

## SUPPORTING JUSTIFICATION DEDICATED SERVICE

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

This collection of information is a request for an extension of a currently approved submission. FRA has revised the information in this collection – where appropriate and necessary – to reflect the most current data, and FRA’s experience over the past three years in implementing the requirements of Part 215.

### Background

On October 16, 1970, Congress enacted Public Law 91-458 (now 49 U.S.C. 20103), the Federal Railroad Safety Act of 1970. This Act gave the Secretary of Transportation the authority to prescribe as necessary appropriate rules, regulations, orders, and standards for all areas of railroad safety.

On March 23, 1978, the President issued Executive Order 12044. In that Order, he directed all executive agencies to adopt procedures to improve future regulations.

On December 31, 1979, the FRA issued the final notice of rulemaking relative to revision of Part 215 (49 CFR Part 215). This paper refers to the identification of freight cars that are assigned to dedicated service. The purpose of the dedicated service provision is to permit the continued use of certain qualifying railroad freight cars that are not in strict compliance with Part 215. The qualifications are as follows:

215.5(d) "Dedicated Service" means the exclusive assignment of cars to the transportation of freight between specified points under the following conditions:

- (1) The cars are operated -
  - (i) Primarily on track that is inside an industrial or other non-railroad installation; and
  - (ii) Only occasionally over track of a railroad;
- (2) The cars are not operated –

- (i) At speeds of more than 15 miles per hour, and
- (ii) Over track of a railroad -
  - (a) For more than 30 miles in one direction; or
  - (b) On a round trip of more than 60 miles;
- (3) The cars are not freely interchanged among railroads;
- (4) The words "Dedicated Service" are stenciled, or otherwise displayed, in clearly legible letters on each side of the car body;
- (5) The cars have been examined and found safe to operate in dedicated service; and
- (6) The railroad must -
  - (i) Notify the FRA in writing that the cars are to be operated in dedicated service;
  - (ii) Identify in that notice -
    - (a) The railroads affected;
    - (b) The number and type of cars involved;
    - (c) The commodities being carried; and
    - (d) The territorial and speed limits within which the cars will be operated; and
  - (iii) File the notice required by this paragraph not less than 30 days before the cars operate in dedicated 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.**

This record is not maintained for the purposes of information collection per se. The information is used by both FRA and railroad carriers. The information provided is used by FRA to determine the railroads affected, the number and type of cars involved, the commodities being carried, and the territorial and speed limits within which the cars will be operated. FRA reviews this information to determine if the equipment is safe to

operate and if the operation qualifies for dedicated service. The required information is used by the railroads to provide identification and control for carriers so that dedicated cars remain in the prescribed service. In addition, it indicates to Federal inspectors that the particular car is in special service and certain exceptions have been provided for, with respect to Part 215.3.

- 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.**

In consideration of the specific use of the initial written report and the stenciling of a freight car, FRA is unaware of improved information technology to reduce the above burden that would insure that the car was being operated in compliance with the dedicated service requirements.

It should be noted that the burden for this information collection is minuscule.

- 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.**

There is no known duplication of this method of identifying cars in Dedicated Service. Only one written notice is sent to the FRA, and stenciling is performed one-time unless it becomes illegible.

Similar data are not available for any other source.

- 5. IF THE COLLECTION OF INFORMATION IMPACTS SMALL BUSINESSES OR OTHER SMALL ENTITIES (ITEM 5 OF OMB FORM 83-1), DESCRIBE ANY METHODS USED TO MINIMIZE BURDEN.**

This collection of information does not involve small businesses other than railroads.

The burden for this information collection is already extremely minuscule.

- 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.**

As noted earlier, this is not an information collection activity per se. The written notice and stenciling is only required when a carrier determines that there is a definite need for Dedicated Service. If this information were not collected, railroad safety might be adversely impacted. First, train crews would not know which cars have been designated for dedicated service. As a result, these cars might be operated at unsafe speeds, or operated on the general system of transportation for more than 30 miles in one direction or 60 miles round trip. This could lead to accidents/incidents, which result in serious injuries – possibly even fatalities – to train crews and significant damage to rail cars and train cargo.

Second, without this collection of information, FRA inspectors would be hindered in their ability to oversee the safe operation of trains, and less able to enforce Federal safety regulations. Specifically, FRA inspectors would have no way of knowing that a particular car is in special service, and thus would be unable to monitor it to ensure that the car was being operated in compliance with the dedicated service requirements.

As far as the frequency of the information collection, it is already extremely minimal, since the information only needs to be provided if a car is being operated in Dedicated Service.

**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.**

This is not a routine reporting or collection activity. The requirement must be performed only when the carrier has a need to use cars under the provisions as set forth in Part 215.5(d).

All information collection requirements are in compliance with this section.

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

**DESCRIBE EFFORTS TO CONSULT WITH PERSONS OUTSIDE THE AGENCY TO OBTAIN THEIR VIEWS ON THE AVAILABILITY OF DATA, FREQUENCY OF COLLECTION, THE CLARITY OF**

**INSTRUCTIONS AND 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 March 24, 2009, soliciting comment on this particular information collection. *See 74 FR 12443.* FRA received no comments in response to this notice.

Background

On January 5, 1979, a Notice of Proposed Rulemaking (NPRM) was published in the Federal Register (44 FRA 1419) that the FRA was considering a revision of Part 215 (49 CFR 215). The revised part contains FRA rules applicable to railroad freight cars. Public hearings were conducted and interested persons were given the opportunity to comment. Most commenters expressed general support for the proposed rules. After considering all of the comments submitted in writing and made at the public hearing, FRA decided to adopt the rules as set forth in FR Vol. 44 No. 251.

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

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

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

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

**11. PROVIDE ADDITIONAL JUSTIFICATION FOR ANY QUESTIONS OF A SENSITIVE NATURE, SUCH AS SEXUAL BEHAVIOR AND ATTITUDES, RELIGIOUS BELIEFS, AND OTHER MATTERS THAT**

**ARE COMMONLY CONSIDERED PRIVATE. THIS JUSTIFICATION SHOULD INCLUDE THE REASONS WHY THE AGENCY CONSIDERS THE QUESTIONS NECESSARY, THE SPECIFIC USES TO BE MADE OF THE INFORMATION, THE EXPLANATION TO BE GIVEN TO PERSONS FROM WHOM THE INFORMATION IS REQUESTED, AND ANY STEPS TO BE TAKEN TO OBTAIN THEIR CONSENT.**

This information collection does not contain any data of a personal or sensitive nature.

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

- **INDICATE THE NUMBER OF RESPONDENTS, FREQUENCY OF RESPONSE, ANNUAL HOUR BURDEN, AND AN EXPLANATION OF HOW THE BURDEN WAS ESTIMATED. UNLESS DIRECTED TO DO SO, AGENCIES SHOULD NOT CONDUCT SPECIAL SURVEYS TO OBTAIN INFORMATION ON WHICH TO BASE HOUR BURDEN ESTIMATES. CONSULTATION WITH A SAMPLE (FEWER THAN 10) OF POTENTIAL RESPONDENTS IS DESIRABLE. IF THE HOUR BURDEN ON RESPONDENTS IS EXPECTED TO VARY WIDELY BECAUSE OF DIFFERENCES IN ACTIVITY, SIZE, OR COMPLEXITY, SHOW THE RANGE OF ESTIMATED HOUR BURDEN, AND EXPLAIN THE REASONS FOR THE VARIANCE. GENERALLY, ESTIMATES SHOULD NOT INCLUDE BURDEN HOUR FOR CUSTOMARY AND USUAL BUSINESS PRACTICES**
- **IF THIS REQUEST FOR APPROVAL COVERS MORE THAN ONE FORM, PROVIDE SEPARATE HOUR BURDEN ESTIMATES FOR EACH FORM AND AGGREGATE THE HOUR BURDENS IN ITEMS 13 OF OMB FORM 83-I.**
- **PROVIDE ESTIMATES OF ANNUALIZED COST TO RESPONDENTS FOR THE HOUR BURDENS FOR COLLECTIONS OF INFORMATION, IDENTIFYING AND USING APPROPRIATE WAGE RATE CATEGORIES. THE COST OF CONTRACTING OUT OR PAYING OUTSIDE PARTIES FOR INFORMATION COLLECTION ACTIVITIES SHOULD NOT BE INCLUDED HERE. INSTEAD, THIS COST SHOULD BE INCLUDED IN ITEM 14.**

*Note: FRA has carefully scrutinized the burden estimate for the requirement below based on review and discussion with the agency's Part 215 program specialist who handles*

*freight car and related issues on a daily basis.*

*Based on the number of notices received over the last three years, FRA's program specialist has determined that the current estimate is still valid. Older, well-established railroads with older equipment will continue to file these current notices with FRA.*

*According to the latest agency data, the total number of railroads now operating in the United States is 728.*

§ 215.5(d) - Dedicated Service

Dedicated service means the exclusive assignment of cars to the transportation of freight between specified points under the following conditions: (1) The cars are operated – (i) primarily on track that is inside an industrial or other non-railroad installation; and (ii) only occasionally over track of a railroad; (2) The cars are not operated – (i) at speeds of more than 15 miles per hour; and (ii) over track of a railroad – (A) for more than 30 miles in one direction; or (B) on a round trip of more than 60 miles; (3) The cars are not freely interchanged among railroads; (4) The words “Dedicated Service” are stenciled, or otherwise displayed, in clearly legible letters on each side of the car body; and (5) The cars have been examined and found safe to operate in dedicated service; (6) The railroad must (i) notify the FRA in writing that the cars are to be operated in dedicated service; (ii) identify in that notice (A) the railroads affected, (B) the number and type of cars involved, (c) the commodities being carried, and (D) the territorial and speed limits within which the cars will be operated; and (iii) file the notice required by this paragraph not less than 30 days before the cars operate in dedicated service.

This record is only used when a carrier has a need to place cars in dedicated service. The potential respondent universe is 687 railroads. However, in consideration of the existing rate of business, FRA receives approximately four (4) notices a year. It is estimated that approximately one (1) hour is required to stencil the equipment, prepare the notice, and send it to FRA. Total annual burden for this requirement is four (4) hours.

Respondent Universe: 728 railroads

Burden time per response: 1 hour

Frequency of Response: On Occasion



Annual number of Responses: 4 notices  
Annual Burden: 4 hours  
Annual Cost: \$160

**Calculation:** 4 notices x 1 hr. = 4 hours  
4 hrs. x 40 = \$160

Total annual burden for this entire information collection burden is four (4) 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.**

There is no additional cost associated with this information collection requirement.

- 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 COST

There is no cost to the Federal Government relative to the stenciling requirement of freight cars assigned to Dedicated Service. The carriers involved in operation of dedicated cars are monitored for compliance with Federal requirements as part of FRA's enforcement activities. Therefore, the only cost to the Federal Government would involve time spent in review and filing of the carriers' notification, or \$100.00. This represents a total burden of two (2) hours annually by the Federal Government. (Four (4) notices multiplied by 30 minutes = 120 minutes divided by 60 = 2 hours annually.)

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

As mentioned above in the note following question number 12, there has been **no change** in total burden since the last submission, based on data received by the agency over the last three years.

The current OMB inventory for this information collection shows a total burden of four (4) hours, and the present submission also exhibits four (4) hours. Hence, there is **no change** in burden.

There is no additional cost to respondents associated with this information collection. Thus, there is **no change**.

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

There are no plans for publication involving these information collection requirements.

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

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

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

No exceptions are taken at this time.

Meeting Department of Transportation (DOT) Strategic Goals

This information collection supports the top DOT strategic goal, namely transportation safety. Without this collection of information, rail safety in the U.S. would be considerably impaired. Specifically, the safety of train crews would be jeopardized because they would not know which cars have been designated for Dedicated Service. Consequently, they might operate these cars at unsafe speeds, or operate them on the

general system of transportation for more than 30 miles in one direction or 60 miles round trip. This could lead to increased numbers of rail accidents/incidents which result in serious injuries – possibly even fatalities – to themselves and other railroad workers, and also to significant property damage to rail cars and train cargo. Without this collection of information, FRA inspectors would be hindered in their ability to oversee the safe operation of trains and in their ability to enforce Federal safety regulations. In particular, FRA inspectors would have no way of knowing that a given car is in special service and thus monitoring it to ensure that the car was being operated safely and in compliance with Dedicated Service requirements. In sum, this collection of information provides another tool FRA and its inspectors can use to ensure that Federal regulations are complied with. This promotes rail safety and aids FRA in fulfilling its primary mission.

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