its specific responsibilities consistent with this part. (ii) In order to achieve an optimum level of emergency preparedness, each railroad hosting passenger train service must communicate with each railroad that provides or operates such service and coordinate applicable portions of the emergency preparedness plan. All of the railroads involved in hosting, providing, and operating a passenger train service operation must jointly adopt one emergency preparedness plan that addresses each entity's specific responsibilities consistent with this part. Nothing in this paragraph shall restrict the ability of the railroads to provide for an appropriate assignment of responsibility for compliance with this part among those railroads through a joint operating agreement or other binding contract. However, the assignor shall not be relieved of responsibility for compliance with this part.

(4) *Special circumstances.* (i) *Tunnels.* When applicable, the railroad's emergency preparedness plan must reflect readiness procedures designed to ensure passenger safety in an emergency situation occurring in a tunnel of 1,000 feet or more in length. The railroad's emergency preparedness plan must address, as a minimum, availability of emergency lighting, access to emergency evacuation exits, benchwall readiness, ladders for detrainning, effective radio or other communication between on-board crewmembers and the control center, and options for assistance from other trains. (ii) *Other operating considerations.* When applicable, the railroad's emergency preparedness plan shall address passenger train emergency procedures involving operations on elevated structures, including drawbridges, and in electrified territory. (iii) *Parallel operations.* When applicable, the railroad's emergency preparedness plan shall require reasonable and prudent action to coordinate emergency efforts where adjacent rail modes of transportation run parallel to either the passenger railroad or the railroad hosting passenger operations.

(5) *Liaison with emergency responders.* Each railroad to which this part applies must establish and maintain a working relationship with the on-line emergency responders by, as a minimum: (i) Developing and making available a training program for all on-line emergency responders who could reasonably be expected to respond during an emergency situation. The training program must include an emphasis on access to railroad equipment, location of railroad facilities, and communications interface, and provide information to emergency responders who may not have the opportunity to participate in an emergency simulation. Each affected railroad must either offer the training directly or provide the program information and materials to state training institutes, firefighter organizations, or police academies; (ii) Inviting emergency responders to participate in emergency simulations; and (iii) Distributing applicable portions of its current emergency preparedness plan at least once every three years, or whenever the railroad materially changes its plan in a manner that could reasonably be expected to affect the railroad's interface with the on-line emergency responders, whichever occurs earlier, including documentation concerning the railroad's equipment and the physical characteristics of its line, necessary maps, and the position titles and telephone numbers of relevant railroad officers to contact.

(6) *On-board emergency equipment.* (i) *General.* Each railroad's emergency preparedness plan must state the types of emergency equipment to be kept on board and indicate their location(s) on each passenger car that is in service. Effective May 4, 1999, or not more than 120 days after commencing passenger operations, whichever is later, this equipment must include, at a minimum: (A) One fire extinguisher per passenger car; (B) One pry bar per passenger car; and (C) One flashlight per on-board crewmember. (ii) Effective May 4, 1999, or

not more than 120 days after commencing passenger operations, whichever is later, each railroad that provides intercity passenger train service must also equip each passenger train that is in service with at least one first-aid kit accessible to crewmembers that contains, at a minimum: (A) Two small gauze pads (at least 4x 4 inches); (B) Two large gauze pads (at least 8x10 inches); (C) Two adhesive bandages; (D) Two triangular bandages; (E) One package of gauge roller bandage that is at least two inches wide; (F) Wound cleaning agent, such as sealed moistened towelettes; (G) One pair of scissors; (H) One set of tweezers; (I) One roll of adhesive tape; (J) Two pairs of latex gloves; and (K) One resuscitation mask.

(iii) *On-board emergency lighting.* Consistent with the requirements of part 238 of this chapter, auxiliary portable lighting (e.g., a handheld flashlight) must be accessible and provide, at a minimum: (A) Brilliant illumination during the first 15 minutes after the onset of an emergency situation; and (B) Continuous or intermittent illumination during the next 60 minutes after the onset of an emergency situation.

(iv) *Maintenance.* Each railroad's emergency preparedness plan must provide for scheduled maintenance and replacement of first-aid kits, on-board emergency equipment, and on-board emergency lighting.

(7) *Passenger safety information.* (i) *General.* Each railroad's emergency preparedness plan must provide for passenger awareness of emergency procedures, to enable passengers to respond properly during an emergency. (ii) *Passenger awareness program activities.* Each railroad must conspicuously and legibly post emergency instructions inside all passenger cars (e.g., on car bulkhead signs, seatback decals, or seat cards) and must utilize one or more additional methods to provide safety awareness information including, but not limited to, one of the following: (A) On-board announcements; (B) Laminated wallet cards; (C) Ticket envelopes; (D) Timetables; (E) Station signs or video monitors; (F) Public service announcements; or (G) Seat drops.

Filing. Each passenger railroad to which this part applies and all railroads hosting its passenger train service (if applicable) must jointly adopt a single emergency preparedness plan for that service and the passenger railroad shall file one copy of that plan with the Associate Administrator for Safety, Federal Railroad Administration, Mail Stop 25, 400 Seventh Street, S.W., Washington, D.C. 20590, not more than 180 days after May 4, 1998, or not less than 45 days prior to commencing passenger operations, whichever is later. The emergency preparedness plan must include the name, title, address, and telephone number of the primary person on each affected railroad to be contacted with regard to review of the plan, and must include a summary of each railroad's analysis supporting

each plan element and describing how every condition on the railroad's property that is likely to affect emergency response is addressed in the plan. Each subsequent amendment to a railroad's emergency preparedness plan shall be filed with FRA by the passenger railroad not less than 60 days prior to the proposed effective date.

Each passenger railroad to which this part applies, and all railroads hosting its passenger train service (if applicable), shall each retain one copy of the emergency preparedness plan required by § 239.201 and one copy of each subsequent amendment to that plan at the system and division headquarters of each, and shall make such records available to representatives of FRA and States participating under part 212 of this chapter for inspection and copying during normal business hours.

Each individual railroad has been given the latitude to adopt a suitable emergency preparedness plan for its railroad. A railroad's emergency preparedness plan could consist of multiple documents, with a separate document detailing the responsibilities of each category of employee under its plan. The amount of time and effort it would take to complete this requirement will vary from operator to operator. There are certain issues which will be addressed by all emergency preparedness plans. However, there are other issues which will be addressed only as applicable. Some railroads will expend more effort, others less effort. Also, some railroads will have to address certain issues that others will not. For instance, some railroads may operate in tunnels but not over bridges, another over bridges but not in tunnels. Some railroads may have no special circumstances, others may have more than one.

FRA assumes that all commuter and intercity railroads will have an average of one special circumstance. Amtrak and some commuter railroads have parallel track and joint operation issues. In the last submission, two (2) railroads filed their Emergency Preparedness Plans and thus fulfilled this one-time requirement.

FRA believes that approximately one (1) new commuter railroad per year will begin operation. FRA estimates that it will take approximately 158 hours per railroad to develop an Emergency Preparedness Plan; submit a copy to FRA; and file copies at its system and division headquarters. Total annual burden for this requirement is 158 hours. (*Note: FRA believes that this burden will be performed by executives, officials, and staff assistants*).

Respondent Universe:

3 railroads

Burden time per response:

158
hours

Frequency of Response: One-Time

First Year number of Responses: 1 Emergency Preparedness Plans (EPP)

First Year Burden Hours: 158 hours

Labor rates: \$73/hr.

Annual Cost: \$11,534

Calculation: 1 EPP x 158 hrs. = 158 hours

158 hrs. x \$73 = \$11,534

(b) **Amendments to Emergency Plans**

If a proposed emergency preparedness plan is not conditionally approved by FRA, the affected railroad or railroads must amend the proposed plan to correct all deficiencies identified by FRA (and provide FRA with a corrected copy) not later than 30 days following receipt of FRA's written notice that the proposed plan was not conditionally approved. If the amendment is not approved, the railroad must correct any deficiencies identified by FRA and file the corrected amendment prior to implementing the amendment.

Each subsequent amendment to a railroad's emergency preparedness plan must be filed with FRA not less than 60 days prior to the proposed effective date. FRA estimates that a commuter/inner city passenger railroads will amend its Emergency Preparedness Plan (EPP) approximately once every five (5) years. It is estimated that it will take approximately eight (8) hours to complete each amendment. Dividing this eight (8) hour burden over a five year period would average out to approximately 1.6 hours annually per response. Total annual burden for this requirement in subsequent years is two (2) hours (rounded).

Respondent Universe:

2 railroads

Burden time per response:

2 hours

Frequency of Response: Annually

Annual number of Responses:	1 amendment
Annual Burden:	2 hours
Labor Rate:	\$43/hr.
Annual Cost:	\$86

Calculation: 1 railroads x 2 hrs. = 2 hours
2 hrs. x \$43/hr. = \$86

Total annual burden for this entire requirement is 160 hours (158 + 2).

Communication - Initial and on-board notification [239.101(1)(i)]

An on-board crewmember must quickly and accurately assess the passenger train emergency situation and then notify the control center as soon as practicable by the quickest available means. As appropriate, an on-board crewmember must inform the passengers about the nature of the emergency and indicate what corrective countermeasures are in progress.

Currently, this is a usual and customary procedure for all passenger railroad, and would not impose an additional burden on the railroads.

Notifications by control center [239.101(1)(ii)]

The control center must promptly notify outside emergency responders, adjacent rail modes of transportation, and appropriate railroad officials that a passenger train emergency has occurred. Each railroad must designate an employee responsible for maintaining current emergency telephone numbers for use in making such notifications.

First Year Burden

Notification

Currently, it is common practice for passenger train control centers to notify outside emergency responders when an emergency situation arises on their railroads. Since this is a usual and customary practice, this requirement would not add any additional

paperwork burden on the respondents.

Maintenance of current emergency telephone numbers

FRA estimates that there will be approximately two (2) commuter/inner city passenger railroads operating adjacent to other rail modes that will need to gather and maintain current emergency telephone numbers. FRA estimates that it will take each of these two (2) commuter railroads approximately one (1) hour to complete the list/record of current emergency telephone numbers. Total annual burden for this requirement is two (2) hours.

Respondent Universe: 2 railroads

Burden time per response: 1 hour

Frequency of Response: One-time

First Year number of Responses: 2 current lists/updated records

First Year Burden Hours: 2 hours

Labor Rate: \$43/hr.

Annual Cost: \$86

Calculation: 2 current lists/updated records x 1 hr. = 2 hours
2 hrs. x \$43/hr. = \$86

Subsequent years

FRA estimates that each of the approximately 25 passenger train railroads (22 previous railroads + 3 new commuter/inner city railroads) will expend approximately 30 minutes in subsequent years updating their lists/records. Total annual burden for this requirement is 13 hours.

Respondent Universe: 25 railroads

Burden time per response:

30
minute
s

Frequency of Response:

Annually

Annual number of Responses:	25 updated lists/records
Annual Burden Hours:	13 hours
Labor Rate:	\$43/hr.
Annual Cost:	\$559

Calculation: 25 updated lists/records x 30 min. = 13 hours
13 hrs. x \$43 = \$559

Total annual burden for this entire requirement is 15 hours (2 + 13).

Joint operations [239.101(a)(3)]

Each railroad hosting passenger train service must address its specific responsibilities consistent with this part. In other words, each covered railroad is required to have an emergency preparedness plan that meets its specific responsibilities prescribed in this part.

Respondent universe for this requirement is approximately two (2) host freight railroad/commuter railroad pairs and approximately two (2) host freight railroad/intercity pairs. FRA assumes emergency preparedness plans for host and operating railroads will require coordination between the two railroads for the development of one emergency preparedness plan addressing the different responsibilities of both railroads involved. *All burden hours for the development of actual EPPs of joint operations have been included under the emergency preparedness plans section above.*

In order to achieve an optimum level of emergency preparedness, each railroad hosting passenger train service must communicate with each railroad that provides or operates such service and coordinate applicable portions of the emergency preparedness plan. All of the railroads involved in hosting, providing, and operating a passenger train service operation must jointly adopt one emergency preparedness plan that addresses each entity's specific responsibilities consistent with this part. Nothing in this paragraph shall restrict the ability of the railroads to provide for an appropriate assignment of

responsibility for compliance with this part among those railroads through a joint operating agreement or other binding contract. However, the assignor shall not be relieved of responsibility for compliance with this part.

It is assumed that host and operating railroads will initially have to negotiate between themselves what responsibilities each railroad will have in preparing their emergency preparedness plans to be in compliance with this regulation. FRA assumes that this initial coordination and negotiations will be a one-time burden. FRA estimates that approximately 50 railroad pairs (30 commuter pairs + 20 Amtrak pairs) will be involved in these communications and negotiations. It is estimated that it will take approximately 16 hours per negotiation. Total annual burden for this requirement is 800 hours. (*Note: FRA estimates that the burden hour costs will be the result of this task being split evenly between executives, officials, assistants, and professional/administrative staff*).

First Year Burden

Respondent Universe:	50 railroad pairs	
Burden time per response:		16 hrs.

Frequency of Response:	One-time
------------------------	----------

First Year number of Responses:	50 coordinated plans
First Year Burden Hours:	800 hours
Labor Rate:	\$73/43 per hr.
Annual Cost:	\$46,400

Calculation: 50 coordinated plans x 16 hrs. = 800 hours
 400 hrs. x \$73 + 400 hrs. x \$43 = \$46,400

Subsequent years Burden

Respondent Universe:

1
 railroa
 d pair

Burden time per response: 16
hours

Frequency of Response:
Annually

Annual number of Responses:	1 coordinated plan
Annual Burden:	16 hours
Labor Rate:	\$73/43 per hr.
Annual Cost:	\$928

Calculation: 1 coordinated plan x 16 hrs. = 16 hours
8 hrs. x \$73/hr. + 8 hrs. x \$43/hr. = \$928

Total annual burden for this entire requirement is 816 hours (800 + 16).

Liaison with emergency responders [239.101(a)(5)]

Each railroad to which this regulation applies must establish and maintain a working relationship with the on-line emergency responders by, as a minimum:

- (1) Developing and making available a training program for all on-line emergency responders who could reasonably be expected to respond during an emergency situation. The training program must include an emphasis on access to railroad equipment, location of railroad facilities, and communications interface, and provide information to emergency responders who may not have the opportunity to participate in an emergency situation. Each affected railroad must either offer the training directly or provide the program information and materials to state training institutes, firefighter organizations, or police academies;
- (2) Inviting emergency responders to participate in emergency simulations; and
- (3) Distributing applicable portions of its current emergency preparedness plan at least once every three years, or whenever the railroad material changes its plan in a manner that could reasonably be expected to affect the railroad's interface with the on-line emergency responders, whichever occurs earlier, including documentation concerning the railroad's equipment and the physical characteristics of its line, necessary maps, and the position titles and telephone numbers of relevant railroad officers to contact.

First Year Burden

FRA estimates that approximately one (1) commuter railroad will be affected by this requirement and that it will take the railroad approximately 40 hours during the first year of the regulation to gather, copy and distribute their emergency preparedness plan to responders. Total annual burden for this requirement is 40 hours.

Respondent Universe:	3 railroads	
Burden time per response:		40 hours

Frequency of Response:	One-time
------------------------	----------

Annual number of Responses:	1 emergency preparedness plan
Annual Burden Hours:	40 hours
Labor Rate:	\$43 p/hr.
Annual Cost:	\$1,720

Calculation: 1 emergency preparedness plan x 40 hrs. = 40 hours
40 hrs. x \$43 = \$1,720

Subsequent Years

All commuter and host railroads are required to update their emergency responder liaison information every three years and to conduct simulations. FRA estimates that it will take approximately 40 hours for each railroad to update/distribute applicable portions of its current emergency preparedness plan and to conduct the required simulation. Total annual burden for requirement is 880 hours.

Respondent Universe:	22 Railroads	
Burden time per response:	40 hours	
Frequency of Response:		Annually

Annual number of Responses:	22 updated plans
Annual Burden Hours:	880 hours
Labor Rate:	\$43/hr.
Annual Cost:	\$37,840

Calculation: 22 updated plans x 40 hrs. = 880 hours
880 hrs. x \$43/hr. = \$37,840

Total annual burden for this entire requirement is 920 hours (40 + 880).

Training Program for Emergency Responders

There is no paperwork burden associated with the training requirement because it is current industry practice (i.e., usual and customary) to provide emergency responders with training prior to conducting emergency simulations. Railroads already have training programs in place for responders.

Passenger safety information [239.101(a)(7)(ii)]

- (A) Each railroad's emergency preparedness plan must provide for passenger awareness of emergency procedures to enable passengers to respond properly during an emergency; and
- (B) Each railroad must conspicuously and legibly post emergency instructions inside all passenger cars (e.g., on bulkhead signs, seatback decals, or seat cards) and must utilize one or more additional methods to provide safety awareness information including, but not limited to, one of the following: (1) On-board announcements; (2) Laminated wallet cards; (3) Ticket envelopes; (4) Timetables; (5) Station signs or video monitors; (6) Public service announcements; or (7) Seat drops.

Currently, intercity and commuter rail operators already disseminate safety related information to passengers. The amount and type of information disseminated varies from operation to operation. The methods currently used are: seat cards, bulkhead signs with safety procedures, and/or print safety information on timetables or posters in train stations. Approximately 1,300 passenger cars (about one third of the commuter fleet) do not currently have permanent emergency situation procedures posted inside. FRA estimates that approximately 1,300 bulkhead cards will be printed and installed on the remaining passenger cars during the first year of the regulation. It is estimated that it will take approximately five (5) minutes to install each bulkhead card. First year burden for this requirement is 108 hours.

Amtrak and commuter railroads also disseminate safety information annually. FRA estimates that an additional three (3) new railroads, which have not complied, will have to develop an emergency preparedness plan and post safety awareness messages using seat drops, public service announcements, station signs and videos, and onboard announcements to reinforce safety messages. It is estimated that it will take each railroad approximately 16 hours to develop an emergency preparedness (EPP) plan and an additional 48 hours to implement the safety awareness messages contained in its EPP. Moreover, FRA estimates that three (3) commuter railroads will enhance their emergency

preparedness (EPPs) plans, including the required safety awareness messages such as seat drops, public announcements, station signs and videos, and onboard announcements. It is estimated that it will take each railroad approximately eight (8) hours to develop its enhanced EPP and an additional 24 hours to implement the safety awareness messages. Total annual burden for this requirement is 396 hours.

First Year Burden

Respondent Universe:	3 new railroads/3 commuter railroads
Burden time per response:	5 minutes/16 hours/48 hours/8 hrs./24 hrs
Frequency of Response:	One-time
First Year number of Responses:	1,300 cards/3 programs/3 safety messages/3 programs/3 safety messages
First Year Burden:	396 hours
Labor Rates:	\$73 per hr./\$36 per hr.
Annual Cost:	\$16,920
<u>Calculation:</u>	1,300 cards x 5 min. + 3 programs x 16 hrs. + 3 safety messages x 48 hrs. + 3 programs x 8 hrs. + 3 saf. mess. x 24 hrs. = 396 hours 108 hrs. x \$36 + 48 hrs. x \$73 + 144 hrs. x \$36 + 24 hrs. x \$73 + 72 hrs. x \$36 = \$16,920

Subsequent years Burden

Placards last as long as the cars they are on. Consequently, FRA estimates that there will be no burden in subsequent years.

Total annual burden for this entire requirement is 396 hours.

Debriefing and Critique (239.105)

(a) Except as provided in paragraph (b) of this section, each railroad operating passenger train service must conduct a debriefing and critique session after each passenger train emergency situation or full scale simulation to determine the effectiveness of its emergency preparedness plan, and must improve or amend its plan, or both, as appropriate, in accordance with the information developed. The debriefing and critique session must be conducted within 60 days of the date of the passenger train emergency situation or full scale simulation.

(b) *Exceptions.* No debriefing and critique session shall be required in the case of an emergency situation involving only a collision between passenger railroad rolling stock

and: a pedestrian; a trespasser; or a motor vehicle or other highway conveyance at a highway-rail grade crossing, provided that the collision does not result in: a passenger or employee fatality, or an injury to one or more crew members or passengers requiring admission to a hospital; or the evacuation of a passenger train.

(c) The debriefing and critique session shall be designed to determine, at a minimum:

- (1) Whether the on-board communications equipment functioned properly;
- (2) How much time elapsed between the occurrence of the emergency situation or full-scale simulation and notification to the emergency responders involved;
- (3) Whether the control center promptly initiated the required notifications;
- (4) How quickly and effectively the emergency responders responded after notification; and
- (5) How efficiently the passengers exited from the car through the emergency exits.

(d) Each railroad must maintain records of its debriefing and critique sessions at its system headquarters and applicable division headquarters for two calendar years after the calendar year to which they relate, including the following information: (i) Date and location of the passenger train emergency situation or full-scale simulation; (ii) Date and location of the debriefing and critique session; and (iii) Names of all participants in the debriefing and critique session. These records must be made available to representatives of FRA and States participating under part 212 of this chapter for inspection and copying during normal business hours.

Most commuter railroads already conduct at least one full-scale simulation every two years. Amtrak conducts an average of six (6) full-scale simulations annually by request from various local emergency responders. A simulation that is not followed by proper debrief and critique sessions loses value. Information available to FRA indicates that commuter railroads already conduct debrief and critique sessions following emergency simulations and accidents. Commuter railroads maintain records of these sessions and use them to develop training courses and company bulletins. Amtrak normally debriefs train crews involved in emergencies informally. Amtrak does not ordinarily conduct formal critique sessions or keep records of debrief sessions.

Because Amtrak simulations and actual emergencies usually involve more passengers and crewmembers than commuter railroad simulations, its debrief and critique sessions usually require more effort. However, it is assumed that only half the compliance cost would be compulsory, because Amtrak already conducts informal debrief and critique sessions annually. In all, FRA estimates that there will be approximately 39 debrief and

critiques sessions annually.

Respondent Universe: 22 railroads

Burden time per response: 27 hrs.

Frequency of Response: Annually

Annual number of Responses: 39 debrief/critique sessions
Annual Burden Hours: 1,053 hours
Annual Cost: \$18,720

Calculation: 39 debrief/critique sessions x 27 hrs. = 1,053 hours
\$480 x 39 sessions = \$18,720

Debrief and critique sessions take an average of about three (3) hours and involve the following railroad participants:

Train crew (3 people @ \$44/hr.):	\$132
Dispatcher (1 person @ \$43/hr.):	\$ 43
RR Officials (1 person @ \$73/hr.):	\$ 73
Line Supervisors (2 people @ \$73/hr.):	\$146
<u>Other RR personnel (2 people @ \$43/hr.):</u>	<u>\$ 86</u>
Total RR Personnel Simulation Cost:	\$480

Operational (efficiency) tests (239.301)

Each railroad to which this part applies must periodically conduct operational (efficiency) tests of its on-board and control center employees to determine the extent of compliance with its emergency preparedness plan. Each railroad to which this part applies must maintain a record of the date, time, place, and result of each operational (efficiency) test that was performed in accordance with the above (paragraph (a)) section. Each record must also specify the name of the railroad officer who administered the test, the name of each employee tested, and sufficient information to identify the relevant facts relied on for evaluation purposes. Each record required by paragraph (a) of this section must be retained at the system headquarters of the railroad and at the division headquarters for the division where the test was conducted for one calendar year after the end of the calendar

year to which they relates. Each such record must be made available to representatives of FRA and States participating under part 212 of this chapter for inspection and copying during normal business hours.

An employee who has not been trained to react properly during an emergency situation may present a significant risk to railroad personnel and passengers. Currently, federal regulations require all railroads to conduct operational tests to determine compliance with their operating rules. It is expected that these operational tests will be revised to include some emergency preparedness planning questions. FRA estimates that approximately 22,000 operational (efficiency) tests will be conducted annually. It is estimated that it will take approximately 15 minutes for an employee to answer a couple of emergency preparedness planning questions included on the currently required operational tests and for a rail official to record the date, time, place, result, and name of the person taking the test. Total annual burden for this requirement is 5,500 hours.

Respondent Universe:

22
railroads

Burden time per response:

15
minutes

Frequency of Response:

Annually

Annual number of Responses:	22,000 tests/records	
Annual Burden Hours:	5,500 hours	
Labor Rate:		\$43/hr.
Annual Cost:		\$236,500

Calculation: 22,000 tests/records x 15 min. = 5,500 hours
5,500 hrs. x \$43 = \$236,500

Total annual burden for this entire information collection is 10,910 hours.

13. PROVIDE AN ESTIMATE OF THE TOTAL ANNUAL COST BURDEN TO

RESPONDENTS OR RECORD KEEPERS 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.

RESPONDENT COST

Additional respondent cost outside of burden hour costs shown above for each information collection requirement is as follows:

First Year Cost

\$ 1,118	Printing of interior decals
10,532	Printing of exterior decals
325	Postage
100	Copying charges
<u>2,778</u>	Miscellaneous
\$ 14,853	

Subsequent Years

\$ 1,181	Printing of interior decals
10,532	Printing of exterior decals
325	Postage
100	Copying charges
<u>2,778</u>	Miscellaneous
\$ 14,853	

- 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.**

The cost to the Federal government will be for reviewing the Emergency Preparedness Plans and any amendments submitted to FRA.

Within 90 days of receipt of each proposed emergency preparedness plan and within 45 days of receipt of each plan for passenger operations to be commenced after the initial deadline for plan submissions, FRA will conduct a preliminary review of the proposed plan to determine if the elements prescribed in § 239.101 are sufficiently addressed and discussed in the railroad's plan submission. FRA will then notify the primary contact person of each affected railroad of the results of the review.

Within 18 months of receipt of each proposed plan and within 180 days of receipt of each proposed plan for passenger operations to be commenced after the initial deadline for plan submissions, FRA will conduct a comprehensive review of the conditionally approved plan to evaluate implementation of the elements included. This review will include ongoing dialogues with rail management and labor representatives, and field analysis and verification. FRA will then notify the primary contact person of each affected railroad of the results of the review.

Labor Rate used to estimate paperwork burden is \$46/hour, including overhead.

First year cost associated with this requirement: An FRA, Office of Safety, Operating Practices Division employee will review EPP's.

Labor (10 hours) x 1 submission
 \$460 x 1 submission = **\$460**

Second and third year costs will be: Ongoing dialogues w/ management & labor.

(2 1-hour sessions; 2 people FRA):	\$184
Field analysis/verification (1 person; 4 hrs.):	\$184
Notification of results (1 hr.):	\$ 46
	\$414

**Total Second and Third year
 Cost per Railroad:**

Second Year Cost per Railroad:	\$277
Third Year Cost per Railroad:	\$137

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

The burden for this information collection has increased by 3,092 hours. There were no program changes. Rather, the increase in burden is the result of **adjustments** to the following estimates:

1.) Under § 223.9(d); 239.107(a)(1), FRA *decreased* its estimate of the number of new/replacement labels/decals that must be affixed to windows/doors on passenger cars (from 10,475 to 4,575). Even though the time estimate for affixing new/replacement labels/decals increased (from five (5) to 10 minutes, the burden for this requirement *decreased* by 167 hours (from 873 hours to 706 hours).

- 2.) Under § 223.9(d); 239.107(a)(2), FRA increased its estimate for the average burden time to affix labels/decals on new passenger cars (from four (4) minutes to 10 minutes). This change in estimate *increased* the burden by *130 hours* (from 614 hours to 744 hours).
- 3.) Under § 223.9(d); 239.107(b), FRA mistakenly included the testing of 1,800 doors and associated records in its previous estimate. This change in estimate (from 3,600 test/records to 1,800 tests/records) *decreased* the burden by *90 hours* (from 690 hours to 600 hours).
- 4.) Under § 239.101(1)(ii), FRA *increased* its estimate of the number of updated lists/records (from 19 to 25). This change in estimate *increased* the burden by *three (3) hours* (from 10 hours to 13 hours).
- 5.) Under § 239.101(a)(3), FRA *increased* its estimate of the number of coordinated plans of joint operations in the first year (from two (2) to 50). This change in estimate *increased* the burden by *768 hours* (from 32 hours to 800 hours).
- 6.) Under § 239.101(a)(5)(First Year Burden), FRA *increased* its estimate of the average burden time to gather, copy, and distribute the required emergency plan (from six (6) hours to 40 hours). This change in estimate *increased* the burden by *34 hours* (from six (6) hours to 40 hours).
- 7.) Under § 239.101(a)(5)(Subsequent Years), FRA *decreased* its estimate of the number of simulations/plans (from 40 to 22), and decreased its estimate of the number of copies (from 1,200 to zero (0)). This change in estimate *decreased* the burden by *820 hours* (from 1,700 hours to 880 hours).
- 8.) Under § 239.101(a)(7)(ii), FRA *decreased* its estimate of the number of new (commuter) railroads affected (from five (5) to three (3)) and the number of host (commuter) railroads (from 12 to 3). This, in turn, decreased the number of programs and safety messages for new (commuter) railroads (from five (5) to three (3)) and the number of programs and safety messages for commuter (host) railroads (from 12 to three (3)). These changes in estimate *decreased* the burden by *416 hours* (from 812 hours to 396 hours).
- 9.) Under § 239.105, FRA *increased* its estimate of the number of debrief/critique sessions (from five (5) to 39). This change in estimate *increased* the burden by *918 hours* (from 135 hours to 1,053 hours).
- 10.) Under § 239.301, FRA *increased* its estimate of the number of operational efficiency tests/records (from 11,075 to 22,000). This change in estimate *increased* the burden by *2,732 hours* (from 2,768 hours to 5,500 hours).

Overall, burden *increases* amounted to 4,585 hours, while burden *decreases* amounted to 1,493 hours. The current burden inventory shows a total of 7,818 hours, while the present submission exhibits a total of 10,910 hours. Hence, there is an increase of 3,092 hours.

Also, since the last submission, there has been a decrease in the annual reporting and recordkeeping costs due to **adjustments** regarding the cost of placards/decals, postage, and copying charges. These adjustments decreased the burden by \$3,281.

- 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.**

FRA plans no publication of this information.

- 17. IF SEEKING APPROVAL TO NOT DISPLAY THE EXPIRATION DATE FOR OMB APPROVAL OF THE INFORMATION COLLECTION, EXPLAIN THE REASONS THAT DISPLAY WOULD BE INAPPROPRIATE.**

Once OMB approval is received, FRA will publish the approval number for these information collection requirements in the Federal Register.

- 18. EXPLAIN EACH EXCEPTION TO THE CERTIFICATION STATEMENT IDENTIFIED IN ITEM 19, "CERTIFICATION FOR PAPERWORK REDUCTION ACT SUBMISSIONS," OF OMB FORM 83-I.**

No exceptions are taken at this time.

Meeting Department of Transportation (DOT) Strategic Goals

This information collection supports the main DOT strategic goal, namely transportation safety. Without this collection of information, rail safety throughout the U.S. might be seriously jeopardized. Specifically, the number of accidents/incidents – such as derailments, and collisions – and the severity of injuries might increase because railroads did not have an approved Emergency Preparedness Plan (EPP) and railroad employees did not respond adequately and in a timely fashion. Without an EPP and necessary amendments to an EPP, different categories of railroad workers would not know their roles and responsibilities in the event of a collision, derailment, or other emergency situations. They would not be totally familiar with their railroad's operations, rules, and procedures in the event of an emergency, and would be uninformed and untrained on a number of critically important issues such as communications, notifications by the control center, emergency responder liaison, joint operations with another railroad, special circumstances, passenger safety awareness, and on-board safety equipment. Such a lack of training and knowledge would inevitably result in confusion, delays, inadequate response measures, and thus higher fatalities and more severe injuries to train crews and passengers. Because of this information collection, FRA reviews and approves the EPPs of covered railroads. Consequently, it can ensure that railroads have comprehensive emergency preparedness plans; can ensure that railroads do not cut corners on different aspects of their EPP; and can ensure that railroad employees receive training dealing with various types of emergency situations.

The collection of information contributes to rail safety by ensuring that railroads mark emergency exits and doors properly. Without clear and understandable instructions and markings at or near such exits, passengers would not know how and where to exit the train quickly after a collision, derailment, or other emergency. Especially under conditions of poor visibility, door and window exits conspicuously and legibly marked with luminescent material on the inside of the car would be crucial for passengers to promptly and safely leave the train. Also, if door/window exits for emergency access by emergency responders were not marked with a retro-reflective material, emergency responders might be impeded or delayed in safely extricating train crews and passengers in an accident that occurred at night or in fog. The consequence of any hindrance or delay might be greater injuries and deaths.

The collection of information also contributes to rail safety by ensuring that emergency responders participate periodically in emergency response simulations. Without such training and practice sessions, emergency responders might experience unnecessary difficulty in safely and quickly removing train crews and passengers from a train involved in a collision or derailment. A delay of even a few minutes might mean the difference between minor or serious injury and, more importantly, might mean the difference between life and death to train crews and passengers.

Additionally, the collection of information contributes to rail safety because FRA can verify that railroads carry out scheduled inspections, maintenance, and repair of emergency window and door exits. Under this rule, all covered railroads are required to test a representative sample of emergency window exits on its cars once every 180 days to verify their proper operation, and are required to repair a defective unit before returning the car to service. Since each railroad operating passenger service is required to maintain records of its inspection, maintenance, and repair of emergency window and door exits at its system headquarters and applicable division headquarters, FRA inspectors can readily check these records to make sure railroads are fulfilling their responsibilities. Doors and window exits that were not working could result in more severe injuries and greater loss of life in the event of a grave emergency. In the investigation of an accident/incident, these records are an invaluable resource in helping to determine exactly what happened and may serve to highlight deficiencies that can be corrected so as to prevent future occurrences.

Furthermore, the collection of information contributes to rail safety because FRA can verify that railroads conduct debriefing and critique sessions after each emergency passenger situation or full scale simulation where there is a passenger or employee fatality, or an injury to one or more crewmembers or a passenger involving admission to a hospital, or the evacuation of a passenger train. FRA reviews required debriefing and critique session records to verify that railroads were able to determine, at a minimum, whether the on-board communications equipment functioned properly; the elapsed time between the occurrence of the emergency situation/simulation and notification to emergency responders involved; whether the control center promptly initiated the required notifications; how quickly and effectively the emergency responders reacted after notification; and the efficiency of passenger egress from the car through the emergency exits. Because FRA reviews these records, it can confirm that railroads improve/amend their emergency preparedness plans, as appropriate, based on the information developed from these debriefing and critique sessions. Without these essential sessions and accompanying records, FRA and railroads could not detect emergency response deficiencies and could not develop necessary corrective measures. This could result in greater injuries and loss of life in future emergency situations.

Lastly, the collection of information contributes to rail safety because FRA can verify that railroads conduct operational (efficiency) tests and keep records of these tests. FRA reviews these test records, which are essential to determining the extent of employee compliance with each railroad's emergency preparedness plan (EPP), to ensure that covered railroads conduct the required tests of their on-board and control center employees. In the event of an accident/incident, FRA can examine the test records of various employees to ascertain who the railroad officer was who administered the operational (efficiency) test to a particular employee and the relevant information relied on for that employee's evaluation. Without such tests and records, FRA and railroads would have no way of knowing whether or to what extent railroad workers complied with

their employer's EPP, or whether and to what extent on-board and control center employees actually complied with their railroad's EPP. As a consequence, railroads would have to hope that these employees knew what to do in emergency situations and that they responded appropriately and quickly. The required records give FRA another tool to ensure that train crews and emergency responders will react appropriately and quickly to extract passengers in emergency situations. This will not only help to reduce the extent of injuries to passengers and crews but also save lives.

In summary, this collection of information enhances railroad safety by providing an additional layer of protection through which the agency can closely monitor railroads full compliance with all the requirements of Passenger Train Emergency Preparedness regulation. It furthers DOT's goal of promoting the public health and safety by working toward the elimination of transportation-related deaths, injuries, and property damage.

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