

REAR END MARKING DEVICES SUPPORTING JUSTIFICATION

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

This collection of information is a request for an extension of a currently approved submission. FRA has revised the information in this collection – where appropriate and necessary – to reflect the most current data, and FRA’s experience over the past three years in implementing the requirements of Part 221.

Background

On July 8, 1976, Congress enacted the Federal Railroad Safety Act of 1976. In addition to providing authorization for continued railroad safety appropriations, the statute included a provision that required the Secretary of Transportation to issue within 180 days such rules as may be necessary to require that the rear car of passenger, commuter and freight trains are equipped with highly visible markers. (*See* 49 U.S.C. 20132).

On January 11, 1977, FRA issued Part 221 (Rear End Marking Device - Passenger, Commuter and Freight Trains) of Title 49, Code of Federal Regulations, Transportation. Through the requirements of this part, FRA ensures that marking devices for the trailing end of rear cars meet minimum requirements regarding visibility and display. The rule established the performance standards for "highly visible" marking devices in order to be approved by the Federal Railroad Administrator.

On December 8, 1977, an Appendix to Part 221 was added which sets forth the specific procedures by which railroads are to obtain approval of the marking devices to be used.

Information requested by this regulation is:

- (a) Initial Submission: (49 CFR 221, Appendix A, Subsection (a)).

Description of device.

Each railroad must furnish a detailed description of the type of device, including the manufacturer, lamp type, luminance description, size of lens, and any auxiliary optics needed.

Certification.

Each railroad shall furnish a certification that the device has been tested in accordance with current "Guidelines for Testing of FRA Rear End Marking Devices."

Test records.

Each railroad shall furnish detailed test records which include the testing organizations, description of tests, number of samples tested, and the test results. The results of the testing should demonstrate compliance with the performance standard.

(b) Passive devices: (49 CFR 221, Appendix A, Subsection (b)).

Description of device.

Each railroad must furnish a detailed description of the type of device, the name of the manufacturer, and the external light source, including the intensity throughout its angle of coverage.

Certification.

Each railroad shall furnish a certification that the device has been tested in accordance with current "Guidelines for Testing of FRA Rear End Marking Devices."

Test Records.

Each railroad shall furnish a detailed description of the proposed test procedure to be used to demonstrate marking device compliance, and the device described in the original submission has been tested in accordance with the procedures described therein.

Approval for devices which have been previously approved by the Federal Railroad Administration. (49 CFR 221, Appendix A, Subsection (c)).

Description of devices.

Each railroad must furnish the marking devices designation as it appears in Appendix B.

Certification.

Each railroad shall furnish a certification that the device installed shall consist of the same type and model of components as were used in the samples tested for original approval.

2. INDICATE HOW, BY WHOM, AND FOR WHAT PURPOSE THE INFORMATION IS TO BE USED. EXCEPT FOR A NEW COLLECTION, INDICATE THE ACTUAL USE THE AGENCY HAS MADE OF THE INFORMATION RECEIVED FROM THE CURRENT COLLECTION.

The Federal Railroad Administration's Office of Safety personnel use this information to monitor railroad compliance with the safety requirements stipulated in 49 CFR Part 221. Specifically, FRA reviews the information to ensure that passenger, commuter, and freight trains are equipped with at least one rear-end marking device which has been approved by the Federal Railroad Administrator in accordance with the procedures included in Appendix A of this Part. Each submission for approval of a marking device must contain a detailed description of the device, including the type, luminance description, size of lens, manufacturer, and catalog number, lamp manufacturer, lamp type, model number, and auxiliary optics used. Also, each submission for approval must include a certification signed by the chief operating officer of the railroad that the device described in the submission has been tested in accordance with the current "Guidelines of Testing of FRA Rear End Marking Devices." Additionally, each submission must incorporate the results of tests performed under paragraph (i) of § 221.14 of this section demonstrating marking device performance in compliance with the standard prescribed in 49 CFR 221.15. Moreover, detailed test results must be maintained, including as a minimum the name and address of the testing organization, the name of the individual in charge of the tests, a narrative description of the test procedures, the number of samples tested, and, for each sample tested, the on-axis beam candela, the beam candela at the plus-minus 15 degree points in the horizontal plane, and the chromaticity coordinates. These records must be made available for inspection by FRA at a designated location which is identified in the submission.

FRA reviews these test records to determine if a particular device satisfies the specified visibility criteria. Where it deems it necessary, FRA will independently test any procedures to verify that a rear-end marking device's performance in the operating environment accords with the test results submitted by the railroad. Where this is not the case, FRA reserves the right to withdraw approval.

For railroads electing to use rear-end marking devices which have been previously approved by FRA, agency safety staff review these applications to ensure that they include the marking device model and that this model is one approved in appendix B of this Part, and that they include a certification, signed by the chief operating officer of the

railroad, that the marking devices installed in the operating environment consist of the same type and model of components used in the sample tested for the original approval.

In sum, the required submissions enable FRA enforcement personnel to effectively control the use of illegal, ineffective, or unapproved devices which do not provide sufficient "visibility" to maintain the necessary degree of safety in train operations.

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

FRA strongly endorses and highly encourages the use of advanced information technology, wherever possible, to reduce burden. Railroads may keep detailed test records for marking devices consisting of lighted elements, non-lighted elements, or a combination of both electronically, if they are equipped to do so.

It should be noted that the burden hours for this information collection are already extremely minimal.

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 information collection requirements to our knowledge are not duplicated anywhere.

Similar data are not available from any other source.

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

Most small railroads are specifically exempt from this regulation. Those that are not exempt (because they operate more than one train at any given time) can utilize a shortened approval procedure. Under this procedure, they are able to adopt a marking device which has already been approved for use on a large Class I railroad. This minimizes any additional expenses due to a separate testing procedure.

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 seriously hindered. Specifically, if rear-end marking devices were not approved by FRA before being used by railroads, they might not meet Federal standards for visibility, particularly at certain distances. This could result in rear-end passenger, commuter, and freight cars not being visible to other trains or to motorists at highway-rail crossings. Such a lack of visibility could, in turn, result in increased numbers of accidents/incidents where train crews, the traveling public, and motorists are seriously injured and possibly killed.

The frequency of submission of information is presently as minimal as possible – the railroad has to submit the required data only one time. If the railroad changes manufacturers or design, the new information has to be submitted to FRA.

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.**

Railroads are required to keep detailed test records of marking devices indefinitely or as long as the marking device approved by the FRA is being used by the railroad. These records are essential, and are used by FRA and State inspectors to ensure that the marking devices installed consist of the same type and model of components as were used in the sample testing and approved by FRA.

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

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

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

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

CIRCUMSTANCES SHOULD BE EXPLAINED.

As required by the Paperwork Reduction Act of 1995, FRA published a notice in the Federal Register on April 6, 2009, soliciting comment on this particular information collection. *74 FR 15588*. FRA received no comments in response to this notice.

Background.

On November 17, 1976, a Notice of Proposed Rulemaking (NPRM) was published in the Federal Register (*41 FR 50701*) stating that the FRA was considering proposed regulations in response to the provisions of the 1976 Federal Railroad Safety Authorization Act concerning highly visible markers on the rear car of all passenger, commuter, and freight trains. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments and appearing at a public hearing.

Comments were received from railroads, lighting manufacturers, rail labor groups, and the general public. All comments were taken into consideration in the formulation of the final regulation. Significant comments received and any subsequent changes were placed in Docket No. RSRM-1, Notice 2.

Shortly after issuance of the final rule, FRA held a public meeting on January 25, 1977, to discuss with interested parties draft testing guidelines and approval procedures for verification of the performance of specific marking devices. As a result of this meeting and additional study, FRA remained convinced that the original theoretical basis upon which the performance standards were premised was both sound and reasonable. However, FRA did modify the regulation to allow the approval of any device which satisfied the prescribed specifications, if tested in accordance with the guidelines established in a new Appendix A to this regulation.

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 agency is required to make available documents and information collected in compliance with the regulation to those individuals making formal requests under the Freedom of Information Act. FRA does not actively solicit or encourage such requests.

- Information collected is not of a confidential nature, and FRA pledges no confidentiality.
11. **PROVIDE ADDITIONAL JUSTIFICATION FOR ANY QUESTIONS OF A SENSITIVE NATURE, SUCH AS SEXUAL BEHAVIOR AND ATTITUDES, RELIGIOUS BELIEFS, AND OTHER MATTERS THAT ARE COMMONLY CONSIDERED PRIVATE. THIS JUSTIFICATION SHOULD INCLUDE THE REASONS WHY THE AGENCY CONSIDERS THE QUESTIONS NECESSARY, THE SPECIFIC USES TO BE MADE OF THE INFORMATION, THE EXPLANATION TO BE GIVEN TO PERSONS FROM WHOM THE INFORMATION IS REQUESTED, AND ANY STEPS TO BE TAKEN TO OBTAIN THEIR CONSENT.**

These requirements have nothing to do with sensitive matters such as sexual behavior and attitudes, religious beliefs, and other matters commonly considered private.

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: Burden estimates have been updated after consulting with the FRA specialist responsible for Part 221 compliance. According to the latest agency data, there are approximately 728 railroads now operating in the United States.

§ 221.14 - Marking Devices, and Appendix A

As prescribed in § 221.13, passenger, commuter, and freight trains must be equipped with at least one marking device, which has been approved by the Federal Railroad Administrator in accordance with the procedures included in Appendix A of this Part, and which has the following characteristics: (1) An intensity of not less than 100 candela nor more than 1,000 candela (or an effective intensity of not less than 100 candela nor more than 1,000 candela for flashing lights) as measured at the center of the beam width; (2) A horizontal beam with a minimum arc width of fifteen (15) degrees each side of the vertical center line, and a vertical beam with a minimum arc width of five (5) degrees each side of the horizontal center line as defined in terms of the 50 candela intensity points; (3) A color defined by the red-orange-amber range; and (4) If a flashing light is used, a flash rate of not less than once every 1.3 seconds nor more than once every .7 seconds.

(b) Marking devices used on passenger and commuter trains in compliance with paragraph (a) of this section shall be lighted under the conditions prescribed in § 221.13 (b) and (c).

(c) When a locomotive is operated singly, or at the rear of a train, highly visible marking devices may be provided by the use of: (1) At least one marking device that complies with paragraph (a) of this section; or (2) At least one illuminated red or amber classification light on the rear of the locomotive, provided it complies with paragraph (a) of this section; or (3) The rear headlight of the locomotive illuminated on low beam.

As provided in § 221.15, of this Part, marking devices must be approved by the Administrator. Approval shall be issued in accordance with the following procedures:

(a) Each submission for approval of a marking device consisting of lighted elements only must contain the following information: (1) A detailed description of the device including the type, luminance description, size of lens, manufacturer and catalog number, lamp manufacturer, lamp type, and model number, and any auxiliary optics used; (2) A certification, signed by the chief operating officer of the railroad that (i) the device described in the submission has been tested in accordance with the current "Guidelines for Testing of FRA Rear End Marking Devices," copies of which may be obtained from the Office of Safety, Federal Railroad Administration, 1200 New Jersey Ave, S.E., Washington, D.C. 20590; (ii) the results of the tests performed under paragraph (i) of this subsection demonstrate marking device performance in compliance with the standard prescribed in 49 CFR 221.15; (iii) Detailed test records, including as a minimum the name and address of the testing organizations, the name of the individual in charge of the

tests, a narrative description of the test procedures, the number of samples tested, and for each sample tested, the on-axis beam candela, the beam candela at the plus-minus 15 degree points in the horizontal plane, the beam candela at the plus-minus 5 degree points in the vertical plane, and the chromaticity coordinates, are maintained by the railroad and are available for inspection by the FRA at a designated location which is identified in the submission; (iv) Marking devices of this type installed in the operating environment shall consist of the same type and model of components as were used in the samples tested for purposes of this approval submission; (3) Unless otherwise qualified, acknowledgment of the receipt of the submission required by this section shall constitute approval of the device. The FRA reserves the right to review the test records maintained by the railroad, or to test independently any device submitted for approval under these procedures, and to withdraw the approval of such device at any time, after notice and opportunity for oral comment, if its performance in the operating environment fails to substantiate the test results or to comply with 49 CFR 221.15.

(b)(1) Each submission for approval of a marking device consisting of non-lighted elements or a combination of lighted and non-lighted elements shall contain the following information: (i) A detailed description of the device including the type of material, the reflectance factor, the size of the device, and the manufacturer and catalogue number; (ii) A detailed description of the external light source including the intensity throughout its angle of coverage, and the manufacturer and catalogue number; (iii) A detailed description of the proposed test procedure to be used to demonstrate marking device compliance with the standard prescribed in 49 CFR 221.15, including any detailed mathematical data reflecting expected performance; (2) FRA will review the data submitted under subsection (1) of this section, and in those instances in which compliance with 49 CFR 221.15 appears possible from a theoretical analysis, the FRA will authorize and may take part in testing to demonstrate such compliance; (3) Where authorized testing has demonstrated compliance with 49 CFR 221.15, a railroad shall submit a certification, signed by the chief operating officer of the railroad, that (i) the device described in the original submission has been tested in accordance with the procedures described therein; (ii) the results of the test performed under paragraph (i) of this subsection demonstrate marking device performance in compliance with 49 CFR 221.15; (iii) detailed test records, including as a minimum the name and address of the testing organization, the name of the individual in charge of the tests, a narrative description of the test procedure, a description of the external light source used, the number of samples tested, and for each sample tested, the on-axis beam candela, the beam candela at the plus-minus 15 degree points in the horizontal plane, the beam candela at the plus-minus 15 degree point in the vertical plane, and the chromaticity coordinates, are maintained by the railroad and are available for inspection by the FRA at a designated location which is identified in the submission; (iv) marking devices of this type installed in the operating environment and the external light source used to illuminate them shall consist of the same type and model of components as were used in the samples tested for purposes of this approval submission; (4) Unless otherwise qualified, acknowledgment of the receipt of the submission required by this subsection

shall constitute approval of the device. The FRA reserves the right to review the test records maintained by the railroad, or to test independently any device submitted for approval under these procedures, and to disapprove the use of such device at any time if its performance fails to comply with 49 CFR 221.15.

(c) Whenever a railroad elects to use a marking device which has been previously approved by the FRA, and is included in the current list in appendix B to this Part, the submission shall contain the following information: (1) The marking device model designation as it appears in appendix B; (2) A certification, signed by the chief operating officer of the railroad, that – (i) marking devices of this type installed in the operating environment shall consist of the same type and model of components as were used in the samples tested for the original approval.

(d) Each submission for approval of a marking device shall be filed triplicate with the Office of Standards and Procedures, Office of Safety, Federal Railroad Administration, 1200 New Jersey Ave., S.E., Washington, D.C. 20590.

The burden is influenced by the number of new railroads (which do not fall under the exemption) that may come into being during the year. In addition, there may be a few railroads that seek approval of a different marking device to accommodate changes in their operations.

Based on past experience, FRA estimated that approximately two (2) railroads are expected to file a submission annually. These railroads will probably elect to use a marking device which has been previously approved by FRA, and is included in the current list of Appendix B to this Part. To obtain approval, procedures outlined in Appendix A and in the FRA Motive, Power, and Equipment Compliance Manual must be followed. It is estimated that it will take approximately 19 hours to gather the necessary information, and prepare the submission. Total annual burden for this requirement is 38 hours.

Respondent Universe:	728 railroads + 24 Manufacturers
Burden time per response:	19 hours
Frequency of Response:	On occasion
Annual number of Responses:	2 requests/submissions
Annual Burden:	38 hours

Calculation: 2 requests x 19 hrs. = 38 hours

Recordkeeping Burden

Additionally, it is estimated that it will take approximately 15 minutes per submission to file the original submission and FRA's approval letter. Total annual

burden for recordkeeping is approximately one (1) hour (rounded off).

Respondent Universe:	728 railroads + 24 Manufacturers
Burden time per response:	15 minutes
Frequency of Response:	On occasion
Annual number of Responses:	2 request records
Annual Burden:	1 hour

Calculation: 2 request records x 15 min. = 1 hour

Total annual burden for this entire information collection is 39 hours (38 hours + 1 hour).

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 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. 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 are no continuous annual costs involved in carrier submissions in compliance with this regulation. The railroad needs only submit once for each marking device that it wishes approved. Once it is approved, no further submissions are required. Therefore, the only annual costs are for railroads that come into being during the year or railroads that wish to change devices or gain approval of a different device they now wish to use. Based on experience over the past three years, two railroads are expected to file a submission annually.

There is no additional cost to the railroads outside the burden costs mentioned above.

- 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 A SINGLE TABLE.**

Approximately two (2) man-hours are spent processing the respondents' submissions. This excludes time spent during routine compliance and enforcement activities. Multiplying two (2) times the estimated \$78 per hour (\$56 per hour + 40 percent overhead) labor costs equals \$156 in annualized costs.

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

The burden has increased by 31 hours. The increase in burden is due to two **adjustments** relating to the requirements for FRA approval of rear-end marking devices under

§ 221.14 and Appendix A. Specifically, the estimate for the first part of this requirement to complete each request/submission was *revised* (from the previous *four (4) hours to 19 hours*). This change in estimate *increased* the burden by *30 hours* (from *eight (8) hours to 38 hours*). Also, the estimate for the second part of this requirement (namely, recordkeeping) *increased* (from *10 minutes to 15 minutes*). This change in estimate *increased* the burden by *one (1) hour* (from *.33 hour to one (1) hour (rounded off)*).

The current OMB inventory shows a total burden of *eight (8) hours*, while the present submission reflects a total burden of *39 hours*. Hence, there is a total increase of 31 hours.

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

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

There is no tabulation or publication of submissions. Primarily, the information is used by specialists of the Office of Safety and field personnel to enforce the regulation. Persons outside the Office of Safety may use the material for research and development purposes.

- 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 ITEM 19, "CERTIFICATION FOR PAPERWORK REDUCTION ACT SUBMISSIONS," OF OMB FORM 83-I.**

No exceptions are taken at this time.

Meeting Department of Transportation (DOT) Strategic Goals

This information collection supports the main DOT strategic goal, namely transportation safety. Without this collection of information, rail safety throughout the U.S. might be seriously jeopardized. Specifically, the number of accidents/incidents and the severity of corresponding injuries might increase because rear-end marking devices did not meet Federal criteria for visibility and were not approved by FRA before being put into use on passenger, commuter, and freight cars. Such a lack of visibility could, in turn, result in a greater number of accidents/incidents where train crews, the traveling public, and motorists are seriously injured and possibly killed.

The collection of information promotes safety by providing FRA an opportunity to review and monitor all rear end-marking devices (new or modifications of previously approved devices) to ensure that they meet Federal standards for visibility. Each railroad must furnish a detailed description of the type of device, including the manufacturer, lamp type, luminance description, size of lens, and any auxiliary optics needed. Each railroad must also furnish a certification that the device has been tested in accordance with current "Guidelines for Testing of FRA Rear End Marking Devices."

The collection of information, notably the detailed test records, further enhances rail safety by providing a valuable resource that FRA and other investigating agencies can use in determining the cause(s) of accidents/incidents. These records provide valuable information such as the testing organizations, description of tests, number of samples tested, and the test results. FRA can check this information to see whether the rear-end marking device met Federal performance standards. By accurately determining the cause(s) of accidents/incidents, FRA and the railroad industry can take measures to reduce the likelihood of similar events occurring in the future.

In summary, this collection of information enhances railroad safety by providing an additional layer of protection through the agency's close monitoring and full awareness of the type of rear-end marking devices used on passenger, commuter, and freight trains. It furthers DOT's goal of promoting the public health and safety by working toward the elimination of transportation-related deaths, injuries, and property damage.

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