

**SUPPORTING JUSTIFICATION
GRADE CROSSING SIGNAL SYSTEM SAFETY REGULATIONS (49 CFR 234)**

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 234.

Background

Section 23 of the Rail Safety Improvement Act of 1988 (P.L. 100-342) amended section 202 of the Federal Railroad Safety Act of 1970, 45 U.S.C. 431, by adding a new subsection "q" as follows: "The Secretary shall, within one year after the date of the enactment of the Rail Safety Improvement Act of 1988, issue such rules, regulations, orders, and standards as may be necessary to ensure the safe maintenance, inspection, and testing of signal systems and devices at railroad highway grade crossings."

FRA believes that the risks to the traveling public and railroad employees from highway-rail grade crossing accidents resulting from warning system failures and malfunctions can be reduced. Motorists lose faith in warning systems that constantly warn of an oncoming train when none is present. Therefore, the fail-safe feature built into a warning system loses its effectiveness if the system is not repaired in a reasonable amount of time. An even greater risk for an accident to occur is when a warning system fails to activate when a train is approaching. FRA’s rule requires railroads to take specific responses in the event of a false activation or an activation failure.

FRA's rule requires railroads to take the following actions when they have been notified that a highway-rail grade crossing warning system has failed: (1) Notify train crews and law enforcement agencies of the malfunctioning warning system; (2) Take appropriate actions to warn and control highway traffic pending inspection and repair of the warning system; and (3) Repair the system.

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

FRA uses telephone notifications to assemble a database of every accident/incident involving on-track railroad equipment and an automobile, bus, truck, motorcycle, bicycle, farm vehicle, or pedestrian at a highway-rail grade crossing resulting from a crossing signal activation failure. These notifications must be provided to the National Response Center at a toll-free number within 24 hours of such an accident/incident. FRA uses this information to discern different types of grade crossing accident/incident patterns or trends and to develop and implement appropriate safety strategies – both immediate and long-term – to prevent similar accidents/incidents.

Railroads use credible reports of warning system malfunctions, partial activations, or false activations to notify FRA and train employees and appropriate law enforcement agencies when a warning system malfunctions so that immediate appropriate alternative measures can be taken to protect motorists and railroad employees at the subject crossing until repairs have been completed.

FRA uses grade crossing signal system failure reports to craft better solutions to the problems of crossing device malfunctions. In particular, FRA reviews these reports to obtain information that it uses in implementing more effective safety programs to prevent accidents/incidents attributable to these types of failures from occurring in the future. With this information, FRA can correlate accident experience and equipment malfunctions with types of circuits and age of equipment. FRA can then pinpoint the causes of crossing system failures and investigate them, if necessary, to determine whether periodic maintenance, inspection, and testing standards are effective. Thus, if FRA finds that a disproportionate number of system failures are in systems with critical components 30 years old, it can take appropriate regulatory steps for that type of malfunction, which would be significantly different than if a disproportionate number of malfunctions occur in relatively new systems on specific railroads.

Finally, FRA uses the required records, which railroads must keep for one year, as a ready resource to analyze possible causes and contributing factors related to grade crossing accident/incidents and to devise effective strategies and programs that will serve FRA, railroad, law enforcement, and other entities interested in reducing the number and severity of these types of accidents/incidents and in promoting greater rail safety throughout the United States.

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

CONSIDERATION OF USING INFORMATION TECHNOLOGY TO REDUCE BURDEN.

FRA highly encourages and strongly endorses the use of advanced information technology, wherever possible, to reduce burden on respondents. Under § 234.109, railroads have the option of keeping the required records electronically, or on forms they provide. Also, FRA has installed all its safety forms on its Website for easy downloading by railroads and other users. The forms being used to collect the required information are simple to complete. For the collection of information concerning grade crossing failure information, FRA has provided railroads with a revised “fill-in-the-blanks” form, containing two digit “failure codes” with an additional comments section to be used if necessary.

It should be remarked that the burden for this collection of information is already very 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.

As noted earlier, the burden incurred from this collection of information is fairly minimal. The larger railroads operate the majority of grade-crossings and signal systems in this country. Therefore, the greater portion of the burden falls on them, while smaller railroads experience a minor portion of an already very small burden.

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 throughout the United States would be considerably jeopardized. Specifically, without the required telephonic notifications, FRA, railroads, and law enforcement agencies would not quickly know which signal systems are malfunctioning and resulting in accidents/incidents between on-track railroad equipment and automobiles, buses, trucks,

motorcycles, bicycles, farm vehicles, or pedestrians at highway-rail grade crossings. Without this collection of information, FRA, railroads, and law enforcement agencies could not take and implement immediate effective safety measures to protect railroad workers and the public at these affected grade crossings.

Also, without the required notification to train crews and proper law enforcement authorities upon receiving a credible report of a warning system malfunction, railroads having maintenance responsibility for that particular warning system might not promptly initiate efforts to warn highway users and railroad employees about that grade crossing, thereby increasing the risk of a serious accident/incident with corresponding injuries and possible fatalities. The collection of information enhances safety because it requires railroads to take certain immediate steps. Specifically, railroads must take the following actions: (1) Prior to any train's arrival at the crossing, notify the train crew of the report of activation failure and notify any other railroads operating over the crossing; (2) Notify the law enforcement agency having jurisdiction over the crossing, or railroad police capable of responding and controlling vehicular traffic; and (3) Provide for alternative means of actively warning highway users of approaching trains, consistent with the requirements of this section. As a result, all affected parties – train crew, law enforcement agencies, and motorist/pedestrians – can be forewarned and take effective measures to reduce the likelihood of an accident/incident occurring.

Without the required records, FRA could not be able to compile both an immediate and historical database regarding grade crossing signal system malfunctions. As a result, FRA's safety program would be significantly impaired. In particular, FRA and other investigators would not have essential information to determine the types, locations, times and dates of signal system malfunctions as well as the time and date of any repair actions taken by railroads prior to the repair and reactivation of the affected system. Also, without these records, FRA might be missing critical information that could be used to establish the cause(s) of an accident/incident and to devise effective strategies and programs to prevent similar types of accidents/incidents from occurring in the future.

It should be noted that the frequency of submission of information is presently as minimal as possible. Requesting any of the required information less frequently would impede FRA's safety program and put at risk railroad employees and the traveling public. The burden for this collection of information is already very minimal.

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.**

Two of the information collection requirements are not within the guidelines established in 5 CFR 1320.5. The first requirement is the telephonic notification by railroads to FRA within 24 hours of every impact between on-track railroad equipment and an automobile, bus, truck, motorcycle, bicycle, farm vehicle, or pedestrian at a highway-rail grade crossing involving a signal activation failure. The second and closely related requirement is the filing of a complete grade crossing signal failure report under § 234.9, which stipulates 15 days as the time frame for reporting each activation failure. The frequency

of reporting grade crossing signal failures is not subject to FRA's control. Activation failures are inherently dangerous to the motoring public, and to railroad employees and passengers, especially when there is any type of collision. Safety, specifically the prevention of loss of life/additional loss of life and any further injuries to railroad employees and the motoring public and rail passengers when there is a collision, demands that FRA, law enforcement authorities, and other first responders be immediately notified so that necessary action can be quickly taken. The timely filing of such complete reports and other grade crossing signal activation failure reports (where there is no collision) is essential so that FRA, railroads, and law enforcement agencies can take long-term actions to protect railroad employees and the rail and motoring public and to prevent any such signal failures from happening in the future. In particular, FRA needs to constantly monitor such signal activation failures in order to be able to institute timely remedial action(s) to protect railroad workers and the public and to head-off a major, perhaps even catastrophic, accident/incident from occurring.

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 April 16, 2009, soliciting comment on this particular information collection. 74 FR 17762. FRA received no comments in response to this notice.

Background

Previously, the railroads and public were given the opportunity to comment on the information collection requirements during the notice of proposed rulemaking (NPRM) stage of the regulatory process.

Most commenters supported or reluctantly agreed with the need for some level of malfunction reporting.

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

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

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

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

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

These information collection 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 234 compliance. According to the latest agency data, there are approximately 728 railroads now operating in the United States.

The Grade Crossing Signal System Safety Regulations (49 CFR 234) contain four different information collection requirements. Reporting burden of each requirement is as follows:

Telephone Notification (49 CFR 234.7)

Each railroad must report to FRA every impact between on-track railroad equipment and an automobile, bus, truck, motorcycle, bicycle, farm vehicle, or pedestrian at a highway-rail grade crossing involving a crossing signal activation failure. Notification must be provided to the National Response Center within 24 hours of occurrence at (800) 424-

0201. Complete reports must thereafter be filed with FRA pursuant to § 234.9 of this part (activation failure report) and 49 CFR 225.11 (accident/incident report).

Each telephone report must state the following: (1) The name of the railroad; (2) The name, title, and telephone number of the individual making the report; (3) The time, date, and location of accident; (4) The U.S. DOT-AAR Grade Crossing Identification Number; (5) The circumstances of the accident, including operating details of the grade crossing warning device; (6) The number of persons killed or injured, if any; (7) The maximum authorized train speed; and (8) The posted highway speed limit, if known.

Respondent universe is approximately 728 railroads. FRA expects that it will receive an average of approximately eight (8) telephone calls annually reporting an impact at a grade crossing involving a crossing signal activation failure. It is estimated that each phone call will take approximately 15 minutes. Total annual burden for this requirement is two (2) hours.

Respondent Universe:

728
railroads

Burden time per response:

15
minute
s

Frequency of Response:

On occasion

Annual number of Responses: 8 phone calls

Annual Burden: 2 hours

Calculation: 8 phone calls x 15 min. = 2 hours

Grade Crossing Signal System Failure Reports (49 CFR 234.9)

Each railroad must report to FRA within 15 days each activation failure of a highway-rail grade crossing warning system. FRA Form F 6180.83, "Highway-Rail Grade Crossing Warning System Report," must be used for this purpose and completed in accordance

with instructions printed on the form.

Respondent universe is approximately 728 railroads. FRA estimates that approximately 600 activation failure reports will be received annually under this requirement. It is estimated that it will take approximately 15 minutes to complete each report. This includes the time for the respondents to collect the information, prepare the report, and submit it to FRA. Total annual burden for this requirement is 150 hours.

Respondent Universe:

728
railroads

Burden time per response:

15
minutes

Frequency of Response:

On occasion

Annual number of Responses:

600 reports

Annual Burden:

150 hours

Calculation:

600 x 15 min.
= 150 hours

Notification to Train Crew and Proper Law Enforcement Authority (234.105/106/107)

Upon receipt of a credible report of a warning system malfunction, partial activation, or false activation, a railroad having maintenance responsibility for the warning system must promptly initiate efforts to warn highway users and railroad employees at the subject crossing by taking the following actions: (a) Prior to any train's arrival at the crossing, notify the train crew of the report of activation failure and notify any other railroads operating over the crossing; (b) Notify the law enforcement agency having jurisdiction over the crossing, or railroad police capable of responding and controlling

vehicular traffic; and (c) Provide for alternative means of actively warning highway users of approaching trains, consistent with the requirements stipulated in these sections.

FRA estimates that approximately 12,000 activation failures (warning system malfunctions, partial activations, or false activations) will occur annually. It should be noted that a large number of false activations occur each year which necessitate both the train crews and law enforcement authorities be notified. Thus, approximately 24,000 notifications will take place each year. It is estimated that it will take approximately 15 minutes to notify the two required parties, and provide for alternative means of actively warning highway users of approaching trains. Total annual burden for this requirement is 6,000 hours.

Respondent Universe:

728
railroads

Burden time per response:

15
minute
s

Frequency of Response:

On occasion

Annual number of Responses: 24,000 notifications
Annual Burden: 6,000 hours

Calculation: 24,000 notifications x 15 min. = 6,000 hours

Recordkeeping (234.109)

Each railroad must keep records pertaining to compliance with this subpart. Records may be kept on forms provided by the railroad or by electronic means. Each railroad must keep the following information for each credible report of warning system malfunction:

- (1) Location of crossing (by highway name and DOT/AAR Crossing Inventory number);

- (2) Time and date of receipt by railroad of report of malfunction;
- (3) Actions taken by railroad prior to repair and reactivation of repaired system; and
- (4) Time and date of repair.

Each railroad must retain for at least one year (from the latest date of railroad activity in response to a credible report of malfunction) all records referred to in paragraph (a) of this section. Records required to be kept must be made available to FRA as provided by 49 U.S.C. 20107 (formerly 208 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 437)).

FRA estimates that there will be approximately 12,000 reports of malfunctions annually, and that records will be kept for each of them (as required). It is estimated that it will take approximately 10 minutes to complete each record with the necessary information. Total annual burden for this requirement is 2,000 hours annually.

Respondent Universe:	728 railroads
Burden time per response:	10 minutes
Frequency of Response:	On occasion
Annual number of Responses:	12,000 records
Annual Burden:	2,000 hours

Calculation: 12,000 records x 10 min. = 2,000 hours

Total annual burden for the entire information collection is 8,152 hours (2 + 150 + 6,000 + 2,000).

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.**

\$264 Postage (600 signal system failure reports @ \$.44)

\$9,006 Telephone calls (8 calls + 12,000 calls/notifications @ \$.75; train crews are notified by radio so there is no cost involved.)

\$9,270 Total

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

Cost to Federal Government is for reviewing the activation failure reports submitted by the respondents. It is estimated that it will take approximately 15 minutes per report. Annual cost is \$9,900 [600 reports x 15 minutes x \$66 p/hour (includes 40% overhead)].

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

The burden for this information collection has increased by 4,001 hours. The increase in burden is solely due to two **adjustments**. They are as follows:

(1.) Under § 234.7, Telephone Notification, FRA revised its estimate of the average number of phone calls it will receive regarding collisions between on-track equipment and other vehicles (from four (4) calls to eight (8) calls. This change in estimate *increased* the burden by *one (1) hour* (from *one (1) hour* to *two (2) hours*).

(2.) Under § 234.105/106/107, Notification to Train Crew and Proper Law Enforcement Authority, FRA revised its estimate of the average time that it take to notify train crews and the proper law enforcement authority (from five (5) minutes to 15 minutes. This change in estimate *increased* the burden by *4,000 hours* (from *2,000 hours* to *6,000 hours*).

The current OMB inventory shows a total burden of 4,151 hours, while this revised submission exhibits a total burden of 8,152 hours. Hence, there is a total burden increase of 4,001 hours.

Also, the cost to respondents has increased by \$3,034 as the result of two **adjustments**.

The first adjustment relates to the cost of postage for the estimated 600 grade crossing signal system failure reports (from 39 cents to 44 cents). This change in estimate *increased* the cost to respondents by \$30 (from \$234 to \$264). The second adjustment relates to the cost for the required calls/notifications by respondents (from 12,004 calls/notifications @ 50 cents each to 12,008 calls/notifications @ 75 cents each). This change in estimate *increased* the cost by \$3,004 (from \$6,002 to \$9,006). Hence, the total cost to respondents has increased by \$3,034.

Please note that the current OMB inventory incorrectly lists \$5,856 as the cost to respondents from the last submission, instead of the actual figure of \$6,236 listed in that submission. The updated OMB 83-I reflects the correct numbers for both the previous submission and this current submission regarding cost to respondents.

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, collection or publication of responses.

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 United States would be seriously hampered. Specifically, without this collection of information, FRA, railroads, and law enforcement authorities would not know which signal systems are malfunctioning throughout the country. This could lead to an increased number of accidents/incidents where train crews and the traveling public are injured and possibly killed. The collection of information promotes safety by allowing FRA, railroads, and law enforcement authorities to take necessary safety measures upon learning that a grade crossing signal system has malfunctioned.

The collection of information also promotes safety by providing critical information that the agency can use in investigating accidents/incidents to determine the cause(s) of these events and prevent future accidents/incidents from occurring. Furthermore, the collection of information promotes safety by enabling FRA to set up an ongoing database that provides necessary and vital information regarding accidents/incidents involving on-track equipment and an automobile, bus, truck, motorcycle, bicycle, farm vehicle, or pedestrian at a highway-grade crossing resulting from a signal activation failure. This information can be used by FRA, railroads, and law enforcement authorities to make highway-grade crossings safer.

In summary, this collection promotes the top DOT Strategic Goal as well FRA's primary mission, namely transportation/railroad safety. 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.