

**INFORMATION COLLECTION  
SUPPORTING JUSTIFICATION  
ACCIDENT/INCIDENT REPORTING AND RECORDKEEPING  
49 CFR 225**

- 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. The Federal Railroad Administration (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

The principal authority for the Secretary of Transportation, and FRA as the Secretary’s delegate, to prescribe and enforce the accident/incident reporting regulations at Part 225 is found in two sets of statutory provisions. The first and older set is provisions that were formerly commonly known as the Accident Reports Act (originally enacted in 1910), together with provisions that were formerly in the Department of Transportation (originally enacted in 1966). The second and newer set is provisions that were formerly in the Federal Railroad Safety Act of 1970. In the 1980s and 1990s, all of these acts of Congress authorizing the promulgation of Part 225 were simultaneously repealed, revised, and re-enacted without substantive change as positive law in title 49, “Transportation,” of the United States Code.<sup>1</sup>

Today, the older statutory authority of Part 225 is found mainly in 49 U.S.C. 20901 and civil penalty provisions at 49 U.S.C. 21302 and 21304, which correspond to the relevant provisions of the Old Accident Reports Act, and in 49 U.S.C. 103 and 322(a), which correspond to the relevant provisions of the Old Department of Transportation Act.<sup>2</sup>

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<sup>1</sup>See, Pub.L. No. 97-449 (1983), repealing and re-codifying the Department of Transportation Act, and Pub.L. No. 103-272 (1994), repealing and re-codifying the Accident Reports Act and the Federal Railroad Safety Act of 1970.

<sup>2</sup>Until the 1994 re-codification of the rail safety laws, the Accident Reports Act included a provision, then codified at 45 U.S.C. 42, that authorized the Secretary of Transportation “to prescribe such rules and regulations and such forms for making the reports hereinbefore provided as are necessary to implement and effectuate the

Under 49 U.S.C. 20901(a), “[n]ot later than 30 days after the end of each month, a railroad carrier shall file a report with the Secretary of Transportation on all accidents and incidents resulting in injury or death to an individual or damage to equipment or a roadbed arising out of the carrier’s operations during the month. The report shall be under oath and shall state the nature, cause, and circumstances of each reported accident or incident.”

The newer statutory authority for Part 225 is found primarily in provisions in the Federal Railroad Safety Act of 1970, which are now positive law at 49 U.S.C. 20103, 21301, 21302, and 21304. Section 20103(a) provides that “[t]he Secretary of Transportation, as necessary, shall prescribe regulations and issue orders for every area of railroad safety supplementing laws and regulations in effect on October 16, 1970. The Secretary has delegated this statutory authority to prescribe and enforce railroad safety rules to the Administrator of FRA by regulations of the Office of the Secretary, 49 CFR 1.49(m).

As authorized by these various statutes, Part 225 contains a series of specific reporting requirements. Its central provision requires that each railroad subject to the part submit monthly reports to FRA summarizing all railroad accidents/incidents that meet the reporting criteria. 49 CFR 225.11. Railroad accidents/incidents are divided into three groups, which correspond to types of reporting form that must be filed with FRA: (1) rail

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purposes of the [Accident Reports Act].” See, H.R. Rep. No. 103-180, 502, 584 (1993); reprinted in 1994 U.S.C.C.A.N. 1319, 1401. Congress concluded that this section was unnecessary because of the former Department of Transportation Act provision at 49 U.S.C. 322(a), which gives the Secretary the authority to issue rules to carry out his duties and powers and which gives officers of the Department of Transportation the authority to prescribe regulations to carry out their duties and powers. Id. Section 322 (a) states that “[t]he Secretary of Transportation may prescribe regulations to carry out the duties and powers of the Secretary. An Officer of the Department of Transportation may prescribe regulations to carry out the duties and powers of the officer.” In another Department of Transportation Act provision, 49 U.S.C. 103(c), Congress delegated directly to the FRA Administrator the authority to carry out the Secretary’s duties and powers with respect to 49 U.S.C. 20901, 21302, 21304. Section 103(c) states that “(c) The Administrator [of FRA] shall carry out - (1) duties and powers related to railroad safety vested in the Secretary by ... chapters 203-211 of this title, and chapter 213 of this title in carrying out chapters 203-211; and (2) additional duties and powers prescribed by the Secretary. Section 103(c) should also be read as a Congressional delegation directly to the FRA Administrator of authority to prescribe rules to implement section 20901 because the 1994 re-codification’s repeal of the specific rulemaking authority in 45 U.S.C. 42 was not intended to cause any substantive change and Congress intended 49 U.S.C. 322(a) to serve as accident reports rulemaking authority in lieu of 45 U.S.C. 42. See, H.R. Rep. No. 103-180, 502, 584 (1993); reprinted in 1994 U.S.C.C.A.N. 1319, 1401. The Secretary has also acknowledged this delegation to FRA of the Secretary’s statutory authority under 49 U.S.C. 20901, 21302, and 21304 to prescribe and enforce railroad safety rules to the Administrator of FRA through regulations of the Office of the Secretary, 49 CFR 1.49(c)(11).

equipment accidents/incidents (e.g., collisions, derailments, and other train accidents involving damages above a periodically revised threshold); (2) highway-rail grade crossing accidents/incidents; and (3) deaths and injuries to passengers, employees, and others and occupational illnesses of railroad employees arising from the operation of the railroad. See 49 CFR 225.5 and 225.19(d). Depending on the circumstances of an accident/incident, it may fall into more than one group and thus require more than one type of report.

The Occupational Safety and Health Act of 1970 required the Secretary of Labor to adopt regulations pertaining to two types of recordkeeping. See 29 U.S.C. 653 et Seq. First, employers must “maintain accurate records of, and make periodic reports on, work-related deaths, injuries, illnesses ...” Second, Congress requires the Secretary of Labor to develop and maintain an effective program of collection, compilation, and analysis of occupational safety and health statistics. On January 19, 2001, the Occupational Safety and Health Administration (OSHA) published revised regulations entitled “Occupational Injury and Illness Recording and Reporting Requirements; Final Rule,” including a lengthy preamble that explains OSHA’s rationale for these amendments. See 66 FR 5916 (to be codified at 29 CFR Parts 1904 and 1952). Also, See 66 FR 52031 (October 12, 2001) and 66 FR 66943 (December 27, 2001) (collectively OSHA’s Final Rule). With the exception of three provisions, OSHA’s Final Rule became effective on January 1, 2002. See 66 FR 52031; see also 67 FR 44037 (July 1, 2002) and 67 FR 44124 (July 1, 2002).

FRA’s railroad accident/incident reporting regulations include, among other provisions, sections that pertain to railroad occupational fatalities, injuries, and illnesses which are consistent with prior OSHA regulations, with minor exceptions. These sections of FRA’s accident/incident regulations that concern railroad occupational casualties should be maintained – to the extent practicable – in general conformity with OSHA’s recordkeeping and reporting regulations to permit comparability of data on occupational casualties between various industries, to allow integration of railroad industry data into national statistical databases, and to improve the quality of data available for analysis of casualties in railroad accidents/incidents. Accordingly, through this final rule, FRA makes conforming amendments to its existing accident/incident reporting regulations and *Guide*. Further, FRA makes minor amendments to its alcohol and drug regulations (49 CFR Part 219) and locomotive engineer qualifications regulations (49 CFR Part 240) in those areas that incorporate terms from Part 225.

In addition, FRA intends to draft a memorandum of understanding (MOU) between itself and OSHA to address specific areas that are unique to the railroad industry, and where it would not be practical for FRA’s regulations to be maintained in conformity with OSHA’s Final Rule. Such divergence from OSHA’s Final Rule is permitted under a provision of the rule which states: “If you create records to comply with another government agency’s injury and illness recordkeeping requirements, OSHA will consider those records as meeting OSHA’s Part 1904 recordkeeping requirements if OSHA

accepts the other agency's records under a memorandum of understanding with that agency, or if the other agency's records contain the same information as this Part 1904 requires you to record."

Finally, FRA has made other miscellaneous amendments to Part 225 and the *Guide*, including revisions not solely related to railroad occupational casualties, such as the telephonic reporting of a train accident that fouls a main line track used for scheduled passenger service.

**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 is the primary user of the information obtained under this collection. The information is used by FRA to track the nature, number, type, severity, and cause(s) of accidents/incidents that occur on the nation's railroads. Specifically, FRA uses telephonic reports mandated under § 225.9 to promptly respond to and investigate accidents/incidents, arising from the operation of a railroad, that involve the following: (1) A train accident that results in serious injury to two or more train crewmembers or passengers requiring their admission to a hospital; (2) A train accident resulting in the evacuation of a passenger train; (3) A fatality at a highway-rail grade crossing as a result of a train accident or train incident; (4) A train accident resulting in damage (based on a preliminary gross estimate) of \$150,000 to railroad and non-railroad property; (5) A train accident resulting in damage of \$25,000 or more to a passenger train and railroad and non-railroad property.

FRA uses the information collected under § 225.11 to monitor, on a continuing (monthly) basis, all accident/incidents described in § 225.19. For reporting purposes, reportable accident/incidents are divided into three groups: (i) Highway-Rail Grade Crossing; (ii) Rail Equipment; and (iii) Death, Injury, and Occupational Illness. The reports must be made on forms prescribed in § 225.21, and must be submitted within 30 days after the expiration of the month during which the accidents/incidents occurred. FRA uses this constantly updated information to detect actual or potential serious problems at the nation's highway-rail grade crossings, as well as to discern trends affecting the health or safety of rail employees, so that the agency can take necessary steps to eliminate the likelihood/cause(s) of such accidents/incidents in the future.

FRA uses the information collected under § 225.12 to track the number of rail equipment accidents/incidents where railroads cite employee human factor(s), such as an employee's act/omission/physical condition, as a primary or contributing cause of the accident. FRA safety specialists use this data to spot dangerous practices by railroad employees, as well as system-wide problems, and to develop and institute appropriate remedial safety measures to save lives and protect railroad property from similar future occurrences.

FRA employs a wide range of remedial safety measures, including issuing safety advisories and, where stronger action is needed, promulgating emergency orders to ensure that railroads and their employees follow essential safety practices and procedures.

FRA carefully examines the information submitted by railroads under § 225.17 to determine, in doubtful cases, whether alcohol or drug use by railroad employees played a primary or contributing role in the occurrence of a rail equipment accident/incident. FRA's rule on the control of alcohol and drug use in railroad operations (49 CFR 219) requires railroads to make a specific inquiry into the possible involvement of alcohol or drugs in an accident/incident. Any information developed concerning possible drug or alcohol use must be reported by the railroads to FRA. Because lives, careers, and property are on the line, the stakes are very high for both railroads and railroad employees in cases where alcohol or drug use is suspected. In these doubtful cases, facts are often in dispute. All the submitted information enables FRA to make a thorough evaluation of each specific case and render a fair judgment. Where warranted, appropriate action(s) can then be taken by the railroads – and FRA – to ensure that employees in safety-sensitive positions do not abuse alcohol and drugs while on duty.

To elaborate on the information obtained under §225.19, FRA uses this information to keep close watch on the causes, extent, number, and frequency of rail-highway grade crossing accidents that occur throughout the country each year. Each such accident must be reported to FRA on the prescribed form, regardless of the extent of damage or whether a casualty occurred. By keeping a current and historical database of these accidents, FRA can not only take immediate corrective action, where necessary, but can also spot geographic or national trends that may require modification of its extensive rail-highway grade crossing safety program.

FRA uses the records that are required under §225.25 and §225.27 to ensure that the nation's railroads are complying with applicable Federal safety regulations. These records provide a factual basis regarding a given railroad and its employees practices and procedures and their bearing, if any, on the occurrence of an accident/incident that has been reported to the agency. FRA and the National Transportation Safety Board review these records in conducting accident/incident investigations. Such records are an extremely valuable resource in sorting out the cause(s) of an any accident/incident.

In sum, this information collection enables FRA to establish and maintain an extensive current and historical database that it utilizes to develop, tailor, and implement appropriate safety programs, in conjunction with the nation's railroads, so as to reduce train collisions and derailments, grade crossing accidents, trespassing and other incidents which cause injuries and deaths to train passengers, railroad employees, and other members of the public and significant property damage. The information collected is essential to the agency's mission and to the fulfillment of its regulatory responsibilities mandated under the various Federal railroad safety laws. It is used as background information in the development of new regulations, and provides a means of measuring

the effectiveness of regulations or policies dealing with rail safety issues. Furthermore, the information is used by FRA to discern and monitor existing safety problems and emerging trends that may adversely affect the operational safety of a large number of the nation's rail carriers, as well as the health and well-being of railroad employees. FRA is especially concerned with reducing, to the greatest extent possible, rail occupational injuries and deaths. The information collected helps facilitate prompt agency corrective action, where necessary.

FRA prepares and publishes annual summaries of accidents/incidents that occur during a calendar year, as well as issues other standardized reports for distribution throughout the report year. Additionally, accident/incident data is provided on FRA's Website for use by the public, members of academia, the media, the railroad community, and other Federal and State agencies. For example, other governmental users of the data include the following: National Transportation Safety Board (NTSB), Department of Labor, Research and Special Programs Administration, National Highway Traffic Safety Administration (NHTSA), Hazardous Materials Transportation Office, Bureau of Economic Statistics, and various State transportation agencies. Non-governmental users include railroads and their trade associations, rail labor organizations, shippers and manufacturers, universities and research institutions, attorneys, major newspapers, and television stations. Anyone concerned with transportation or rail safety is a potential user of this data.

**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.**

Over the years, FRA has strongly encouraged and highly endorsed the use of advanced information technology to reduce burden, wherever possible. FRA has long championed the use of electronic recordkeeping by railroads to reduce their paperwork burdens. In keeping with the requirements of the Paperwork Reduction Act (PRA) and the Government Paperwork Elimination Act (GPEA), FRA permits railroads the options of telephonic reporting, electronic submission, and magnetic media transfer regarding accident/incident reports, updates, and amendments. Specifically, FRA allows the data captured by the following reports/forms to be submitted to the agency by telephone, electronically, or by magnetic media: (1) Accident/Incident reports and other events under § 225.9 that result in a stipulated number of casualties or dollar amount damages to railroad and non-railroad property; (2) The Rail Equipment Accident/Incident Form (Form FRA F 6180.54); (3) The Rail Injury and Illness Summary (Form FRA F 6180.55); (4) The Rail Injury and Illness Summary Form (Continuation Sheet) (Form

FRA F 6180.55a); (5) The Highway-Rail Grade Crossing Accident/Incident Report Form (Form FRA F 6180.57); (6) The Batch Control Form (Form FRA F 6180.99); and (7) Alternative Record For Illnesses Claimed to Be Work Related (Form FRA F 6180.107). The other forms required by this collection of information are either kept on the premises by railroads and not filed with FRA (they are subject to production upon agency request), sent by railroads to employees, or are completed/collected by FRA and not the railroads. Records required under § 225.25(a)-(e) may be kept electronically or on paper by the railroads. Again, railroads choose the method most convenient and cost-effective for them.

FRA provides all its forms, including the accident/incident forms, and the *Guide for Preparing Accident/Incident Reports*, on its Website for convenient downloading. Additionally, FRA provides free software called the Accident/Incident Report Generator (AIRG) to railroads to allow them to do their Federally required accident/incident recordkeeping on a personal computer. This software allows railroads to send a diskette or to transmit the information over the Internet. FRA is in the process of sending an updated or new version of the AIRG software to approximately 200 railroads that will reflect the updated agency *Guide for Preparing Accident/Incident Reports* and minor changes to some of the required forms/reports. To increase convenience and use, the last version of the AIRG software, sent to approximately 170 railroads, enabled railroads to perform the required recordkeeping on a client/server system. Additionally, AIRG software is sent free to any railroad that requests it. Overall, approximately 65% of responses required by railroads can be submitted electronically to FRA under the current regulation, if railroads so choose.

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

The promotion of rail safety is perhaps the most important function of FRA, and the agency has been granted regulatory authority in this area. One of the agency's primary tools in accomplishing this is the collection of accident/incident data. Although other federal agencies use this information, there are none that collect duplicate information. In areas where there are mutual concerns among agencies, arrangements have been made to exchange information rather than impose new requirements. For example, the Department of Labor (DOL) performs studies concerning casualties to employees in the work environment and collects data from all industries except railroads for that purpose. To eliminate duplication and reduce burden, FRA collects worker on-duty injuries and illnesses for the Department of Labor's Occupational Safety Health Administration (OSHA), and reports them annually to OSHA. Since FRA's data is adequate for DOL's needs, this information is routinely made available for use in DOL's studies. Similarly, the Office of Hazardous Materials Transportation collects data from all transportation modes concerning unintentional releases of hazardous materials. FRA uses this office's

information that pertains to railroads rather than impose a separate reporting burden.

FRA and the National Transportation Safety Board (NTSB) conduct investigations of major accidents. These represent a very small percentage of the accidents/incidents that occur annually. While the amount of information obtained in these investigations is extensive, the limited number of accidents investigated would be insufficient to provide any understanding of railroads operating environment if FRA did not collect additional data so that it can obtain the broadest possible picture. Doing so fulfills the requirements of the Federal railroad safety laws and the agency's overall mission.

In sum, the information collected by FRA is not available from other sources.

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

There are a number of provisions in this rule which serve to reduce burden on small railroads. For example, all railroads that operate exclusively off the general system and all railroads that operate on the general system that have 15 or fewer employees covered by the Federal Hours of Service Laws are exempt from the information collection requirements included under the Internal Control Plan, § 225.33(a)(3) - (a)(11), and are exempt from the recordkeeping requirements regarding accountable injuries and illnesses and accountable rail equipment accidents/incidents specified in § 225.25(a)-(f). Also, excepted railroads that operate exclusively off the general system are exempt from the requirements to record or report injuries and illnesses incurred by all classifications of persons that result from non-train incidents on the Railroad Injury and Illness Summary form and the Railroad Injury and Illness Summary (Continuation Sheet)(Forms FRA F 6180.55/55a).

Also, it should be remarked that the frequency of accidents/incidents and, therefore, reporting burden is generally proportional to the size of the railroad. Larger railroads that employ thousands of employees and operates millions of train miles are exposed to greater risks than those which operate on a substantially smaller scale. Small railroads may go for months at a time without having a reportable occurrence of any type. This is not unusual at all. Consequently, small railroads' burden will be correspondingly less than medium-sized (Class II) or large (Class I) railroads because they have fewer accidents/incidents and casualties occurring which they must report.

Furthermore, it is important to observe that the rule reduces recordkeeping burdens by simplifying the method used to count employee absences and work restrictions and by reducing the requirement to keep track of lengthy employee absences. The rule also simplifies reporting requirements with clarifying definitions for things such as "medical treatment" and "first aid." In the forms for the current rule, train accident cause codes and injury codes have been added so that accident and injury data will be more precise



and the need for some narratives eliminated, thus reducing the time necessary to complete reporting forms. These changes help both large and small railroads.

Additionally, concerning the cost burden of collecting the required information, the computer-based burdens are not expected to impact small entities because most small railroads report the required information to agency using personal computer (PC) based software provided by FRA. Furthermore, small railroads that report required information using this PC-based software are not burdened with any costs for modifying or changing the software since FRA provides this software free to all railroads that utilize it.

To eliminate administrative and cost burdens on small railroads associated with item 10 of Form FRA F 6180.55, FRA is revising the language for this data element so that an oath and signature by the reporting officer rather than witness by a notary will now suffice. Finally, as mentioned in its last submission for this collection, FRA has certified – based on its Initial Regulatory Flexibility Analysis (IRFA) – that this rule will not have 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 in the United States would be significantly impeded. Without this collection of information, FRA would be less able to fulfill a variety of Congressionally mandated responsibilities and would be hindered in its ability to carry out its mission of promoting and enhancing national rail safety by means of regulation, emergency orders, bulletins, and the establishment of different types of safety programs. To be effective, a safety program requires timely and detailed information that only the railroads can provide. In order to detect actual and potentially hazardous conditions in the national rail environment, as well as dangerous operational trends, it is imperative that FRA have the latest available data so that it can study the nature, frequency, type, severity, and causes of accidents/incidents and other relevant events. Timely information provides a valuable resource that can be used by FRA, railroads, diverse Federal and State agencies, and others interested in rail safety to take necessary and proper safety measures to reduce casualties to railroad workers, contractors, members of the general public and others working or living in or around the rail environment, as well as to mitigate damage to rail and other property and harm to the environment. It is critical for FRA, the nation's railroads, and other Federal and State agencies to have an accurate picture of the current state of the nation's rail industry, and to know whether any given accident/incident resulted from human error, improper or illegal business practices, mechanical defect(s), inadequate equipment maintenance, insufficient training of railroad personnel, environmental conditions, or some combination of these factors.

If FRA did not receive immediate telephonic reports by railroads of certain

accidents/incidents and other events, the agency and other first responders to these rail emergencies could not act as quickly and appropriately as they need during such occurrences. Consequently, lives could be lost, injuries could be more numerous and severe, and possibly greater damage to rail and personal property and harm to surrounding communities and the environment could result.

Without this collection of information, rail employees alleged to have caused or contributed to an accident/incident or other event would not have a forum to respond on the record (or confidentially, if they so choose) to give their version of events to FRA and their employer so that the true sequence of events and the true cause(s) of that particular accident/incident could be determined and any recurrences prevented.

Without this collection of information, FRA would not have necessary information about the possible use of alcohol or drugs by employees in an accident/incident. It is essential for FRA and the railroads to know whether or not drugs or alcohol played any role in a collision, derailment, fire, explosion, or some other adverse rail event where railroad employees, contractors, or members of the public are injured or killed or where there is substantial damage to rail property or the surrounding community. Such drug or alcohol involvement might be an individualized problem or might reflect a far larger problem, perhaps even a regional or systemic problem. FRA and the railroads need to know the extent of the problem so that correct and effective action can be promptly taken.

Without this collection of information, FRA would be unable to get a clear idea of injuries and illnesses affecting the nation's railroad employees. Review of railroad Injury and Illness Summary reports each month allows FRA to get the big picture of the nation's rail environment and facilitates the ability to quickly spot actual or potential problems that might indicate increased operational dangers or heightened risk to the health and welfare of railroad employees and the traveling public. If data indicate a trend is emerging, FRA and the railroads can institute immediate corrective measures to reduce any risks/dangers and thus avert the potentially high human and economic costs that might otherwise result.

In sum, this collection of information provides essential data that enables FRA to promote and enhance national rail safety, and thereby fulfill its primary mission.

*Note:* Regarding obstacles to reducing burden, it should be noted that the Accident Reports Act requires that reports be made monthly. FRA is constrained by this law from changing the collection period to a less frequent basis. However, the reporting requirements do allow for reports to be filed up to thirty days following the month in which they occur.

**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.**

The Accident Reports Act specifies that reports shall be made on a monthly basis. Additionally, railroads are required to maintain the Railroad Employee Injury and/or Illness Record and the Monthly List of Injuries and Illnesses required by § 225.25 for at least five (5) years after the end of the calendar year to which they relate.

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

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

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

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

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

As required by the Paperwork Reduction Act of 1995, FRA published a notice in the Federal Register on October 5, 2007, soliciting comment on this particular information collection. See 72 FR 57097. FRA received one comment in response to this notice.

The comment came from John P. Tolman, Vice President and National Legislative Representative of the Brotherhood of Locomotive Engineers and Trainmen (BLET). The BLET is the duly designated and recognized collective bargaining representative for the craft or class of Locomotive engineer employed on all Class I railroads. The BLET also represents operating and other employees on numerous Class II and Class III railroads. In his letter, Mr. Tolman stated the following:

BLET supports the full range of information collection encompassed under OMB Control Number 2130-0500. However, BLET believes the revision of certain of FRA's forms to require railroads to provide additional information already in their possession will enhance the safety data available to FRA and facilitate more precise analyses of trends in the industry. Specifically, the BLET is concerned that exclusive reliance on mileage-based data in developing accident/incident and injury casualty rates already has compromised the quality of analysis of switching operations. Furthermore, the narrow focus on mileage-based data also may infect data analysis for other freight operations in the future, because mileage-based measures fail to reflect the ongoing evolution of remote control locomotive operations throughout the American railroad industry.

Mr. Tolman then alluded to FRA's prior 60-day Federal Register renewal notice pertaining to these activities that was published on December 14, 2005 (70 FR 74103). He noted:

In response to that notice, the BLET filed comments on January 4, 2006 . . . In those comments, we explained in detail, our rationale for revising certain FRA forms to require railroads to report the number of employee hours spent in each of the various classes of service, in addition to the mileage totals currently reported.

In its response to BLET's comments of January 4, 2006, FRA acknowledged that BLET had raised important issues which needed to be looked into carefully. FRA further remarked that it would like to examine these issues by initiating an independent study sometime in 2006, budget permitting.

In the current BLET letter dated November 29, 2007, Mr. Tolman goes on to observe:

In the 21+ months since FRA acknowledged the need to study the vital safety issues our 2006 comments raised, funding for the study has not been allocated. We believe that lack of re-authorization for the rail safety program has been a major factor in this needed work not going forward. Nonetheless, the need for such a study – and possible revision of applicable forms thereafter – is as great today as it was nearly two years ago. Indeed, given that FRA has published at least two sets of guidelines pertaining to non-incident remote control locomotive operations on main track, the issue of data normalization has become more pressing now, in our view. Accordingly, we urge FRA to reiterate the shared concerns identified in our previous comments, and to reaffirm its intention to study the issue when sufficient funding is available to do so.

FRA appreciates BLET's current letter of support for this vital information collection, and now reaffirms its intention to study this issue. Further, FRA hereby states that it will commit agency funding to this study, and plans on beginning this study sometime in the second quarter of 2008. Once this study is completed, FRA will review its accident/incident forms to determine appropriate changes and will, of course, keep the BLET fully apprised of developments.

### Background

FRA developed the Notice of Proposed Rulemaking (NPRM), published October 9, 2002, and this final rule through its Railroad Safety Advisory Committee (RSAC). See 67 FR 63022. RSAC was formed by FRA in March 1996 to provide a forum for consensual rulemaking and program development. RSAC consists of 48 individual representatives, drawn from 27 organizations representing various railroad interests, two associate representatives from the agencies with railroad safety regulatory responsibility in Canada and Mexico, and other associate representatives from organizations representing industry personnel with diverse backgrounds. RSAC had representation from all the agency's major interest groups, including railroad carriers, labor organizations, suppliers, manufacturers, and other interested parties. FRA typically proposes to assign a task to RSAC, and after consideration and debate, RSAC may accept or reject the task. If the task is accepted, RSAC establishes a working group that possesses the appropriate

expertise and representation to develop recommendations to FRA for action on the task. These recommendations are developed by consensus. If a working group comes to unanimous consensus on recommendations for action, the package is presented to the full RSAC for a vote. If the proposal is accepted by a simple majority of the RSAC, the proposal is formally recommended to FRA. If a working group is unable to reach consensus on recommendations for action, FRA will move ahead to resolve the issue through traditional rulemaking proceedings.

On April 23, 2001, FRA presented task statement 2001-1 regarding accident/incident reporting conformity to the full RSAC. When FRA presented the subject of revising its accident reporting regulations and *Guide for Preparing Accident/Incident Reports* to RSAC, the agency stated that the purpose of the task was to bring FRA's regulations and *Guide* into conformity with OSHA's Final Rule, and to make certain other technical amendments. The task was accepted, and a working group was established to complete the task. The Working Group included members of the following 26 entities:

The American Public Transportation Association (APTA)  
The National Railroad Passenger Corporation (Amtrak)  
The Association of American Railroads (AAR)  
The American Short Line and Regional Railroad Association (ASLRRA)  
The Brotherhood of Locomotive Engineers (BLE)  
The Brotherhood of Railroad Signalmen (BRS)  
Transportation Communications International/Brotherhood of Railway Carmen (TCIU/BRC)  
Canadian National Railway Company (CN)  
Illinois Central Railroad Company (IC)  
The Sheet Metal Workers International Association  
The Brotherhood of Maintenance of Way Employees (BMWE)  
The Burlington Northern and Santa Fe Railway Company (BNSF)  
Canadian Pacific Railway Company (CP)  
Consolidated Rail Corporation-Shared Assets (CR)  
CSX Transportation, Inc. (CSX)  
Norfolk Southern Railway Company (NS)  
Union Pacific Railroad Company (UP)  
The Long Island Rail Road (LIRR)  
Maryland Transit Administration (MARC)  
Southern California Rail Authority (Metrolink)  
Virginia Railway Express (VRE)  
Trinity Rail (TR)  
North Carolina Department of Transportation (NCDOT)  
Northeast Illinois Regional Commuter Rail Corporation (Metra)  
The United Transportation Union (UTU)  
Wisconsin Central Limited (WC)

Prior to the publication of the NPRM, the Working Group held a total of eight meetings related to this task statement. The first Working Group meeting occurred on May 21-23, 2001, in Washington, D.C. A second meeting was held on July 1-3, 2001, in Washington, D.C. A third meeting was held on August 7-8, 2001, in Denver, Colorado. A fourth meeting was held briefly on September 11, 2001, in Chicago, Illinois, but was cancelled due to the extraordinary events that occurred on that day. A fifth meeting was held on November 14-15, 2001, in St. Louis, Missouri. A sixth meeting was held on January 22-24, 2002, in Baltimore, Maryland. A seventh meeting was held on March 12-13, 2002, in New Orleans, Louisiana. An eighth meeting was held on April 24-25, 2002, in Washington, D.C.

As a result of these meetings, the Working Group developed consensus recommendations proposing to change the FRA regulations and *Guide* with respect to all issues presented except for one. Consensus could not be reached on whether railroads should be required to report deaths and injuries of the employees of railroad contractors who are killed or injured while off railroad property. Prior to this rulemaking, FRA had interpreted Part 225 as not requiring the reporting of such cases. After the last Working Group session before publication of the NPRM, FRA developed a compromise position, proposing that railroads not be required to report deaths or injuries to persons who are not railroad employees that occur while off railroad property unless they result from a train accident, a train incident, a highway-rail grade crossing accident/incident, or a release of hazardous material or other dangerous commodity related to the railroad's transportation business.

After publication of the NPRM on October, 9, 2002, FRA received comments on the proposed rule and *Guide* from the Association of American Railroads (AAR) and a private citizen. None of the comments pertained to information collection burden costs and burden hour estimates.

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

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

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

The information contained on various report forms is a matter of public record and, therefore, confidentiality is not promised to any respondent.

Pursuant to 49 U.S.C. 20903, monthly reports filed by railroads under the accident/incident reporting requirements may not be admitted as evidence or used for any

purpose in any action for damages growing out of any matters mentioned in these monthly reports.

Injury/illness reports submitted to FRA do not have names, social security numbers, or similar information.

It should be noted that § 225.25(h)(15) of the rule has been amended to apply to “privacy concern cases.” Under this subsection, a railroad is permitted not to post information on an occupational injury or illness that is a “privacy concern case.” As defined in § 225.5, ‘privacy concern case’ is any occupational injury or illness, other than a musculoskeletal disorder, that is listed as follows: (1) Any injury or illness to an intimate body part or the reproductive system; (2) An injury or illness resulting from sexual assault; (3) Mental illnesses; (4) HIV infection, hepatitis, or tuberculosis; (5) Needlestick and sharps injuries; and (6) Other illnesses or illnesses, if the employee independently and voluntarily requests in writing to the railroad reporting officer that his or her injury or illness not be posted.

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

There are no questions or information of a sensitive nature, or data that would normally be considered private matters contained in this collection of information, except as noted above in the response to question number 10.

12. **PROVIDE ESTIMATES OF THE HOUR BURDEN OF THE COLLECTION OF INFORMATION. THE STATEMENT SHOULD:**

**-INDICATE THE NUMBER OF RESPONDENTS, FREQUENCY OF RESPONSE, ANNUAL HOUR BURDEN, AND AN EXPLANATION OF HOW THE BURDEN WAS ESTIMATED. UNLESS DIRECTED TO DO SO, AGENCIES SHOULD NOT CONDUCT SPECIAL SURVEYS TO OBTAIN INFORMATION ON WHICH TO BASE HOUR BURDEN ESTIMATES. CONSULTATION WITH A SAMPLE (FEWER THAN 10) OF POTENTIAL RESPONDENTS IS DESIRABLE. IF THE HOUR BURDEN ON RESPONDENTS IS EXPECTED TO VARY WIDELY BECAUSE OF DIFFERENCES IN ACTIVITY, SIZE, OR COMPLEXITY, SHOW THE RANGE OF ESTIMATED HOUR BURDEN, AND EXPLAIN**



**THE REASONS FOR THE VARIANCE. GENERALLY, ESTIMATES SHOULD NOT INCLUDE BURDEN HOUR FOR CUSTOMARY AND USUAL BUSINESS PRACTICES**

**-IF THIS REQUEST FOR APPROVAL COVERS MORE THAN ONE FORM, PROVIDE SEPARATE HOUR BURDEN ESTIMATES FOR EACH FORM AND AGGREGATE THE HOUR BURDENS IN ITEMS 13 OF OMB FORM 83-I.**

**-PROVIDE ESTIMATES OF ANNUALIZED COST TO RESPONDENTS FOR THE HOUR BURDENS FOR COLLECTIONS OF INFORMATION, IDENTIFYING AND USING APPROPRIATE WAGE RATE CATEGORIES. THE COST OF CONTRACTING OUT OR PAYING OUTSIDE PARTIES FOR INFORMATION COLLECTION ACTIVITIES SHOULD NOT BE INCLUDED HERE. INSTEAD, THIS COST SHOULD BE INCLUDED IN ITEM 14.**

*Note: The information collection requirements listed below have been updated to reflect the most accurate and current data available to FRA. The burden hour cost to respondents is primarily a function of labor hours. Employees in the professional, clerical, and general occupational categories perform the majority of the work associated with preparing the reports and meeting the other requirements of this regulation.*

*Based on the American Association of Railroads (AAR) 2006 publication Railroad Facts, FRA has used the following labor rates for railroad hourly wages in its cost calculations: \$43 per hour for professional/administrative staff, and an average of \$47 per hour for transportation workers (which includes train and engine, and other than train and engine employees). These rates include 40% overhead.*

*While burden cost estimates have been updated, burden hour estimates from the last submission have not changed. The only significant change from the previous submission is the addition of a new form – FRA F 6180.39i and its corresponding burden.*

#### **§ 225.9 - TELEPHONE REPORTS OF CERTAIN ACCIDENTS/INCIDENTS AND OTHER EVENTS**

Each railroad must report immediately, as prescribed in paragraphs (b) through (d) of this section, whenever it learns of the occurrence of an accident/incident arising from the operation of the railroad, or an event or exposure that may have arisen from the operation of the railroad, that results in the (i) death of a rail passenger or a railroad carrier employee; (ii) death of an employee of a contractor to a railroad carrier performing work for the railroad carrier on property owned, leased, or maintained by the contracting railroad carrier; (iii) death or injury of five or more persons; (iv) Death or serious injury of one or more persons due to a failure from any cause of a locomotive or any part or

appurtenance of a locomotive, or a person coming in contact with an electrically energized part or appurtenance.

Each railroad must report immediately, as prescribed in paragraphs (b) through (d) of this section, whenever it learns of the occurrence of any of the following events that arose from the operation of a train: (i) A train accident that results in serious injury to two or more train crewmembers or passengers requiring their admission to a hospital; (ii) A train accident resulting in evacuation of a passenger train; (iii) A fatality at a highway-rail grade crossing as a result of a train accident or train incident; (iv) A train accident resulting in damage (based on a preliminary gross estimate) of \$150,000 to railroad and non-railroad property; or (v) A train accident resulting in damage of \$25,000 or more to a passenger train and railroad and non-railroad property.

The dispatching railroad must report immediately, as prescribed in paragraphs (b) through (d) of this section, whenever it learns of the occurrence of any train accident reportable as a rail equipment accident/incident under §§ 225.11 and 225.19(c) that involves a collision or derailment on a main line that is used for scheduled passenger service, or that fouls a main line used for scheduled passenger service.

Telephonic reports required by this section shall be made by toll-free telephone to the National Response Center, Area Code 800-424-8802 or 800-424-0201. Each report must state the following: (1) Name of the railroad; (2) Name, title, and telephone number of the individual making the report; (3) Time, date, and location of the accident/incident; (4) Circumstances of the accident/incident; (5) Number of persons killed or injured; and (6) Available estimates of railroad and non-railroad property damage.

FRA estimates that it will receive approximately 500 telephonic reports under the above requirements. It is estimated that it will take approximately 15 minutes to complete each phone report. Total annual burden for this requirement is 125 hours.

Respondent Universe:

685  
railroads

Burden time per response:

15  
minute  
s

Frequency of Response: On occasion

Annual number of Responses: 500 phone reports  
Annual Burden: 125 hours  
Annual Cost: \$5,375

**Calculation:** 500 phone reports x 15 min. = 125 hours  
125 hrs. x \$43 = \$5,375

### **§ 225.11 - REPORTING OF RAIL EQUIPMENT ACCIDENTS/INCIDENTS - FORM FRA F 6180.54**

Each railroad carrier subject to this part must submit to FRA a monthly report of all railroad carrier accidents/incidents described in § 225.19. The report must be made on the forms prescribed in § 225.21 in hard copy or, alternatively, by means of magnetic media or electronic submission, as prescribed in § 225.37, and must be submitted 30 days after expiration of the month during which the accident/incidents occurred. Reports must be completed as required by the current FRA Guide. The required form for this report is Form FRA F 6180.54. The updated rule makes minor changes to Form FRA F 6180.54 in order to improve FRA's accident analysis capability.

Under this requirement then, a report must be prepared and forwarded monthly whenever there is a collision, derailment, or similar event that causes damage to on-track rail equipment and/or track above an established monetary threshold. This threshold is currently set at \$8,200. The potential number of respondents is 685. The actual number of railroads involved in this type of accident in 2004 was 186, which represents 27 % of the total. The number of reports per respondent ranged from 1 to 573.

The total number of reports received in 2004 was approximately 3,067. Based on past history and the most recent data, FRA estimates that it will receive approximately 3,000 forms reporting railroad accidents/incidents per year. FRA estimates that it will take approximately two (2) hours to prepare each report. Total annual burden for this requirement is 6,000 hours.

Respondent Universe: 685  
railroads

Burden time per response:

2 hours

Frequency of Response:

Monthly

Annual number of Responses: 3,000 forms

Annual Burden: 6,000 hours

Annual Cost: \$258,000

**Calculation:** 3,000 forms x 2 hrs. = 6,000 hours  
6,000 hrs. x \$43 = \$258,000

**§ 225.12 - RAIL EQUIPMENT ACCIDENT/INCIDENT REPORTS ALLEGING HUMAN FACTOR AS CAUSE (FORM FRA F 6180.81); EMPLOYEE HUMAN FACTOR ATTACHMENT; NOTICE TO EMPLOYEE; EMPLOYEE SUPPLEMENT.**

(a.) If, in reporting a rail equipment accident/incident to FRA, a railroad carrier cites an employee human factor as the primary cause or a contributing cause of the accident, then the railroad carrier that cited such employee human factor must complete, in accordance with instructions on the form and in the current FRA Guide, an Employee Human Factor Attachment form on the accident.

This form must be completed only when a railroad, in reporting a rail equipment accident/incident to FRA, assigns any of the cause codes listed under "Train Operations-Human Factor" in the FRA Guide, except Cause Code 506, as the primary cause or a contributing cause of the rail equipment accident/incident.

FRA estimates that it will receive approximately 1,400 railroad accident/incident reports (Form FRA F 6180.81) annually alleging employee human factor as the primary cause of the accident. It is estimated that it will take approximately 15 minutes to fill out each form and send it to FRA. Total annual burden for this requirement is 350 hours.

Respondent Universe:

687  
railroads

Burden time per response:

15  
minute  
s

Frequency of Response: On occasion

Annual number of Responses: 1,400 reports/forms  
Annual Burden: 350 hours  
Annual Cost: \$15,050

**Calculation:** 1,400 reports/forms x 15 min. = 350 hours  
350 hrs. x \$43 = \$15,050

(b.) Part I Form FRA F 6180.78. Except, as provided in paragraphs (e) and (f) of this section, for each employee whose act, omission, or physical condition was alleged by the railroad carrier as the employee human factor that was the primary cause or a contributing cause of a rail equipment accident/incident, and whose name was listed in the employee Human Factor Attachment for the accident and for each such railroad carrier employee of whose identity the railroad carrier has actual knowledge, the alleging railroad carrier shall: (1) Complete, Part I, "Notice to Railroad Employee Involved in Rail Equipment Accident/Incident Attributed to Employee Human Factor," Form FRA 6180.78 with information regarding the accident, in accordance with instructions on the form and in the current FRA Guide, and (2) Hand-deliver or send by first class mail (postage prepaid) to that employee, within 45 days after the end of the month in which the rail accident/incident occurred, the following: (i) a copy of Form FRA F 6180.78, "Notice to Railroad Employee Involved in Rail Equipment Accident/Incident Attributed to Employee Human Factor; Employee Statement Supplementing Railroad Accident Report," with Part I completed as to the applicable employee and accident; (ii) A copy of the railroad carrier's Rail Equipment Accident/Incident Report and Human Factor Attachment on the rail equipment accident/incident involved; and (iii) If the accident/incident was also reportable as a highway-rail grade crossing accident/incident, a copy of the railroad carrier's Highway-Rail Grade Crossing Accident/Incident Report on that accident.

FRA estimates that railroads will fill-out approximately 1,000 Notices (Part I: Form FRA 6180.78) annually. FRA also estimates that railroads will make approximately 1,000 copies of the required Notices, approximately 4,000 copies of Rail Equipment Accident/Incident Report and Human Factor Attachment, and approximately 100 copies of the railroad's Highway-Rail Grade Crossing Accident/Incident Report under the above requirement. It is estimated that it will take railroads approximately 10 minutes to

complete Part I of each Form FRA F 6180.78 and approximately three (3) minutes to make the required copies of the other forms/reports and hand-deliver/mail them to the affected employees. Total annual burden for this requirement is 372 hours.

Respondent Universe:

685  
railroads

Burden time per response: 10 minutes + 3 minutes  
(copies)

Frequency of Response: On occasion

Annual number of Responses: 1,000 Notices + 4,000 copies of Rail Equipment Accident/Incident Report and Human Factor Attachment + 100 copies of the railroad's Highway-Rail Grade Crossing Accident/Incident Report

Annual Burden: 372 hours

Annual Cost: \$15,996

**Calculation:** 1,000 Notices x 10 min. + 4,100 copies x 3 min. =  
372 hours  
372 hrs. x \$43 = \$15,996

(c.) Joint Operations. If a reporting railroad carrier makes allegations under paragraph (a) of this section concerning the employee of another railroad carrier, the employing railroad carrier must promptly provide the name, job title, address, and medical status of any employee reasonably identified by the alleging railroad carrier, if requested by the alleging railroad carrier.

It is estimated that this will occur approximately 100 times a year. FRA estimates that it will take approximately 20 minutes for the alleging railroad to make the request and the employing railroad to collect and verify the required data and respond back to the alleging railroad. Total annual burden for this requirement is 33 hours.

Respondent Universe:

685  
railroads

Burden time per response:

20  
minute  
s

Frequency of Response:

On occasion

Annual number of Responses: 100 requests  
Annual Burden: 33 hours  
Annual Cost: \$1,419

**Calculation:** 100 requests x 20 min. = 33 hours  
33 hrs. x \$43 = \$1,419

(d.) Late Identification. Except as provided in paragraphs (e) and (f) of this section, if a railroad carrier is initially unable to identify a particular railroad carrier employee whose act, omission, or physical condition was cited by the railroad carrier as a primary or contributing cause of the accident, but subsequently makes such identification, the railroad carrier must submit a revised Employee Human Factor Attachment (Form FRA F 6180.81) to FRA immediately, and must submit the Notice described in paragraph (b) of this section to that employee within 15 days of when the revised report is to be submitted.

FRA estimates that railroads will revise approximately 20 Employee Human Factor Attachment Forms (Form FRA F 6180.81) and will submit approximately 20 Notices to affected employees under the above requirement. It is estimated that it will take approximately 15 minutes to complete each Human Factor Attachment Form and also approximately 15 minutes to submit the required Notice to railroad employees. Total annual burden for this requirement is 10 hours.

Respondent Universe:

685  
railroads

Burden time per response: 15 minutes

Frequency of Response: On occasion

Annual number of Responses: 20 Attachments + 20 Notices  
Annual Burden: 10 hours  
Annual Cost: \$430

**Calculation:** 20 Attachments x 15 min. + 20 Notices x 15 min. = 10 hours  
10 hrs. x \$43 = \$430

(e.) Employee Statement Supplementing Railroad Accident Report - Form FRA F 6180.78 (Part II). Employee Statements Supplementing Railroad Accident Reports are voluntary, not mandatory; non-submission of a Supplement does not imply that the employee admits or endorses the railroad carrier's conclusions as to cause or any other allegations.

Although a Supplement is completely optional and not required, if an employee wishes to submit a Supplement and assure that, after receipt, it will be properly placed by FRA in a file with the railroad carrier's Accident/Incident Report and that it will be required to be reviewed by the railroad carrier that issued the Notice, the Supplement must be made on Part II of Form FRA F 6180.78 (entitled "Notice to Railroad Employee Involved in Rail Equipment Accident/Incident Attributable to Employee Human Factor; Employee Statement Supplementing Railroad Accident Report"), following the instructions printed on the form. These instructions require that, within 35 days of the date that the Notice was hand-delivered or sent by first class mail (postage prepaid) to the employee (except for good cause shown), the original of the Supplement be filed with FRA and a copy be hand-delivered or sent by first class mail (postage prepaid) to the railroad carrier that issued the Notice so that the railroad carrier will have an opportunity to reassess its reports to FRA concerning the accident. Information that the employee wishes to withhold from the railroad carrier must not be included in this Supplement.

Part II of Form FRA F 6180.78 is completed at the option of the employee, and is used by the employee in describing his/her view as to what he/she believes caused the accident. FRA estimates that approximately 75 of the employees (or a rate of response of 7.5 % of the total number of rail equipment accident/incidents reported) who receive a Notice (FRA F 6180.78) will exercise their rights and file a supplementary statement, or a letter containing confidential information with FRA. It is estimated that it will take the employee approximately one-and-a-half (1.5) hours (based on AAR data) to prepare each



statement/letter; make all necessary copies of supporting data; and forward copies of the form/letter and supporting data to FRA and the railroad making the allegation. Total annual burden for this requirement is 113 hours.

Respondent Universe:

Railroad employees

Burden time per response:

1.5 hours

Frequency of Response:

On occasion

|                             |                       |
|-----------------------------|-----------------------|
| Annual number of Responses: | 75 statements/letters |
| Annual Burden:              | 113 hours             |
| Annual Cost:                | \$5,311               |

**Calculation:** 75 statements x 1.5 hrs. = 113 hours  
 113 hrs. x \$47 = \$5,311

(f.) Employee Confidential Letter. If an employee wishes to provide confidential information to FRA, the employee should not use the Supplement Form (Part II of Form FRA F 6180.78), but rather provide such confidential information by other means, such as a letter to the employee's collective bargaining representative, or to the Federal Railroad Administration, Office of Safety Assurance and Compliance, RRS-11, 400 Seventh Street, S.W., Washington, D.C. 20590. The letter should include the name of the railroad carrier making the allegations, the date and place of the accident, and the rail equipment accident/incident number.

FRA estimates that employees will compose approximately 10 letters annually under the above requirement. It is estimated that it will take each employee approximately two (2) hours to prepare his/her letter and forward it to FRA. Total annual burden for this requirement is 20 hours.

Respondent Universe:

Railroad employees

Burden time per response:

2 hours

Frequency of Response:

On occasion

Annual number of Responses: 10 letters

Annual Burden: 20 hours

Annual Cost: \$940

**Calculation:** 10 letters x 2 hrs. = 20 hours  
20 hrs. x \$47 = \$940

(g.) Willful False Statements. If an employee chooses to submit a Supplement to FRA, all of the employee's assertions in the Supplement must be true and correct to the best of the employee's knowledge and belief. Under 49 U.S.C. 21301, 21302, and 21304, any person who willfully files a false Supplement with FRA is subject to a civil penalty. (See Appendix A to this part.) Any person who knowingly and willfully files a false Supplement is subject to a \$5,000 fine, or up to two years imprisonment, or both, under 49 U.S.C. 21311.

*FRA estimates that it will receive zero (0) willfully false statements under the above requirement from railroad employees since they know that they would be subject to financial and criminal penalties that they could ill afford. Consequently, there is no burden associated with this requirement.*

Total annual burden for this entire requirement is 898 hours (350 + 372 + 33 + 10 + 113 + 20).

### § 225.13 LATE REPORTS

A. Whenever a railroad carrier discovers that a report of an accident/incident, through mistake or otherwise, has been improperly omitted from or improperly reported on its regular monthly accident/incident report, a report covering this accident/incident together with a letter of explanation must be submitted immediately.

*FRA is very flexible on receiving reports of accident/incidents (Form FRA F 6180.55a) on railroad regular monthly accident/incident reports because it knows that it takes time to gather the necessary information to fill-out each specific accident/incident report properly. Data provided on Form FRA F 6180.57 need to be and are submitted to FRA on time. Consequently, FRA estimates that it will receive zero (0) late reports with a letter of explanation under the above requirement, and, as a result, there is no burden associated with this requirement.*

B. Whenever a railroad carrier receives a partially or fully completed Employee Statement Supplementing Railroad Accident Report (Part II of Form FRA F 6180.78), in response to a Notice to Railroad Employee (Part I of Form FRA F 6180.78) issued by the railroad carrier and mailed or hand-delivered to the employee, the railroad carrier must: promptly review that Supplement; based on that review, reassess the accuracy and validity of the railroad carrier's Rail Equipment Accident/Incident Report and of any other reports and records required by this Part concerning the same accident, including the Employee Human Factor Attachment; make all justified revisions to each of those reports and records; submit any amended reports to FRA; and submit a copy of any amended Rail Equipment Accident/Incident Report, Employee Human Factor Attachment, and Highway-Rail Grade Crossing Accident/Incident Report on the accident to the employee. A second notice under § 225.12 is not required for that employee. If an employee who was never sent a notice under § 225.12 for that accident is implicated in the revised Employee Human Factor Attachment, the railroad carrier must follow the procedures of § 225.12 (d).

Because FRA has developed an amended procedure to keep its database open for five years, the agency believes that there will be a greater push to file amended reports. FRA estimates that railroads will amend approximately 50 Rail Equipment Accident/Incident Reports under the above-cited circumstances. Of these 50 amended reports, FRA estimates that approximately 20 will involve human factors and/or highway-rail grade crossings and thus railroads will submit copies of these amended reports both to FRA and to employees. It is estimated that it will take railroad officials approximately one (1) hour to complete each amended report, and an additional three (3) minutes to make the required copies, and send one to FRA and one to the affected railroad employee. Total annual burden for this requirement is 52 hours.

Respondent Universe:

685  
railroads

Burden time per response: 1 hour  
+ 3 minutes

Frequency of Response: On occasion

Annual number of Responses: 50 amended reports + 40 copies

Annual Burden: 52 hours

Annual Cost: \$2,236

**Calculation:** 50 amended reports x 1 hr. + 40 copies x 3 min. = 52 hours  
52 hrs. x \$43 = \$2,236

#### **§ 225.17 - DOUBTFUL CASES; ALCOHOL OR DRUG INVOLVEMENT**

(a.) Even though there may be no witnesses to an accident/incident, if there is evidence indicating that a reportable accident/incident may have occurred, a report of that accident/incident must be made.

*Since railroads routinely submit Form FRA F 6180.55 whenever there is a reportable accident/incident, FRA believes that it will receive zero (0) additional reports concerning doubtful cases under the above scenario. Consequently, there is no burden associated with this requirement.*

(b.) In preparing a Rail Equipment Accident/Incident Report under this part, the railroad carrier shall make such specific inquiry as may be reasonable under the circumstances into the possible involvement of alcohol or drug use or impairment in such accident or incident. If the railroad carrier comes into possession of any information whatsoever, whether or not confirmed, concerning alleged alcohol or drug use or impairment by an employee who was involved in, or arguably could be said to have been involved in, the accident/incident, the railroad carrier must report such alleged use or impairment as provided in the current FRA Guide. If the railroad carrier is in possession of such information but does not believe that alcohol or drug impairment was the primary or contributing cause of the accident/incident, then the railroad carrier must include in the narrative statement of such report a brief explanation of the basis for such determination.

FRA's final rule on the control of alcohol and drug use in railroad operations (Part 219) requires railroads to make a specific inquiry into the possible involvement of alcohol or drugs in an accident/incident. Any information developed concerning possible drug or alcohol involvement is required to be reported by the railroads.

Respondent universe is approximately 685 railroads. FRA estimates that approximately 80 narrative reports will be submitted annually. It is estimated that it will take approximately 30 minutes to prepare the report and append it to the accident report (based on AAR data). Total annual burden for this requirement is 40 hours.

Respondent Universe:

685  
railroads

Burden time per response:

30  
minute  
s

Frequency of Response:

On occasion

|                             |                      |
|-----------------------------|----------------------|
| Annual number of Responses: | 80 narrative reports |
| Annual Burden:              | 40 hours             |
| Annual Cost:                | \$1,720              |

**Calculation:** 80 narrative reports x 30 min. = 40 hours  
40 hrs. x \$43 = \$1,720

(c.) For any train accident within the requirement for post-accident testing under § 219.201 of this title, the railroad carrier shall append to the Rail Equipment Accident/Incident Report any report required by §219.209(b) (pertaining to failure to obtain samples for post-accident toxicological testing).

Employees are required to provide blood and urine samples for testing by FRA after certain accidents. Whenever a railroad is unable, as a result of non-cooperation of an employee or any other reason, to obtain a sample, it must provide FRA with a narrative report giving the reason for such failure and any responsible action to the cause of such failure (if appropriate).

FRA estimates that approximately five (5) reports required by §219.209(b) will be appended to the Rail Equipment Accident/Incident Report by railroads under the above situation. It is estimated that it will take approximately 30 minutes to append each such report. Total annual burden for this requirement is three (3) hours.

|                             |   |
|-----------------------------|---|
| Respondent Universe:        | 685<br>railroads  |
| Burden time per response:   | 30<br>minutes   |
| Frequency of Response:      | On occasion   |
| Annual number of Responses: | 5 appended reports  |
| Annual Burden:              | 3 hours   |
| Annual Cost:                | \$129   |
| <b>Calculation:</b>         | 5 appended reports x 30 min. = 3 hours<br>3 hrs. x \$43 = \$129 |

(d.) For any train or non-train incident, the railroad carrier must provide any available information concerning the possible involvement of alcohol or drug use or impairment in such accident or incident. In providing information required by this paragraph, a railroad carrier must not disclose any information concerning use of controlled substances determined by the railroad carrier's Medical Review Officer to have been consistent with 40 CFR 219.103.

*The burden for this requirement is included under that of §225.17(c) above.*

Total annual burden for the entire requirement is 43 hours (40 + 3).

**§225.19 – RAIL-HIGHWAY GRADE CROSSING ACCIDENT/INCIDENT REPORT – FORM FRA F 6180.57**

- A. Highway-Rail Grade Crossing. Each highway-rail grade crossing accident/incident must be reported to the FRA on Form FRA F 6180.57, regardless of the extent of damage or whether a casualty occurred.

A report then must be prepared and forwarded monthly whenever an impact between a train and a highway user occurs at a crossing site. The potential number of respondents is 685. The actual number of railroads involved in this type of accident in 2004 was 186, which represents 27% of the total. The number of reports filed by these respondents ranged from 1 to 573. There were approximately 3,067 reports received in 2004. Based on recent data, FRA estimates that approximately 250 reports will be completed per month or an annual total of approximately 3,000. The average burden time associated

with preparing this report is approximately two (2) hours. Total annual burden for this requirement is 6,000 hours.

Respondent Universe:

685  
railroads

Burden time per response:

2 hours

Frequency of Response:

Monthly

|                             |  |
|-----------------------------|--|
| Annual number of Responses: | 3,000 forms per year (250 forms per mo.) |
| Annual Burden:              | 6,000 hours                              |
| Annual Cost:                | \$258,000                                |

**Calculation:** 3,000 forms x 2 hrs. = 6,000 hours  
6,000 hrs. x \$43 = \$258,000

- B. Form FRA F 6180.54. In addition, whenever a highway-rail grade crossing accident/incident results in damages greater than the current reporting threshold to railroad on-track equipment, signals, track, track structures, or roadbed, that accident/incident must be reported to FRA on Form FRA F 6180.54. For reporting purposes, damages include labor costs and all other costs to repair or replace in kind damaged on-track equipment, signals, track, track structures, or roadbed, but do not include the cost of clearing a wreck.

Rail equipment accidents/incidents are collisions, acts of God, and other events involving the operation of on-track equipment (standing or moving) that results in damages higher than the current reporting threshold (i.e., \$6,300 for calendar years 1991 through 1996; \$6,500 for calendar year 1997; \$6,600 for calendar years 1998 through 2001; and \$6,700 for calendar years 2002-2005; for calendar year 2006, \$7,700 for 2007; the 2008 threshold is \$8,200) to railroad on-track equipment, signals, tracks, track structures, or roadbed, including labor costs and the costs for acquiring new equipment and material. Each rail equipment accident/incident must be reported to FRA on Form FRA F 6180.54. If the property of more than one railroad is involved in an accident/incident, the reporting threshold is calculated by including the damages suffered by all of the railroads involved. (See §225.23, Joint Operations).

*The burden for this requirement is included under that of §225.11 above and under the burden for Joint Operations below.*

- C. Death, Injury, or Occupational Illness – Form FRA F 6180.55a (Continuation Sheet). Each event or exposure arising from the operation of a railroad must be reported on Form FRA F 6180.55a if the event or exposure is a discernable cause of one or more of the following outcomes, and this outcome is a new case or a significant aggravation of a pre-existing injury or illness: (1) Death to any person; (2) Injury to any person that results in medical treatment; (3) Injury to a railroad employee that results in (i) a day away from work, (ii) restricted work activity or job transfer, or (iii) loss of consciousness; (4) Occupational illness of a railroad employee that results in any of the following: (i) a day away from work, (ii) restricted work activity or job transfer, (iii) loss of consciousness, or (iv) medical treatment; (5) Significant injury to or significant illness of a railroad employee diagnosed by a physician or other licensed health care professional even if it does not result in death, a day away from work, restricted work activity or job transfer, medical treatment, or loss of consciousness; (6) Illness or injury that meets the application of the following specific case criteria: (i) Needlestick or sharps injury to railroad employee, (ii) medical removal of a railroad employee, (iii) occupational hearing loss of railroad employee, (iv) occupational tuberculosis of a railroad employee, or (v) musculoskeletal disorder of a railroad employee that is independently reportable under one or more of the general reporting criteria.

A report then must be prepared and forwarded monthly whenever there is a reportable casualty (death, injury, or occupational illness) associated with a railroad's operation. FRA collects worker on-duty injuries and illnesses, and reports this information to the Department of Labor's Occupational Safety and Health Administration (OSHA). Over 80% of the reports received are worker on-duty injuries. Without the FRA system, the railroads would still have the same burden of reporting to OSHA.

The potential number of respondents is 685; however, the actual number of respondents is lower since this form is completed only when reportable casualties occur. The actual number of railroads having reportable casualties in 2004 was 293, representing 43 % of the potential respondents. The number of responses varies greatly among respondents, and is generally relative to a railroad's size. The number of records per respondent in 2004 ranged from 1 to 1,567. Of the 293 respondents in 2004, approximately 88% filed 12 or fewer reports during the year. The form used to report casualties can accommodate up to 30 entries per form. The minimum number of forms required from the railroad having 1,567 casualties would be 52.

There were 12,580 casualties reported in 2000; 11,853 casualties reported in 2001; and 9,836 in 2004. Based on recent statistics, as well as criteria reportable under "covered data," FRA estimates that approximately 1,000 forms will be filled-out monthly by railroads (a total of 12,000 annually) under the above requirement. It is estimated that it



will take approximately 20 minutes to complete each form and send it to FRA (based on AAR data). Total annual burden for this requirement is 4,000 hours. *(Note: Covered data include cases involving an employee of a railroad that is reportable exclusively because a physician or other licensed health care professional recommended in writing that (1) the employee take one or more days away from work when the employee instead returned to work; (2) the employee's work activity be restricted for one or more days when the work restriction was not imposed; or (3) the employee take over-the-counter medication at a dosage equal to or greater than the minimum prescription strength, whether or not the employee takes the medication).*

Respondent Universe: 685  
railroads

Burden time per response: 20  
minutes

|                             |   |
|-----------------------------|---|
| Frequency of Response:      | Monthly                                 |
| Annual number of Responses: | 12,000 forms per year (1,000 per month) |
| Annual Burden:              | 4,000 hours                             |
| Annual Cost:                | \$172,000                               |

**Calculation:** 12,000 forms x 20 min. = 4,000 hours  
 4,000 hrs. x \$43 = \$172,000

Total annual burden for this entire requirement is 10,000 hours (6,000 + 4,000).

**§225.21 - FORMS**

**FORM FRA F 6180-55 -- RAILROAD INJURY AND ILLNESS SUMMARY**

Form FRA F 6180.55 must be filed each month, even though no reportable accident/incident occurred during the month covered. Each report must include an oath or verification made by the proper officer of the reporting railroad, as provided for attestation on the form. If no reportable accident/incident occurred during the month, that fact must be stated on this form. All railroads subject to this part must show on this form the total number of freight train miles, passenger train miles, yard switching train miles, and other miles run during the month.

The total number of respondents is 685. The total number of responses annually is 8,220 forms (685 x 12). FRA estimates that the average burden time associated with completing this report is approximately 10 minutes. Total annual burden for this requirement is 1,370 hours.

Respondent Universe:

685  
railroads

Burden time per response:

10  
minutes

Frequency of Response:

Monthly

|                             |  |
|-----------------------------|--|
| Annual number of Responses: | 8,220 forms per year (685 forms per mo.) |
| Annual Burden:              | 1,370 hours                              |
| Annual Cost:                | \$58,910                                 |

**Calculation:** 8,220 forms x 10 min. = 1,370 hours  
1,370 hrs. x \$43 = \$58,910

### **FORM FRA F 6180-56 -- ANNUAL REPORT OF EMPLOYEE HOURS (AND CASUALTIES) BY STATE**

Form FRA F 6180.56 must be submitted as part of the monthly Railroad Injury and Illness Summary (Form FRA F 6180.55) in the month of December of each year.

Each railroad then is required to prepare this report annually. It provides the number of employee hours by State. Railroads that operate in a single State have a limited burden connected with this form since only a single entry would be required. Of the 685 respondents, approximately 620 reported man-hours in a single State. (*Note: A column reflecting a count for "casualties" was added to Form FRA F 6180.56 in a previous update of the form.*)

FRA estimates that approximately 685 forms will be filled-out annually, and estimates

that the average burden for this form is approximately 15 minutes. Total burden for this requirement is 171 hours.

Respondent Universe:

685  
railroads

Burden time per response:

15 minutes

Frequency of Response:

Annually

Annual number of Responses: 685 forms

Annual Burden:

171 hours

Annual Cost:

\$7,353

**Calculation:** 685 forms x 10 min. = 171 hours

171 hrs. x \$43 = \$7,353

#### **FORM FRA F 6180.98 -- RAILROAD EMPLOYEE INJURY AND/OR ILLNESS RECORD**

Form FRA F 6180.98, or an alternative railroad-designed record, shall be used by the railroads to record all reportable and accountable injuries and illnesses to railroad employees for each establishment. This record must be completed and maintained in accordance with the requirements set forth in § 225.25.

Prior to 1997, FRA did not provide nor require the use of standardized forms to collect this information. However, in the past, it has been difficult for FRA inspectors to determine whether a railroad is properly reporting its injuries and illnesses on the currently required log. In order to effectively enforce railroad injury and illness reporting, FRA has determined the report must contain all injuries and illnesses to railroad workers that arise from the operation of the railroad. Unless FRA has the opportunity to examine those injuries and illnesses deemed "non-reportable" as well as those deemed "reportable" by the railroad, it is difficult for the agency to determine whether a railroad is making the appropriate and correct decision in reporting its injuries and illnesses.

This form was created by FRA in order to accurately identify and review both reportable and non-reportable railroad injuries and illnesses. Railroads have the option to design their own form (alternative form) as long as it contains the same information requested on Form FRA F 6180.98. Either this form, or the railroad designed alternative form, will be used by all railroads in fulfilling this information collection requirement. The "Railroad Employee Injury and/or Illness Report," or its alternate, must be maintained for each

operational railroad establishment, i.e., any rail establishment wherein workers report to work, such as an operating division, general office, or major installations (e.g., a locomotive or car repair or construction facility). FRA inspectors use this log in doing their inspections for purposes of enforcing 49 CFR Part 225.

FRA estimates that there will be just about as many non-reportable accidents/incidents yearly with corresponding injuries/illnesses as reportable accidents/incidents, resulting in a total of approximately 18,000 records being completed annually. Since there will probably be a fair amount of narrative involved in filling-out these forms/records, it is estimated that it will take approximately one (1) hour to complete each form/alternative form. Total annual burden for this requirement is 18,000 hours.

Respondent  
Universe:

685  
railroads

Burden time per response:

1 hour

Frequency of Response:

On occasion

|                             |                      |
|-----------------------------|----------------------|
| Annual number of Responses: | 18,000 records/forms |
| Annual Burden:              | 18,000 hours         |
| Annual Cost:                | \$846,000            |

**Calculation:** 18,000 hours x 1 hr. = 18,000 hours  
18,000 hrs. x \$47 = \$846,000

B. When requested by the employee, a copy of the Railroad Employee Injury and/or Illness Report (Form FRA F 6180.98) (or the alternative railroad-designed report) must be provided to the employee. FRA estimates that an employee will request this information in approximately three percent (3%) of the 18,000 casualties reported annually, or a total of 540 times annually. It is estimated that it will take approximately two (2) minutes for the employee to verbally request a copy of the report and for the railroad to make the required copy and provide it to the employee. Total annual burden

for this requirement is 18 hours.

Respondent Universe:

685  
railroads

Burden time per response:

2  
minute  
s

Frequency of Response:

On occasion

|                             |                 |
|-----------------------------|-----------------|
| Annual number of Responses: | 540 form copies |
| Annual Burden:              | 18 hours        |
| Annual Cost:                | \$846           |

**Calculation:** 540 form copies x 2 min. = 18 hours  
18 hrs. x \$47 = \$846

Total annual burden for the entire requirement is 18,018 hours (18,000 + 18).

### **FORM FRA F 6180.97 – INITIAL RAIL EQUIPMENT ACCIDENT/INCIDENT RECORD**

Form FRA F 6180.97 (or an alternative railroad-designed form) must be used by the railroads to record all reportable and accountable rail equipment accidents/incidents for each establishment. This record must be completed and maintained in accordance with the requirements set forth in § 225.25.

Prior to the last revision of this regulation, railroads were not required to maintain a log or report of non-reportable but accountable rail equipment accidents. As a result, during routine accident/incident records inspections, it was often difficult, if not impossible, to identify the events that were determined by a railroad to be non-reportable. A non-reportable, or “accountable” rail equipment accident/incident, is defined as encompassing any event not otherwise reportable involving the operation of on-track equipment that causes physical damage to either the on-track equipment or the track upon which such

equipment was operated and that requires the removal or repair of rail equipment before any rail operations over the track can continue. In addition, non-reportable events may be of considerable interest in determining the safety of railroad facilities and operations. In order to accurately identify and review both reportable and accountable rail equipment accident/incidents, FRA designed Form FRA F 6180.97. The railroads also have the option of designing their own form to record this information, as long as it contains all of the required data on FRA's Form FRA F 6180.97.

In 2004, there were 14,331 accident/incidents. In 2003, 2002, and 2001, there were 14,289 accident/incidents, 14,404 accidents/incidents, and 16,087 accidents/incidents, respectively. FRA estimates that there are probably an additional 10,000 accident/incidents a year that would be considered accountable but not reported to FRA. Based on these (latest) figures, FRA estimates there will be a total of approximately 13,000 reportable and accountable accident/incidents a year. It is estimated that it will take the average railroad approximately 30 minutes to collect the data and fill-in the report, since most of the accidents will be small, will not require detailed data, and will have low damage costs. Total annual burden for this requirement is 6,500 hours.

|                             |                                      |                  |
|-----------------------------|--------------------------------------|------------------|
| Respondent Universe:        |                                      | 685<br>railroads |
| Burden time per response:   |                                      | 30<br>minutes    |
| Frequency of Response:      |                                      | On occasion      |
| Annual number of Responses: | 13,000 forms                         |                  |
| Annual Burden:              |                                      | 6,500 hours      |
| Annual Cost:                |                                      | \$305,500        |
| <b>Calculation:</b>         | 13,000 forms x 30 min. = 6,500 hours |                  |
|                             | 6,500 hrs. x \$47 = \$305,500        |                  |

**FORM FRA F 6180.107 – ALTERNATIVE RECORD FOR ILLNESSES CLAIMED TO BE WORK RELATED**

Form FRA F 6180.107 must be used by the railroads to record each illness claimed to be work-related that is reported to the railroad for which: (1) there is insufficient information to determine whether the illness is work-related; (ii) the railroad has made a preliminary

determination that the illness is not work-related; and (iii) the railroad has made a final determination that the illness is not work-related. For any case determined to be reportable, the designation “illness claimed to be work-related” shall be removed, and the record shall be transferred to the reporting officer for retention and reporting in the normal manner. In the event the narrative block (similar to Form FRA F 6180.98, block 39) indicates that the case is not reportable, the explanation contained on that block must record the reason the railroad determined that the case is not reportable, making reference to the most authoritative information relied upon. Although the Form FRA F 6180.107 may not include all supporting documentation, such as medical records, the Form FRA F 6180.107 must note the name, title, and address of the custodian of those documents and where the supporting documents are located so that they are easily accessible to FRA upon request.

FRA estimates that railroads will complete approximately 300 forms under the above requirement. It is estimated that it will take approximately 15 minutes to collect the data and fill-in the form. Total annual burden for this requirement is 75 hours.

Respondent Universe:

85  
railroads

Burden time per response:

15  
minute  
s

Frequency of Response:

On occasion

Annual number of Responses: 300 forms

Annual Burden: 75 hours

Annual Cost: \$3,225

**Calculation:** 300 forms x 15 min. = 75 hours

75 hrs. x \$43 = \$3,225

**FORM FRA F 6180-39i – RAILROAD ACCIDENT/INCIDENT NOTIFICATION AND INITIAL INVESTIGATION REPORT (New Form)**

Form FRA F 6180.39i will be replacing and expanding the capabilities of a present form that is now used only by FRA inspectors to include state inspectors in order to notify key personnel of railroad accidents/incidents. The present form FRA F 6180.41 is titled Railroad Accident Notification, and has very limited capabilities and adaptabilities for FRA's needs. Specifically, this form must be stored manually to a folder for retention purposes. Also, any querying of the data fields or narrative sections must be done manually as well. The new Form FRA F 6180.39i will be capable of automatically being stored in an electronic database and any querying of fields and narrative sections will be done electronically. Moreover, the new form will serve to expand FRA's accident/incident investigation capabilities, since it will act as an initial investigation report and will be used to record and track initial investigation information. The capabilities and functional adaptability of Form FRA F 6180.39i will enable FRA to more efficiently and comprehensively carry out core safety activities as well as its comprehensive safety program.

The total number of respondents is 654, and includes Class I and Class II railroads as well as 55 Federal and State Agencies and a total of 562 Federal/State inspectors. The estimated total number of responses annually is 1,000. FRA estimates that the average burden time associated with completing this report is approximately 90 minutes. Total annual burden for this requirement is 1,500 hours.

|                           |   |
|---------------------------|---|
| Respondent Universe:      | 654 Class I and Class II railroads/55 Federal & State Agencies/562 Inspectors |
| Burden time per response: | 90 minutes  |

|                        |          |
|------------------------|----------|
| Frequency of Response: | Annually |
|------------------------|----------|

|                             |             |
|-----------------------------|-------------|
| Annual number of Responses: | 1,000 forms |
| Annual Burden:              | 1,500 hours |
| Annual Cost:                | \$64,500    |

**Calculation:** 1,000 forms x 90 min. = 1,500 hours  
 1,500 hrs. x \$43 = \$64,500

**§ 225.23 - JOINT OPERATIONS (FORM FRA F 6180.55a)**



(a) Any reportable death, injury, or illness of an employee arising from an accident/incident involving joint operations must be reported on Form FRA F 6180.55a by the employing railroad. In all cases involving joint operations, each railroad must report on Form FRA 6180.55a the casualties to all persons on its train or other on-track equipment. Casualties to railroad employees must be reported by the employing railroad regardless of whether the employees were on or off duty. Casualties to all other persons not on trains or on-track equipment must be reported on Form FRA F 6180.55a by the railroad whose train or equipment is involved. Any person found unconscious or dead, if such condition arose from the operation of a railroad, on or adjacent to the premises or right-of-way of the railroad having track maintenance responsibility must be reported by that railroad on Form FRA F 6180.55a.

*FRA believes that these reports would have already been filled-out and accounted for earlier under § 225.19C. Consequently, there is no burden associated with this requirement.*

(b) In rail equipment accident/incident cases involving joint operations, the railroad responsible for carrying out repairs to, and maintenance of, the track on which the accident/incident occurred, and any other railroad directly involved in the accident/incident, must report the accident/incident on Form FRA F 6180.54.

*The burden for the above requirement is included under § 225.11.*

#### **§225.25 - RECORDKEEPING**

(a.) Each railroad must maintain either the Railroad Employee Injury and/or Illness Record (Form FRA F 6180.98), or an alternative railroad-designed record as described in paragraph (b) of this section, of all reportable and accountable injuries and illnesses of its employees that arise from the operation of the railroad for each railroad establishment where such employees report to work, including, but not limited to, an operating division, general office, and major installation, such as a locomotive or car repair or construction facility.

*The burden for this requirement is already included under the various forms in § 225.21, specifically Form FRA F 6180.98. Consequently, there is no burden associated with this requirement.*

(b.) The alternative railroad-designed record may be used in lieu of the Railroad Employee Injury and/or Illness Record (Form FRA F 6180.98) described in paragraph (a) of this section. Any such alternative record must contain all of the information required on the Railroad Employee Injury and/or Illness Record. Although this information may be displayed in a different order from that on the Railroad Employee Injury and/or Illness Record, the order of the information must be consistent from one such record to another. The order chosen by the railroad must be consistent for each of the railroad's reporting

establishments. Railroads may list additional information on the alternative record beyond the information required on the Railroad Employee Injury and/or Illness Record. The alternative record must contain, at a minimum, the following information: (1) Name of the railroad; (2) Case/incident number; (3) Full name of railroad employee; (4) Date of birth of railroad employee; (5) Gender of railroad employee; (6) Employee identification number or, in the alternative, Social Security Number of railroad employee; (7) Date the railroad employee was hired; (8) Home address of railroad employee, including the street address, city, State, Zip code, and home telephone number with area code; (9) Name of facility where the railroad employee normally reports to work; (10) Address of facility where railroad employee reports to work, including the street address, city, State, and Zip Code; (11) Job title of railroad employee; (12) Department assigned; (13) Specific site where accident/incident/exposure occurred, including the city, State, and Zip Code; (14) Date and time of occurrence (military time or AM/PM); (15) Time employee's shift began (military time or AM/PM); (16) Whether employee was on premises when injury, illness, or condition occurred; (17) Whether employee was on or off duty; (18) Date and time when employee notified company personnel of condition; military time or AM/PM; (19) Name and title of railroad official notified; (20) Description of the general activity this employee was engaged in prior to the injury/illness condition; (21) Description of all factors associated with the case that are pertinent to an understanding of how it occurred. Include a discussion of the sequence of events leading up to it, and the tools, machinery, processes, material, environmental conditions, etc. involved; (22) Description, in detail, of the injury/illness condition that the employee sustained, including the body parts affected. If a recurrence, list the date of the last occurrence; (23) Identification of all persons and organizations used to evaluate or treat the condition, or both. Include the facility, provider and complete address; (24) Description of all procedures, medications, therapy, etc., used or recommended for the treatment of the condition; (25) Extent and outcome of injury or illness to show the following as applicable: (i) Fatality – enter date of death; (ii) Restricted work; number of days; beginning date; (iii) Occupational illness; date of initial diagnosis; (iv) Instructions to obtain prescription medication or receipt of prescription medication; (v) If one or more days away from work, provide the number of days away and the beginning date; (vi) Medical treatment beyond “first aid”; (vii) Hospitalization for treatment as an inpatient; (viii) Multiple treatments or therapy sessions; (ix) Loss of consciousness; (x) Transfer to another job or termination of employment; (xi) Significant injury or illness of a railroad employee; (xii) Needlestick or sharps injury to a railroad employee, medical removal of a railroad employee, occupational hearing loss of a railroad employee, occupational tuberculosis of a railroad employee, or musculoskeletal disorder of a railroad employee which musculoskeletal disorder is reportable under one or more of the general reporting criteria; (26) Each railroad must indicate if the Railroad Injury and Illness Summary (Continuation Sheet) (Form FRA F 6180.55a) has been filed with FRA for the injury or illness. If FRA Form F 6180.55a was not filed with FRA, then the railroad must provide an explanation of the basis for its decision; (27) The reporting railroad must indicate if the injured or ill railroad employee was provided an opportunity to review his or her file; and (28) The reporting railroad must identify the preparer's name, title, telephone number with area

code, and the date the log entry was completed.

*The burden for this requirement is already included under the various forms in § 225.21 and § 225.19C. Consequently, there is no burden associated with this requirement.*

(c.) Each railroad must provide the employee, upon request, a copy of either the completed Railroad Employee Injury and/or Illness Record (Form FRA F 6180.98) or the alternative railroad-designed record as described in paragraphs (a) and (b) of this section, as well as a copy of forms or reports required to be maintained or filed under this part pertaining to that employee's own work-related injury or illness.

*The burden for this requirement is already included under the various forms in § 225.21, § 225.19C, and various other requirements listed above. Consequently, there is no burden associated with this requirement.*

(d.) Each railroad must maintain the Initial Rail Equipment Accident/Incident Record (Form FRA F 6180.97), or an alternative-designed record as described in paragraph (e) of this section of reportable and accountable collisions, derailments, fires, explosions, acts of God, or other events involving the operation of railroad on-track equipment, signals, track, or track equipment (standing or moving) that result in damages to railroad on-track equipment, signals, track, track structures, or roadbed, including labor costs and all other costs for repairs or replacement in kind for each railroad establishment where workers report to work, including, but not limited to, an operating division, general office, and major installation, such as a locomotive or car repair or construction facility.

*The burden for this requirement is already included under that of the various forms listed in § 225.21. Consequently, there is no burden associated with this requirement.*

(e.) The alternative railroad-designed record may be used in lieu of the Initial Rail Equipment Accident/Incident Record (Form FRA F 6180.97). Any such alternative record must contain all of the information required on the Initial Rail Equipment Accident/Incident Record. Although this information may be displayed in a different order from that on the Initial Rail Equipment Accident/Incident Record, the order of information must be consistent from one such record to another. The order chosen by the railroad must be consistent for each of the railroad's reporting establishments. Railroads may list additional information in the alternative record beyond the information required on the Initial Rail Equipment Accident/Incident Record. The alternative record must contain, at a minimum, the following information: (1) Date and time of accident; (2) Reporting railroad, and accident/incident number; (3) Other railroad, if applicable, and other railroad's accident/incident number; (4) Railroad responsible for track maintenance, and that railroad's incident number; (5) Type of accident/incident (derailment, collision, etc.); (6) Number of cars carrying hazardous materials that derailed or were damaged, and number of cars carrying hazardous materials that released product; (7) Division; (8) County and nearest city or town; (9) State; (10) Mileposts (to the nearest tenth); (11) Specific site; (12) Speed (indicate if actual or estimated); (13) Train number

or job number; (14) Type of equipment (freight, passenger, yard switching, etc.); (15) Type of track (main, yard, siding, industry); (16) Total number of locomotives in train; (17) Total number of locomotives that derailed; (18) Total number of cars in train; (19) Total number of cars that derailed; (20) Total amount of damage in dollars to equipment based on computations as described in the “FRA Guide for Preparing Accident/Incidents Reports”; (21) Total amount of damage in dollars to track, signal, way and structures based on computations as described in the “FRA Guide for Preparing Accident/Incidents Reports”; (22) Primary cause; (23) Contributing cause; (24) Persons injured, persons killed, and employees with an occupational illness, broken down into the following classifications: worker on-duty – employee; employee not on duty; passenger on train; non-trespasser – on railroad property; trespasser; worker on-duty – contractor; contractor – other; worker on-duty – volunteer; volunteer – other; and non-trespasser – off railroad property; (25) Narrative description of the accident; (26) Whether the accident/incident was reported to FRA; (27) Preparer’s name, title, telephone number with area code, and signature; and (28) Date the report was completed.

*The burden for this requirement is already included under the various forms listed in § 225.21. Consequently, there is no burden associated with this requirement.*

(f.) Each railroad must enter each reportable and accountable injury and illness and each reportable and accountable rail equipment accident/incident on the appropriate record, as required by paragraphs (a) through (e) of this section, as early as practicable but no later than seven working days after receiving information or acquiring knowledge that an injury or illness or rail equipment accident/incident has occurred.

*The burden for this requirement is already included under the various forms listed in § 225.21, specifically Form FRA F 6180.98. Consequently, there is no burden associated with this requirement.*

(g.) The records required under paragraphs (a) through (e) of this section may be maintained at the local establishment or, alternatively, at a centralized location. If the records are maintained at a centralized location, but not through electronic means, then a paper copy of the records that is current within 35 days of the month to which it applies must be made available for that establishment. If the records are maintained at a centralized location through electronic means, then the records for that establishment must be available for review in a hard copy format within four business hours of FRA’s request. FRA recognizes that circumstances outside the railroad’s control may preclude it from fulfilling the four hour time limit. In these circumstances, FRA will not assess a monetary penalty against the railroad for its failure to provide the requested documentation provided the railroad made a reasonable effort to correct the problem.

*The burden for this requirement is already included under the various forms listed in § 225.21, and other sections, as noted above. Consequently, there is no burden associated with this requirement.*

(h.) Posting of Monthly Summary. Except as provided in paragraph (h)(15) of this section, a listing of all injuries and occupational illnesses reported to FRA as having occurred at an establishment must be posted in a conspicuous location at that establishment within 30 days after the expiration of the month during which the injuries and illnesses occurred, if the establishment has been in continual operation for a minimum of 90 calendar days. If the establishment has not been in continual operation for a minimum of 90 calendar days, the listing of all injuries and occupational illnesses reported to FRA as having occurred at the establishment must be posted within 30 days after the expiration of the month during which the injuries and illnesses occurred, in a conspicuous location at the next higher organizational level establishment, such as one of the following: an operating division headquarters; a major classification yard or terminal headquarters; a major equipment maintenance or repair installation, e.g., a locomotive or rail car repair or construction facility; a railroad signal and maintenance-of-way division headquarters; or a central location where track or signal maintenance employees are assigned as a headquarters or receive work assignments. These examples include facilities that are generally major facilities of a permanent nature where the railroad generally posts or disseminates company informational notices and policies, e.g., the policy statement in the internal control plan required by § 225.33 concerning harassment and intimidation. At a minimum, “establishment” posting is required and must include locations where a railroad reasonably expects its employees to report during a 12-month period and to have the opportunity to observe the posted list containing any reportable injuries or illnesses they may have suffered during the applicable period. This listing must be posted and must remain continuously displayed for the next 12 consecutive months. Incidents reported for employees at that establishment must be displayed in date sequence. The listing must contain, at a minimum, the information specified in paragraphs (h)(1) through (h)(14) of this section. The following information is required on the monthly list: (1) Name and address of the establishment; (2) Calendar year of the cases being displayed; (3) Incident number used to report case; (4) Date of injury or illness; (5) Location of incident; (6) Regular job title of employee injured or ill; (7) Description of the injury/condition; (8) Number of days employee absent from work at time of posting; (9) Number of days of work restriction for employee at time of posting; (10) If fatality – enter date of death; (11) Annual average number of railroad workers reporting to this establishment; (12) Preparer’s name, title, telephone number with area code, and signature (or, in lieu of signing each establishment’s list of reportable injuries and illnesses, the railroad’s preparer of this monthly list may sign a cover sheet or memorandum which contains a list of each railroad establishment for which a monthly list of reportable injuries and illnesses has been prepared. This cover memorandum must be signed by the preparer and must have attached to it a duplicate copy of each establishment’s list of reportable injuries and illnesses. The preparer of the monthly lists of reportable injuries and illnesses must mail or send by facsimile each establishment’s list to the establishment in the time frame prescribed in paragraph (h) of this section); and (13) Date the record was completed; (14) When there are no reportable injuries or occupational illnesses associated with an establishment for that month, the listing must

make reference to this fact; (15) The railroad is permitted not to post information on an occupational injury or illness that is a privacy concern case.

There are 685 railroads required to post a monthly summary. A total then of 8,220 lists or summaries would be posted annually. FRA estimates that it will take approximately 16 minutes per report to meet this requirement (since this function is now done by computer). Total annual burden for this requirement is 2,192 hours.

Respondent Universe:

685 railroads

Burden time per response:

16 minutes

Frequency of Response:

Monthly

Annual number of Responses: 8,220 monthly lists/summaries per year

Annual Burden: 2,192 hours

Annual Cost: \$94,256

**Calculation:** 8,220 lists/summaries x 16 min. = 2,192 hours  
2,192 hrs. x \$43 = \$94,256

(i.) Claimed Occupational Illnesses. (1) Each railroad must maintain either the Form FRA F 6180.107, to the extent that the information is reasonably available, or an alternate railroad-designed record containing the same information as called for on Form FRA F 6180.107, to the extent that the information is reasonably available, or an alternate railroad-designed record containing the same information as called on the Form FRA F 6180.107, to the extent that the information is reasonably available, for each illness claimed to be work-related for which (i) there is insufficient information to determine whether the illness is work-related; (ii) the railroad has made a preliminary determination that the illness is not work-related; or (iii) the railroad has made a final determination that the illness is not work-related. (2) For any case determined to be reportable, the designation "illness claimed to be work-related" shall be removed, and the record shall be transferred to the reporting officer for retention and reporting in the normal manner. (3) In the event the narrative block (similar to Form FRA F 6180.98, block 39) indicates that the case is not reportable, the explanation contained on that block must record the reasons the railroad determined that the case is not reportable, making reference to the most authoritative information relied upon. (4) In the event the railroad must amend the record with new or additional information, the railroad shall have up until December 1 of the next calendar year for reporting accidents/incidents to make the update. (5) Although the Alternative Record for Illnesses Claimed to be Work-Related (or the alternate

railroad-designed form) may not include all supporting documentation, such as medical records, the alternative record must note the custodian of those documents and where the supporting documents are located so that they are readily accessible to FRA upon request.

*The burden for this requirement is already included under the various forms listed in § 225.21, specifically under that of Forms FRA 6180.107 and FRA F 6180.98. Consequently, there is no burden associated with this requirement.*

The burden for this entire requirement then is 2,192 hours.

### **§225.27 - RETENTION OF RECORDS**

(a.) Each railroad must retain the Railroad Employee Injury and/or Illness Record and the Monthly List of Injuries and Illnesses required by § 225.25 for at least five (5) years after the end of the calendar year to which they relate. Each railroad must retain the Initial Equipment Accident/Incident Record required by § 225.25 for at least two (2) years after the end of the calendar year to which it relates. Each railroad must retain the Employee Human Factor Attachments required by § 225.12, the written notices to employees required by § 225.12, and the Employee Statements Supplementing Railroad Accident Reports described in § 225.12(g) that have been received by the railroad for at least two (2) years after the end of the calendar year to which they relate.

*The burden for the records required by § 225.25 are included in the section above.*

FRA estimates that approximately 1,900 copies of the Employee Human Factor Attachments required by § 225.12, the written notices to employees required by § 225.12, and the Employee Statements Supplementing Railroad Accident Reports described in § 225.12(g) Alternative Record for Illnesses Claimed to be Work-Related or the alternate railroad-designed form will be kept annually by railroads under the above requirement. Since 90% of these records are kept electronically, it is estimated that it will take approximately two (2) minutes to make and file each copy. Total annual burden for this requirement is 63 hours.

|                             |                  |
|-----------------------------|------------------|
| Respondent Universe:        | 685<br>railroads |
| Burden time per response:   | 2 minutes        |
| Frequency of Response:      | Annually         |
| Annual number of Responses: | 1,900 records    |

|                |          |
|----------------|----------|
| Annual Burden: | 63 hours |
| Annual Cost:   | \$2,709  |

**Calculation:** 1,900 records x 2 min. = 63 hours  
63 hrs. x \$43 = \$2,709

(b.) Each railroad must retain a duplicate of each form it submits to FRA under § 225.21 for at least two (2) years after the end of the calendar year to which it relates.

*The burden for this requirement is already included under that of § 225.21. Consequently, there is no burden associated with this requirement.*

### **§ 225.33 - INTERNAL CONTROL PLANS**

Each railroad must adopt and comply with a written Internal Control Plan that shall be maintained at the office where the railroad's reporting officer conducts his or her official business. Each railroad must amend its Internal Control Plan, as necessary, to reflect any significant changes to the railroad's internal reporting procedures. The Internal Control Plan must be designed to maintain absolute accuracy and must include, at a minimum, each of the following components:

- 1) A policy statement declaring the railroad's commitment to complete and accurate reporting of all accidents, incidents, injuries, and occupational illnesses arising from the operation of the railroad, to full compliance with the letter and spirit of FRA's accident reporting regulations, and to the principle, in absolute terms, that harassment or intimidation of any person that is calculated to discourage or prevent such person from receiving proper medical treatment or from reporting such accident, incident, injury or illness will not be permitted or tolerated and will result in some stated disciplinary action against any employee, supervisor, manager, or officer of the railroad committing such harassment or intimidation.
- (2) *The dissemination of the policy statement; complaint procedures.* Each railroad must provide to all employees, supervisory personnel, and management the policy statement described in paragraph(a)(1). Each railroad must have procedures to process complaints from any person about the policy stated in paragraph (a)(1) being violated, and to impose the appropriate prescribed disciplinary actions on each employee, supervisor, manager, or officer of the railroad found to have violated the policy. These procedures must be disclosed to railroad employees, supervisors, managers, and officers. The railroad must provide "whistle blower" protection to any person subject to this policy, and such policy must be disclosed to all railroad employees, supervisors, and management.
- (3) Copies of internal forms and/or a description of the internal computer reporting system used for the collection and internal recording of accident and



incident information.

- (4) A description of the internal procedures used by the railroad for the processing of forms and/or computerized data regarding accident and incident information.
- (5) A description of the internal review procedures applicable to accident and incident information collected, and reports prepared by, the railroad's safety, claims, medical and/or other departments engaged in collecting and reporting accident and incident information.
- (6) A description of the internal procedures used for collecting cost data and compiling costs with respect to accident and incident information.
- (7) A description of applicable internal procedures for ensuring adequate communication between the railroad department responsible for submitting accident and incident reports to FRA and any other department within the railroad responsible for collecting, receiving, processing and reporting accidents and incidents.
- (8) A statement of applicable procedures providing for the updating of accident and incident information prior to reporting to FRA and a statement of applicable procedures providing for the amendment of accident and incident information as specified in the "FRA Guide for Preparing Accidents/Incidents Reports."
- (9) A statement that specifies the name and title of the railroad officer responsible for auditing the performance of the reporting function; a statement of the frequency (not less than once per calendar year) with which audits are conducted; and identification of the site where the most recent audit report may be found for inspection and photocopying.
- (10)(i) A brief description of the railroad organization, including identification of (A) all components that regularly come into possession of information pertinent to the preparation of reports under this part (e.g., medical, claims, and legal departments; operating, mechanical, and track and structures departments; payroll, accounting, and personnel departments); (B) the title of each railroad reporting officer; (C) the title of each manager of such components, by component; and (D) all officers to whom managers of such components are responsible, by component. (ii) A current organization chart satisfies paragraphs (a)(10)(i) (B), (C) and (D) of this section.
- (11) In the case of Form FRA F 6180.107 or the alternate railroad-designed form, a statement that specifies the name, title, and address of the custodian of these records, all supporting documentation, such as medical records, and where the documents are located.

At the request of Congress, the General Accounting Office (GAO) did a study to determine whether FRA's safety programs were adequate to protect railroad workers and the general public from injuries associated with train accidents. The GAO report (GAO/RCED-89-109) found that there was under reporting and inaccurate reporting of injury and accident data for 1987 (by the railroads audited). The GAO recommended that FRA require railroads to establish injury and accident reporting internal control procedures. In addition, the GAO recommended that FRA periodically review railroad internal control procedures and then use its enforcement authority to cite railroads for procedural deficiencies when inaccurate reporting is found and the cause can be attributed to internal control weakness. FRA's review of the accident/incident reporting supports the GAO findings that errors in reporting resulted primarily from the lack of internal control procedures within the railroads. Railroads with specific internal control procedures in place had far more accurate reporting records. FRA also found that most non-reporting or inaccurate reporting was due to a communication breakdown between the claims department, which maintained medical records, and the other railroad departments, e.g., operating, mechanical, and maintenance-of-way. Each railroad subject to this requirement must also identify the location(s) where any representative of FRA, or of a State agency participating in investigative and surveillance activities under 49 CFR 212 or any other authorized representative has centralized access to all records and reports (including relevant claims and medical records) required under this information collection requirement, for examination and photocopying in a reasonable manner during normal business hours. FRA is assuming that this requirement will be part of the Internal Control Plan.

*The burden for establishing Internal Control Plans is a one-time requirement which has already been fulfilled. Also, it should be noted that new railroads just starting up are invariably small railroads and generally have 15 or fewer employees, and are therefore exempted. Consequently, there is no burden associated with this requirement.*

FRA has exempted railroads (433) that operate or own track on the general railroad system of transportation (general system) that have 15 or fewer employees covered by the Federal Hours of Service Laws and railroads that operate or own track exclusively off the general system from the requirements regarding an Internal Control Plan delineated in §225.33(a)(3) through (a)(11). However, these exempted railroads must adopt and comply with the intimidation and harassment policies outlined in §§ 225.33(a)(1) and 225.33(a)(2). FRA has developed model statements of policy on intimidation and harassment to be posted by these exempted railroads.

*The burden for this requirement is also one-time requirement and has already been fulfilled. Consequently, there is no burden associated with this requirement.*

### **Amendments to Internal Control Plan**

It is estimated that a total of approximately 25 amendments to Internal Control Plans will be made annually by small railroads. It is estimated that it will take approximately 14 hours per amendment to complete each amendment. Total annual burden for this information collection requirement is 350 hours.

Respondent Universe:

685  
railroads

Burden time per response:

14  
hours

Frequency of Response:

On occasion

Annual number of Responses: 25 amendments  
Subsequent Years Burden: 350 hours  
Annual cost: \$15,050

**Calculation:** 25 amendments x 14 hrs. = 350 hours  
350 hrs. x \$43 = 15,050

Total annual burden for the entire requirement is 350 hours.

### **225.35 - ACCESS TO RECORDS AND REPORTS**

Each railroad subject to this section must have at least one location, and must identify each location, where any representative of the Federal Railroad Administration or of a State agency participating in investigative and surveillance activities under Part 212 of this chapter or any other authorized representative has centralized *access* to a copy of any record and report required under this part for examination and photocopying in a reasonable manner during normal business hours.

Each railroad subject to this part must also provide to any representative of the Federal Railroad Administration or of a State agency participating in investigative and

surveillance activities under Part 212 of this chapter or any other authorized representative access to relevant medical and claims records for examination and photocopying in a reasonable manner during normal business hours. Such representatives must display proper credentials when requested. Each railroad must identify the locations where a copy of any record and report required under this part is accessible for inspection and photocopying by maintaining a list of such establishment locations at the office where the railroad's reporting officer conducts his or her official business. A copy of any record and report required under this part must be accessible within four (4) business hours after the request. The Form FRA F 6180.107 or the alternate railroad-designed form need not be provided at any railroad establishment within four (4) hours of a request. Rather, the Form FRA F 6180.107 or the alternate railroad-designed form must be provided, upon request, within five (5) business days, and may be kept at a central location, in either paper or electronic format.

FRA estimates that approximately 400 lists of establishments with the necessary information will be kept by railroads under the above requirement. It is estimated that it will take each railroad approximately 20 minutes to complete the required list. Total annual burden for this requirement is 133 hours.

Respondent Universe:

15  
railroads

Burden time per response:

20  
minutes

Frequency of Response:

On occasion

|                             |           |
|-----------------------------|-----------|
| Annual number of Responses: | 400 lists |
| Subsequent Years Burden:    | 133 hours |
| Subsequent Years Cost:      | \$5,719   |

**Calculation:** 400 plans x 20 min. = 133 hours  
133 hrs. x \$43 = \$5,719

**Subsequent Years**

FRA estimates that approximately 16 lists of establishments will be updated annually in subsequent years. It is estimated that it will take each railroad approximately 20 minutes to update its required list. Total annual burden for this requirement is five (5) hours.

Respondent Universe:

4  
railroads

Burden time per response:

20  
minute  
s

Frequency of Response:

On occasion

Annual number of Responses: 16 lists  
Subsequent Years Burden: 5 hours  
Subsequent Years Cost: \$215

**Calculation:** 16 lists x 20 min. = 5 hours  
5 hrs. x \$43 = \$215

Total annual burden for this entire requirement is 138 hours (133 + 5).

**§ 225. 37 - MAGNETIC MEDIA TRANSFER AND ELECTRONIC SUBMISSION**

a. A railroad has the option of submitting the following reports, updates, and amendments by way of magnetic media (computer diskette or magnetic tape), or by means of electronic submission over telephone lines or other means: (1) The Rail Equipment Accident/Incident Form (Form FRA F 6180.54); (2) The Rail Injury and Illness Summary (Form FRA F 6180.55); (3) The Rail Injury and Illness Summary (Continuation Sheet) (Form FRA F 6180.55a); (4) The Highway-Rail Grade Crossing Accident/Incident Report (Form FRA F 6180.57), and (5) the Batch Control Form (Form FRA F 6180.99).

FRA estimates that approximately eight (8) railroads yearly will opt to use magnetic media in submitting these monthly reports to FRA (a total then of 96 transfers annually). It is estimated that it will take each railroad approximately 10 minutes to complete each magnetic media transfer. Total annual burden for this requirement is 16 hours.

Respondents:

8  
railroads

Burden time per response:

10  
minute  
s

Frequency of Response:

Monthly

|                             |                             |
|-----------------------------|-----------------------------|
| Annual number of Responses: | 96 magnetic media transfers |
| Annual Burden:              | 16 hours                    |
| Annual Cost:                | \$688                       |

**Calculation:** 96 transfers x 10 min. = 16 hours  
16 hrs. x \$43 = \$688

b. Each railroad utilizing the electronic submission option must submit to FRA the following: (1) the computer diskette or magnetic tape; (2) the Batch Control Form (Form FRA F 6180.99); and (3) a notarized hard copy of the Railroad Injury and Illness Summary (Form FRA F 6180.55) signed by the railroad's reporting officer. FRA estimates that it will receive approximately 200 Batch Control Forms submitted electronically under the above requirement. It is estimated that it will take approximately three (3) minutes to complete each form. Total annual burden for this requirement is 10 hours.

Respondents:

685  
railroads

Burden time per response:

3  
minute  
s

Frequency of Response:

Annually

Annual number of Responses: 200 forms

Annual Burden: 10 hours

Annual Cost: \$430

**Calculation:** 200 forms x 3 min. = 10 hours  
10 hrs. x \$43 = \$430

*The burden for notarized hard copies of the Railroad Injury and Illness Summary (Form FRA F 6180.55) signed by the railroad's reporting officer is already included under that of § 225.21. Consequently, there is no burden associated with this part of the above requirement.*

c. In addition to fulfilling the requirements stated in paragraph (b) through (d) of this section, each railroad initially utilizing either the magnetic media or electronic submission option must submit the hard copy report(s) for each accident/incident it reports by such means. FRA will continually review the railroad's submitted hard copy reports against the data it has submitted electronically, or by means of magnetic media. Once the magnetic media or electronic submission is in *total* agreement with the submitted hard copies of the reports for *three* (3) consecutive reporting months, FRA will notify the railroad, in writing, that submission of the hard copy reports, except for the notarized hard copy of the Railroad Injury and Illness Summary, is no longer required.

*Again, the burden for hard copies of the Railroad Accident/Incident Report is already included under that of § 225.21. Consequently, there is no burden associated with this requirement*

The total burden for this entire requirement is 26 hours (16 + 10).

The total burden for this entire information collection is 47,521 hours.

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

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

**-IF COST ESTIMATES ARE EXPECTED TO VARY WIDELY, AGENCIES SHOULD PRESENT RANGES OF COST BURDENS AND EXPLAIN THE REASONS FOR THE VARIANCE. THE COST OF PURCHASING OR CONTRACTING OUT INFORMATION COLLECTION SERVICES SHOULD BE A PART OF THIS COST BURDEN ESTIMATE. IN DEVELOPING COST BURDEN ESTIMATES, AGENCIES MAY CONSULT WITH A SAMPLE OF RESPONDENTS (FEWER THAN 10), UTILIZE THE 60-DAY PRE-OMB SUBMISSION PUBLIC COMMENT PROCESS AND USE EXISTING ECONOMIC OR REGULATORY IMPACT ANALYSIS ASSOCIATED WITH THE RULEMAKING CONTAINING THE INFORMATION COLLECTION, AS APPROPRIATE.**

**-GENERALLY, ESTIMATES SHOULD NOT INCLUDE PURCHASES OF EQUIPMENT OR SERVICES, OR PORTIONS THEREOF, MADE (1) PRIOR TO OCTOBER 1, 1995, (2) TO ACHIEVE REGULATORY COMPLIANCE WITH REQUIREMENTS NOT ASSOCIATED WITH THE INFORMATION COLLECTION, (3) FOR REASONS OTHER THAN TO PROVIDE INFORMATION OR KEEP RECORDS FOR THE**



**GOVERNMENT, OR (4) AS PART OF CUSTOMARY AND USUAL BUSINESS OR PRIVATE PRACTICES.**

**RESPONDENT COST**

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

**Subsequent Years**

|                |                 |
|----------------|-----------------|
| 16,000         | Notary expense  |
| 8,000          | Postage         |
| 1,500          | Copying charges |
| <u>150,000</u> | Miscellaneous   |
| \$ 175,500     |                 |

- 14. PROVIDE ESTIMATES OF ANNUALIZED COST TO THE FEDERAL GOVERNMENT. ALSO, PROVIDE A DESCRIPTION OF THE METHOD USED TO ESTIMATE COSTS, WHICH SHOULD INCLUDE QUANTIFICATION OF HOURS, OPERATIONAL EXPENSES SUCH AS EQUIPMENT, OVERHEAD, PRINTING, AND SUPPORT STAFF, AND ANY OTHER EXPENSE THAT WOULD NOT HAVE BEEN INCURRED WITHOUT THIS COLLECTION OF INFORMATION. AGENCIES ALSO MAY AGGREGATE COST ESTIMATES FROM ITEMS 12, 13, AND 14 IN A SINGLE TABLE.**

**FEDERAL GOVERNMENT COST**

|           |                                   |
|-----------|-----------------------------------|
| 70,000    | Wages and overhead                |
| 130,000   | Keypunching and data verification |
| 43,000    | Computer processing and storage   |
| 70,000    | Revise FRA Guide                  |
| 70,000    | Modify FRA Databases              |
| 2,000     | Equipment rental, printing, etc.  |
|           | <u>80,000</u> Maintenance of AIRG |
| \$465,000 |                                   |

- 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 renewal information collection has increased by 1,500 hours. The increase in hours is due to a **program change**. Specifically, under § 225.21- Forms, FRA is introducing a new automated version of Form FRA F 6180.39i, which will be used by both Federal and State inspectors. The estimated burden for this new form is 1,500 hours.

The current burden for this collection of information listed in OMB's inventory shows 46,021 hours, while the total burden for this renewal submission amounts to 47,521 hours. Hence, there is a increase of 1,500 hours.

There is no change in burden cost to respondents from the last submission.

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

Summaries of railroad accidents have been published each year since enactment of the Reports Act in 1910. FRA currently prepares and distributes two annual publications summarizing the information collected under the requirements of 49 CFR 225. These are: (1) the *FRA Accident/Incident Bulletin*, and (2) the *FRA Rail-Highway Accident/Incident and Inventory Bulletin*. These bulletins are summaries of the accident/incident experience in a calendar year. Work on these publications begins in May following keypunching and verification of the December reports, and requires approximately 30 days to complete. Printing and distribution normally takes an additional 45 to 60 days.

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

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

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

No exceptions are taken at this time.

Meeting Department of Transportation (DOT) Strategic Goals

This information collection supports the top DOT strategic goal, namely transportation safety. Without this collection of information, rail safety in the U.S. would be seriously hampered. To be effective, a safety program requires timely information. It is essential that FRA have the latest available data so that it can study the causes and the frequency of accidents/incidents, and institute appropriate measures – in cooperation with the nation’s railroads – to reduce the likelihood of recurrences of these unfortunate events. Collecting this information allows FRA and the railroads to ascertain the current state of the rail industry – at any given time – and to determine whether accidents/incidents are isolated events, or are indicative of a systemic problem. It is especially important that FRA and the railroads know whether an accident/incident resulted from human error, mechanical defect, environmental conditions, failure to properly follow Federal laws/regulations or internal railroad practices and operating rules, or some combination of these factors. Timely information enables FRA and the railroads to implement prompt, appropriate, and necessary safety measures. The information provided by this collection is an invaluable and constant resource that can be used by FRA, State and local transportation officials, the railroads, and other organizations/entities interested in rail safety to improve the day-to-day rail environment and to reduce the number of rail-related deaths, and the number and severity of injuries to railroad employees, railroad contractors, the traveling public and others working on or living near the rail environment and to mitigate the damage to property and the environment caused by accidents/incidents involving trains carrying hazardous materials.

In sum, this collection of information helps FRA to fulfill its mission, which is to promote and enhance rail safety throughout the United States. As always, FRA seeks to do its utmost to fulfill DOT Strategic Goals and to be an integral part of One DOT.